CITY OF ROSEBURG PLANNING COMMISSION

Monday, May 3 at 7:00 pm

Electronic Meeting

Public Access: Facebook Live at www.Facebook.com/CityofRoseburg
City website at: https://www.cityofroseburg.org/your-government/commissions/planning-commission/videos

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Ron Sperry	Victoria Hawks	Stephanie Newman
Daniel Onchuck	Christy Palmini	
Jaime Yraguen	Shelby Osborn	

3. APPROVAL OF MINUTES

A. – April 5, 2021 Planning Commission Meeting

4. AUDIENCE PARTICIPATION: See Information on the Reverse

5. ITEMS FOR DISCUSSION

A. SR-21-027 – Site Plan Review for Winco Foods [Quasi-Judicial]

6. PUBLIC HEARING

A. CUP-21-003 – Ash Springs Apartments [Quasi-Judicial]
B. LUDR-21-002 – Land Use Regulation Text Amendments – HB2001 Middle Housing - [Legislative Amendment]
C. ZC-21-001 - Yit Chan & Qiongci Chi – 770 NE Imbler C2 to C3 [Quasi-Judicial]

7. BUSINESS FROM STAFF

A. Director's Report

8. BUSINESS FROM THE COMMISSION

9. NEXT MEETING – June 7, 2021

10. ADJOURNMENT

The agenda packet is available on-line at:
http://www.cityofroseburg.org/your-government/commissions/planning-commission/

The Planning Commission meetings are available to view on the City website the next day at: https://www.cityofroseburg.org/your-government/commissions/planning-commission/videos

AMERICANS WITH DISABILITIES ACT NOTICE

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

AUDIENCE PARTICIPATION INFORMATION

The Roseburg Planning Commission welcomes and encourages participation by citizens at all meetings. To allow the Commission to deal with business on the agenda in a timely fashion, we ask that anyone wishing to address the Commission follow these simple guidelines:

To provide comment during virtual meetings, contact the Community Development Department by phone (541-492-6750) or email cdd@cityofroseburg.org by 4:00 p.m. the day of the meeting. Please indicate at that time if ADA accommodations are requested. **Provide your name, address, phone number, whether or not you are a resident of the City of Roseburg and which item on the agenda you wish to speak. You will then be provided with a link and phone number to join the Commission meeting. Log or call in prior to the start of the meeting using the link or phone number provided.**

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

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

PROVIDING COMMENTS

If you join the meeting via Zoom, please select the "raise hand" button when the Chair calls for speakers. You will be moved out of the "waiting room" to speak. After you have provided your comments, you will be moved back into the "waiting room".

If you join the meeting on the phone number you provided to the Community Development Department, you will be brought into the meeting to speak when the Chair calls for speakers, then moved back to the "waiting room".

CITIZEN PARTICIPATION – AGENDA ITEMS

Anyone wishing to speak regarding an item on the agenda may do so when the Commission addresses that item.

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

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

CITIZEN PARTICIPATION – NON-AGENDA ITEMS

Anyone wishing to speak regarding an item not on the evening's agenda, may do so under "Audience Participation."

Persons addressing the Commission must state their full name and address, including whether or not they are a resident of the City of Roseburg, for the record. All remarks are to be directed to the Commission. For items not on the agenda:

- Presentation should be brief and on a topic of interest to the Planning Commission, such as a general land use matter.
- These presentations are reserved for new material which has not been previously considered.

The Commission will not be taking action on any item presented under Audience Participation and if needed will provide direction to staff for appropriate follow-up.

For further details or information please contact the Community Development Department Monday through Friday, 8-12 and 1-4:30 p.m., closed 12-1 p.m. Tel: 541-492-6750, or e-mail cdd@cityofroseburg.org. Roseburg City Hall, 900 SE Douglas Avenue, Roseburg OR 97470.

CITY OF ROSEBURG
PLANNING COMMISSION MINUTES
April 5, 2021

CALL TO ORDER

Chair Osborn called the regular meeting of the Roseburg Planning Commission to order at 7:03 p.m. on Monday, April 5, 2021 via Zoom.

ROLL CALL

Present: Chair Shelby Osborn, Commissioners Victoria Hawks, Stephanie Newman, Dan Onchuck, Christy Palmini, Ron Sperry and Jaime Yraguen.

Others present: Community Development Director Stuart Cowie, Associate Planners John Lazur and Ricky Hoffman, and Department Technician Chrissy Matthews.

APPROVAL OF MINUTES

Commissioner Yraguen moved to approve the February 1, 2021 minutes as submitted. The motion was seconded by Commissioner Palmini and approved with the following votes: Chair Osborn, Commissioners Hawks, Newman, Onchuck, Palmini, Sperry and Yraguen voted yes. No one voted no.

ELECTION OF OFFICERS

Chair Osborn stated at the February Planning Commission meeting the Commission voted to appoint the new Chair and Vice-chair for the upcoming year. She was elected as Chair and Ron Sperry was elected to serve as Vice-chair. Since that time, Commissioner Osborn determined she isn't able to serve as Chair due to other commitments; however, will continue to serve on the Commission.

Chair Osborn asked for a nomination for Planning Commission Chair.

Commissioner Onchuck moved to nominate Ron Sperry for Chair. The motion was seconded by Commissioner Yraguen. Commissioner Sperry accepted the nomination. The nomination was approved with the following votes: Commissioners Hawks, Newman, Onchuck, Osborn, Palmini, Sperry and Yraguen voted yes. No one voted no.

Chair Osborn asked for a nomination for Planning Commission Vice-chair.

Commissioner Hawks moved to nominate Dan Onchuck for Vice-chair. The motion was seconded by Commissioner Palmini. Commissioner Onchuck accepted the nomination. The nomination was approved with the following votes: Commissioners Hawks, Newman, Onchuck, Osborn, Palmini, Sperry and Yraguen voted yes. No one voted no.

Commissioner Osborn turned the meeting over to Chair Sperry to conduct the remainder of the meeting.

Chair Sperry read the Rules of Conduct when providing comments via Zoom.

AUDIENCE PARTICIPATION – None

PUBLIC HEARING File No. SR-21-027 – Site Plan Review for WinCo Foods [Quasi-Judicial]

Chair Sperry read the procedures for the Quasi-Judicial hearing and opened the public hearing. He asked staff if any requests were made for party status.

Mr. Hoffman stated two contacts were received via email before the meeting.

1. Robert and Susan Smith, no physical address provided except Roseburg Oregon, expressed concerns with traffic impacts, air quality, pollution and noise during demolition and construction. Staff felt the concerns listed are adequately addressed in the applicant's material and the staff report. Mr. Hoffman reached out to the Smiths to determine if they wanted to participate in the meeting; however, no response was received.

2. Sean Malone, 259 E. Fifth Ave., Suite 200 C, Eugene OR, not a resident of Roseburg. Mr. Malone represents the association, Safe Streets Roseburg, an amalgam of individuals and entities who work and live outside the immediate area and are concerned about traffic impacts, bicycle and pedestrian safety.

Party status was granted to Safe Streets Roseburg and Robert and Susan Smith.

Staff indicated party status was also granted to the applicant.

Chair Sperry asked the Commissioners to identify any ex-parte contact or conflicts of interest.

Commissioner Onchuck declared a conflict of interest and recused himself because he is an employee of Dole Coalwell Attorneys who represent the City of Roseburg.

Chair Sperry stated Commissioner Onchuck will not participate in this part of meeting and asked staff for the staff report.

Mr. Hoffman presented the staff report stating WinCo Foods submitted an application for a site plan review to demolish the existing 88,000 square foot vacant Kmart building and construct a new 72,971 square foot WinCo Foods grocery store. The property is zoned General Commercial (C3). The development includes demolition of the existing building, reconfiguration of the parking lot, installation of new landscaping and other related site improvements. The property also contains the Big 5 Sporting Goods building at 2655 NW Stewart Pkwy. The applicant/owners have no plans to change the current business operations of Big 5 Sporting Goods.

Site Plan Reviews are typically processed as a ministerial land use action in accordance with Chapter 12.10 of the Roseburg Municipal Code (RMC) and state law, which means they are processed by City staff without public notice or opportunity for appeal.

The City held a pre-application conference with the applicant in November of 2020 and after several discussions with the applicant it was determined the request would contain a number of discretionary approval criteria. Therefore, pursuant to Section 12.06.010(C) and Section 12.10.010(B) the application is being processed as a limited land use decision and referred directly to Planning Commission based on the request of the applicant.

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

- RMC Section 12.04.040 – "Commercial Districts"
- RMC Section 12.06 – "Site Development"
- RMC Section 12.08.040(F) – "Clear Vision Areas"

A Transportation Impact Study (TIS) was submitted and Mr. Hoffman highlighted the recommendations of adjusting the traffic signal cycle, improvements to the current site access and right turn on red only for east bound turns out of the Mercy Drive intersection which address the clear vision requirements.

Pedestrian Circulation highlights:

- Connectivity between parking lot, main building entrance and public sidewalk.
- Additional pedestrian pathway from the center parking aisle north to the signalized intersection at Mercy and Stewart Parkway and south to the property line for adjacent property connectivity.
- All pedestrian access ways are at grade, constructed with concrete for a contrasting material, and are marked with striping when crossing vehicular traffic. Speedbumps have also been shown at the front main drive aisle for additional safety.

Mr. Hoffman highlighted non-discretionary standards such as, off-street parking based on square footage which require a number of parking spaces, screening, landscaping, and bicycle parking, all of which is required for approval. The applicant has addressed all of the standards in their submitted plans.

Chair Sperry asked staff if the non-discretionary criteria is listed.

Mr. Hoffman stated the application is reviewed by RUSA, Fire Department, Public Works and Planning to ensure all development criteria standards are met. The criteria is listed in the staff report.

Mr. Cowie shared the criteria is listed on Page 3, section c, of the staff report which are identified on the applicants plans. Staff determined the requirements and standards were met to recommend approval.

Commissioner Newman asked staff to clarify the placement of the concrete median depicted on the site plan and asked if it will connect with the existing median for the NW Stewart Pkwy and NW Edenbower signal.

Mr. Hoffman explained the concrete median will run from the south side of the left turn lane and extend past the east access to WinCo. The existing median and the proposed median will be close to each other but not connect at this time.

AUDIENCE PARTICIPATION:

Applicant, Dan Zimmerman, TAIT Associates, 707 N 27th Street, Boise, ID, not a resident of Roseburg. Mr. Zimmerman introduced representatives of WinCo Foods: Greg Goins, Vice-President Real Estate, Ron Schrieber, Project Manager, Kelly Hossaini, Land Use Counsel, Brian Johnson, Civil Engineer. Mr. Zimmerman briefed the Commission on the proposed WinCo Foods building.

Greg Goins, Vice-President Real Estate for WinCo, 650 N Armstrong Boise, ID, not a resident of Roseburg. Mr. Goins shared WinCo is very excited to present to the Planning Commission. WinCo has looked for at least ten years for an opportunity to build a store in Roseburg. WinCo is a highly selective company when it comes to real estate. Closed Kmart and Shopko buildings create an opportunity to repurpose commercial sites that otherwise remain dark in a community, and are great opportunities to build stores in communities when real estate is hard to come by. WinCo has obtained locations in Albany, Eugene, Montana and Washington as well. WinCo is fortunate to be able to flex its standards on store size and locations to be able to look at the different types of opportunities when they are available.

Chair Sperry asked how the pedestrian walkways west of the main entrance and near the private drive are designed to be safe.

Mr. Zimmerman stated there will be cross striping in safety yellow, no parking paint, contrast material - pavement vs. concrete for the walkways, and the drive isles will be 30 feet wide to provide depth for cars.

The Commissioners asked questions regarding the walkways, speed bumps, lighting, and landscaping.

Mr. Zimmerman stated the walkways are grade level so pedestrians do not have to step up and down for curbs, making the site pedestrian safe and friendly, speed bumps are located on either side of the drive isle where the bulk of pedestrians are to help with safety, and new LED lighting will be installed throughout the parking lot and on the building, providing a well-lit area. The City is requiring five percent of landscaping and WinCo is installing seven percent, which is equivalent to 9,529 square feet, 3,000 square feet more than required.

Commissioner Newman thanked WinCo for investing in our community. She stated they are exemplary for other businesses with the attention to pedestrian safety, as well as, for going above the required landscaping requirement. Although the TIS is thorough, she expressed concern with traffic on the eastern exit out of the parking lot.

Brandon Johnson, SCJ Alliance, 212 N Towers Centralia, WA, not a resident of Roseburg. Discussed the recommendation for the no turn on red at Mercy Drive.

A discussion ensued regarding traffic impacts.

Hearing no further discussion, Chair Sperry asked for parties in opposition.

Sean Malone, Representative of Safe Streets Roseburg, 259 E. Fifth Ave., Suite 200 C, Eugene OR, not a resident of Roseburg. He stated opponents of this application are concerned regarding the safety for pedestrians, bicyclists, and motorist given the increased traffic that will result from WinCo Foods. Greenlight Engineering evaluated the TIS prepared by SCJ Alliance and identified several issues identified in Greenlight's letter of April 5, 2021.

Discussion ensued regarding Safe Streets Roseburg and Greenlight Engineering's concerns.

Hearing no further questions. Chair Sperry asked if the applicant would like to provide rebuttal.

Kelly Hossaini, Land Use Attorney-Miller Nash Graham & Dunn, 111 SW Fifth Avenue, Portland OR, not a resident of Roseburg. Requested to leave the record open per the timeline consistent with the Code which is outlined below.

1. First Seven Days (April 6th – April 12th) – submit new evidence.
2. Second Seven Days (April 13th – April 19th) – submit rebuttal limited to existing evidence in the record.
3. Applicant's final rebuttal (April 20th – April 22nd) applicant to submit any final written argument but shall not include new evidence.

Chair Sperry asked Mr. Malone if he was in agreement with Ms. Hossaini's proposal, in which he replied yes.

Chair Sperry asked if there were any further remarks from the applicant. Mr. Zimmerman stated he had nothing further to add except they are excited to have WinCo move to Roseburg.

Hearing no further questions or discussion, the public hearing was closed.

Mr. Cowie stated, since the Commission did not render a decision at this meeting but closed the public hearing and left the record open until April 22, 2021, the Site Plan Review No. SR-21-027 will be included on the May 3, 2021 Planning Commission meeting as an agenda item. Once the Commission renders a decision, staff recommends the Planning Commission request one of the parties prepare findings of fact approving the site plan review, as requested and presented within file SR-21-027, for review and adoption during the next Planning Commission meeting.

Jim Forrester, Counsel for the City of Roseburg stated there are no concerns with either party requesting to leave the record open. Both parties agreed to close the public hearing. The Planning Commission can make a motion to approve the plan.

Hearing no further comments questions or discussion, Chair Sperry asked for a motion.

Commissioner Newman moved to close the public hearing and leave the record open per Ms. Hoissaini's timeline proposal. The motion was seconded by Commissioner Palmini and passed with the following votes: Chair Sperry, Commissioners Hawks, Newman, Onchuck, Osborn, Palmini, and Yraguen voted yes. No one voted no.

Public Hearing File No. LUDR-21-001 – Land Use Regulation Text Amendments [Legislative Amendment]

Chair Sperry read the procedures for the Legislative Amendment hearing and opened the public hearing.

No ex-parte contact or conflicts of interest were declared by the Commissioners. Chair Sperry asked for the staff report.

Mr. Cowie clarified the proposed text amendment changes before the Commission were not driven by the earlier hearing involving WinCo, but they do relate.

Mr. Cowie presented the Staff Report and stated Staff is proposing to amend the current mobility standards found in RMC 12.06.020(C) which address when a Traffic Impact Study

(TIS) is required for a proposed development. The Transportation System Plan was adopted at the end of 2019 and is the driving document to the proposed text amendments.

Mr. Cowie highlighted the Potential Management Actions and Ordinance Revisions, Mobility Targets and Access Management and discussed the proposal.

The City utilizes two mobility standards: Level of Service (LOS) and volume/capacity ratio (V/C). The proposed change to the V/C to 0.95 and LOS to E would be standard across the board for arterial, collector and local street functional classification. The proposed change would not impact the volume capacity ratio for Local but would increase Arterial from 0.85 to 0.95 and Collector from 0.90 to 0.95. The City intersections are analyzed at a peak hour factor of 1.0 which is determined by selecting one hour during the peak traffic time in the morning or afternoon to be studied. There would be an increase to traffic however only at peak hours. The amendment is in line with the TSP recommendation adopted in 2020.

The six levels of service were explained. Range A being the best and F being a significant wait time. The change of LOS to an E would be standard across the board. The proposed change would not impact the LOS for non-signalized intersections or downtown intersections since they are already at an LOS E but would change signalized intersections from D to E. The change only applies to city streets under the City of Roseburg's jurisdiction. For Roadways within the City of Roseburg that are under ODOT or Douglas County jurisdiction, the mobility standards of those agencies will apply.

Over time, it's anticipated that intersections and streets will become increasingly more congested due to new development and increased employment opportunities. Our streets must accommodate more vehicles; however, adding more capacity (more lanes, raised medians, eliminating existing access points, etc.) may not be cost effective or practical. These code amendments ultimately help to balance reasonable traffic congestion with significant capacity improvements. Adjusting this balancing point will help the City to promote future development more effectively, while ensuring reasonable traffic expectations for our citizens as they navigate city streets.

The City received the following responses:

1. Land and Development Conservation recommended V/C of 1.00, full capacity; however, the City wasn't prepared for that.
2. Housing Authority was concerned the housing goal isn't addressed in the City's Findings, Section (F) Review Criteria. Mr. Cowie acknowledged housing does have an effect on mobility standards; however, the recommendations provided are in line with the TSP and the consultant's recommendation which were previously adopted by City Council.

Staff recommended the Planning Commission recommend City Council approve the Findings of Fact as presented given the proposed Text Amendments meet the applicable criteria.

Chair Sperry asked if any comments were received. Mr. Lazur stated, Alex Palm with i.e Engineering is present and would like to speak.

AUDIENCE PARTICIPATION:

Alex Palm, 809 SE Pine Street, Roseburg OR, stated his business, i.e. Engineering is located in the city limits; however, he is not a resident within the city limits. He stated he applauds City staff for bringing the proposal before the Planning Commission for consideration. The proposed text amendments are a great step forward for the City of Roseburg. His business

deals with Land Use and Development Regulations, especially Title 12 on a daily basis as it defines every development project they do in the city. There are a handful of requirements that contribute to a project not being developed. A contributing factor is maximum volume of traffic allowed and intersections at thresholds, which hinder economic development. The proposed changes will not create traffic jams or grid lock in the City. He explained, ODOT measures volume capacity ratios as the 30 busiest hours of the year which is a condition you will see .3 percent of the time. From a traffic standpoint, the bar for development is high in Roseburg, higher than other municipalities and it needs to be lowered. There are vacant parcels or buildings not developed due to the adjacent roadways being at the allowable ratios. The text amendment changes will encourage economic development growth.

Hearing no further questions or discussion the public hearing was closed.

Commissioner Newman moved to adopt the Findings of Fact as presented, and recommend City Council approve the proposed Text Amendments, File No. LUDR-21-001. The motion was seconded by Commissioner Yraguen and approved with the following votes: Chair Sperry, Commissioners Hawks, Newman, Onchuck, Osborn, Palmini, and Yraguen voted yes. No one voted no.

BUSINESS FROM STAFF –
Mr. Cowie provided an update on the old Safeway and Rite Aid building site stating the City made changes to the Derelict Building Program requiring the property owner to register the building, or if no response from the owner, the City registers the building. Derelict fees are assessed monthly in an effort to encourage the owner to abate the derelict status. The Safeway building was ultimately demolished. Property owners are required to maintain their buildings and grounds. The Rite Aid building's derelict status was abated and is no longer derelict. There are outstanding fees on the properties and the owner asked to settle with the City. The City is developing a settlement agreement with the owner to address the City's concerns with the properties, as well as on-going maintenance.

In N Out Burger submitted a Site Review Application located at 2488 NW Aviation Dr. and is currently in the review process.

The Community Development Department recently applied for the Rare Program through University of Oregon. If selected, the intern will work on a number of projects including updating the Comprehensive Plan.

Mr. Cowie thanked the Commissioners for their dedication and service on the Planning Commission.

BUSINESS FROM COMMISSION – None

ADJOURNMENT - The meeting adjourned at 9:26 p.m. The next meeting is scheduled for Monday, May 3, 2021.

Chrissy Matthews
Department Technician

CITY OF ROSEBURG
PLANNING COMMISSION
2ND STAFF REPORT

File No. SR-21-027 **Meeting Date: May 3, 2021**

To: Planning Commission
From: Stuart Cowie, Community Development Director
Subject: 2nd Meeting for Site Plan Review No. SR-21-027 (Public Hearing and Record Closed)

PROJECT SUMMARY & PROCEDURES:

Dan Zimmerman (Tait & Associates), authorized agent of the property owner and working on behalf of WinCo Foods, has submitted application for a site plan review to demolish the existing 88,000 s.f. vacant Kmart building and construct a new 72,971s.f. WinCo Foods grocery store. The development includes demolition of the existing building, reconfiguration of the parking lot, installation of new landscaping and other related site improvements. The site is an approximately 9.45 acre property zoned General Commercial (C3) that is located to the south of the intersection of Stewart Parkway and NW Mercy Drive. The property is described as Township 27 South, Range 06 West, Willamette Meridian, Section 12B, Tax Lot 1502, R62345 & Township 27 South, Range 06 West, Willamette Meridian, Section 11A, Tax Lot 0501, R62282; 2757 NW Stewart Pkwy. The property also contains the Big 5 Sporting Goods building at 2655 NW Stewart Pkwy. The applicant/owners have no plans to change the current business operations of Big 5 Sporting Goods.

The Planning Commission held a public hearing regarding the WinCo Food's site plan review application on Monday, April 5th, 2021. The public hearing was publicized and conducted in accordance with the requirements of Section 12.10.010 of the Roseburg Municipal Code (RMC). During the hearing three parties were qualified for party status, which included: 1) The applicant, WinCo Foods; 2) an opponent, Safe Street Roseburg being represented by Sean Malone, Attorney at Law; and 3) an opponent, Robert and Susan Smith of Roseburg. After parties were qualified, City staff gave a presentation regarding the staff report, which included a summary of the request and review of the applicable criteria. A copy of the staff report was provided within the Planning Commissions packet and was submitted into the record during the April 5, 2021 Planning Commission meeting. Following staff's report the hearing was opened to public testimony at which time both the applicant, WinCo Foods and Sean Malone on behalf of Safe Street Roseburg spoke regarding the application. Prior to the meeting Mr. Malone had submitted a letter on behalf of Safe Streets Roseburg, which was included within the record. Mr. Malone provided a summary of that letter and requested that the record remain open subject to the procedures outlined within RMC Section 12.10.010(T)(7). All parties present at the meeting were in agreement of leaving the record open and the applicant added that they would commit to submitting final arguments on April 22, 2021.

With all parties present in agreement, the Planning Commission closed the public hearing and voted to leave the record open, subject to the aforementioned provisions. Therefore, following the April 5th meeting the record was left open as follows:

1. First Seven Days (April 6th – April 12th) – This time frame was for new evidence.
    a. The City received two written submittals during this timeframe. One from WinCo Foods and one from Safe Street Roseburg.

2. Second Seven Days (April 13th – April 19th) – This time frame was limited to rebuttal to existing evidence in the record.
    a. The City received two written submittals during this timeframe. One from WinCo Foods and one from Safe Street Roseburg.

3. Applicant's final written argument (April 20th – April 22nd) This time frame was limited to the applicant's final written argument.
    a. The City received final written arguments from WinCo Foods on April 22, 2021.

A summary of the written material submitted into the record during the public hearing and the open record period is provided in the following section.

Testimony Summary:

Submitted prior-to/during the public hearing:

1. Robert and Susan Smith submitted written testimony prior to the public hearing via email on Monday, April 5th, 2021 (Attachment B). The relevant issue raised in their email are as follows:
    a. The testimony included concerns regarding traffic created by the proposed grocery store, especially during peak hours. In addition, the email stated concerns regarding the impacts on the intersection of Stewart Pkwy and Edenbower Ave.
    b. The email also listed concerns regarding air quality and pollution.

2. Sean Malone on behalf of Safe Street Roseburg, submitted a letter via email prior to the public hearing. The letter, dated April 5, 2021, also includes a letter from Greenlight Engineering, also dated April 5, 2021 evaluating the applicant's Traffic Impact Study (TIS). The letters raise, in summary, the following issues and concerns:
    a. The applicant's TIS fails to provide technical analysis of mitigation related to the intersection failure and does not adequately analyze the implications of the signal modification within the system corridor.
    b. The applicant's TIS does not extend the analysis coverage to all intersections required to be analyzed pursuant to RMC 12.06.020(C)(2)(e).
    c. Vehicular queuing storage capacity is or will become deficient with no proposed mitigation.
    d. The TIS fails to make adjustments related to decreased traffic associated with COVID-19.

e. The letter submits concerns regarding the safety of the applicant's pedestrian circulation design and that the design does not serve an adequate amount of the parking area.
f. The letter also raises concerns regarding the necessary pedestrian and bicycle improvement to Stewart Pkwy related to the standards within the Roseburg Transportation System Plan.
g. The letter from Greenlight Engineering included a number of other concerns related to deficiencies in the applicant's TIS.

Submitted during the first seven days of the open record period (April 6th – April 12th):

1. Dan Zimmerman of TAIT & Associates, Inc. on behalf of WinCo Foods, submitted a letter via email on April 12, 2021. The letter, dated April 12, 2021, provides responses to the testimony from Safe Street Roseburg regarding the applicant's pedestrian circulation design. The information provided by Mr. Zimmerman, in summary, is as follows:
    a. Design intent regarding the location of the planned pedestrian facilities.
    b. Information provided regarding the scope and amount of pedestrian facilities provided "throughout" the parking area.
    c. Details regarding the design intent related to pedestrian safety within the parking area.
    d. Information regarding the connectivity of the pedestrian circulation to adjacent areas, including Stewart Pkwy.
    e. Details regarding the design of the walkways (i.e. striping, surfacing, grade) and how the design relates to pedestrian safety.
    f. The letter also included a modified site plan specifically denoting the proposed pedestrian amenities.

2. Ryan Shea of SCJ Alliance on behalf of WinCo Foods, submitted a letter via email on April 12, 2021. The letter, dated April 12, 2021, provides responses to the testimony from Safe Street Roseburg regarding the applicant's TIS. The information provided by Mr. Shea, in summary, is as follows:
    a. The letter responds to concerns raised regarding the traffic impacts shown within the 20 year horizon study. It also provides response to the identified LOS operations studied at the intersection of Stewart Pkwy and Edenbower.
    b. The letter includes responses to the issues raised by the opponent's assertion that the applicant's TIS fails to comply with RMC 12.06.020(C)(2)(e) and the claim that the analysis should include other intersections, which appear to exceed 5% increase at peak hour. Mr. Shea's letter states that the PM peak house trips were calculated based on the net increase between the WinCo project and the previous trips from the K-Mart Store, which limited the scope of intersections that exceed the 5% increase of those that were studied in the TIS. Mr. Shea's letter goes on to explain that the TIS also studied additional intersections at the request of City staff during the scoping of the TIS and clarifies that while the net peak hour trips were used for determining the study area, the actual traffic impact analysis was based on total estimated project trips.
    c. The next section of the letter responds to the issue raised regarding vehicle queuing capacity. Mr. Shea's letter details how the analysis is performed and

describes that the areas of vehicle queuing issues exist without the project trips and are increased in the 95th percentile of queuing by approximately two to three vehicles. The applicant expresses that these queuing estimates are not a typical condition and only represent a 5% chance in any given hour.

d. The letter also includes responses from Mr. Shea regarding the following concerns raised by the letter from Safe Streets Roseburg and Greenlight Engineering including: improvements prescribed for Stewart Pkwy by the Roseburg Transportation System Plan; COVID-19 concerns; the eastern right-in/right-out access point; and anticipated traffic during the Saturday peak hour.

3. Sean Malone on behalf of Safe Street Roseburg, submitted a letter via email on April 12, 2021. The letter, dated April 12, 2021 reiterates the opponents concerns regarding safety, convenience of the pedestrian walkway infrastructure, as well as the design meeting the threshold of the term "throughout" as used within the code. The letter states that the requirements of RMC 12.06.030(W)(3)(a&b) are not satisfied by the applicant's plans. The letter also re-incorporates the findings of the previously submitted letter from Greenlight Engineering into the opponent's argument.

Rebuttals submitted during the second seven days of the open record period (April 13th – April 19th):

1. Sean Malone on behalf of Safe Street Roseburg, submitted a letter via email on April 19th, 2021. The letter, dated April 19, 2021, also includes a letter from Greenlight Engineering, also dated April 19, 2021. These letters consist of rebuttal to the applicant's letters from Tait & Associates and SCJ Alliance dated April 12, 2021. The letters address, in summary, the following issues and concerns:
    a. The applicant is responsible for mitigating impacts beyond the build-out year of the site.
    b. Additional intersections are required to be studied because the traffic study is in correctly relying on a credit for trips from the K-Mart.
    c. The unmitigated queues at nearby intersections require mitigation.
    d. Improvements to Stewart Parkway are necessary.
    e. Traffic volume adjustments in response to COVID-19 are necessary.
    f. A Saturday traffic analysis is necessary.

2. Kelly Hossaini of Miller Nash Graham & Dunn LLP, Attorneys at Law, on behalf of WinCo Foods, submitted a letter via email on April 19, 2021. The letter, dated April 19, 2021, provides responses to the testimony from Safe Street Roseburg regarding the applicant's pedestrian circulation design. The letter states that WinCo continues to believe that the pedestrian facility proposed within the applicant's plans meet the requirements of the Roseburg Municipal Code, based on the findings provided in the letter from Mr. Zimmerman with Tait and Associates dated April 12, 2021. The letter also notes that WinCo Foods have reached out to Safe Street Roseburg via Sean Malone to discuss their concerns, but have not received any response.

Final Argument submitted during the last three days of the open record period (April 20th – April 22nd):

1. Kelly Hossaini of Miller Nash Graham & Dunn LLP, Attorneys at Law, on behalf of WinCo Foods, submitted a final rebuttal letter via email on April 22, 2021. The letter, dated April 22, 2021, provides responses to the testimony from Safe Street Roseburg regarding the applicant's pedestrian circulation design and all of the arguments raised by the letter submitted from Greenlight Engineering, dated April 19, 2021. The letter summarizes and responds to the items submitted into the record by Safe Streets Roseburg and Greenlight Engineering.

STAFF REVIEW OF MATERIALS SUBMITTED INTO THE RECORD:

Both party's materials submitted prior to the hearing were forwarded along to the Planning Commission for their review prior-to, during or shortly after the April 5th meeting. In addition, at the conclusion of each portion of the open record period, all materials received during each timeframe were forwarded to the Planning Commission and each party for review. These materials are listed within the previous section and are provided as attachments to this staff report.

Staff's review of the application and the approval criteria within the April 5th, 2021 staff report provides staff's basis for the approval recommendation provided below. A copy of the staff report was provided to the Planning Commission, parties and members of the public on March 29th, 2021. A copy of that staff report can be found within the April 5th, 2021 meeting agenda packet at the following link: https://www.cityofroseburg.org/your-government/commissions/planning-commission.

Based on the materials and testimony submitted into the record prior-to or during the public hearing and during the open record period, staff's review and recommendation of the applicant's proposal remains the same from the April 5, 2021 staff report. Staff has determined that the applicant has adequately addressed all of the issues and concern raised within the record. The materials submitted into the record consist of two main issues:

1. The opponent has submitted concerns regarding the applicant's pedestrian circulation plans and argue that they fail to meet the requirements of RMC Section 12.06.030(W).
    a. Staff recognizes Safe Street Roseburg's argument regarding discretionary terms within this section such as: "sufficient", "convenient", and "throughout. However, staff does not suggest that these terms warrant anything beyond what the applicant's proposal has already provided. The opponents written comments imply that every parking space within the proposed lot would need to be directly served by a pedestrian walkway. This is not the intent of RMC Section 12.06.030(W) and certainly not a requirement the City has held other developers to when submitting a Site Review Plan involving a new parking lot. The applicant has submitted a pedestrian circulation plan within their proposed parking lot that provides more pedestrian walkways and access points than what has been required of other large retail stores constructed within the City such as Safeway, Albertsons, Wal-Mart, Home Depot, Lowes and Costco.
    b. In regards to pedestrian safety, the applicant has taken all the design precautions, prescribed by Section 12.06.030(W) and incorporated them into the design, which includes, striping, contrasting pavement, and raised walkways where appropriate or applicable. In addition, historically the most dangerous aspect of Kmart's parking lot, was the fact that the entire parking lot was one large, flat, unobstructed area. As a result, vehicles would often cut through the parking lot, enter and exit the designated driveway area at unmarked points and travel at

higher speeds. The applicant's proposal will incorporate a number of raised parking islands and protected pedestrian walkways, which will serve in providing a safe parking lot for future customers.

2. The opponent has submitted a number of concerns regarding the methodology and findings of the applicant's TIS. The applicant has responded to each of these items. The findings below address one of the major issues concerning the intersection at Edenbower and Stewart Pkwy.
    a. The opponent raised a concern regarding the impact on the level of service and queuing issues that are identified within the applicant's TIS, mainly in relation to the intersection of Edenbower and Stewart Pkwy. City staff recognizes that the applicant's proposal will have some impacts on this intersection, however the impacts resulting from the proposed WinCo are not significant enough to require the applicant to make substantial intersection improvements. Impacts to the intersection will be the result of many contributing factors and not solely the result of increased traffic from the future WinCo. In order to help alleviate traffic issues occurring at the intersection the City made specific improvements to the area as part of an Urban Renewal Project in 2018. The project included the addition of a right hand turn lane on southbound Edenbower and two left hand turn lanes on eastbound Stewart Pkwy to help alleviate some of the vehicle queuing issues. Although the TIS does not recommend significant changes to the intersection at Edenbower and Stewart Pkwy. it does recommend a median within Stewart Pwky that will extend east from the intersection of Stewart Pkwy and Mercy Dr. along the south side of the left hand turn lane that will extend east to the property line. This will limit left hand turn movements in and out of the site from the eastern access point. Additionally, the applicant has included a "No Right Turn on Red" signal modification at the intersection of Stewart Pwky. and Mercy Dr. to assist in the impaired sight distance for right turn movements east out of the site. Finally, the applicant has also noted signal timing modifications for a number of signalized intersections. The applicant will provide those timing sequences to the City, which will be forwarded on to ODOT for consideration. Ultimately, the City cannot force implementation of the signal timing modification, as ODOT maintains responsibility for the signal timing within the whole State. If ODOT determines signal timing modifications are necessary, then the developer will be responsible for any implementation costs.
    b. Staff has determined that the TIS meets the requirements of RMC Section 12.06.020(C).

STAFF RECOMMENDATION:

Staff determines that the Site Plan Review request, as submitted by the applicant, satisfies the criteria for approval. Therefore, it is recommended the Planning Commission direct the applicant to prepare findings of fact approving the Site Plan Review as contained within file SR-21-027 for review and adoption during the May 3, 2021 Planning Commission meeting.

OPTIONS:

- Direct the applicant to prepare findings of fact and order approving the Site Plan Review request.

- Continue consideration of the request.
- Direct the opponent, Mr. Malone to prepare findings of fact and order denying the Site Plan Review request.

SUGGESTED MOTION:

I MOVE TO DIRECT THE APPLICANT TO PREPARE FINDINGS OF FACT APPROVING THE SITE PLAN REVIEW, AS REQUESTED AND PRESENTED WITHIN FILE SR-21-027, FOR REVIEW AND ADOPTION AT A FUTURE MEETING DATE TO BE DETERMINED.

EXHIBITS:

Exhibit A – Robert and Susan Smith email dated April 5, 2021
Exhibit B – Safe Streets Roseburg/Greenlight Engineering letter dated April 5, 2021
Exhibit C – Dan Zimmerman of TAIT & Associates, Inc. letter dated April 12, 2021
Exhibit D – Ryan Shea of SCJ Alliance letter dated April 12, 2021
Exhibit E – Safe Streets Roseburg letter dated April 12, 2021
Exhibit F – Safe Streets Roseburg/Greenlight Engineering letter dated April 19, 2021
Exhibit G – Kelly Hossaini of Miller Nash Graham & Dunn LLP letter dated April 19, 2021
Exhibit H – Kelly Hossaini of Miller Nash Graham & Dunn LLP letter dated April 22, 2021

"Exhibit A"

Richard J. Hoffman

From: Robert Smith <bobandsusiesmith@gmail.com>
Sent: Monday, April 5, 2021 11:40 AM
To: Richard J. Hoffman
Subject: Planning Commission- Public Comment on Item 6A WinCo Site Plan

To the Honorable Planning Commissioners:

My wife and I were excited to learn about what was going to happen with the Big Kmart building on Stewart Pkwy but were disappointed when we heard it was going to be another big chain grocery store in North Roseburg.

We have nothing against WinCo, we've shopped there and saved money there. But how does it make sense to demolish the Kmart building, and no guarantees they won't also demolish the Big 5 store too, to build a huge 70,000 sq. ft. grocery store in the same parking lot as Sherm's Market? In fact, there are four major grocery stores within one mile or less of Stewart Pkwy and Edenbower. Is this the only part of Roseburg worthy of a grocery store, don't other areas of town need one?

We are also concerned about the traffic this will create. Even in its heyday, the Kmart was never all that busy. WinCo on the other hand always seems to be busy and extraordinarily so during the all-important peak traffic hours. Even without Kmart, it takes at least two traffic light cycles during busy times to turn onto Edenbower to go to the freeway. Add a busy WinCo to that and it'll likely double.

And what do the hundreds of new daily car trips this will create mean for Mercy Hospital and emergency response times? Has the City made sure that a comprehensive traffic study was done? Will WinCo, and not taxpayers, be making any needed improvements to support this new traffic? Will this impact air quality and pollution? What about traffic delays and noise during demolition and construction?

There are a lot more questions than answers about this project. We hope that the Planning Commission will not rush to approve this before making sure that we have answers to these questions.

Sincerely,

Robert and Susan Smith
Roseburg, OR

"Exhibit B"

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

April 5, 2021

Via Email

City of Roseburg, Planning Commission
c/o Richard Hoffman
Roseburg Community Development Department
900 SE Douglas Ave
Roseburg OR 97470
rhoffman@cityofroseburg.org

Re: Safe Streets Roseburg Testimony for Appeal of Plan Review SR-21-027

Dear Commissioners,

On behalf of Safe Streets Roseburg, please accept this testimony for the application SR-21-027. The application is for approval of a site plan review to develop the subject property with a 72,971-square-foot WinCo grocery store. Development will include the demolition of the existing 88,000-square-foot building, reconfiguration of the parking lot, installation of new landscaping, as well as other construction. The subject property is zoned General Commercial (C3), and the proposed use is an allowed use.

Opponents of this application are concerned about safety for pedestrians, bicyclists, and motorists given the increased traffic that will result from the project. Importantly, the level of traffic from this proposal will create congestion not seen in years, if ever. The former store at this location ceased operation in 2017, and, therefore, pedestrians, bicyclists, and motorists will be subject to a significant increase in traffic. Because those issues are of great concern, Safe Streets Roseburg commissioned a review of the Traffic Impact Study (attached hereto is a letter from Greenlight Engineering that reviews the Traffic Impact Statement (TIS) submitted by the applicant. As noted in Greenlight letter, there are numerous problems with the TIS and those problems require that the application be denied or that the TIS be significantly amended to comply with all criteria. The summary of the TIS identifies the following issues:

- "Several intersections fail to meet the mobility standards of Roseburg Municipal Code (RMC) 12.06.020.C.1.b. The TI[S] provides no technical analysis of any mitigation, but

offers only a loosely defined solution for one intersection failure without offering it as mitigation. To another intersection failure, no solution is discussed. Additionally, the implications of implementation of the loosely defined solution are more significant than expressed in the TI[S], with the mitigation requiring modifications to each intersection along the signal system corridor that have not been analyzed."

- "The TI[S] fails to comply with RMC 12.06.020.C.2.e which requires the applicant's analysis to 'Extend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%).' The study area inexplicably excludes several intersections that are clearly required to be analyzed."
- "Intersection vehicular queues exceed the available storage and will spill into adjacent intersections with no mitigation proposed. The queues will grow so long as to eventually prevent ingress into the proposed development, located 1300 feet away."
- The proposed development fails to include necessary pedestrian and bicycle improvements to NW Stewart Parkway in compliance with the City of Roseburg Transportation System Plan."
- "The TI[S] inappropriately fails to make any adjustment to traffic counts to account for decreased traffic associated with the Covid-19 pandemic."

Greenlight letter at 1. Each of these issues render the TIS legally inadequate, but I will address one example in detail below, as well as several issues related to pedestrian safety.

Under RMC 12.06.020(C)(1)(b), a Traffic Impact Study (TIS) will be required "based on anticipated negative significant traffic and safety impact projected to be caused by the proposed development as determined by the Community Development Director after a recommendation form the Public Works Director." "Negative significant traffic and safety impacts" in turn are defined as but not limited to: "[a]dditional traffic and turn movement projected to result from the proposed development is projected to exceed the applicable volume to capacity ratio and/or level of service: Volume to Capacity Ratio: Arterial: 0.85; Collector: 0.90; Local: 0.95; Level of Service Standard: Signalized intersection: LOS D; Non-signalized intersection: LOS E; Downtown Intersection: 0.95 and LOS E."

The TIS indicates that there will be multiple failures of the City's intersection mobility standards. *See* TIS, Tables 5, 7, 9, 11, and 13 (red font indicates failures). For example, in relation to the NW Stewart Parkway/NW Edenbower Boulevard, the TIS concedes that:

> "A slight modification to the existing signal cycle length was tested to determine if operational delay could be reduced. It was determined the LOS could be improved from LOS E to LOS D for conditions with and without the project if the cycle length were increased from 110 to 130 seconds. However, this change may have adverse impacts on intersection queuing and/or operations at other intersections in the vicinity and would need to be more fully studied before implementation."

The TIS fails to provide any evidence of this testing or the outcome. For the TIS to perform its basic function, the applicant must disclose this information and demonstrate what mitigation will be implemented. Moreover, Greenlight Engineering believes that modification of "the signal cycle length from 110 seconds to 130 seconds is not a 'slight modification.'" Greenlight letter at 2. Of greater concern is that the NW Stewart Parkway/NW Edenbower Boulevard intersection operates in a coordinate signal system along NW Stewart Parkway, and, therefore, if the cycle length of the intersection is increased, the other intersections along NW Stewart Parkway would also have to be changed. If lengthening the cycle is the proposed mitigation, then all intersections must be changed, and the impacts of those changes would also have to be studied and disclosed.

RMC 12.06.020.C.2.e requires that a TIS shall "[e]xtend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%). This issue is reinforced by RMC 12.06.020.C.1.a, which describes "[n]egative significant traffic and safety impacts" as "[a]n anticipated increase of at least five percent (5%) of the current traffic volume durng the peak hour and a per day." Several intersections would exceed the five percent standard but were not included in the TIS (*e.g.*, NW Stewart Parkway/NW Van Pelt Blvd, NW Stewart Parkway/NW Mercy r (east), and NW Stewart Parkway/Walmart Driveway). Again, this legal error must be addressed before the application for site review can be approved.

Next, RMC 12.06.030.W.3.a requires that:

> "Each property subject to the provisions of this Section shall provide pedestrian walks at or around the building of sufficient extent to provide *safe and convenient pedestrian passage commensurate with the character of the development and the nature of the intended use of the building*."

(emphasis added). Similarly, RMC 12.06.030.W.3.b provides:

> "Each such property shall provide pedestrian walkways, crosswalks, and other pedestrian facilities *to allow safe and convenient pedestrian access throughout the site*, particularly to routes between main building entrances and adjacent pedestrian destination, including uses on adjoining properties, public sidewalks, and transit stops. Where the nature of the development is such that several buildings utilize a common internal pedestrian walkway system, such internal walkway system shall extend to the street sidewalk and shall sever to meet the requirements of this section."

The plans for the new building and parking lot demonstrate that these standards have not been satisfied. The applicant appears to include only a single separated pathway from the entrance, heading north. This isolated path only serves 20 regular parking spaces and 9 handicap spaces out of over 330 parking spaces. The applicant appears to rely on another, non-separated crosswalk east towards NW Stewart Parkway but that cross-walk only directly accesses a small number of parking spaces. The obvious problem is safety, and that is exactly what the standard requires: "*safe and convenient pedestrian passage*." RMC 12.06.030.W.3.a. The applicant

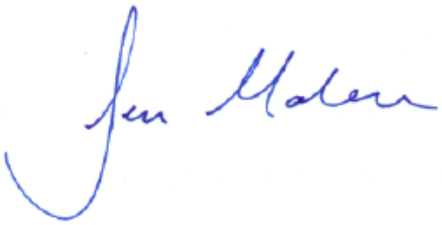
appears to be doing the very least it possibly can, but the Planning Commission will have to ask itself whether the minimum is commensurate with the safety that the code requires. Safe

The next issue that the Planning Commission must decide is whether the two small walkways are enough to satisfy the standard in RMC 12.06.030.W.3.b that requires the applicant provide "pedestrian walkways, crosswalks, and other pedestrian facilities *to allow safe and convenient pedestrian access throughout the site*." As noted above, the applicant has provided one separated walkway to the north and a small crosswalk to the east. This minimal effort does not satisfy the requirement for pedestrian safety measures "throughout" the site, and it does not appear to put the safety of pedestrians first. Again, it appears to be the least that the applicant could provide, and does not meet the legal standard imposed by the code.

I respectfully request that the Planning Commission leave the record open for a period of not more than seven days so that the parties can respond to testimony and evidence that was provided for the hearing.

In conclusion, until additional pedestrian walkways have been provided *throughout* the site and with the safety of pedestrians in mind, as well as significant revisions to the TIS, the application must be denied.

Sincerely,



Sean T. Malone
Attorney for Safe Streets Roseburg

Cc:
Client

Enclosure: Greenlight Engineering, April 5, 2021.

GREENLIGHT ENGINEERING

April 5, 2021

Sean Malone
Attorney at Law
259 E. Fifth Ave.
Suite 200-C
Eugene, OR 97401

Mr. Malone,

Greenlight Engineering has been asked to evaluate the transportation related impacts of the proposed WinCo Foods in Roseburg, Oregon. We have reviewed the January 2021 traffic impact analysis ("TIA") prepared by SCJ Alliance. We have also reviewed the site plan. We have the following comments.

Executive Summary

- Multiple intersections fail to meet the mobility standards of Roseburg Municipal Code ("RMC") 12.06.020.C.1.b. The TIA provides no technical analysis of any mitigation, but offers only a loosely defined solution for one intersection failure without offering it as mitigation. To another intersection failure, no solution is discussed. Additionally, the implications of implementation of the loosely defined solution are more significant than expressed in the TIA, with the mitigation requiring modifications to each intersection along the signal system corridor that have not been analyzed.
- The TIA fails to comply with RMC 12.06.020.C.2.e which requires the applicant's analysis to "Extend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%)." The study area inexplicably excludes several intersections that are clearly required to be analyzed.
- Intersection vehicular queues exceed the available storage and will spill into adjacent intersections with no mitigation proposed. The queues will grow so long as to eventually prevent ingress into the proposed development, located 1300 feet away.
- The proposed development fails to include necessary pedestrian and bicycle improvements to NW Stewart Parkway in compliance with the City of Roseburg Transportation System Plan.
- The TIA inappropriately fails to make any adjustment to traffic counts to account for decreased traffic associated with the COVID-19 pandemic.

Multiple Intersections Fail to Meet City Mobility Standards with no Defined Mitigation

The TIA provides clear evidence that the proposed development will result in multiple failures of the city intersection mobility standards of RMC 12.06.020.C.1.b. The TIA is far less clear in establishing whether or not the development will provide any mitigation to these operational failures. For this reason alone, the application must be denied. In some instances, the TIA offers no solution to these failures while other times offers loose reference to mitigation without any

analysis that illustrates that this mitigation might actually fix the problem. The TIA does not take any responsibility for any required mitigation.

The red font provided in Tables 5, 7, 9, 11, and 13 of the TIA detail the extent of the numerous operational failures that would be expected.

In addressing the operational failure expected in 2022 at the NW Stewart Parkway/NW Edenbower Boulevard intersection, the TIA reports:

> "A slight modification to the existing signal cycle length was tested to determine if operational delay could be reduced. It was determined the LOS could be improved from LOS E to LOS D for conditions with and without the project if the cycle length were increased from 110 to 130 seconds. However, this change may have adverse impacts on intersection queuing and/or operations at other intersections in the vicinity and would need to be more fully studied before implementation."

The TIA fails to provide any evidence of this testing nor the outcome, so there is nothing to be reviewed. Additionally, the TIA provides no discussion whether or not this suggested mitigation will or has been "more fully studied before implementation." The purpose of a traffic impact analysis would be to analyze this mitigation, yet the TIA has failed to do this. If the impacts of the mitigation have not been vetted, the mitigation may not be viable or may make operations even worse.

Modifying the signal cycle length from 110 seconds to 130 seconds is not a "slight modification." It should be noted that according to the TIA, the NW Stewart Parkway/NW Edenbower Boulevard intersection operates in a coordinated signal system along NW Stewart Parkway. If the cycle length of this intersection is changed from 110 seconds to 130 seconds, all of the intersections in the coordinated signal system along NW Stewart Parkway also need to be changed to a 130 second cycle length. This change may cause these other intersections to fail to meet the city mobility standard or otherwise have undesirable operations. Assuming that a 130 second cycle length ends up as the preferred mitigation, all of the intersections along the NW Stewart Parkway signal corridor need to be reanalyzed. There are intersections that would impacted by this change that haven't even been studied as part of the TIA, although these intersections are required to be analyzed per city code (as will be discussed later).

In reporting the operational failures of 2027, the TIA states "the intersection of NW Stewart Parkway with Edenbower Boulevard is expected to exceed the mobility standard of LOS D for the 2027 PM peak hour condition...the V/C standard at the intersection of NW Stewart Parkway with Garden Valley Boulevard is...exceeded with the project." The TIA offers no solution to these operational failures.

In reporting the operational failures of 2032, the TIA states "the intersection of NW Stewart Parkway with Edenbower Boulevard is expected to exceed the mobility standard of LOS D for the 2032 PM peak hour condition...The V/C standard at this location would also be exceeded...the V/C standard at the intersection of NW Stewart Parkway with Garden Valley Boulevard is expected to be exceeded...The LOS standard at this location would be exceeded..." Again, the TIA offers no solution to these operational failures.

In reporting the operational failures of 2037, the TIA states “the intersections of NW Stewart Parkway with Edenbower Boulevard and with Garden Valley Boulevard are both expected to exceed the mobility standard of LOS D...The V/C standard at these locations would also be exceeded...The intersection of NW Stewart Parkway with E Mercy Drive is expected to exceed its V/C threshold during the 2037 PM peak hour...” Again, the TIA offers no solution to these operational failures.

In reporting the operational failures of 2042, the TIA states “the intersections of NW Stewart Parkway with Edenbower Boulevard and with Garden Valley Boulevard are both expected to exceed the mobility standard of LOS D...The V/C standard at these locations would also be exceeded for the same scenarios. The intersection of NW Stewart Parkway with E Mercy Drive is expected to exceed its V/C threshold...” Again, the TIA offers no solution to these operational failures.

Multiple intersections are expected to fail to meet Roseburg mobility standards with no proposed mitigation. When a solution is suggested, it is not actually studied, apparently needs to be studied further and is not offered to be implemented. Additionally, the solution has impacts to several intersections that have not been studied as part of the TIA.

The TIA Omits Intersections Required to be Analyzed

RMC 12.06.020.C.2.e states that when a traffic impact study is required, it shall, at a a minimum, require a study area that includes an “analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%).” This language is further supported by RMC 12.06.020.C.1.a, which describes “Negative significant traffic and safety impacts” as including “An anticipated increase of at least five percent (5%) of the current traffic volume during the peak hour and a [sic] per day.”

The TIA fails to provide a sufficient study area that analyzes intersections that the development will result in an increase in volume of 5% or more over existing conditions.

Figure 4 of the TIA provides the existing traffic volumes at the intersections included in the scope of the TIA. Figure 5 of the TIA establishes the anticipated trip impacts of the proposed development upon the Roseburg street system.

Table 1 below illustrates some of the intersections and street sections that are required to be included in the study area, but were not as part of the TIA. The intersections of NW Stewart Parkway/NW Van Pelt Blvd, NW Stewart Parkway/NW Mercy Dr (east), and NW Stewart Parkway/Walmart Driveway clearly exceed the 5% threshold and should have been included in the analysis. The TIA includes a traffic count that was conducted at the NW Stewart Parkway/NW Mercy Drive (east) intersection indicating that potentially it was included in the original traffic study scoping, but strangely, it was not analyzed as part of the TIA.

There is likely at least one intersection on NW Stewart Parkway south of NW Garden Valley Blvd, on NW Edenbower Blvd south of NW Stewart Parkway and on NW Edenbower Boulevard north of NW Stewart Parkway that are required by included in the study area, but were not as part of the TIA.

Table 1. Existing PM Peak Hour Traffic Volumes vs. Development Impacts

Street	Cross Street or Street Section	Existing PM Peak Entering Volume	Development PM Peak Entering Volume	% Increase in PM Peak Hour Entering Volume	Required to be Analyzed?
NW Stewart Parkway	NW Van Pelt Blvd	1620	291	17.96	Yes
NW Stewart Parkway	NW Mercy Dr (east)	1710	170	9.94	Yes
NW Stewart Parkway	Walmart Driveway	2125	291	13.69	Yes
NW Stewart Parkway	South of NW Garden Valley Blvd	1340	97	7.24	Yes
NW Edenbower Blvd	South of NW Stewart Parkway	680	48	7.06	Yes
NW Edenbower Blvd	North of NW Stewart Parkway	1595	122	7.65	Yes

Unmitigated Vehicular Queues Will Exceed Their Storage Capacity

Like the mobility standard failures, the TIA provides clear evidence that approval of the proposed development will result in queuing issues at study intersections which causes traffic to spill beyond storage capacity.

The red font provided in Tables 6, 8, 10, 12, and 14 of the TIA details the extent of the operational failures that would be expected. As there are many situations where queuing will exceed the available storage, we will focus on the most significant queuing situation.

In 2022, when the development opens, queuing in the eastbound left turn lane of the NW Stewart Parkway/NW Edenbower Blvd intersection is expected extend 636 feet in the center turn lane and block the westernmost Albertson's driveway. This queue will also block the NW Stewart Parkway/NW Mercy Dr (east) intersection. Again, the latter intersection is required to be studied by the RMC, but has not been studied. Standing queues blocking the NW Stewart Parkway/NW Mercy Dr (east) intersection will affect its operation. The proposed development is anticipated to add a significant 61 PM peak hour trips to the 685 existing PM volume of the eastbound left turn movement of the NW Stewart Parkway/NW Edenbower Blvd intersection. Mitigation of this situation would be a reasonable expectation. The failure to mitigate this situation will create standing queues for hundreds of feet, affecting the traveling public and access to nearby intersections and businesses.

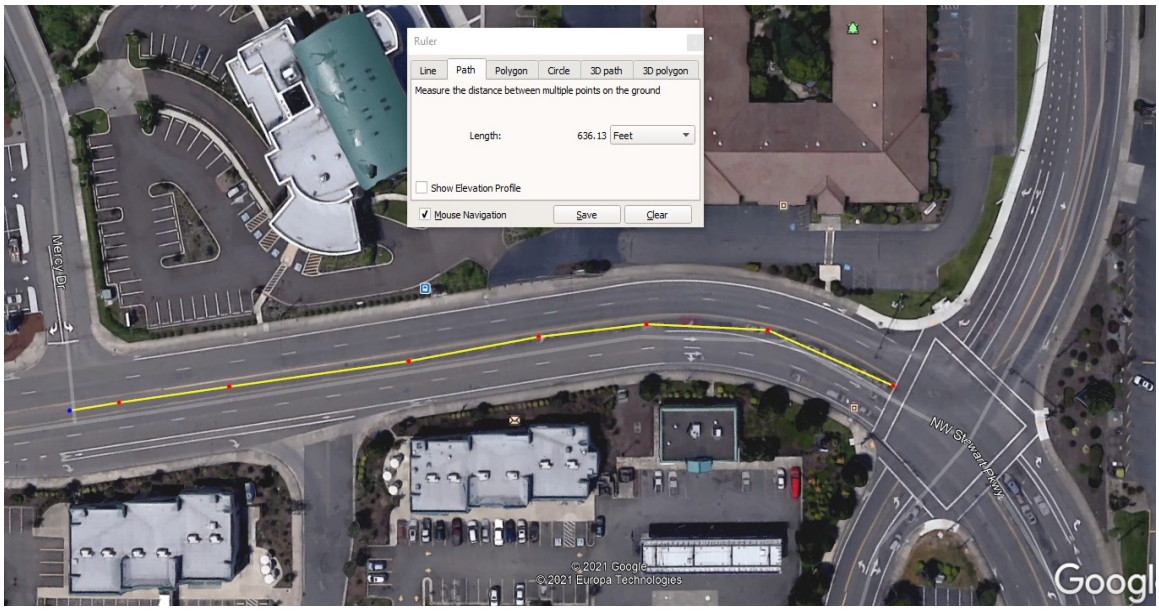


Figure 1: Queues Blocking Albertson's Driveway and Mercy Dr (East) Intersection

In future years, this eastbound left turn queue at NW Stewart Parkway/NW Edenbower Blvd is anticipated to continue to increase to 1,312 feet such that the queue extends to the western NW Stewart Parkway/NW Mercy Drive (west) intersection, blocking ingress to the proposed development itself. This problem will grow to be quite significant with no mitigation proposed by the applicant. The TIA offers no analysis and more importantly, no solution to this issue although the proposed development will contribute significantly to it.

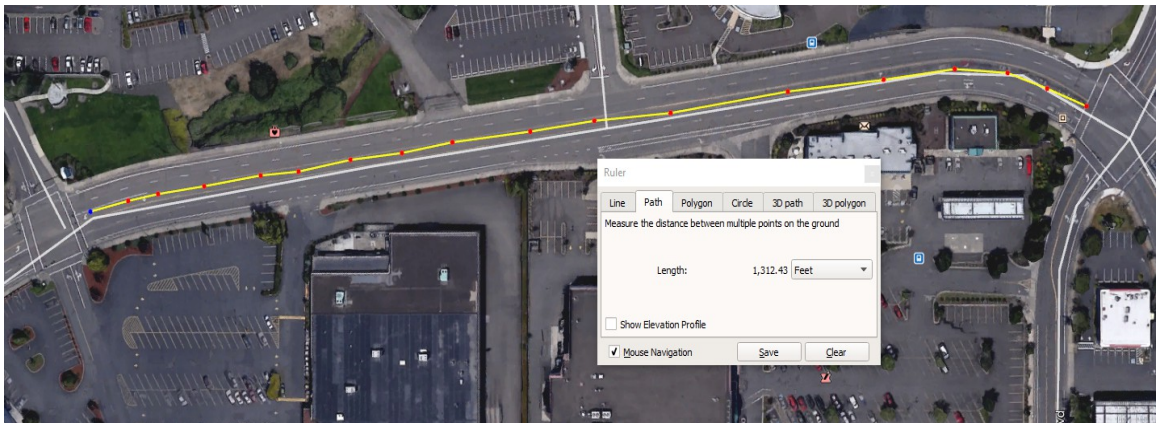


Figure 2: Queues Blocking Westbound Left Turn Ingress Into the Site at NW Stewart Parkway/NW Mercy Dr (West)

No Adjustments Have Been Made to Account for Impacts of COVID-19

The TIA states that:

> "Based on input from City of Roseburg staff, no traffic volume adjustment was made to reflect impacts attributable to COVID-19. According to city staff, traffic levels during the count period were not considered to be substantively different from data counted during that time period in previous years. Additionally, research was conducted into the ODOT

> COVID adjustment procedures and no locations or comparable roadway types upon which to base an adjustment were identified."

The lack of a COVID-19 adjustment is highly unusual given how significantly COVID-19 has affected traffic volumes in the past year in Oregon. We have not conducted or reviewed any traffic studies in 2020 that lacked a COVID-19 adjustment or at least provided evidence that one was not necessary. There is no evidence that supports that traffic volumes in Roseburg have not dropped due to the impacts of COVID-19.

The applicant's traffic engineer conducted traffic counts in late October and mid December 2020.

According to Figure 3 of ODOT's *Observed Statewide Traffic Volume Patterns: Related to COVID-19 Monitoring*[1] dated November 6, 2020 and covering the week of the development's October traffic counts, weekday traffic volumes on I-5 south of Cottage Grove were roughly four to five percent (4-5%) lower than 2019 traffic volumes. According to Figure 3 of ODOT's *Observed Statewide Traffic Volume Patterns: Related to COVID-19 Monitoring*[2] dated December 18, 2020 and covering the week of the development's December traffic counts, weekday traffic volumes on I-5 south of Cottage Grove were roughly nine percent (9%) lower than 2019 traffic volumes.

A reduction of 4-9% is a significant decrease in traffic that should be accounted for.

It is important to note that the development is proposed in an area with a high amount of retail and restaurant activity. The TIA's study area focused on the immediate area surrounding the proposed development. Retail and restaurants have been hit hard by the pandemic and making no adjustment for the impacts of the pandemic defies logic. A COVID-19 related adjustment could have easily been accomplished or at least confirmed with evidence.

NW Stewart Parkway Requires Improvements

RMS 12.06.010.D.1 states:

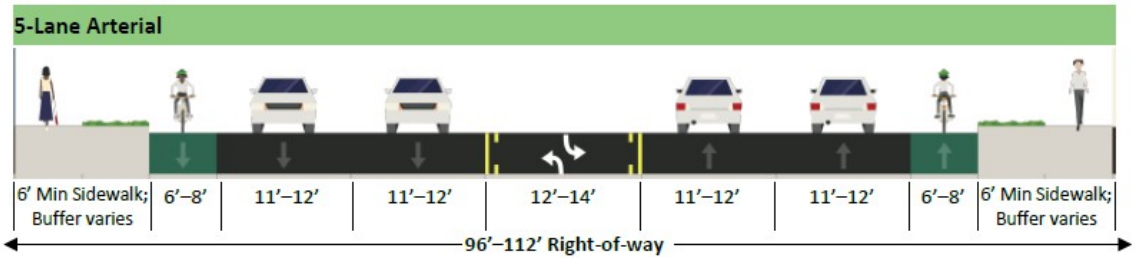
> "In the case where property fronts on a street that conforms to the requirements of this Section but otherwise is not fully improved to the standards established elsewhere in this Code, either expressly or by reference, or in the case where property abuts a street which does not conform to the standards established elsewhere in this Code, either expressly or by reference, the property owner shall improve the street as required to the standards established elsewhere in this Code..."

The requirement to construct frontage improvements to meet current road standards associated with increased impacts on the transportation system is a common requirement of development. The applicant's site plan illustrates no proposed roadway improvements along NW Stewart Parkway.

[1] https://www.oregon.gov/odot/Data/Documents/ODOT_TrafficReport_Nov_06_2020.pdf

[2] https://www.oregon.gov/odot/Data/Documents/ODOT_TrafficReport_Dec_18_2020.pdf

NW Stewart Parkway is classified as a major arterial and has a five lane cross section. The Roseburg Transportation System Plan[3] illustrates the standard improvements for a five lane arterial road like NW Stewart Parkway. The standard improvements require a six to eight foot wide bicycle facility and a six foot wide separated sidewalk. The existing bicycle and pedestrian improvements along the proposed development's NW Stewart Parkway are not compliant with the standard cross section. The existing bicycle facility along the development's frontage is significantly more narrow than the required width. While there is an existing sidewalk along NW Stewart Parkway, it lacks the required pedestrian buffer.



As illustrated in Table 3 of the TIA, the proposed development will generate significantly more traffic than the former K-Mart. On a daily basis, the proposed development will generate approximately 6,724 daily trips, or approximately 2,200 **more** trips than the previous development according to the 10th edition of ITE *Trip Generation Manual*.

It should be noted that the Roseburg TSP does not appear to plan a project for future multimodal improvements along this section of NW Stewart Parkway. It is highly likely that a requirement to construct the standard roadway improvements would be roughly proportional to the impacts of the proposed development, even if the development could claim a trip credit for the previous use (which we understand may have been discontinued its use in 2017). In fact, these standard improvements are required by the RMC.

In addition, the TIA fails to adequately "Consider circulation and safety needs for pedestrians, bicyclists, and transit" as required by Code 12.06.020.C.2.d. The TIA makes no mention of on-site circulation for any of these users much less makes mention of the fact that the planned frontage improvements along NW Stewart Parkway fail to even meet the minimum requirements of the City of Roseburg.

The Eastern Site Driveway Will Not Operate as Right-In/Right-Out as Reported

The TIA states that "The [unsignalized access] will be relocated to the east edge of the proposed WinCo Foods and will be limited to right in/right out movements." It is unclear how proposed unsignalized access to NW Stewart Parkway will be restricted to right-in/right-out access only. There is no raised median on NW Stewart Parkway and there is no "porkchop" median in the driveway illustrated on the site plan. Signing alone will not likely be effective in restricting this driveway to right-in/right-out operations as reported in the TIA.

[3] https://www.cityofroseburg.org/storage/app/media/CDD/community-development/FinalRoseburgTSP_Volume%20I_Jan2020.pdf

The TIA offers no alternative without this access to NW Stewart Parkway and makes no claims as to the need for this driveway. The TIA illustrates that the driveway will be lightly used. It is likely that the site could be adequately served by the signalized access alone and this driveway is not needed.

The Development Will Generate the Most Traffic During the Saturday Peak Hour

The RMC does not limit a traffic impact study to the weekday PM peak hour, the only analysis period that has been submitted as part of the TIA.
The proposed development generates significantly more traffic during the Saturday peak hour than the weekday PM peak hour, but Saturday has been omitted from analysis. Any issues reported during the weekday PM peak hour may also exist or perhaps be worse during the Saturday peak hour.

Table 2. WinCo Saturday Trip Generation

ITE Land Use	Size (ksf)	ADT	Saturday Peak Hour		
			Total	Enter	Exit
Discount Supermarket	*74*	8,278	**711**	355	356

[1]Trip Generation Manual, 10th Edition

Table 3 of the TIA illustrates that the proposed development will generate 614 weekday PM peak hour trips versus the 711 trips that will be generated during the Saturday peak hour.

Scoping Memo Not Provided

The TIA makes reference to a "Traffic Scoping Analysis" scoping memo and "follow-up emails and conversations." RMC 12.06.020.C.2.a requires the TIA to "Utilize a Scope of Work and an Analysis Methodology approved or accepted by the Community Development Director." This information is not included with the TIA and may not be part of the written record of the application.

Conclusion

The TIA contains a number of errors and omissions that result in inconsistency with City of Roseburg requirements and/or industry standard.

The TIA establishes that intersections will not meet the city mobility standards, yet no mitigation is proposed. When mitigation is discussed, it is very loosely defined and provides no analysis that illustrates that it will indeed improve the intersection to operate adequately. This loosely defined mitigation fails to discuss that there are potentially major implications to this mitigation that would require modifying signal timing along every signalized intersection in the corridor. These impacts have not been analyzed or discussed.

The TIA is severely lacking in study area, clearly not meeting the requirements of the RMC. Several required intersections that are required for analysis were omitted from the TIA.

The proposed development will contribute significantly to a queuing issue at the NW Stewart Parkway/NW Edenbower intersection such that several intersections and driveways will be blocked by queues and will eventually block ingress to the site. No mitigation is proposed.

The proposed development lacks required improvements to NW Stewart Parkway to serve the needs of cyclists and pedestrians. These improvements are very likely proportional to the impacts of the proposed development.

The TIA fails to include any adjustment for COVID related traffic impacts.

Should you have any questions, feel free to contact me at 503-317-4559.

Sincerely,

Rick Nys, P.E.
Principal Traffic Engineer



"Exhibit C"

TAIT
RISING TO THE CHALLENGE

707 N. 27TH Street, Boise, ID 83702

p:208/319/0772 www.tait.com

April 12, 2021

City of Roseburg
Planning Commission
900 SE Douglas Avenue
Roseburg, OR 97470
(541) 492-6874

RE: Pedestrian circulation memorandum: WinCo Foods Located at the SEC of NW Stewart Parkway & Mercy Drive, Roseburg, Oregon

This memorandum is in reference to testimony provided by Sean Malone during the planning commission hearing held on April 5th addressing the concern for pedestrian safety throughout the parking lot and connectivity to the public way. WinCo takes its commitment to public and customer safety very seriously and has worked diligently both internally and with City staff to ensure that its project is as safe as possible for all users of the WinCo property. Currently, the parking lot is a bare asphalt field. When WinCo has completed its project, there will be a new surface, new landscaping, and new parking and pedestrian facilities laid out consistent with WinCo's commitment to safety.

Compliance with Site Plan Review Criteria (Section 12.06.030.W.3)

Section W.3: Internal Walkways

Locations. Each property in all Zoning Districts being newly developed or redeveloped in accordance with Subsection 12.06.010(D) shall provide internal sidewalks and walkways, subject to the requirements and exceptions set forth in this section.

a) Each property subject to the provisions of this Section shall provide pedestrian walks at or around the building of sufficient extent to provide safe and convenient pedestrian passage commensurate with the character of the development and the nature of the intended use of the building.

- This criterion focuses on pedestrian facilities at and around the building itself. As shown on the site plan, the proposed design demonstrates pedestrian connectivity along the north and front sides of the building where customers would be expected and allowed. The south side of the building has no pedestrian facilities because it is where the truck docks and trash compactors are. The east side of the building is the back of the store where customers would also not be expected or allowed. Therefore, there are no pedestrian facilities there, either, and nothing for those facilities to connect to.

b) Each such property shall provide pedestrian walkways, crosswalks, and other pedestrian facilities to allow safe and convenient pedestrian access throughout the site, particularly to routes between main building entrances and adjacent pedestrian destination, including uses on adjoining properties, public sidewalks, and transit

stops. Where the nature of the development is such that several buildings utilize a common internal pedestrian walkway system, such internal walkway system shall extend to the street sidewalk and shall serve to meet the requirements of this section.

- This criterion requires pedestrian facilities throughout the site. The proposed design demonstrates that these facilities have been provided. There is pedestrian connectivity from the parking field, the building's main entry/exit, the public way along Stewart Parkway in two locations, and connectivity to the adjacent property south of the WinCo Foods store.

- The design of the pedestrian pathways plays a significant role in the safety of pedestrians and is in line with the standard of care and practices for the character of the development and intended use. With Tait's over fifteen years of experience designing grocery store shopping centers the proposed design is thought of through both the owner as well as the shopper's habits and nature of its intended use.

    - Shoppers park vehicles head into the parking stall and upon returning from the grocery store with a cart full of groceries habits are to load groceries into the rear portion of the vehicle while utilizing the drive aisles to access the rear portion of the vehicle. This ensures that shoppers are not trying to maneuver a heavy shopping cart full of groceries between vehicles while risking damaging either to their vehicle or an adjacent parked vehicle. The above references the nature of taking the path of least resistance and minimizing difficult maneuverability, which is why we have designed the parking lot to ensure the shopper experiences as few obstacles as possible.

    - City code section 12.06.030 Table 3-5 requires a minimum drive aisle width of 24'-0". Our design provides all parking lot drive aisle widths to be 26'-0" minimum, with the understanding that additional spacing for both pedestrians and vehicles are warranted.

- The proposed site plan provides two pedestrian pathways from the main entry/exit point of the store to Stewart Parkway as well as connectivity to the property south of WinCo Foods.

    - The site plan indicates a pathway from the store west through center parking aisle where a pedestrian has the option to head north to the signalized intersection at Mercy and Stewart Parkway or south to the property line for adjacent property connectivity. The second proposes a pedestrian accessway leading from the front of the building north to Stewart Parkway providing multiple options to public access and adjacent properties.

- All pedestrian accessways are at grade (including the main front-of-store sidewalk) in lieu of raised sidewalks eliminating the need for multiple ADA ramps as pedestrians' transition from drive aisle crossing to paths adjacent to landscaping for a smooth uninterrupted surface. Pedestrian accessways within

the parking lot will include painted “No Parking” demarcation to help delineate parking and pedestrian areas.

- All pedestrian paths throughout the site are constructed of concrete for a contrasting material against the black asphalt parking field and are marked with “Safety Yellow” striping when paths intersect vehicular traffic.

- Speedbumps have also been shown at the front of store main drive aisle for additional safety where high pedestrian and vehicle interaction occurs.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Daniel Zimmerman, AIA
TAIT & Associates, Inc.
707 N. 27th Street, Boise, ID 83702

SITE DATA

SITE STANDARDS (TITLE 12.06 SITE DEVELOPMENT):
APN: R62345
ZONING: C3 - GENERAL COMMERCIAL
TOTAL SITE AREA: 412,548 S.F. / 9.47 ACRES
FAR: 20% INCLUDES BOTH STRUCTURES
WINCO BUILDING AREA: 72,971 S.F.
BIG 5 BUILDING AREA: 9,790 S.F.
TOTAL BUILDING AREA: 82,761 / 412,548 = 20%
SETBACKS (12.04.040 TABLE 2-8):
FRONT: 0
REAR: 0
SIDES: 0
MAX ALLOWABLE BUILDING HEIGHT (12.04.040 TABLE 2-8): 80'-0"
MAX. WINCO BUILDING HEIGHT PROVIDED: 34'-10"
OCCUPANCY: M - MERCANTILE
CONSTRUCTION TYPE: VB FULLY SPRINKLERED
60' NO BUILD EASMENT

LANDSCAPING STANDARDS (12.06.030):
TOTAL PARKING AREA: 136,500 x .05 = 6,825 S.F.
TOTAL PARKING LANDSCAPE REQUIRED: 5% (6,825 S.F.)
TOTAL PARKING LANDSCAPE PROVIDED: 5.2% (7,132 S.F.)

PARKING STANDARDS (12.06.030 TABLE 3-3):
WINCO (NEW WORK)
TOTAL PARKING AREA: 120,750 S.F.
PARKING STALLS REQUIRED: 246
73,800/300 = 246
PARKING STALLS PROVIDED: 342
PARKING STALL SIZE: 9'-6"x20'
ADA STALLS REQUIRED (TABLE 3-4): 8
ADA STALLS PROVIDED: 8
BICYCLE SPACES REQUIRED: 17
1 PER 15 REQUIRED AUTO SPACES
246/15 = 16.4
BICYCLE SPACES PROVIDED: 28

BIG 5 (EXISTING TO REMAIN)
TOTAL BIG 5 PARKING AREA: 15,750 S.F.
PARKING STALLS REQUIRED: 33
9,790/300 = 32.6
PARKING STALLS PROVIDED: 45
PARKING STALL SIZE: 9'x18'
BICYCLE SPACES REQUIRED: 3
1 PER 15 REQUIRED AUTO SPACES
33/15 = 2.2
BICYCLE SPACES PROVIDED: 3

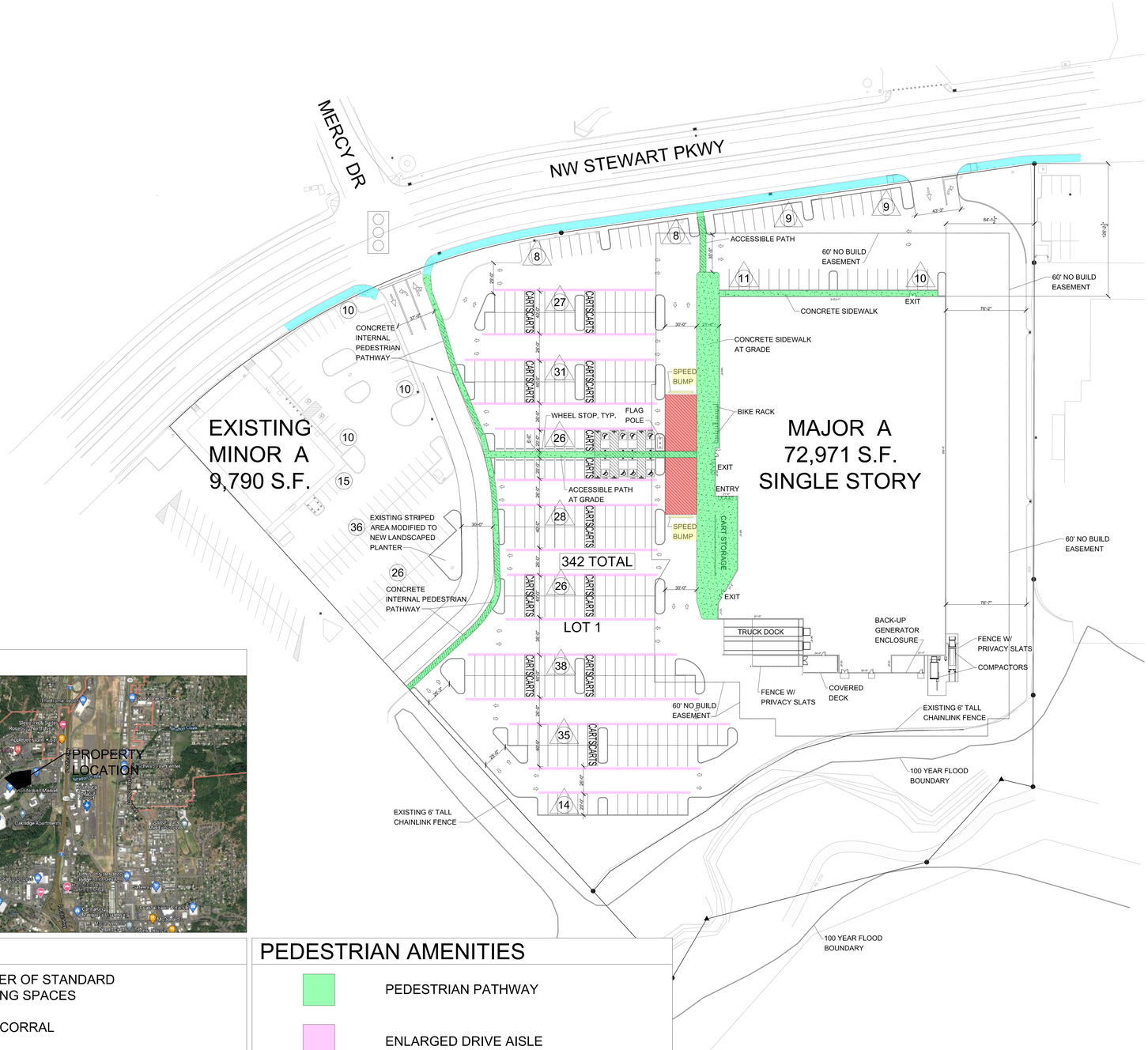
CONTACT INFORMATION

OWNER:
WINCO FOODS, LLC
650 N. ARMSTRONG PLACE
BOISE, ID 83704
PHONE: 208-377-0110
CONTACT: GREG GOINS
E-MAIL: greg.goins@wincofoods.com

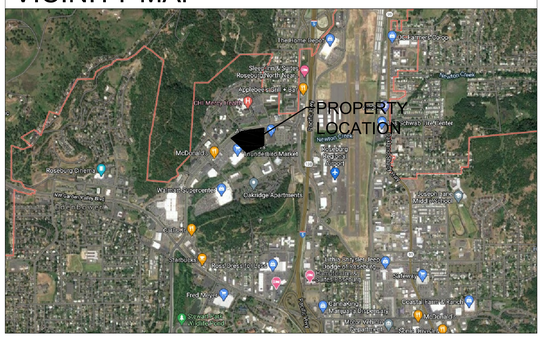
LAND USE COUNCIL:
MILLER NASH GRAHAM & DUNN, LLP
3400 U.S. BANCORP TOWER
111 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204
PHONE: 503-224-0155
CONTACT: KELLY HOSSAINI, P.C.
EMAIL: kelly.hossaini@millernash.com

CIVIL:
SCJ ALLIANCE
212 N TOWER AVENUE
CENTRALIA, WA 98531
PHONE: 360-352-1465
CONTACT: BRANDON JOHNSON, PE
E-MAIL: brandon.johnson@scjalliance.com

APPLICANT/ARCHITECT:
TAIT & ASSOCIATES, INC.
707 NORTH 27TH STREET
BOISE, IDAHO 83702
PHONE: 1-208-319-0772
CONTACT: DANIEL ZIMMERMAN
EMAIL: dzimmerman@tait.com



VICINITY MAP



LEGEND

- NUMBER OF STANDARD PARKING SPACES
- CART CORRAL
- # TOTAL — NUMBER OF PARKING SPACES PER PARCEL
- NEW CONCRETE PEDESTRIAN ACCESS
- BICYCLE PARKING
- PROPERTY/PARCEL LINE
- 60' NO BUILD EASMENT LINE

PEDESTRIAN AMENITIES

- PEDESTRIAN PATHWAY
- ENLARGED DRIVE AISLE
- SPEED BUMPS
- ENHANCED PEDESTRIAN CROSSING
- EXISTING PEDESTRIAN PATHWAY

SITE PLAN

NORTH
0 40 80 160

DATE
11/20/20
12/04/20
12/08/20
1/12/21
1/27/21
2/03/21
2/22/21

WINCO FOODS STORE
NW STEWART PRKWY & MERCY DR
ROSEBURG, OREGON

WinCo FOODS

SHEET TITLE
PRELIMINARY SITE PLAN

SHEET
C-1

"Exhibit D"

SCJ ALLIANCE
CONSULTING SERVICES

Technical Memo

To: Kelly Hossaini, Miller Nash
Brandon Johnson, SCJ Alliance

From: Ryan Shea, PTP, Senior Transportation Planner
Anne Sylvester, PTE

Date: April 12, 2021

Project: 1810.35 – Roseburg WinCo Foods

Subject Response to Greenlight Engineering Review of Roseburg WinCo Traffic Impact Study

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Purpose

This memorandum was prepared in response to testimony from Sean Malone during the Planning Commission hearing on the Roseburg WinCo project held on April 5, 2021. This testimony was based on review of a traffic impact study prepared by SCJ Alliance and submitted to the City of Roseburg in January of 2021. Review of this study was performed by Greenlight Engineering wherein, based on their opinion, they raised several concerns as discussed in their letter dated April 5, 2021. In this memorandum, each of the concerns raised by Greenlight Engineering is addressed by topic in the order in which they were presented. The discussion includes a summary of each comment in italics followed by our response.

Comment #1 – Multiple Intersections Fail to Meet City Mobility Standards with No Defined Mitigation

"Multiple intersections fail to meet the mobility standards of Roseburg Municipal Code("RMC") 12.06.020.C.1.b. The TIA provides no technical analysis of any mitigation, but offers only a loosely defined solution for one intersection failure without offering it as mitigation. To another intersection failure, no solution is discussed. Additionally, the implications of implementation of the loosely defined solution are more significant than expressed in the TIA, with the mitigation requiring modifications to each intersection along the signal system corridor that have not been analyzed."

SCJ RESPONSE: The City of Roseburg's Municipal Code (RMC) requires intersection analysis for the opening year of a development and further requests that longer-term analysis be conducted in five year increments to a 20-year horizon. However, only analysis of the project's opening year is relevant to the determination of its potential traffic impact as project-related traffic volumes would not change over time. Thus, any and all changes in traffic operations at the intersections in the vicinity of the proposed WinCo Foods project beyond its opening year of 2022 would be the result of increases in background traffic related to general community growth. Failing

operations at study area intersections projected for the PM peak hour in 2027, 2032, 2037, and 2042 are not related to the impact of adding WinCo Foods traffic, but are related to broader community growth. They are not a project-related impact and do not require project mitigation. Accordingly, our response will focus on analysis results for the PM peak hour in 2022.

Based on opening year analysis (2022), only one location falls below the City of Roseburg's intersection mobility standards - NW Stewart Parkway at NW Edenbower Boulevard. The existing mobility standard for this intersection is Level of Service (LOS) D with a volume-to-capacity ratio of 0.85. The intersection currently operates at LOS D with an average vehicular delay of 53.9 seconds which is very close to the LOS E threshold of 55 seconds. By the 2022 PM peak hour, this intersection is expected to operate at LOS E with 56.1 seconds of average vehicular delay. With the addition of WinCo Foods traffic, LOS E operations are also expected with 58.8 seconds of delay, an increase over the "No Project" condition of 2.7 seconds for the overall intersection. The volume-to-capacity standard would be met with or without the addition of project traffic. Given that the intersection would not meet the City's mobility standard without the WinCo Foods project, the addition of project traffic would not cause the intersection to fail. Rather, it adds a very slight delay to traffic movements at this location. In our professional opinion, this slight change in delay would not be noticeable to the traveling public and does not require project-related mitigation.

It should be noted that the standard practice for performing intersectional operational analysis is to use peak hour volumes and adjust them to represent the peak 15-minute period within that hour. This means that the intersection is projected to operate an estimated 3.8 seconds above the City LOS threshold for the peak 15-minute period within the peak hour – a very small portion of a typical weekday.

Comment #2 – The TIA Omits Intersections Required to be Analyzed

"The TIA fails to comply with RMC 12.06.020.C.2.e which requires the applicant's analysis to "Extend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%)." The study area inexplicably excludes several intersections that are clearly required to be analyzed."

SCJ RESPONSE: A traffic scoping letter was prepared and submitted to the City of Roseburg in November, 2020. This letter documented the projected increase in PM peak hour trips resulting from rebuilding the K-Mart site into a WinCo Foods store. The net increase in PM peak hour trips between these two uses is a total of 144 inbound and outbound trips. The scoping letter also documented the distribution of trips to the surrounding roadway system to identify the intersections most likely to be impacted by the project.

Table 1 presents a summary of net new PM peak hour project trips in relation to existing 2020 PM peak hour traffic volumes plus old K-Mart volumes at key intersections in the study area and/or along key roadway segments in the project vicinity. It was important to include traffic volumes attributable to the old K-Mart store since the transportation system was designed to and had previously accommodated these volumes. In identifying the true potential impact of the WinCo Foods project on the transportation system it was determined that the assessment should be based on the net increase in traffic between the two uses (144 PM peak hour trips which were distributed over the surrounding roadway system). This is a standard approach to scoping intersection impacts and was approved by City staff.

As illustrated in the table only the intersection of NW Stewart Parkway with Mercy Drive West would meet the RMC requirement to study all intersections where the project would increase traffic volumes by at least 5 percent. All other intersections would fall below the ratio of net new trips to existing plus previous site trips.

SCJ ALLIANCE
CONSULTING SERVICES

Table 1. Existing PM Peak Hour Traffic Volumes versus Project-Related Volumes

Street	Cross Street or Street Section	Existing PM Peak Hour Volumes[1]	Former K-Mart Trips	Total System Trips	Development PM Peak Hour Volumes[1]	% Increase in PM Peak Hour Project Volumes[1]	Required to be Analyzed per RMC?	Required by City?
NW Stewart Parkway	NW Edenbower Blvd	2,465	120	2,585	50	1.9%	No	Yes
NW Stewart Parkway	NW Mercy Drive East	1,710	120	1,830	50	2.7%	No	No
NW Stewart Parkway	NW Mercy Drive West	1,942	287	2,229	114	5.1%	Yes	Yes
NW Stewart Parkway	NW Van Pelt Blvd	1,620	205	1,825	86	4.7%	No	No
NW Stewart Parkway	NW Renann Street	2,045	205	2,250	86	3.8%	No	Yes
NW Stewart Parkway	Walmart Driveway	2,115	205	2,320	86	3.7%	No	No
NW Stewart Parkway	Garden Valley Blvd	4,115	205	4,320	86	2.0%	No	Yes
NW Stewart Parkway	South of NW Garden Valley Blvd	1,340	69	1,409	28	2.0%	No	No
NW Stewart Parkway	East of NW Edenbower Blvd	945	34	979	14	1.4%	No	No
NW Edenbower Road	North of NW Stewart Parkway	1,595	86	1,681	36	2.1%	No	No

Note: Development-related traffic volumes reflect a percent of net new trips at each location that area expected to be on the roadway network as a result of the project. As noted above, the net new traffic associated with the WinCo Foods project is expected to be 144 PM peak hour inbound and outbound trips.
1: Includes either total entering traffic for intersections or link volumes for roadway segments.

However, as also noted in the table, City staff requested that many of the signalized intersections in the project vicinity be evaluated regardless of the percent increase in traffic volumes attributable to the project. A list of these intersections was included in the traffic scoping letter, which was reviewed and approved by the City, along with a proposed approach to project trip generation and distribution. The list of intersections approved by the City for analysis in the traffic impact study included:

- NW Stewart Parkway at NW Edenbower Boulevard
- NW Stewart Parkway at East Site Driveway
- NW Stewart Parkway at Mercy Dr/Site Driveway
- NW Stewart Parkway at Renann Street
- NW Stewart Parkway at NW Garden Valley Boulevard

Thus, as required by the RMC 12.06.020.C.2.a, the analysis conducted for the traffic impact study used a scope of work and analysis methodology approved/accepted by the City's designated representative. The choice of intersections analyzed is appropriate and approved, and no additional analysis locations are necessary or required.

It should be noted while the identification of study area intersections was based on an assessment of net new project trips that would be introduced to the surrounding roadway system, the actual traffic impact analysis documented in the TIA was based on the total estimated project trips that were presented in Table 3 and illustrated in Figure 5 of the TIA. As the K-Mart store closed in 2017, the PM peak hour traffic counts conducted in October and December of 2020 did not include this traffic. Including full rather than net project traffic attributable to WinCo Foods in the operations analysis allowed for a more complete assessment of traffic impacts at study area intersections that includes both trips previously made to/from K-Mart but also the new trips generated by WinCo Foods.

Comment #3 – Unmitigated Vehicular Queues will Exceed Their Storage Capacity

"Intersection vehicular queues exceed the available storage and will spill into adjacent intersections with no mitigation proposed. The queues will grow so long as to eventually prevent ingress into the proposed development, located 1300 feet away."

SCJ RESPONSE: As discussed above under Comment #1, the focus of the TIA is and should be on the PM peak hour in the project's opening year of 2022. During that time period, eight locations were identified where traffic queues either exceed available storage today or would be expected to exceed available storage in the 2022 PM peak hour without the addition of WinCo Foods traffic. Each of these movements involve a right-turn or left-turn pocket. With the addition of traffic from WinCo foods, 95th percentile vehicle queues at each of these locations would be within five to ten feet in length of either existing 2020 or projected 2022 PM peak hour conditions without the project. The one exception would be the eastbound left-turn queue at the intersection of NW Stewart Parkway with NW Edenbower Boulevard. The 95th percentile queue for this movement is projected to increase by 55 feet from the existing 2020 condition to the 2022 with project condition. This increase equates to approximately two to three vehicles.

The 95th percentile queue is a standard value used to estimate the probability of vehicular traffic queuing, but it is important to understand that it represents the vehicle queue length with only a five percent chance of being

exceeded within any given hour. It is not an average or "typical" condition. Furthermore, as described above under Comment #1, the analysis volumes themselves are already factored up to represent the highest 15-minute period within the PM peak hour, meaning that the queue results represent close to the maximum queue for the peak 15-minute period in the peak traffic hour of the day. Most of the day is likely to experience vehicle queues much shorter in length. Based on this assessment, it is our professional opinion that mitigation for the added effects of WinCo Foods traffic is not necessary.

Though no traffic mitigation for the WinCo project is either warranted or required, , WinCo Foods will pay approximately $285,000 in transportation System Development Charges (SDCs) based on the estimated future increase in project-related traffic from the previous K-Mart store. If the City of Roseburg identifies a future infrastructure project within the study area, the City can use that SDC revenue to help fund the improvement.

Comment #4 – NW Stewart Parkway Requires Improvement

"The proposed development fails to include necessary pedestrian and bicycle improvements to NW Stewart Parkway in compliance with the City of Roseburg Transportation System Plan."

SCJ RESPONSE: The arterial street cross-section identified in the comments from Greenlight Engineering is taken from the adopted Roseburg Transportation System Plan and, as indicated in that document, is intended to serve as guidance particularly for the construction of new transportation facilities. As such, they are not mandated requirements for the operation of an existing street. The TSP also highlights the requirements identified in the RMC (Table 6-1 in RMC 12.12.010.F) which is the appropriate source for guidance on the need for and design parameters related to bicycle and pedestrian facilities along a city arterial street. Table 6-1 in the RMC references bicycle lanes by noting only that they are required on arterial and collector streets. There is no requirement in the RMC that these lanes be 6-feet wide as is suggested by Greenlight Engineering. The existing bicycle lanes along this section of NW Stewart Parkway are 5-feet wide and there were no reported bicycle crashes between 2015 and 2019 along the project frontage. This suggests that the lanes are currently operating acceptably.

The existing sidewalks are of adequate width for a commercial area (approximately 7-feet wide), and lack only the buffer identified in the TSP cross-section. This buffer is not required by the Roseburg Municipal Code. Review of crash data for 2015 through 2019 indicates that there were no pedestrian-related crashes along this section of NW Stewart Parkway, which suggests that these facilities are also operating acceptably.

Contrary to statements made by Greenlight Engineering, the Traffic Impact Analysis includes a discussion of the existing bicycle and pedestrian facilities within the project vicinity and addresses existing transit operations that would provide service to the WinCo Foods store. Given the presence of the existing facilities and our analysis of existing safety experience, no further discussion of off-site active transportation infrastructure is necessary, nor is mitigation appropriate. Issues related to on-site pedestrian circulation and safety are addressed in memos from the project architect, Tait.

Comment #5 – No Adjustments Have Been Made to Account for Impacts of COVID-19

"The TIA inappropriately fails to make any adjustment to traffic counts to account for decreased traffic associated with the COVID-19 pandemic."

SCJ RESPONSE: Evaluation of the need to make traffic volume adjustments for the effects of COVID-19 was considered in preparation of the Traffic Impact Analysis. This consideration included three primary factors:

- Requirement for such an adjustment by City staff as part of the analysis process agreed to at the outset of the study.
- Assessment of relevant traffic count data routinely being collected by ODOT to identify patterns of COVID-19 traffic effects.
- Consideration of potential traffic changes that could have occurred in the study area based on existing land use patterns.

As discussed in section 2.3.2 of the TIA, the need for an adjustment to existing traffic counts to reflect the effects of COVID-19 on volumes and patterns was discussed with City staff at the outset of the study. Clear direction was provided that staff did not consider traffic levels in the study area during both count periods to be substantively different from data counted during the same periods in previous years.

The Greenlight Engineering memo references ODOT's *Observed Statewide Traffic Volume Patterns: Related to COVID-19 Monitoring* as a source for applicable adjustment data. They cited information for I-5 south of Cottage Grove (nearly 50 miles from the project site) during both count periods that suggest a four to nine percent decrease in traffic volumes had occurred in comparison to 2019. As described in section 2.3.2 of the TIA, we reviewed the ODOT adjustment procedures and do not believe the ODOT monitoring data includes roadways that match the characteristics NW Stewart Parkway or other city arterials in the study area. In our professional opinion, the behavior of traffic volumes on I-5 at such a distance do not correlate to the behavior of traffic on City arterial roadways in Roseburg and as such, this data was determined not to be relevant.

The Greenlight Engineering memo also notes that there is a high amount of retail and restaurant activity in the development area, and that these uses have been hit hard by the pandemic. While we agree that certain types of retail and certain types of restaurants have been hit hard, that has lessened with time. Furthermore, within the development area are also several properties (including multiple grocery stores and the Mercy Medical Center) that, given the nature of those uses, may have even experienced an increase in traffic volumes between 2019 and 2020 during the October and December count periods.

Based on these three considerations, in our professional opinion an adjustment to existing traffic counts to reflect the effects of COVID-19 was not necessary or appropriate. It should be noted that the traffic counts were seasonally adjusted to reflect average annualized traffic volumes as is required and directed by ODOT in its Analysis Procedures Manual.

Comment #6 – The Eastern Site Driveway Will Not Operate as Right-in/Right-Out as Reported

SCJ RESPONSE: The preliminary site plan for the proposed WinCo Foods had initially assumed full access at the eastern site driveway. As the TIA was being completed this driveway was changed to limit traffic movements to right-in/right-out (RIRO) only, however that change was not reflected in the site plan submitted with the TIA as no updated site plan was available at that time. Figure 2 of the TIA, which presents the preliminary site plan, included a note indicating that the driveway, while shown as full access, would in fact be a RIRO driveway. It is understood that to implement the RIRO access restriction a raised median on NW Stewart Parkway will be needed which WinCo Foods will agree to construct.

Comment #7 – The Development will Generate the Most Traffic During the Saturday Peak Hour

SCJ RESPONSE: As mentioned above, a traffic scoping letter was prepared and submitted to the City of Roseburg in November 2020. This letter, among other things, proposed to evaluate the weekday PM peak hour for the study area. This time period, along with trip generation calculations, distribution and assignment assumptions, and a list of study intersections were all approved by the City of Roseburg prior to beginning the TIA.

While it is true that the proposed WinCo Foods will generate more trips during the Saturday peak hour, this time period was not included in the analysis because in the vast majority of cases the weekday PM peak period reflects the highest overall traffic volume conditions on the surrounding street system. By evaluating the highest volume condition (i.e., the weekday PM peak hour) any problems experienced in the network would be appropriately documented. Typically, during periods when traffic volumes on the surrounding street system are typically lower such as the weekday AM peak hour, weekday midday peak hour, and weekend peak hours any identified traffic congestion problems will be less significant. Accordingly, based on city guidance, no traffic volume data was collected for Saturday peak periods and analysis of a Saturday peak traffic hour was not required.

Additionally, the trip generation calculations provided in Table 2 of Greenlight Engineering memo are incomplete in that they do not include a reduction for pass-by traffic (i.e., traffic already on the street which stops at the project site). This reduction would reduce total Saturday peak hour traffic that could be generated by the project to 562 inbound and outbound trips and not 711 trips. While this is still higher that traffic generated by the project for the weekday PM peak hour, it does not account for the net difference in volumes between the old K-Mart use on the site and the proposed new WinCo Foods use. The net effect of the new WinCo project is to add 144 inbound and outbound peak hour trips to the surrounding roadway system during the PM peak hour (i.e., net new trips = WinCo Foods trips less K-Mart trips). When a similar calculation is made for Saturday trips, the WinCo project would add an estimated 72 net new inbound and outbound trips. This is because the total trip generation for old K-Mart use on Saturday was closer to the WinCo Foods proposal than for the weekday PM peak hour. Thus, analysis of the Saturday peak hour would not be necessary as the net total project traffic added to the surrounding street system is expected to be higher during the weekday PM peak hour than during the Saturday peak hour.

Comment #8 – Scoping Memo Not Provided

SCJ RESPONSE: As mentioned above, the traffic scoping letter was prepared to identify the appropriate analysis parameters for the traffic impact study. A copy of this letter is attached to this memorandum.

SCJ ALLIANCE
CONSULTING SERVICES

Technical Memo

To City of Roseburg, OR

From: Ryan Shea, PTP, Senior Transportation Planner

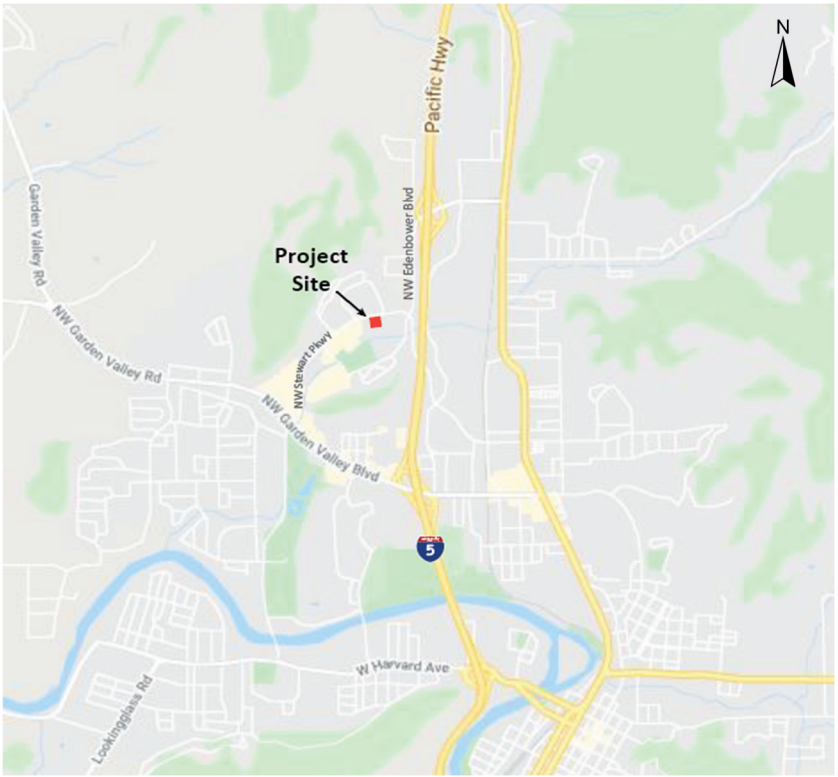
Date: November 23, 2020

Project: 1225.18 – Roseburg WinCo Foods

Subject Traffic Scoping Letter

WinCo Foods is proposing to rebuild an existing approximate 85,000-sf vacant commercial building into a WinCo Foods store in Roseburg, Oregon. The proposed WinCo Foods store will be approximatley 74,000-sf in size. **Figure 1** illustrates the site vicinity and the transportation network serving the project area. The purpose of this letter is to describe the proposed project, identify its potential trip-making characteristics including trip generation and assignment, and suggest parameters for analysis of project-related traffic impacts.

Figure 1. Site Vicinity



SCJ ALLIANCE
CONSULTING SERVICES

Project Description

The proposed project will consist of rebuilding an approximate 85,000 square foot vacant building, previously occupied by Kmart, to accommodate an approximate 74,000 square foot WinCo Foods Store. As part of the rebuild a portion of the existing structure nearest to NW Stewart Parkway will be removed to provide additional parking north of the building. Access to the project will be provided by two existing driveways along NW Stewart Parkway. One of these driveways connects to the existing traffic signal-controlled intersection with Mercy Drive and will provide for all turning movements. The other driveway is currently located near the west edge of the vacant building and will be located to the east edge of the rebuilt WinCo Foods store. It will potentially be limited to right in/right out movements. The project is anticipated to open in 2022.

The preliminary site plan is attached.

Project Trip Generation

The two project-related characteristics having the most effect on area traffic conditions are peak hour trip generation and the directional distribution of traffic volumes on the surrounding roadway network.

Site-Generated Traffic Volumes

Vehicle trip generation was estimated using the rates contained in the 10th edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE). For the proposed WinCo Foods, the land-use category "Discount Supermarket" (land-use code 854) was used.

The ITE *Trip Generation Manual* provides average trip generation rates for a wide range of land use types, time periods and other variables. When enough data has been collected and the different individual data points establish a predictable pattern in trip-making, the manual will create and provide a Fitted Curve Equation. This equation allows the trip generation rate to adjust based on the value of the independent variable, better matching the trip potential of a development to its specific size. For the Discount Supermarket land use (LU 854), a fitted curve equation is provided for the PM peak hour of adjacent street.

The ITE *Trip Generation Handbook* provides guidance for when to consider using the fitted curve equation. This guidance directs the reader to use fitted curve equations when the land use is a good match for the development, there are at least 20 data points present, and the size of the development falls near the fitted curve line. For the Discount Supermarket land use, there are 23 data points relative to the "PM peak hour of Adjacent Street" and the proposed size of the WinCo project is very close to the cluster of data points. Therefore, based on the ITE *Trip Generation Handbook* guidance, we propose to use the fitted curve equation instead of the average trip generation rate.

A trip generation calculation was also performed for the previous Kmart tenant. Two land use categories contained in the ITE *Trip Generation Manual* were considered for Kmart, "Free-Standing Discount Store" (Land-use code 815) and "Department Store" (Land-use code 875). The ITE manual provides two specific differences between these land use categories:

- Code 815 - Free-Standing Discount Stores generally sell products that are advertised at discount prices and offer centralized cashiering services.

- Code 875 – Department Stores may not always sell discounted items and generally offer cashiering services within each department.

Based on these two differences, "Free-Standing Discount Store" (Land-use code 815) was selected as the most applicable category for the Kmart. These trips are subtracted from the proposed project trips to produce a total trip increase.

Pass-By

It is anticipated that this project will attract some traffic from people already driving on the area roadways. These trips are not new trips added to the local roadways (primary trips) but represent "pass-by" trips according to the following definition:

> *Pass-by trips*: Pass-by trips are trips made as an intermediate stop from an origin to a primary destination (i.e., stopping to shop on the way home from work) by vehicles passing directly by the project driveway.

The pass-by percentage for Discount Supermarket is 21% and for Free-Standing Discount Store is 17%, which were taken from the 3rd edition of the Trip Generation Handbook by ITE. The pass-by trips were assigned to the NW Stewart Parkway at Mercy Dr/West Site Driveway, taken equally from both travel directions on NW Stewart Parkway.

The trip generation rates used for the PM peak hour are shown in **Table 1.**

Table 1. PM Peak Hour Trip Generation Characteristics

Land Use	Land Use Code (LUC)	Unit	Trip Rate	Pass-By %	Enter %	Exit %
Discount Supermarket	854	1,000 sq ft	8.30[1]	21%	50%	50%
Free-Standing Discount Store	815	1,000 sq ft	4.83	17%	50%	50%

1. Fitted Curve Equation Trip Rate

The total trip generation expected from this project is calculated by applying the unit measure for each land use category to the appropriate trip generation rate. The PM peak hour trip generation calculations for the WinCo project and the previous Kmart store are shown in **Table 2.**

Table 2. Project Trip Generation

Land Use Category	Size (1,000-sq ft)	Total Trips	Pass-By Trips	New-to-Network Trips		
				Enter	Exit	Total
Discount Supermarket	74.00	614	129	242	242	485
Free-Standing Discount Store	*85.00*	*411*	*70*	*171*	*170*	341
Net Increase Project Trips	**-**	**203**	**59**	**72**	**72**	**144**

SCJ ALLIANCE
CONSULTING SERVICES

Site Traffic Distribution and Assignment

For this study, the regional distribution of traffic to and from the proposed project was estimated based on the patterns of traffic movement evidenced from PM peak hour traffic counts that were collected on October 28, 2020 at the following intersections:

- NW Stewart Parkway at NW Edenbower Blvd
- NW Stewart Parkway at Mercy Dr/Site Driveway
- NW Stewart Parkway at Renann Street
- NW Stewart Parkway at NW Garden Valley Blvd

The regional traffic distribution percentages and site traffic assignment for the proposed development during the PM peak period are shown on **Figure 2.**

Proposed Analysis Parameters

The Traffic Impact Study guidelines suggest that any intersection that will receive an increase of 5% or more during the peak hour after completion of the project should be analyzed. Based on the estimated site traffic characteristics shown on Figure 2 we propose providing analysis of the following intersections:

- NW Stewart Parkway at NW Edenbower Blvd
- NW Stewart Parkway at East Site Driveway
- NW Stewart Parkway at Mercy Dr/Site Driveway
- NW Stewart Parkway at Renann Street
- NW Stewart Parkway at NW Garden Valley Blvd

The City of Roseburg development code requires intersection analysis for the opening year of a development and analysis of the long-range horizon in 5-year increments to a 20-year horizon. Analysis would be prepared for the following volume horizons:

- Existing (2020)
- Opening year (2022) conditions with and without project completion
- 5-year horizon (2027) conditions with and without project completion
- 10-year horizon (2032) conditions with and without project completion
- 15-year horizon (2037) conditions with and without project completion
- 20-year horizon (2042) conditions with and without project completion

The analysis would include evaluation of intersection level of service, queuing and turn lane requirements and will assess circulation and safety needs for pedestrians, bicyclists, and transit in additional motor vehicles. It will also be important to consider any modifications needed for signals at the Mercy/Stewart Parkway and Renann/Stewart Parkway intersections. Consider any remedial efforts needed to address the clear vision/sight distance issues for traffic turning right or east out of the site at the Mercy Drive/Stewart Parkway entrance.

Thank you for reviewing the enclosed materials. We have prepared this information for your review in anticipation of a traffic scoping discussion to finalize the analysis methodology of a Traffic Impact Study for the development.

If you have any questions or comments about the enclosed information, please contact me at (360) 352-1465.

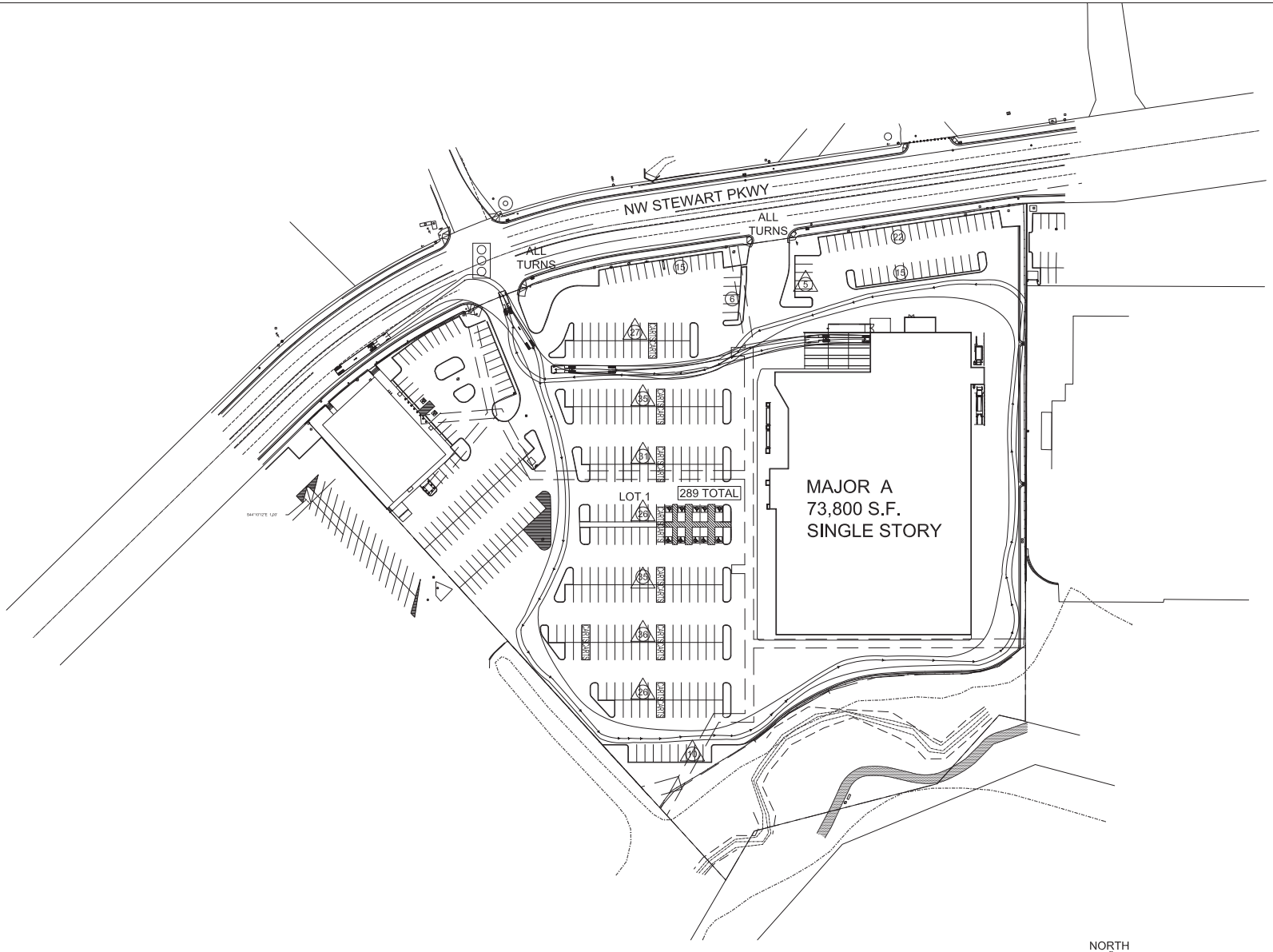
Respectfully,
SCJ Alliance



Ryan Shea, PTP
Senior Transportation Planner

Enclosures: Preliminary Site Plan
Figure 2

N:\Projects\1225 WinCo Foods LLC\1225.18 WinCo On-Call Services\Phase 47 - Roseburg, OR WinCo\Traffic\Scoping Letter\2020-1113 Roseburg WinCo traffic scoping final.docx



SITE PLAN

LEGEND	
(#)	NUMBER OF STANDARD PARKING SPACES
CART CORRAL	CART CORRAL
# TOTAL	NUMBER OF PARKING SPACES PER PARCEL
—— - - —— -	PROPERTY/PARCEL LINE

SITE DATA					
LOT 1		73,800 S.F.	MAJOR A	289 STALLS	3.91/1000
LOT 2					
LOT 3					
TOTALS					

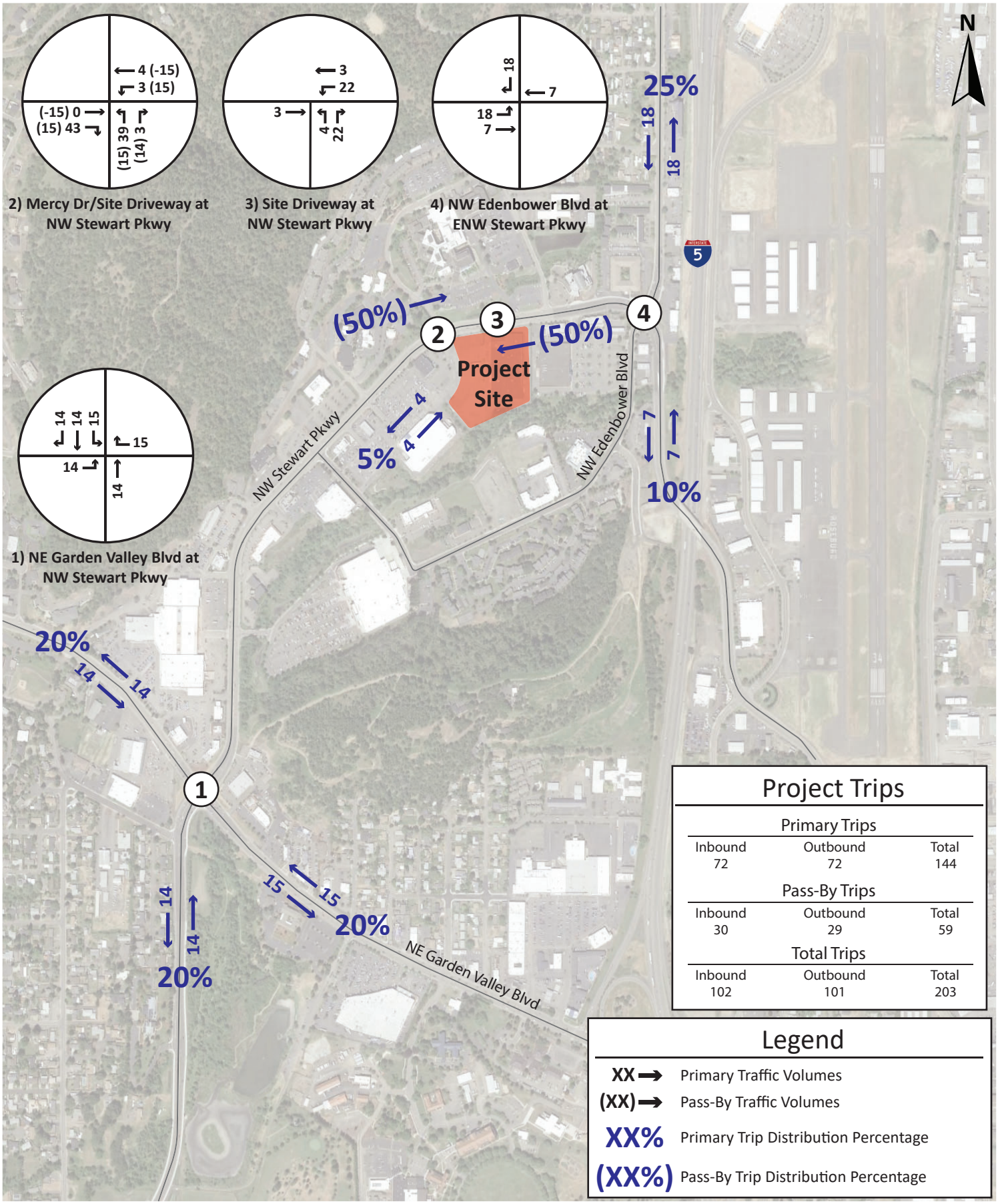
DATE
8/5/20

WINCO FOODS STORE
NW STEWART PKWY &
MERCY DR
ROSEBURG, OREGON

WinCo FOODS

SHEET TITLE
PRELIMINARY SITE PLAN

SHEET
C-1



Project Trips

Primary Trips		
Inbound	Outbound	Total
72	72	144
Pass-By Trips		
Inbound	Outbound	Total
30	29	59
Total Trips		
Inbound	Outbound	Total
102	101	203

Legend

XX →	Primary Traffic Volumes
(XX) →	Pass-By Traffic Volumes
XX%	Primary Trip Distribution Percentage
(XX%)	Pass-By Trip Distribution Percentage

SCJ ALLIANCE
ENGINEERING AND PLANNING SERVICES

WinCo Foods
Roseburg, Oregon
Traffic Scoping Analysis

Figure 2
PM Peak Hour Site Generated Traffic Volumes

"Exhibit E"

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

April 12, 2021

Via Email

City of Roseburg, Planning Commission
c/o Richard Hoffman
Roseburg Community Development Department
900 SE Douglas Ave
Roseburg OR 97470
rhoffman@cityofroseburg.org

Re: Safe Streets Roseburg Open Record Testimony for Appeal of Plan Review SR-21-027

Dear Commissioners,

On behalf of Safe Streets Roseburg, please accept this open record testimony for the application SR-21-027. Opponents of this application are concerned about safety for pedestrians, bicyclists, and motorists given the increased traffic that will result from the project. As a corollary to that issue, opponents are also concerned about conflicts amongst pedestrians, bicyclists, and motorists within the site, for those accessing store, leaving the store, and for those traveling through the property.

As noted in prior testimony and at the hearing, within the "internal walkway" criteria at RMC 12.060.030W.3.a and b[1] are three terms that allow the Planning Commission to exercise its

[1] RMC 12.06.030.W.3.a requires that:

> "Each property subject to the provisions of this Section shall provide pedestrian walks at or around the building of sufficient extent to provide safe and convenient pedestrian passage commensurate with the character of the development and the nature of the intended use of the building."

(emphasis added). Similarly, RMC 12.06.030.W.3.b provides:

discretion to require that the applicant fully comply with the criteria. Those terms are "safe," "convenient," and "throughout." Relevant, undefined terms from RMC 12.06.030.W.3.a and b include walkways and crosswalk. Merriam Webster defines "walkway" as "a passage for walking"; "crosswalk" as a "specially paved or marked path for pedestrians crossing a street or road." The planning commissions should interpret the code in a manner that affords the public the greatest degree of safety and convenience throughout the site.

Opponents believe that RMC 12.06.030.W.3.a and b are not satisfied because the character of the development is that it will create significant traffic and use that can endanger pedestrians, bicyclists, and motorists. As such, the applicant must provide pedestrian walks at or around the building of sufficient extent to provide safe and convenient pedestrian passage throughout the site that accounts for the increased safety concerns. The first problem is that the applicant has left islands of parking stalls or parking spaces inaccessible by a walkway or crosswalk. The obvious solution is to provide access to the store through walkways or crosswalks to all parking stalls, so that none are isolated. An isolated island of parking spaces provides no safe means in which to access the store separated from traffic within the parking lot.

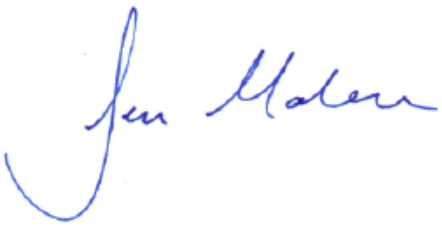
Second, the crosswalk to the north running the length of the site does not provide a convenient manner in which to access the store because it requires a roundabout approach if parking in certain areas of the proposed lot. Again, this inconvenience could be avoided by creating walkways that access the store for all parking stalls.

Third, the failures thus far exist primarily because of a lack of walkways or crosswalks. That failure also demonstrates that the walkways and crosswalks have not been provided *throughout* the site.

Again, the planning commission should exercise its authority to require the greatest amount of safety and convenience throughout the site. Until the applicant has provided additional walkways to ensure the safety and convenience of pedestrians and to avoid conflicts between pedestrians and bicyclists and motorists, the application must be denied. Opponents also incorporate the arguments set forth in the Greenlight Engineering traffic review submitted prior to the public hearing.

Sincerely,

"Each such property shall provide pedestrian walkways, crosswalks, and other pedestrian facilities to allow safe and convenient pedestrian access throughout the site, particularly to routes between main building entrances and adjacent pedestrian destination, including uses on adjoining properties, public sidewalks, and transit stops. Where the nature of the development is such that several buildings utilize a common internal pedestrian walkway system, such internal walkway system shall extend to the street sidewalk and shall sever to meet the requirements of this section."



Sean T. Malone
Attorney for Safe Streets Roseburg

Cc:
Client

"Exhibit F"

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

April 19, 2021

Via Email

City of Roseburg, Planning Commission
c/o Richard Hoffman
Roseburg Community Development Department
900 SE Douglas Ave
Roseburg OR 97470
rhoffman@cityofroseburg.org

Re: Safe Streets Roseburg Responsive Testimony for Appeal of Plan Review SR-21-027

Dear Commissioners,

On behalf of Safe Streets Roseburg, please accept this responsive testimony for application SR-21-027.

Attached hereto is a letter from Greenlight Engineering that responds to the SCJ Alliance letter, dated April 12, 2021. Opponents' comments adopt and incorporate the Greenlight response letter.

As is evident from the Greenlight response letter, opponents of this application were correct to be concerned about safety for pedestrians, bicyclists, and motorists given the increased traffic that will result from the project. A few key points from the letter follow:

- The applicant's traffic analysis fails to rely on a code justification for belittling the long-term analysis.
- The TIA fails to require mitigation for the intersection at NW Stewart Parkway/NW Edenbower Boulevard, which will not operate according to the adopted mobility standard and it will degrade the operations at the intersection. There is simply no evidence of mitigation for these traffic problems stemming from the project.

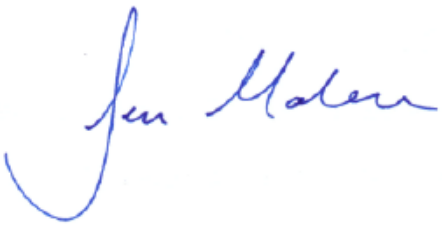
- The code clearly requires an analysis based upon a 5% increase versus current volumes, yet the applicant suggests that a credit for trips associated with the previous K-Mart, which closed in 2017.
- System Development Charges (SDCs) are irrelevant to the traffic impact analysis that must analyzed.
- The applicant has not provided substantial evidence about whether a covid-adjustment for the traffic study was necessary.
- The applicant has not provided substantial evidence to demonstrate that the weekday PM peak period reflects the highest overall traffic volume conditions.

In its "pedestrian circulation memorandum," the applicant alleges that RMC 12.06.010(D)(a) "focuses on pedestrian facilities at and around the building itself." Opponents agree. The problem is that the applicant's analysis ignores the word "at." Access from the store to "islands" of parking stalls would fall within "pedestrian facilities *at* … the building itself." (emphasis added). It is also undisputed that those individuals walking within the site, whether parking or passing through, are "pedestrians," and therefore fall within RMC 12.06.010(D)(a). The applicant focuses singularly on the word "around," and fails to justify how opponents' request for pedestrian access to all parking facilities is inconsistent with an interpretation that accounts for the word "at." Opponents' request is both feasible and reasonable within the context of the code. The planning commission should interpret the code to promote public safety when the code calls for such, as is the case here.

The applicant also relies for support on its consultant's "fifteen years of experience designing grocery store shopping centers," pointing to the interests of "both the owners as well as the shopper's habits and nature of its intended use." This statement is telling because it leaves out the most important part of the issue: the code. The code's use of the terms "at" and "throughout" require an interpretation that does not isolate islands of parking stalls. The applicant "concedes" that the "proposed site plan provides two pedestrian pathways …," but that ignores the requirement for such access to be "throughout," as well as "convenient." Moreover, the fact that all pedestrian walkways are at grade increases the risk to pedestrians and bicyclists by reducing separation. The code is such that the raised walkways can be required and the applicant implement the requirement for walkways with safety and convenience as priorities.

The planning commission should exercise its interpretational authority to require the greatest amount of safety and convenience when accounting for the words "at," "throughout," "safe," and "convenient." Until the applicant has provided additional walkways to ensure the safety and convenience of pedestrians and to avoid conflicts between pedestrians and bicyclists and motorists, as well as resolve the issues identified in the in Greenlight Engineering letter, the application must be denied.

Sincerely,



Sean T. Malone
Attorney for Safe Streets Roseburg

Cc:
Client

GREENLIGHT ENGINEERING

April 19, 2021

Sean Malone
Attorney at Law
259 E. Fifth Ave.
Suite 200-C
Eugene, OR 97401

Mr. Malone,

Greenlight Engineering has been asked to evaluate the transportation related impacts of the proposed WinCo Foods in Roseburg, Oregon. We previously reviewed SCJ Alliance's ("SCJA") January 2021 traffic impact analysis ("TIA") in our April 5, 2021 report.

This report responds to the April 12, 2021 SCJA memorandum which responds to our April 5, 2021 report. The summarized SCJA responses are provided in bold, underlined, italicized typeface, while our response is in regular typeface.

The applicant is not responsible for mitigating impacts beyond the build-out year of the site and no mitigation is necessary for this development

The SCJA memo states:

> "The City of Roseburg's Municipal Code (RMC) requires intersection analysis for the opening year of a development and further requests that longer-term analysis be conducted in five year increments to a 20-year horizon. However, only analysis of the project's opening year is relevant to the determination of its potential traffic impact as project-related traffic volumes would not change over time."

SCJA references no code section that leads them to the conclusion that the longer-term analysis is treated any differently than short-term analysis. There is no language in the RMC that would lead to this conclusion, so it is unclear how this conclusion is drawn. According to the RMC, short-term analysis is treated identically to longer-term analysis.

SCJA additionally notes that based on their professional opinion, there is no reason to require mitigating the NW Stewart Parkway/NW Edenbower Boulevard. It is unclear what this professional opinion is based upon as the intersection clearly will not operate per the City's adopted mobility standard. It is also clear that the proposed development will degrade the operations at the intersection.

It should be noted that the project's impact the NW Stewart Parkway/NW Edenbower intersection are not insignificant. According to the TIA, the existing weekday PM peak hour eastbound left turn volume is 685 vehicles per hour. The proposed development will add 61 vehicles per hour to this movement, or approximately a nine percent increase over existing conditions.

SCJA's response does nothing clarify their intentions for the operational failure at the NW Stewart Parkway/NW Edenbower Boulevard intersection. Previously, SCJA stated that:

> "A slight modification to the existing signal cycle length was tested to determine if operational delay could be reduced. It was determined the LOS could be improved from LOS E to LOS D for conditions with and without the project if the cycle length were increased from 110 to 130 seconds. However, this change may have adverse impacts on intersection queuing and/or operations at other intersections in the vicinity and would need to be more fully studied before implementation."

In our April 5, 2021 report, we noted that this proposed signal timing change would not be insignificant, there is no evidence of whether the mitigation is adequate and that it would require the analysis of several additional intersections not currently included in the TIA.

The applicant bears the burden of proof in this application. The application provides substantial evidence that the NW Stewart Parkway/NW Edenbower Boulevard fails to meet the City of Roseburg mobility standard in year 2022 and beyond. The applicant has not provided any evidence of analysis of required mitigation and appears to propose no mitigation for this clear and objective failure.

No additional intersections are required to be studied because the traffic study is relying on a credit for trips from the K-Mart

The SCJA memo states:

> "Table 1 presents a summary of net new PM peak hour project trips in relation to existing 2020 PM peak hour traffic volumes plus old K-Mart volumes at key intersections in the study area and/or along key roadway segments in the project vicinity. It was important to include traffic volumes attributable to the old K-Mart store since the transportation system was designed to and had previously accommodated these volumes. In identifying the true potential impact of the WinCo Foods project on the transportation system it was determined that the assessment should be based on the net increase in traffic between the two uses (144 PM peak hour trips which were distributed over the surrounding roadway system). This is a standard approach to scoping intersection impacts and was approved by City staff."

Essentially, the applicant is suggesting that a credit for trips associated with the K-Mart, which closed in 2017, should be granted.

The facts are that according to the RMC, negative impacts are measured based upon a "An anticipated increase of at least five percent (5%) of the **current traffic volume** (emphasis added) during the peak hour and a per day..." and the applicant must "Extend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%)."

If the RMC meant to provide a trip credit to uses previously operating on a site (possibly many, many years prior), it would be written to say that. However, the RMC offers no such language. Instead, it requires an analysis based upon a 5% increase versus current volumes.

In practicality, in order to implement what the applicant is suggesting, the City would need to track each defunct business within the City and ensure that trips associated from those defunct businesses be accounted for as vested trips in all traffic impact analyses. It is not practical, it is certainly not what the City is doing in practice, and it is not what the code allows.

Table 1 from our April 5, 2021 report is based on the requirements of the RMC and is an appropriate starting point for determining the study area based upon the code. There remain numerous intersections required by code that have been excluded from the applicant's TIA.

The unmitigated queues at nearby intersections require no mitigation

The SCJA memo states that "the focus of the TIA is and should be on the PM peak hour in the project's opening year of 2022."

Even though the applicant offers no mitigation to even short-term impacts, the applicant prefers to focus on year 2022 as there are fewer capacity and queuing issues in the near-term than the long-term. However, as established earlier, there is nothing within the RMC that would lead one to conclude that short-term conditions be evaluated any differently than long-term conditions.

Understandably, the applicant would prefer to not mitigate impacts so that transportation system is adequate per the RMC. However, this approach is not in compliance with the RMC.

As previously described in this report, the development will add a significant amount of trips to the queuing issue for the eastbound left turn movement at the NW Stewart Parkway/NW Edenbower intersection.

The SCJA memo notes that "Though no traffic mitigation for the WinCo project is either warranted or required, WinCo Foods will pay approximately $285,000 in transportation System Development Charges (SDCs) based on the estimated future increase in project-related traffic from the previous K-Mart store. If the City of Roseburg identifies a future infrastructure project within the study area, the City can use that SDC revenue to help fund the improvement."

System development charges are based upon a methodology of already identified projects. In a review of the City of Roseburg TSP, there is a long list of already identified and expensive projects. There is not an identified project that would seem to mitigate the failures illustrated in the applicant's TIA. It may not possible to utilize SDCs for these yet unidentified projects until a project is identified and adopted as part of the SDC methodology. The TIA provides no analysis to identify these needed improvement.

Of course, the purpose of SDCs is not to mitigate the failures illustrated in an applicant's TIA but instead the purpose is to partially fund system-wide improvements. The payment of SDCs has no relevance to the requirement to comply with the city's mobility standard and code.

Improvements to the site's NW Stewart Parkway are not necessary

The SCJA memo states:

> "The TSP also highlights the requirements identified in the RMC (Table 6-1 in RMC 12.12.010.F) which is the appropriate source for guidance on the need for and design parameters related to bicycle and pedestrian facilities along a city arterial street. Table 6-1 in the RMC references bicycle lanes by noting only that they are required on arterial and collector streets."

The TSP makes no reference to Table 6-1 of RMC 12.12.010.F. Regardless, RMC 12.12.010.F is a subsection of RMC 12.12.010, which applies to partitions and subdivisions only and not to applications of this type. As we have previously reported, the appropriate reference is RMC 12.06.010.D.1.

The TSP notes that "To provide adequate infrastructure in response to site-specific growth, capital improvements can be exacted as conditions of approval for building permits, subdivisions, and zoning actions. Developers may be required to complete frontage street improvements and other off-site transportation improvements to mitigate traffic impacts. Exactions are to be related to the project's measured impact on the infrastructure, known as 'rational nexus.'"

The TSP also notes that "Roadway cross-section standards establish minimum requirements for design of the street system and identify the design characteristics needed to meet the function and demand for Roseburg city streets."

As we have previously reported, the TSP illustrates that 5 lane arterial streets require a bicycle lane of 6-8 feet and sidewalk separated by a buffer.

The applicant might again argue that their SDCs can construct this improvement. It should be noted that the TSP does not include any future project for improvements to NW Stewart Parkway along the subject site's frontage. As is customary with development, the development should be required to upgrade their frontage to meet the current TSP cross section. It is very likely that these improvements are proportional to the impact of the proposed development.

A COVID traffic volume adjustment isn't necessary

SCJA's memo provides:

> "As discussed in section 2.3.2 of the TIA, the need for an adjustment to existing traffic counts to reflect the effects of COVID-19 on volumes and patterns was discussed with City staff at the outset of the study. Clear direction was provided that staff did not consider traffic levels in the study area during both count periods to be substantively different from data counted during the same periods in previous years."

There is not evidence that city staff directed or agrees with not providing a COVID based traffic volume adjustment. This issue is not addressed in the "Traffic Scoping Letter" dated November 23, 2020 that was provided by SCJA nor was any other correspondence provided by the

applicant. Even if city staff does agree, it would not constitute substantial evidence unless data is provided.

SCJA further states:

> "The Greenlight Engineering memo references ODOT's Observed Statewide Traffic Volume Patterns: Related to COVID-19 Monitoring as a source for applicable adjustment data...In our professional opinion, the behavior of traffic volumes on I-5 at such a distance do not correlate to the behavior of traffic on City arterial roadways in Roseburg and as such, this data was determined not to be relevant....in our professional opinion an adjustment to existing traffic counts to reflect the effects of COVID-19 was not necessary or appropriate."

We agree that the I-5 data we presented is not ideal for determining whether a COVID adjustment is appropriate for intersections within the City of Roseburg. However, the applicant has the burden of proof in these proceedings. It is unlikely that the applicant or city staff can conclude for certain or even visually observe without counting whether traffic volumes in the vicinity were 5-10% lower or not. A five percent reduction in traffic is significant, especially at locations that are projected to be at or near failure as the TIA illustrates. The applicant has not provided evidence that the traffic counts they conducted should not have been adjusted for COVID impacts. The applicant could easily provide this evidence and perform this analysis as has been done in many traffic impact studies across Oregon in 2020 and 2021.

A Saturday traffic analysis is not necessary

The SCJA memo notes:

> "While it is true that the proposed WinCo Foods will generate more trips during the Saturday peak hour, this time period was not included in the analysis because in the vast majority of cases the weekday PM peak period reflects the highest overall traffic volume conditions on the surrounding street system. By evaluating the highest volume condition (i.e., the weekday PM peak hour) any problems experienced in the network would be appropriately documented...Accordingly, based on city guidance, no traffic volume data was collected for Saturday peak periods and analysis of a Saturday peak traffic hour was not required."

The application provides no evidence that "the weekday PM peak period reflects the highest overall traffic volume conditions." However, we have provided evidence that the Saturday peak hour generates significantly more trips during the Saturday peak hour than the weekday PM peak hour.

There is no evidence that the city has provided any guidance to not include a Saturday analysis. Even if that were true, that would not constitute substantial evidence that the Saturday peak hour operates adequately. As noted in our April 5, 2021 report, the RMC does not require a weekday PM analysis only. There is no evidence that the Saturday peak hour will operate adequately.

The SCJA memo also provides:

> "the trip generation calculations provided in Table 2 of Greenlight Engineering memo are incomplete in that they do not include a reduction for pass-by traffic (i.e., traffic already on the street which stops at the project site). This reduction would reduce total Saturday peak hour traffic that could be generated by the project to 562 inbound and outbound trips and not 711 trips...for Saturday trips, the WinCo project would add an estimated 72 net new inbound and outbound trips."

The ITE *Trip Generation Handbook* is the industry standard for data on pass-by trip rates. SCJA applied a 21% pass-by trip reduction from 711 trips to 562 trips for the Saturday peak hour. However, this reduction is not supported by data provided in the *Trip Generation Handbook* as the handbook provides no pass-by trip data for discount supermarkets for the Saturday peak hour. SCJA has applied the same 21% weekday PM peak hour pass-by trip rate to the Saturday peak hour trip rate, which is not appropriate.

Per the *Trip Generation Handbook*, analysts should not assume that pass-by rates within the handbook apply to different time periods, but the handbook would instead recommend a study evaluating pass-by trip generation characteristics of the land use during the time period under review. The *Trip Generation Handbook* states that in estimating pass-by trips, "[t]he analyst should start with the average rate listed in the pertinent table and make appropriate refinements...If national data are not available or if any of the above criteria are not met, surveys should be conducted at three or more existing developments (proxy sites) that are similar to the study site" (See Appendix A).

Unless evidence is provided that supports a Saturday pass-by trip rate, the anticipated Saturday peak hour trip generation of the WinCo is 711 trips, significantly more than the weekday PM peak hour trip generation.

Conclusion

The April 12, 2021 SCJA memo fails to provide substantial evidence or argument that adequately responds to our April 5, 2021 report regarding the errors and omissions of the TIA.

The TIA continues to establish that intersections will not meet the city mobility standards, yet no mitigation is proposed. The TIA provides no evidence of what mitigation would solve the clear and objective failures reported in the TIA.

The TIA continues to severely lack in the required study area and clearly does not meet the requirements of the RMC. Several required intersections that are required for analysis were omitted from the TIA.

The proposed development will contribute significantly to a queuing issue at the NW Stewart Parkway/NW Edenbower intersection such that several intersections and driveways will be blocked by queues and will eventually block ingress to the site. No mitigation is proposed.

The proposed development lacks required improvements to NW Stewart Parkway to serve the needs of cyclists and pedestrians. These improvements are very likely proportional to the impacts of the proposed development.

The TIA fails to include any adjustment for COVID related traffic impacts.

Should you have any questions, feel free to contact me at 503-317-4559.

Sincerely,

Rick Nys, P.E.
Principal Traffic Engineer



Appendix A

Excerpt of Trip Generation Handbook, 3rd Edition

10.2 Definitions

A *pass-by trip* is made as an intermediate stop on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the site *on an adjacent street or roadway* that offers direct access to the generator. **Pass-by trips are not diverted from another roadway not adjacent to the site.** In the Figure 10.1 example, the shopping center-generated trips that are the result of a motorist driving from the shown office to the shown home are pass-by trips.

Pass-by trips are not new to the overall roadway network and do not involve a route diversion to enter the site driveway.

A *non-pass-by trip* is simply any trip generated by a site that is not a pass-by trip. This term is sometimes used when diverted trips are not tabulated separately from primary trips in the data collection process or are not evaluated separately in the analysis process.

A *primary trip* is made for the specific purpose of visiting the generator. The stop at the generator is the primary reason for the trip. The trip typically goes from an origin to a destination and then returns to the origin. Home-to-work-to-home, work-to-restaurant (for lunch)-to-work, and home-to-shopping-to-home are all examples of pairs of primary trips. If an intermediate stop is made along the way, the primary trip becomes either a pass-by trip (described above) or a diverted trip (described below).

A *diverted trip* is attracted from the traffic volume on roadways within the vicinity of the generator but without direct access to the site. A diverted trip requires a diversion from a roadway not adjacent to the site to another roadway to gain direct access to the site. A **diverted trip adds traffic to streets adjacent to a site and could remove a trip on streets from which it diverted.** Figure 10.1 shows an example of what was a primary trip from an office to a home that has diverted to a gas station. Both pass-by and diverted trips may be part of a multiple-stop chain of trips.

10.3 Process for Estimating Pass-By Trip-Making

The analyst has two basic options for developing an estimate for pass-by trip-making at a study site:

1. Derive a pass-by estimate from national database presented in Appendix E, or
2. Collect and use pertinent local data on pass-by trip-making at proxy sites.

10.3.1 National Database

Listed in Table E.1 in Appendix E are the 25 land uses for which ITE has received and compiled pass-by and diverted trip data. The table denotes whether the data are presented in this *Handbook* in a table or a figure (in a data plot similar to those presented in *Trip Generation Manual* for trip generation data). Table E.1 also identifies the time periods for which the data have been reported. The data are presented in Tables E.2 through E.38 and Figures E.1 through E.19.

A fitted curve is provided if the plot has at least four data points and the coefficient of determination (R^2) for the linear fitted curve equation is at least 0.50. Prior editions of *Trip Generation Handbook*

The guidance provided in this section deals directly with pass-by trip estimation. A similar procedure can be used for estimating diverted trips and primary trips.

included fitted curves for some data plots with R^2 values of less than 0.5.

If provided, the fitted curve equation should be used as a starting point for pass-by trip estimation. Consideration should then be given to the data scatter at the size of the independent variable for the study site. The analyst should also recognize that the pass-by survey results are presented in the tables and the figures regardless of the survey sample size and its effect on potential errors in estimating the pass-by trips for the surveyed site.

If a fitted curve equation is not provided, the average rate should be considered as a starting point if the following criteria are met.

- Sample consists of three or more data points; and
- Size of the study site (in terms of the independent variable unit of measurement) is within the range of the data points provided in the table or figure.

Primarily due to less available data, the level of accuracy in estimating pass-by percentages is typically lower than that available for estimating overall trip generation.

The analyst should start with the average rate listed in the pertinent table and make appropriate refinements, if circumstances dictate. For example, a review of the data or of the data plot might indicate the study site could be expected to have a slightly higher or lower pass-by rate due to its size, location, or proximity to through-traffic.

10.3.2 Local Data

If national data are not available or if any of the above criteria are not met, surveys should be conducted at three or more existing developments (proxy sites) that are similar to the study site. Surveys conducted on the same major roadways would, for example, be preferred. Chapter 12 presents recommended pass-by data collection procedures. This data should be submitted to ITE to supplement the existing database.

10.4 Cautionary Notes

10.4.1 Pass-By Trips

Statistical analysis and correlation of pass-by data collected by the profession continue to evolve. However, due to the limited amount of pass-by data available and the inherent variability in surveyed site characteristics, it has proven difficult to obtain high correlation indices.

Traditional pass-by trip analyses have attempted to correlate pass-by trip percentages (the percentage of the total number of external trips generated by a site) with units of occupied site development (such as gross leasable area, gross floor area, seats in a restaurant, or fueling positions at a gas/service station). For some land uses, pass-by trip percentages are also thought to be correlated with the magnitude of the traffic passing the site on the adjacent roadway(s).

"Exhibit G"

MILLER NASH GRAHAM & DUNN LLP
ATTORNEYS AT LAW

U.S. Bancorp Tower
111 S.W. Fifth Avenue, Suite 3400
Portland, Oregon 97204

OFFICE 503.224.5858
FAX 503.224.0155

Kelly S. Hossaini
kelly.hossaini@millernash.com
503.205.2332 direct line

April 19, 2021

VIA E-MAIL
RHOFFMAN@CITYOFROSEBURG.ORG

Planning Commission
City of Roseburg
900 S.E. Douglas Avenue
Roseburg, Oregon 97470

Subject: WinCo Site Plan Review; File No. SR-21-027

Dear Commissioners:

We represent WinCo foods in the above-referenced application. On April 12, 2021, Safe Streets Roseburg submitted a letter to the record reiterating its view that it believes the proposed site plan does not meet two approval criteria regarding pedestrian circulation. Based on the information provided in the application and the April 12, 2021, letter submitted by Tait, WinCo's architect, WinCo continues to believe that the pedestrian facilities proposed by WinCo meet the Roseburg Municipal Code requirements, as well as industry standards for the safe design of grocery store parking lots. It should be noted that WinCo has reached out to Safe Streets Roseburg through its attorney, Mr. Sean Malone, on April 13, 2021, to discuss its concerns. WinCo welcomes the opportunity to meet directly with Mr. Malone's client in a spirit of cooperation to see if common ground could be attained without any further unnecessary City time or process. As of the date of this letter, WinCo has not received a response from Safe Streets Roseburg or Mr. Malone.

Very truly yours,

Kelly S. Hossaini

"Exhibit H"

MILLER NASH GRAHAM & DUNN LLP
ATTORNEYS AT LAW

U.S. Bancorp Tower
111 S.W. Fifth Avenue, Suite 3400
Portland, Oregon 97204

OFFICE 503.224.5858
FAX 503.224.0155

Kelly S. Hossaini
kelly.hossaini@millernash.com
503.205.2332 direct line

April 22, 2021

VIA E-MAIL
RHOFFMAN@CITYOFROSEBURG.ORG

Planning Commission
City of Roseburg
900 S.E. Douglas Avenue
Roseburg, Oregon 97470

Subject: WinCo Site Plan Review; File No. SR-21-027

Dear Commissioners:

As you know, we represent WinCo Foods in the above-referenced application. The purpose of this letter is to provide WinCo's final argument. During the planning commission hearing and open record period, Safe Streets Roseburg ("SSR") raised issues regarding the parking lot pedestrian circulation and the transportation impact analysis ("TIA"). Responses to those issues are provided below.

The Proposed Pedestrian Circulation Meets the Roseburg Municipal Code Requirements, and Provides Safe and Convenient Access Throughout the WinCo Site.

Roseburg Municipal Code ("RMC" or the "Code") 12.06.030.W sets forth the requirements for pedestrian circulation within the WinCo site. SSR contends that the proposed circulation system does not meet RMC 12.06.030.3.a and b because those criteria require more pedestrian facilities than are proposed. SSR is incorrect.

RMC 12.06.030.W.3.a provides:

> "Each property subject to the provisions of this Section shall provide pedestrian walks at or around the building of sufficient extent to provide safe and convenient pedestrian passage commensurate with the character of the development and the nature of the intended use of the building."

RMC 12.06.030.W.3.b provides:

> "Each such property shall provide pedestrian walkways, crosswalks and other pedestrian facilities to allow safe and convenient pedestrian access throughout the site, particularly to routes between main building entrances and adjacent pedestrian destinations, including uses on adjoining properties, public sidewalks, and transit stops. Where the nature of the development is such that several buildings utilize a common internal pedestrian walkway system, such internal walkway system shall extend to the street sidewalk and shall serve to meet the requirements of this Section."

Although SSR contends that the requirements of the approval criteria are entirely open-ended, and picks out certain words and phrases to support its contention, SSR overlooks the fact that the criteria themselves provide important context and instruction for what constitutes a safe and convenient pedestrian circulation system throughout the site. RMC 12.06.030.W.3.a requires safe and convenient pedestrian walks "at or around the building." As provided on the site plans and in Tait's February 22, 2021, and April 12, 2021, submittals, there is a pedestrian facility along the front and north sides of the building. These are the two sides of the building where customers would be expected or allowed. These facilities include concrete sidewalks, speed bumps, and a large field of cross-walk striping between the speed bumps to allow for safe pedestrian passage. The south side of the building does not contain a sidewalk, because it is where truck docks and trash compactors are. These are not safe areas for customers or other members of the public, and so pedestrian passage should not invite them there. Similarly, the east side of the building is the back of the store where, again, customers and the public would not be expected nor allowed. The provided public facilities will, then, provide sufficient pedestrian passage at and around the building to ensure the safety and convenience of pedestrians commensurate with the character of the development and the nature of the building, i.e., a grocery store. This criterion does not require anything more.

In SSR's April 19, 2021, letter, SSR interprets the word "at" in the phrase "at or around the building" to mean *between* the store and the parking lot, and argues that the use of the word "at" requires something more than has been provided. If the Code had meant what SSR contends, it would have used a different word, such as "between." A pedestrian facility "at . . . a building" pretty clearly means at the building itself. Therefore, SSR is incorrect.

We can use a similar analysis for RMC 12.06.030.W.3.b. That criterion requires pedestrian facilities "throughout the site," as SSR notes, but then the criterion goes on to provide specificity in that regard. The text of the criterion requires pedestrian routes between main building entrances and adjacent pedestrian destinations. The text also states that pedestrian destinations include uses on adjoining public properties, public sidewalks, and transit stops. The Tait memos, the site plan, and the April 5, 2021, staff report (the "April Staff Report") demonstrate that all of those routes have been provided and have been provided safely. This criterion does not require anything more.

According to SSR, yet more pedestrian facilities must be provided, but the criteria do not require any additional facilities beyond what has been proposed, especially in the context of the "character of the development and the nature of the intended use." As Tait has explained, Tait has over 15 years of experience designing grocery store shopping centers. The April 12, 2021, Tait memo describes how shoppers use grocery store parking lots and how the proposed design facilitates that usage safely and efficiently. For example, the design minimizes shoppers attempting to maneuver heavy shopping carts full of groceries between vehicles, and the drive aisles have been designed to be an additional two feet wide over the Code requirement to provide additional spacing for both pedestrians and vehicles. The Tait memo also states that the pedestrian accessways are at-grade in order to eliminate the need for multiple ADA transition ramps for a "smooth uninterrupted surface." April 12, 2021, Tait memo at page 2. Further, pedestrian paths are constructed of concrete to contrast with the asphalt and are marked with "safety yellow" striping when paths cross vehicular traffic. *Id*.

For the above-described reasons, the applicable criteria have been met. Just as importantly, however, as noted in the April 12, 2021, Tait memo, WinCo takes its commitment to public and customer safety very seriously, and it has worked closely with staff to ensure that its project is as safe as possible for all users of the WinCo property.

The TIA Meets All Applicable Requirements.

Introduction

The Code requires a land use applicant to provide a TIA under certain circumstances, as set forth in RMC 12.06.020.C.1. The Code also sets out the required elements of a TIA. RMC 12.06.020.C.2. One requirement is rather unusual for a site plan review application in that it requires an analysis of the surrounding

transportation system for not just the year of opening, but for 20 years beyond that year. As set forth in SCJ Alliance's April 12, 2021, traffic memo (the "April SCJ Memo"), the WinCo store will open its doors in 2022. The TIA analyzes the traffic impacts of the store for that 2022 opening. As discussed in the April SCJ Memo, the 2022 study results are the only results relevant to the impacts of the store. The rest of the analyzed impacts over the subsequent 20 year period are not impacts of the store. They are impacts from an increase in background traffic and any other future growth in the city. Therefore, WinCo cannot be held responsible for mitigating them. Such a requirement would be unconstitutional under *Nollan v. California Coastal Commission*[1] and *Dolan v. City of Tigard* [2]. Under *Nollan*, there must be a connection between the exactions sought, i.e., mitigation and the impacts of the proposed development. Under *Dolan*, the exactions must be roughly proportional to the impacts. In this case, any transportation system deficiencies beyond 2022 would not have a connection to the WinCo store and there would be no rough proportionality in requiring WinCo to pay for any of them.

The TIA Demonstrates That the Application Does Not Have a Substantial Impact on the Mobility Standards of Any Intersection

Through the April 5, 2021, Greenlight Engineering memo (the "April 5 Greenlight Memo"), and then again in the April 19, 2021, Greenlight Engineering memo (the "April 19 Greenlight Memo"), SSR appears to take the position that WinCo is responsible for fixing all existing intersection mobility standard failures, as well as any that may occur in the next 20 years. SSR is incorrect. As set forth above, it would be unconstitutional for the City to require WinCo to pay to mitigate transportation deficiencies that it does not cause and does not contribute to in any meaningful way.

The TIA found that the only intersection that does not meet the City's mobility standard in 2022 is Stewart Parkway and Edenbower Boulevard. The TIA also finds that that intersection does not meet the mobility standard in 2022 with or without the WinCo store. In other words, the cause of the drop below the standard is not the WinCo store – it is the traffic that will occur even without the store. The TIA also found that the WinCo store will increase the delay at that intersection, but only slightly by a few seconds. This impact does not require mitigation and to require mitigation would not be constitutional. That said, as noted by Mr. Cowie at the hearing, WinCo will be contributing to the City's transportation infrastructure

[1] 483 US 825, 107 S Ct 3141, 97 L Ed2d 677 (1987).

[2] 512 US 374, 114 S Ct 2309, 129 L Ed2d 304 (1994).

improvement in the form of a transportation systems development charge ("SDC"). According to the April SCJ Memo, WinCo will pay approximately $285,000 in transportation SDCs. In the future, then, if the City designs a project to increase capacity at the Stewart Parkway/Edenbower Boulevard intersection, some of that SDC money could be used to pay for that project.

The TIA Demonstrates That the Application Does Not Have a Substantial Impact on the Storage Capacity of Any Intersection

As with mobility standards, SSR appears to take the position that WinCo is responsible for fixing all existing queue capacity deficiencies, as well as any that may occur in the next 20 years. For the same reasons that SSR is wrong on mobility standards, SSR is wrong on queue capacity deficiencies. It would be unconstitutional for the City to require WinCo to pay to fix transportation issues that its store does not create or significantly affect.

The TIA found that in 2022 several intersections will have varying degrees of queue capacity shortage. The most significant of these is the eastbound left turn lane at Stewart Parkway and Edenbower Boulevard. The TIA found that the storage capacity for that turn movement does not meet the need in 2022 even without the WinCo store. As with the mobility standard at that intersection, the cause of the shortage is not the WinCo store but the traffic that will occur with or without that store. The TIA also found that the WinCo store will increase that shortage, but only by a small amount, about 50 feet. According to the April SCJ Memo, this equates to, at most, the addition of three cars in the peak 15 minutes of the peak hour. This impact does not require mitigation and to require mitigation would not be constitutional. As noted above, WinCo's transportation SDC payment could be used in the future to help pay for a more comprehensive fix of this intersection.

The TIA Studies All Relevant Intersections

As set forth in the April SCJ Memo, SCJ worked with City staff to develop a scoping memo for the TIA, as required by the Code. RMC 12.06.020.C.2 sets out the scoping requirements for traffic impact studies. RMC 12.06.020.C.2.e requires that the transportation analysis cover all intersections where peak traffic impact is five percent or more. The April SCJ Memo explains that the TIA complies with that requirement. In fact, the TIA goes beyond that requirement, because it includes an analysis of many more intersections than would have otherwise been required if the five-percent impact threshold were adhered to. The analysis methodology and scope of work used by SCJ was approved by the Community Development Director, as

required by RMC 12.06.020.C.2.a. Therefore, the TIA complies with the requirements of RMC 12.06.020.C.2.

In the April 19 Greenlight Memo, Greenlight argues that the City should not have allowed a credit for trips associated with the previous K-Mart development, and that this credit is inconsistent with two provisions of RMC 12.06.020.C. The first cited provision is RMC 1.06.020.C.1, which identifies when a traffic impact study is required. It states that such a study shall be required based on anticipated negative significant traffic and safety impacts from the development. It then goes on to include as a negative impact that will trigger a traffic impact study "[a]n anticipated increase of at least five percent (5%) of the current traffic volume during the peak hour." In this case, the requisite potential negative significant traffic and safety impacts were found, because WinCo submitted a TIA. So Greenlight's complaint is irrelevant. By its terms, the noted provision is only relevant to *whether* a traffic impact study is required and in this case it was. Greenlight's complaint would only be potentially relevant if WinCo was *not* required to submit a traffic impact study on the basis that the five percent increase was not met. That is not the case.

Further, as a factual matter, there is no Code definition for "current traffic volume." Instead, it can and is subject to staff interpretation as appropriate, under RMC 12.06.020.C.2.a, which is what controls the requirements of a traffic impact study after staff determines under RMC 12.06.020.C.1 that one is necessary.

The second Code provision that Greenlight identifies as inconsistent with the trip credit is RMC 12.06.020.C.2.e, which requires an applicant to "[e]xtend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%)." This provision, however, does not include the phrase "current traffic volume." Therefore, Greenlight's contention that the trip credit is inconsistent with that provision on that basis is incorrect. The allowance of the trip credit was part of the methodology that was approved during the scoping process and Greenlight has pointed to nothing that would prohibit staff from acknowledging as part of that methodology that there was a previous trip generator on the site, which the existing transportation system was designed to handle and had previously accommodated. The point of a traffic study is to measure the impacts of a development's *new* trips on the surrounding transportation system, which the TIA does. To not allow for such a credit and to force an assumption instead that the site had previously been a greenfield with no associated trips would not only be inconsistent with the intent and text of RMC 12.06.020.C., it would open the City up to a constitutional claim, as described in the introduction to this section.

No Adjustments are Necessary for COVID-19

Greenlight also argues that the TIA should have adjusted for the impacts of COVID-19 by assuming more background traffic than that provided by the traffic counts. The TIA and April SCJ Memo explain why no such adjustment was necessary. This was an issue discussed with City staff during the scoping process. Staff determined that no adjustment was necessary, as staff did not believe the traffic in the applicable area was appreciably different on the count days from the traffic in previous years. Even so, SCJ conducted additional research into ODOT's COVID adjustment procedures and determined that "no locations or comparable roadway types upon which to base an adjustment were identified." TIA, page 5. SCJ also noted that the land uses within the relevant transportation area are of a type that likely did not see a decrease in traffic – and may have even seen an increase - since many of them are grocery stores and there is a large hospital directly across Stewart Parkway. Therefore, no adjustments to traffic counts were necessary.

In its April 19, 2021, memo, Greenlight again argues that the COVID traffic volume adjustment was necessary, and then attempts to cast doubt on whether staff actually approved the TIA scope of work. That attempt is unavailing. If staff did not agree with the scope of work, one would have expected staff to raise that issue in a letter of incomplete or, at the very least, in the April Staff Report. Staff did not. Instead, the April Staff Report states:

> "In addition, the applicant previously met with City Staff to develop a scope for a traffic impact study, which was coordinated with and reviewed by the City to ensure that it adequately addressed the criteria contained within Section 12.06.020 of the RMC. Subsequently during the submission of the application, the applicant provided a TIS, dated January 13, 2021 (Exhibit C). After review, City staff has concluded that the TIS follows the agreed upon scope and adequately addresses the applicable criteria of Section 12.06.020 of the RMC." April Staff Report at page 3.

Therefore, there is no reason to believe that the scope of work somehow skirted RMC 12.06.020.C.2.a or that staff disagrees with the TIA approach to COVID.

No Stewart Parkway Improvements are Required

Greenlight contends that RMC 12.06.010.D.1 requires WinCo to construct frontage improvements consistent with those set forth in the Transportation System Plan ("TSP") for a five-lane arterial. Greenlight is incorrect. This criterion is

clear that it requires improvement to the standards "established elsewhere *in this Code*." (Emphasis added.) The TSP cross-section is not a standard found in the Code and Greenlight did not demonstrate that it is. For that reason, Greenlight is incorrect that the application is inconsistent with RMC 12.06.010.D.1.

The fact that the TSP cross-section is not a standard found in the Code is especially important in the context of a limited land use decision. This site plan review application meets the definition of a limited land use decision found in ORS 197.015(12)(a)(B), because it is "[t]he approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review." Under ORS 197.195(1), only provisions that have been adopted into the City's land use regulations, i.e., Title 12 of the Code, may apply to limited land use decisions. As applicable here, then, the Comprehensive Plan provisions are not applicable to this site plan review application unless they have been specifically adopted into an applicable section of Title 12. The TSP states that it serves as the transportation element of the Comprehensive Plan. TSP, page 1. Therefore, under state law, the TSP cross-section identified by Greenlight cannot be an approval criterion for this application.

The Eastern Site Driveway Will be Restricted to Right Turns Only

Greenlight also argues that the eastern site driveway does not actually limit turning movements to right-in/right-out, as required. As the April SCJ Memo states, a concrete median will be constructed in Stewart Parkway that will not allow a left-turn movement from that driveway.

An Evaluation of Saturday Traffic Was Not Required and Would Not Have Yielded Any Additional Relevant Information

In its April 5, 2021, memo, Greenlight faulted the TIA for not evaluating Saturday traffic, as well as weekday PM peak hour traffic conditions. As the April SCJ Memo explains:

> "While it is true that the proposed WinCo Foods will generate more trips during the Saturday peak hour, this time period was not included in the analysis because in the vast majority of cases the weekday PM peak period reflects the highest overall traffic volume conditions on the surrounding street system. By evaluating the highest volume condition (i.e., the weekday PM peak hour) any problems experienced in the network would

> be appropriately documented. Typically, during periods when traffic volumes on the surrounding street system are typically lower such as the weekday AM peak hour, weekday midday peak hour, and weekend peak hours any identified traffic congestion problems will be less significant. Accordingly, based on city guidance, no traffic volume data was collected for Saturday peak periods and analysis of a Saturday peak traffic hour was not required." April SCJ Memo, page 7.

The April SCJ Memo also explained that Greenlight's trip generation calculations for Saturday traffic are incorrect, because they do not account for pass-by trips or for the net difference in volumes between the K-Mart use on the site and the proposed WinCo use.

For those reasons, it was not necessary for WinCo to evaluate Saturday traffic. That evaluation would not have yielded any relevant information beyond that gained by evaluating weekday PM peak hour traffic conditions.

In its April 19, 2021, memo, Greenlight first responds that WinCo should have analyzed Saturday peak hour traffic as well as weekday PM peak hour traffic, because "the RMC does not require a weekday PM analysis only." Page 5. The problem with Greenlight's position, however, is that the Code does not require *any* particular peak hour traffic be studied. RMC 12.06.020.C.2 contains the requirements for a TIA. None of the five requirements addresses which peak hours should be studied. The relevant criterion in this regard, then, would be RMC 12.06.020.C.2.a, which requires that the TIA use a scope of work and methodology "approved or accepted by the Community Development Director." That is what WinCo did. WinCo worked with staff on the TIA methodology and staff did not require a Saturday peak hour traffic analysis. Greenlight then attempts, again, to cast doubt on whether staff actually approved the TIA scope of work. As explained above, staff *did* approve the scope of work and there is no reason to believe that the scope is somehow at odds with the agreed upon methodology.

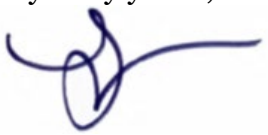
Next, Greenlight attempts to use an excerpt from the ITE *Trip Generation Handbook* to support an argument that the April SCJ Memo was wrong to deduct pass-by trips from the Saturday trip generation rate, because such a deduction is not sanctioned by that handbook. First, as noted above, nothing in the Code requires that WinCo analyze any particular peak hour; the key to what was studied in that regard is in the methodology approved by staff. Second, the excerpt from the handbook does not support Greenlight's broad conclusion that SCJ was not allowed to deduct pass-by trips from the Saturday trip generation or used an incorrect number to do so. The excerpt

contains a lot of general discussion about pass-by trips, but nothing that demonstrates that the analysis in the April SCJ Memo is incorrect.

Conclusion

WinCo is excited to be able to open a new store in Roseburg. As Mr. Goins said at the hearing, for many years WinCo has been looking for a suitable site in Roseburg for a new WinCo store. The proposed site provides an excellent opportunity to reuse an existing big box site, in an appropriate area, with appropriate public infrastructure to support it. As staff has stated in the staff report, WinCo's application, as conditioned, meets all applicable approval criteria. Therefore, WinCo respectfully requests that you approve the application.

Very truly yours,



Kelly S. Hossaini

CITY OF ROSEBURG
PLANNING COMMISSION
STAFF REPORT

FILE NO. CUP-21-003 **MEETING DATE: MAY 3, 2021**

TO: Planning Commission
FROM: Stuart Cowie, Community Development Director
SUBJECT: Conditional Use Permit No. CUP-21-003

PROJECT SUMMARY & PROCEDURES:

Timberview Construction, authorized agent of the property at 311 NE Pomona St. submitted application for a conditional use permit for the development of a 105-unit multi-family development, consisting of thirteen (13) separate apartment buildings and one (1) office building. The site is a 7.00 +/- acre property zoned Mixed Use (MU) that is located to the northeast corner of the intersection of NE Pomona Street and Hwy 138. The property is described as Township 27 South, Range 05 West, Willamette Meridian, Section 16C, Tax Lot 0201; R126196; 311 NE Pomona Street.

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

APPLICABLE CRITERIA:

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

- RMC Section 12.04.070 – "Industrial Districts"
- RMC Section 12.10.080(F) – "Conditional Use Permits – Approval Criteria"

a) In addition to the applicable criteria contained within Section 12.10.080(F), the applicant's request has also been reviewed to determine consistency with the applicable sections of the Diamond Lake Blvd/Hwy138 Access Management Plan and other applicable sections of the Comprehensive Plan.

b) A pre-application conference with the applicant was conducted on October 28th, 2020. During that meeting, City staff, ODOT staff, Douglas County Building Department staff and Roseburg Urban Sanitary Authority Staff provided feedback regarding the development standards triggered by the applicant's proposal. The applicant has demonstrated that they intend to comply with the City's

and other agency's requirements including any potential conditions of approval for the conditional use permit, site plan review and building code requirements.

c) The City, in addition to the agencies listed above, has coordinated with Utrans and Roseburg School District to ensure that appropriate steps are being taking to plan for capacity to serve the proposed multifamily complex. The applicant has provided letters of support from Roseburg School District.

STAFF RECOMMENDATION:

Staff determines that the conditional use permit request as reviewed within the findings of fact attached as Exhibit A, satisfies the criteria for approval subject to conditions 1-8 included at the end of the findings of fact. Therefore, it is recommended the Planning Commission approve file CUP-21-003, based on the findings of fact attached as Exhibit A.

OPTIONS:

- Adopt Findings of Fact approving the conditional use permit request.
- Continue consideration of the request.
- Adopt Findings of Fact denying the requested conditional use permit request.

SUGGESTED MOTION:

I MOVE TO ADOPT THE FINDINGS OF FACT AS PRESENTED, AND **APPROVE** THE REQUESTED CONDITIONAL USE PERMIT, REFERENCED AS FILE NO. CUP-21-003.

EXHIBITS:

A – Findings of Fact
B – Site Plan
C – Landscape Plan
D – Elevation Plan Front
E – Elevation Plan Rear
F – First Floor Plan
G – Second Floor Plan
H – Traffic Impact Study
I – DSL Wetlands Letter
J – Wetlands Map
K – Roseburg School District Letter

EXHIBIT A

In the matter of the	)	Conditional Use Permit
Conditional Use Permit	)	File No. CUP-21-003
request by Timberview Construction	)	

BEFORE THE ROSEBURG PLANNING COMMISSION
FINDINGS OF FACT AND ORDER

I. NATURE OF APPLICATION

The applicant's request is a Conditional Use Permit for the development of a 105-unit multi-family development, consisting of thirteen (13) separate apartment buildings and one (1) office building.

II. FINDINGS OF FACT

A. EXISTING CONDITIONS

1. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of Title 12, Land Use and Development Regulations (LUDR) of the Roseburg Municipal Code (RMC), as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3497 on May 1, 2018.

2. Notice of the public hearing was given by publication in The News Review, a newspaper of general circulation, at least 20 days prior to the hearing. Notice of the public hearing was mailed to all owners of property within 300 feet of the property 20 days prior to the hearing.

3. The property is described as Township 27 South, Range 05 West, Willamette Meridian, Section 16C, Tax Lot 00201; R126196 and is addressed as 311 NE Pomona St.

4. The subject property is 7.00+/- acres, is designated by the Comprehensive Plan as Industrial and is zoned Mixed Use. The property is currently vacant of any development.

5. Timberview Construction, authorized agent of the property at 311 NE Pomona Street, applied for a conditional use permit to authorize the development of a 105-unit multi-family residential facility consisting of thirteen (13) two-story apartment buildings and one (1) office building.

B. AGENCY COMMENTS

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

C. PUBLIC COMMENTS

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

D. PUBLIC HEARING

A public hearing was held on May 3, 2021 regarding the matter of the conditional use permit request.

E. APPLICABLE CRITERIA

The applicable approval criteria for the subject conditional use permit is reviewed in the following order: a) Section 12.04.070 – "Industrial Districts"; b) Section 12.10.080(F) – "Conditional Use Permits – Approval Criteria".

1. Section 12.04.070 – "Industrial Districts"
   a. Zoning Conformance (Section 12.04.070) – The Mixed Use (MU) zone conditionally permits multifamily dwellings subject to the standards of the MR18 zone. The MR18 zone's parcel and building standards are contained within Section 12.04.030(B) and are as follows:

      Lot Area per Dwelling = 2,350 square feet

      Finding: Based on the subject parcel size (7.00 AC), the property could permit up to a maximum 129 units, therefore the applicant's requested 105 unit proposal is within the maximum dwelling density requirements of the MR18 zone.

      Lot Coverage = 80% Maximum

      Finding: The applicant's preliminary site plan indicates the total impervious area being created will be 164,820 square feet, which is only 54% +/- of the lot's total square footage. This proposed lot coverage is within the allowable range.

      Minimum Property Line Setbacks
      - Front – 15 feet
      - Exterior Side – 10 feet
      - Rear & Interior Side – 4 feet (One Story Structure)/5 feet (Two Story Structure)/10 feet (Three Story Structure)

      Finding: The applicant's plans denote compliance with the setback requirements of the MR18 setback requirements.

      Maximum Building Height = 45 feet

      Finding: The applicant has provided elevation drawings of the proposed two-story apartment buildings, which do not exceed the maximum height requirement of 45 feet.

b. If granted approval of the conditional use permit, the applicant, at the time of application for the site plan review shall demonstrate compliance with the multifamily development standards of Section 12.04.030(F), the site plan review standards of Section 12.06, applicable Fire Department regulations, Public Works Department standards and any other applicable standards of the Roseburg Municipal Code.

c. In addition to the site plan review approval process through the City of Roseburg, the applicant shall be responsible to obtain the necessary permits/review through the Douglas County Building Department, Roseburg Urban Sanitary Authority for sanitary sewer services, Oregon Department of Transportation for any work in the Hwy 138 right-of-way.

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

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

   Findings: The MU zone anticipates integration of a mix of residential, commercial and less intense industrial uses. The MU zone generally acts as a sort of buffer zone between commercially oriented industrial uses and a mix of other strictly commercial uses and some residential uses. Nearby land uses surrounding the subject property include the following; commercial storage units directly across NE Pomona St to the west (75 feet), a newly constructed multifamily apartment complex directly to the north (50 feet), commercial storage units directly to the east (50 feet), and an auto maintenance/tire shop to the south across NE Diamond Lake Blvd (150 feet).

   The proposed development shows it will match the architecture and aesthetic design of the recently approved Oak Springs Apartments directly north of subject property. Focus will be on architecture style, building materials, and building height. Applicant has indicated that because there has not been much history of development in this area of Roseburg, and subsequently does not have an obvious established standard for building architecture or building façade.

   The Mixed Use zoning permits a wide range of uses. With much of the undeveloped properties surrounding the proposed development zoned Mixed Use, it is difficult to determine exactly what types of uses will begin to fill in these areas of Roseburg, but the proposed multi-family development, along with the established Oak Springs Apartments to the north, are filling a need for housing. The other established industrial/commercial type uses in the area (storage units and auto repair shop) are mild in terms of excessive noise and traffic generated, and will not be a nuisance to the proposed residential development. Additionally, as more residential development extends out NE Diamond Lake Blvd., it is safe to anticipate that other commercial uses will follow to service the growing population in this area.

The Diamond Lake Urban Renewal Plan was put into effect by the city in order to promote development along the HWY 138 corridor. There have already been approved projects that have taken advantage of this program (e.g. Oak Springs Apartments, and Sunshine Apartments), which points to its success in incentivizing developers to look at this area. The proposed development will also benefit from the Diamond Lake Urban Renewal Plan and add additional housing in a time when it is needed.

Based on these items, Staff finds that the proposed Ash Springs Apartments will be compatible with existing and anticipated future uses in the area.

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

Findings: The site is zoned Mixed Use and according to RMC Section 12.04.070(A)(1), the purpose of the MU zone is:

> *"The Mixed Use classification is intended to provide areas within which a variety of activity occurs. These areas serve community-wide and regional needs. Because of the potential for high-density uses, care is needed to ensure that uses are compatible with and do not adversely affect adjacent uses of the carrying capacity of public facilities. The proximity of other uses shall not be a reason for permitted uses to deviate from the standards established in other zones."*

In addition, the applicable standards for Multifamily Residential uses in the MU zone state:

> *"Roseburg's residential zoning districts are primarily intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods."*

The proposed development will provide needed housing serving the community and region consistent with Roseburg's Comprehensive Plan. The medium-density residential use will implement the purpose of the Mixed Use zone by helping to diversify the variety of land uses in the area.

The proposed apartment complex will create a cohesive land use pattern with Oak Springs Apartments located immediately to the north. The proposed apartments will also be compatible with Gecko RV and Boat Storage to the east and Unique RV Boat and Self-Storage to the west. The different uses will not generate excessive noise, will generate low- to moderate levels of traffic, and benefit each other by their proximity. There are no apparent conflicts between the proposed new housing and surrounding land uses.

Diamond Lake Boulevard (Hwy 138) provides a substantial separation between the subject property and land uses on the south side of the highway such as the Les Schwab Tire Center and Budget Lumber.

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

Findings: The subject property is adjacent to NE Diamond Lake Boulevard (State Highway 138) and NE Pomona Street. State Highway 138 is classified as a Principle Highway (primary arterial) and runs along the frontage of the subject property. The Douglas County Transportation System Plan states that, Principle Highways fall under state jurisdiction and the management of these facilities is outlined in the Oregon Highway Plan. This section of Diamond Lake Boulevard is improved with four travel lanes (two each direction) a shoulder and drainage ditches. To accommodate a future planned multi-use path, ODOT has indicated the need for the dedication of ROW. Per ODOT's request, the applicant will dedicate the necessary ROW for the future multi-use path. The planned ROW dedication is shown on Exhibit B - Site Plan as the area between the existing and proposed property lines.

NE Pomona Street is a dead end street and is not expected to be extended due to the location of the Roseburg Urban Growth Boundary and physical constraints. The Diamond Lake Boulevard Access Management Plan includes a planned future local street that would extend south of NE Pomona Street generally parallel to Diamond Lake Boulevard. Locating the new local street in the upper portion of NE Pomona will allow the future local street to extend west of Kester. The proposed development of Ash Springs Apartments will not prevent a future parallel local street in the upper portion of NE Pomona beyond Oak Springs Apartments.

NE Pomona Street is not classified in the Roseburg Transportation System Plan (TSP). The current ROW of NE Pomona Street is 60' in width in compliance with the standards for unclassified streets. The paved width of NE Pomona Street near the intersection with Hwy 138 is 40 feet transitioning to 34 feet midway through the lot. NE Pomona Street has two travel lanes and a partial sidewalk. Completion of the sidewalk will occur adjacent to the applicant's property upon development.

The applicant retained Sandow Engineering to prepare the Ash Springs Transportation Impact Analysis (TIA). The TIA Executive Summary concluded:

> *"The analysis evaluates the transportation impacts as per the City of Roseburg and ODOT criteria, evaluating adjacent roadway and intersection operation with the addition of development traffic for the year of completion and a 5-year future analysis. Background roadway conditions include the addition of full development trips from the Oak Springs apartments to the north.*
>
> *The following report recommendations are based on the information and analysis documented in this report.*

- *All studied intersections operate within the mobility standards with and without the development traffic.*
- *The addition of development traffic does not substantially increase queuing conditions.*
- *There is no off-site mitigation needed for this development."*

As indicated in the TIA (Exhibit G), the traffic study was performed per City of Roseburg and ODOT standards. When determining background roadway conditions (Year 2021 Existing Traffic Volumes), the traffic engineer estimated the traffic volume assuming Oak Springs Apartments was completely constructed. The estimated traffic volume from the new apartments at Oak Springs was added to the existing traffic counts.

Staff also coordinated with ODOT and Roseburg Public Works to ensure that all aspects of traffic regulations and existing infrastructure were being addressed. This coordination confirmed that the proposed development and trips generated from it would not be great enough to warrant traffic signals on the corner of NE Pomona and NE Diamond Lake. ODOT did however indicate they will be requiring the restriping of the center median to create a dedicated left turn lane onto NE Pomona coming off of NE Diamond Lake Blvd (eastbound). This request is captured in the approval criterial of this Conditional Use Permit, and will also be a requirement for approval during the Site Review process if this Conditional Use Permit is granted.

<u>NE Pomona Street Proposed Improvements</u>
Development will include street frontage improvements to the east half of NE Pomona Street per City standards including a curb, gutter, 6 foot wide sidewalk, storm drainage, and street lights. Per City requirements, new street trees will be planted on the east side of NE Pomona Street at least every 50 feet. NE Pomona Street improvements will extend from the intersection at OR-138 to the recently improved street section next to Oak Springs Apartments north of the site.

Three (3) street lights will be installed on the east side of NE Pomona Street. One street light will be located at the first (south) main entrance to Ash Springs Apartments. The second street light will be located to the north near the bus stop. The third street light will be located about halfway between the second (north) main entrance to Ash Springs Apartments and the south/main entrance to Oak Springs Apartments providing light at both driveways.

<u>Diamond Lake Boulevard (Hwy 138)</u>
Per the request from ODOT, the developer agrees to dedicate additional public ROW on Diamond Lake Boulevard as shown on sheet P1 Site Plan. Future highway improvements, including the design and construction of the new multi-use path, are not the responsibility of the developer and are not included as part of this CUP application.

Applicant has fully coordinated the proposed development with public transportation agencies. The subject property will be served by Eastwood Elementary School (grades K-5), Joseph Lane Middle School (grades 6-8) and Roseburg High School (grades 9-12). The Roseburg School District would be

required to provide bus services to the students that would live at the proposed apartment complex. Roseburg School District indicated a bus turnaround provided by the applicant will be crucial for the district's ability to provide this service (See Exhibit J – Roseburg Public School's letter).

Umpqua Transit (UTrans) is the current provider for public transportation in the greater Roseburg area. UTrans has numerous pick-up points and routes throughout the city and beyond. One of the existing routes is just south of the proposed development and utilizes NE Kincaid Dr. as a turnaround spot. After coordinating with UTrans, the applicant has agreed to allow for UTrans to utilize the apartment complex bus turnaround and incorporate the future facility into UTrans' routes. This will not only benefit the future apartment tenants using UTrans, but also the tenants of the existing Oak Springs apartments to the north, as well as the students at both complexes that require bus services to and from school.

After analyzing the submitted materials and reviewing the Traffic Impact Analysis with ODOT and Public Works, Staff determines the site for the proposed development is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use.

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

Findings: The proposed apartment complex will not have any greater impacts on adjacent properties than other uses permitted in the MU zone. The proposed lot coverage, building setbacks, building heights, and parking area landscaping is comparable to other uses permitted outright per RMC Table 2-13.

The apartment complex will generate less traffic than many uses allowed in the MU zone. For example, an "Athletic/Health club", "Data Center", and "Department Store" are permitted outright in the MU zone and each would generate more traffic per gross building area than an apartment complex.

The proposed apartment complex will contribute to the livability of the Oak Springs Apartments to the north and provide a larger residential area to help support transit and nearby commercial uses. Per a request from the school district, the proposed development includes a bus stop and bus turnout on NE Pomona. The design of the bus turnout was done for use by the school district serving students living in the area and for Umpqua Transit. The bus turn-around will accommodate a 40-foot long bus. The applicant contacted Student First and Umpqua Transit regarding the proposed design and did not receive any comments. If the bus turn-around is approved, the applicant is willing to grant a public pedestrian easement from the public sidewalk to the bus stop.

The proposed development provides setbacks and landscaping in excess of minimum code standards and includes the retention of an existing wetland near the east property line. These open space areas will also help ensure compatibility

between the apartments and abutting or contiguous properties. Please refer to Exhibit B – Site Plan and Exhibit K – Landscape Plan.

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

Findings: The setback, lot coverage, minimum lot area (dwelling density), off-street parking standards, driveway width/depth and surfacing requirements set out in the MU zone have all been considered and implemented in the current proposal and detailed on the current proposed design. The MU zone is designed for a variety activity including high-density uses, such as the type of development proposed. The facility will comply with all applicable development criteria and will therefore comply with the Plan and policies of the City.

In addition, the Roseburg Comprehensive Plan provides the following policies and objectives to encourage residential development in this area:

Housing Policy No. 1
New residential development shall be coordinated with the provision of an adequate level of services and facilities.

The proposed residential development is inside the City of Roseburg. Public utilities are available and can be efficiently extended.

Housing Policy No. 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.

The Roseburg Municipal Code contains standards for new multiple family developments that are consistent with and help implement Roseburg's Comprehensive Plan. The proposed residential development complies with these standards including provisions related to required open space, landscaping, density and site access.

Housing Policy No. 11
The City shall assure sufficient renter occupied multi-family housing opportunities by ensuring that an adequate supply of developable land is zoned for such use.

The City of Roseburg's action to rezone the subject property to Mixed Use increased the supply of available land for renter occupied multi-family housing. The proposed apartment complex is consistent with Roseburg's Comprehensive Plan including goals to provide housing options for residents. The proposed apartment complex will also implement the goals of the Diamond Lake Urban Renewal Plan and the incentive program for new housing.

Natural Resources Policy No. 10
The City shall cooperate with the Department of Environmental Quality in developing and implementing ongoing plans and programs necessary to assure compliance with adopted air quality standards, water quality standards, and noise level standards.

The City of Roseburg has numerous plans and programs demonstrating compliance with State and Federal air quality, water quality and noise standards. The applicant intends to comply with applicable environmental standards.

The subject property does not contain any locally identified Statewide Goal 5 natural resources. Based on a 2019 Wetland Delineation Report prepared by Terra Science, Inc., the subject property contains one wetland referred to as Wetland A (Exhibit I – Wetland Map).

Wetland A, Emergent Depression (0.11-acre) is described in the report as *"only a few inches lower than the surrounding fill terrace, which makes it a location that runoff collects before it eventually infiltrates and/or evaporates"*. Furthermore the report states: *The boundaries of Wetland A are subtle and generally defined by a slightly higher topographic position and change in plant community from hydrophytic to non-hydrophytic. The adjacent upland soils did not meet any indicate of hydric soils."*

The Wetland Delineation Report anticipated that Wetland A, Emergent Depression would not be considered a jurisdictional wetland by the DSL or US Army Corps of Engineer.

As shown on Exhibit B (Site Plan), Wetland A will be retained as part of an open space area between buildings 5 and 11.

A copy of the entire Wetland Delineation Report may be obtained by request through the City of Roseburg Community Development Department.

Energy Conservation Policy No. 4
As an energy conservation measure, the City will encourage the infilling of vacant land.

The proposed development will infill vacant land in the City. The new apartment buildings will provide attached dwelling units which incorporate energy efficient designs.

The proposed development will provide a medium-density residential use that supports transit. The proposed bus pullout and turnaround area will encourage the use of bus service and decrease the reliance on a car.

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

The proposed development will encourage infill development on vacant land within the Roseburg city limits. In general, it is more cost effective to provide public facilities and services inside the city than on the perimeter or outer edges of the community.

Public Facilities and Services Policy No. 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.

Water Distribution Lines: All new water distribution lines will be a minimum of 6 inches and in a looped design.

Public Facilities and Services Policy No. 8
All new residential plans, industrial and commercial development in the urban area shall make provisions for fire hydrants and fire lines where applicable.

Fire Hydrants and Access: Fire hydrants #10E4-1 and #10E4-2 are located on NE Pomona Street across from the project site. Per Fire Department requirements, additional fire hydrants will be located throughout the apartment complex. Each two-story apartment building has a riser room on the ground floor that is accessible. The site design provides required fire apparatus roads with unobstructed widths of not less than 20 feet.

Public Facilities and Services Policy No. 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.

Storm water and Sewer Lines: All new storm water and sanitary sewer lines will be separated.

Public Facilities and Services Policy No. 10
The availability of adequate sewer services, both in terms of collection and treatment capacity, shall be preconditioned to a development project.

Sewer services in the area are built to handle multi-family development. The proposed multi-family development will not compromise the existing infrastructure and adequate sewer services are available.

Urban Growth Boundary Policy No. 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.

The proposed new development is inside the City limits and can be efficiently served with public services and facilities consistent with the adopted growth management program.

The new development will preserve a non-jurisdictional wetland as common open space and maximize use of the remainder of the development site.

Public Schools: The Roseburg Public Schools district supports the CUP application for Ash Springs Apartments and has the capacity to serve additional students. The school district is required to provide bus service to students living at Ash Springs Apartments and requested a bus turnaround be provided. Please refer Exhibit C – Letter from Jared Cordon, Superintendent. Per the request of the district, the applicant provided a copy of the proposed design of the bus turnaround dimensions to First Student, the district's transportation vendor. First Student did not suggest any changes to the design.

Transportation Policy No. 10
New developments shall include consideration of improvements which would accommodate public transit and other modes.

The proposed development does not provide any direct access onto Diamond Lake Boulevard (Hwy 138) consistent with its primary function as a limited access highway. Two driveways are proposed onto NE Pomona Street to provide safe and convenient ingress/egress on this unclassified local street.

Transportation Development Policy No. 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.

To encourage the use of transit, the proposed development includes a bus pullout and turnaround area. The internal pedestrian circulation provides a sidewalk connection from each apartment unit to the bus stop and the public sidewalk on NE Pomona Street. The leasing office and manager's dwelling unit is located near the bus stop to help provide visual surveillance of the bus stop and a safe place for students and parents to gather for the bus. To encourage pedestrian and bicycle facilities, the proposed development will include the dedication of additional public ROW on Diamond Lake Boulevard to accommodate the future design and construction of a multi-use path. In addition, the project provides internal pedestrian circulation and covered bike spaces for residents.

III. CONCLUSION

Upon review of the application, staff report, and other materials referenced as File CUP-21-003 and after conclusion of the Public Hearing and all testimony provided herein, the Planning Commission concludes that the application by Timberview Construction, satisfies the approval criteria, therefore warranting the approval of the conditional use permit as requested.

IV. ORDER

Based on the Findings and Conclusions above, the Planning Commission grants **APPROVAL** of the conditional use permit, as contained within file CUP-21-003, subject to conditions 1-8, as follows:

1. The approval is for the property shown on map submitted with the application.

2. The applicant shall apply for and obtain approval for a site plan review, at which time they shall demonstrate compliance with the multifamily development standards of Section 12.04.030(F), the site plan review standards of Section 12.06, applicable Fire Department regulation, Public Works Department standards and any other applicable standards of the Roseburg Municipal Code.

3. The applicant shall be responsible to obtain the necessary permitting through the Douglas County Building Department, Roseburg Urban Sanitary Authority for sanitary sewer services, Oregon Department of Transportation for any work in the Hwy 138 right-of-way, and Oregon Department of Environmental Quality for storm water permitting.

4. During the development process, the applicant shall construct a bus turn-out as shown on the submitted site plan. This bus turn out shall serve as a designated stop for both the Roseburg School District and Umpqua Transit.

5. A legal easement shall be recorded with the Douglas County Clerk's office on the property granting the utilization of the bus turn-out to the Roseburg School District and Umpqua Transit.

6. The applicant shall provide additional right-of-way to Oregon Department of Transportation on the south property line for the future multi-use path planned along NE Diamond Lake Blvd per Oregon Department of Transportation's requirement.

7. Applicant shall re-stripe the center lane (eastbound) to serve as a left turn onto NE Pomona St. per Oregon Department of Transportation's requirement. This may be completed during the time of development.

8. Applicant shall install street lights in conformance with Roseburg Municipal Code and Public Work provisions along the existing Oak Springs Apartments developed to the north of the proposed apartment complex. This may be completed during the time of development.

Changes or alterations of conditions shall be processed as a new administrative action. A Conditional Use Permit is site-specific yet transferrable between owners. The Permit is automatically revoked when:

1. The permit is not exercised within one (1) year of the date of approval.

2. The use approved by the Conditional Use Permit is discontinued for any reason for more than one (1) year.

Ronald Sperry, Planning Commission Chair	Date
Stuart Cowie, Community Development Director	Date

Planning Commission Members:
Ronald Sperry, Chair
Daniel Onchuck, Vice Chair
Victoria Hawks
Christy Palmini
Stephanie Newman
Jamie Yraguen
Shelby Osborn

ASH SPRINGS APARTMENTS

SITE PLAN

PROPERTY INFORMATION

R126196
MAP: 27-5W-16CD, TAX LOT 201
ACRES: 7.0 ac.
ZONE: Mixed Use/MU

SITE PLAN

UNITS:	105
UNITS/GROSS ACRE:	15
TOTAL VEHICLE PARKING:	207 spaces
OFF-STREET STD.:	200
ADA PARKING:	7
PARKING/UNIT:	1.97 spaces

IMPERVIOUS AREA

ROOFTOP: 63,700 SQ FT
SIDEWALKS/AC/CONC: 101,120 SQ FT

TOTAL IMPERVIOUS AREA: 164,820 SQ FT

RMC INFO

SETBACKS:
- FRONT: 15'
- INTERIOR SIDE: 5'
- EXTERIOR SIDE: 10'
- REAR: 5'

MAX. BUILDING HEIGHT: 45'
PROPOSED BUILDING HEIGHT: 24' ±
VEHICLE PARKING: 1.75 SPACES / UNIT (184 req'd spaces)
BICYCLE PARKING: 1 SPACE / UNIT
PROPOSED BICYCLE PARKING: 1 space / ground floor unit in storage area; 53 bike parking spaces disbursed throughout site
LANDSCAPE: to meet requirements of RMC 12.06.030 (T)

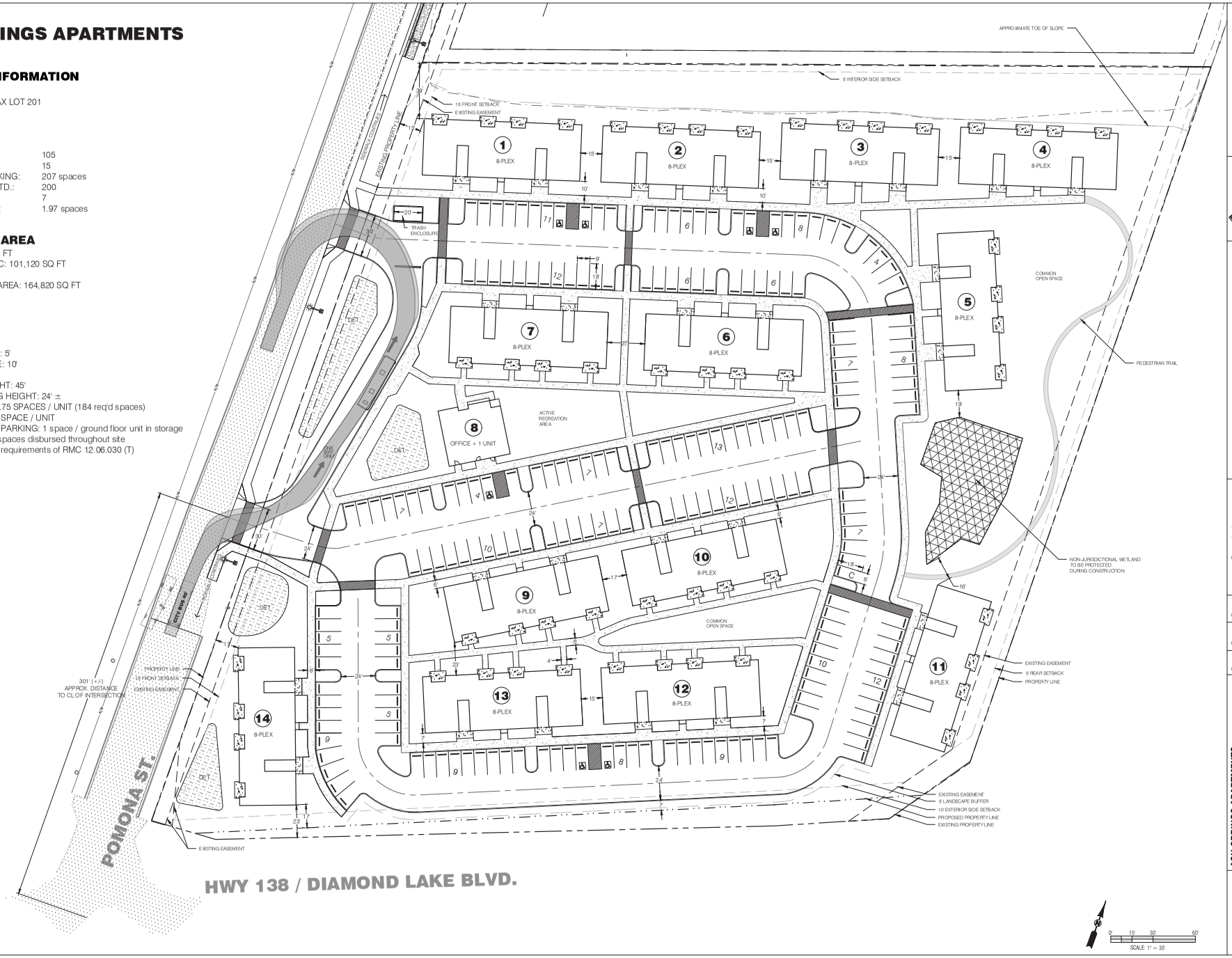


EXHIBIT B

civil
structural
surveying
architecture
planning

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

ieengineering.com

PRELIMINARY

Rev.	Date	Dwg	Description

ASH SPRINGS APARTMENTS
311 NE POMONA STREET
ROSEBURG, OR 97470
PRELIMINARY LAYOUT
SCALE 1" = 30'
02/04/2021
ISSUE: PRELIMINARY LAYOUT
PROJECT NO. 2023-01
DRW. JMM
CHK. AP

P1

ASH SPRINGS APARTMENTS

SCHEMATIC LANDSCAPE PLAN

EXHIBIT C



LANDSCAPE LEGEND:

- PROPOSED TREES
- PLANTER BEDS
- IRRIGATED LAWN
- LOW WATER/LOW MOW GRASS SEED MIX
- DETENTION AREAS
- PERVIOUS SURFACE TRAIL

CITY OF ROSEBURG LANDSCAPE REQUIREMENTS:

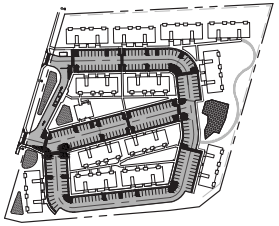
REQUIRED BUFFER AREAS:
Parking Area Buffering. Parking areas shall be buffered from the required areas listed below with a minimum five (5) foot wide strip of landscaping materials.

The parking area shall be buffered from the following areas:
- Street frontage. The parking area shall be buffered from adjacent linear street frontage, exclusive of driveway entrances, pedestrian entrances, and exits, with the designated landscaping strip.
- Interior lot lines

BUFFER AREA LANDSCAPING REQUIREMENTS:
Minimum landscaping acceptable per 50 linear feet of required buffer area is as follows:
- One (1) tree at least six (6) feet in height;
- Five (5) five-gallon or eight (8) one-gallon shrubs;
- The remaining area shall be treated with ground cover, or lawn;

INTERIOR LANDSCAPE ISLANDS
No less than five percent (5%) of the total area within the paved parking area shall be landscaped. For every 160 square feet of the minimum five percent (5%)
- one (1) tree at least six (6) feet high and
- five (5) one-gallon shrubs or two (2) five-gallon shrubs shall be planted with the remaining area treated with ground cover.
- Trees shall be situated properly to ensure the tree trunk is at least two (2) feet from any curb or paved area.

INTERIOR LANDSCAPE AREA DIAGRAM:



INTERIOR LANDSCAPE AREA HATCH LEGEND:

- LANDSCAPE ISLAND
- PARKING AND MANEUVERING AREA

CALCULATIONS:
PARKING LOT ISLAND AREA: 6,810 S.F. (+/-)
PARKING AND MANEUVEUVERING AREA: 79,340 (+/-)
ROSEBURG MIN. INTERIOR LANDSCAPE ISLANDS: 5%
DEVELOPMENT INTERIOR LANDSCAPE ISLANDS: 8.6%

CITY OF ROSEBURG OPEN SPACE REQUIREMENTS:

PER 12.04.030.3(a):
Minimum Open Space: 100 s.f. provided per dwelling; no less than 800 s.f. for entire site.
Required = 10,500 s.f.
Development Site = 77,000 (+/-) s.f.

PER 12.04.030.3(d)
Required: 100 s.f. for ground floor units
80 s.f. for second story units
No Horizontal Dimension less than 8'

Proposed: 100 s.f. for ground floor units
80 s.f. for second story units
No Horizontal Dimension less than 8'

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

civil
structural
surveying
architecture
planning

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

ieengineering.com

PRELIMINARY

EXPIRES:

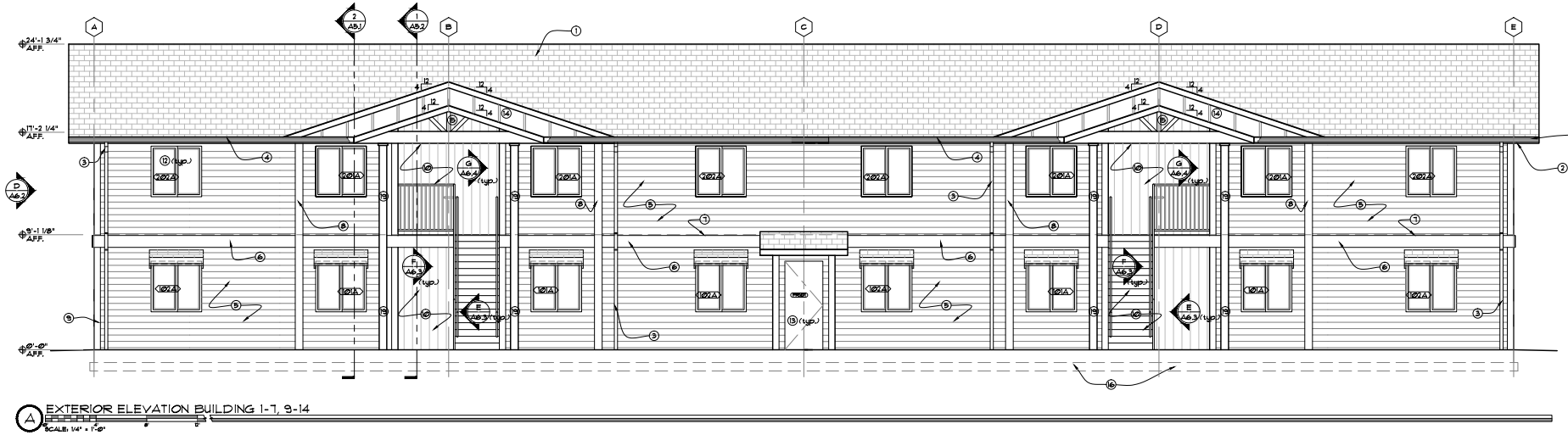
Rev.	Date	Dwg	Description

ASH SPRINGS APARTMENTS
311 NW POMONA ST.
ROSEBURG, OR
SCHEMATIC LANDSCAPE PLAN
02/04/2021
ISSUE: PRELIMINARY
DRW: JMM
CHK: AP
SCALE: 1" = 30'
PROJECT NO: 3063-01

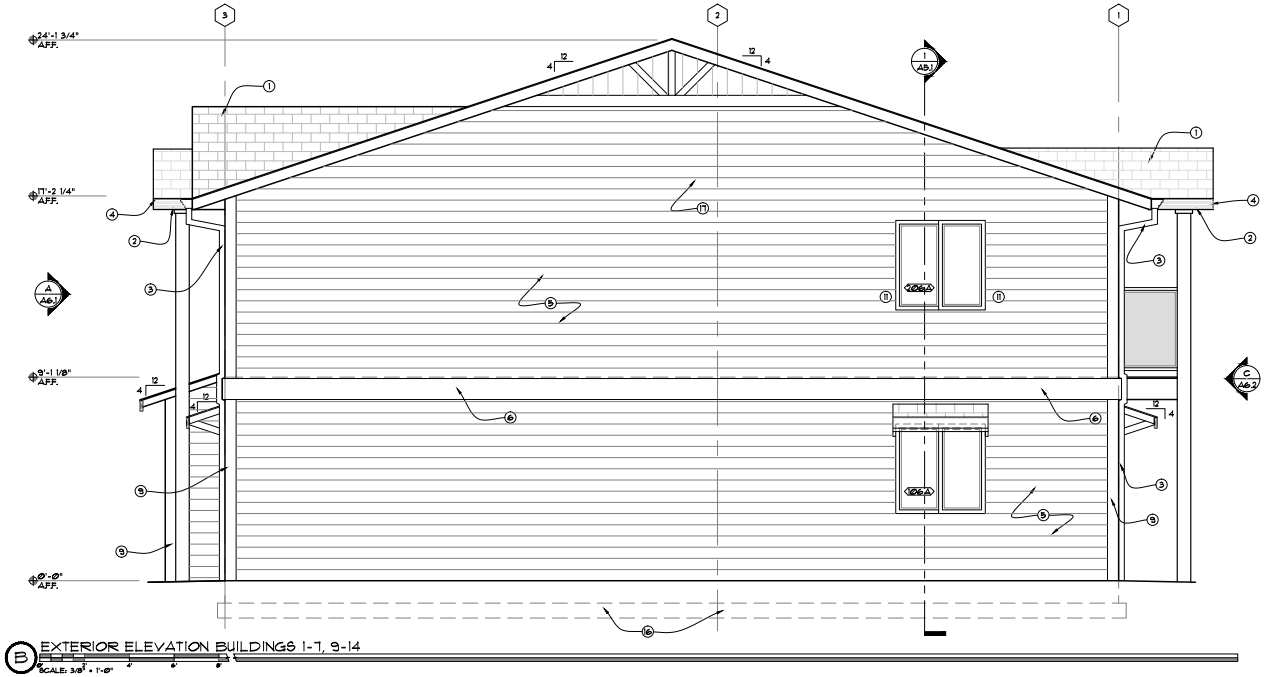
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JonnieW Feb 02, 2021 Z:\Work\3063-Ash Springs, LLC\3063-01 Ash Springs\DESIGN\CAD\3063-01 L-ESIGN SCHEMATIC.dwg

EXHIBIT D



A EXTERIOR ELEVATION BUILDING 1-7, 9-14
SCALE: 1/4" = 1'-0"



B EXTERIOR ELEVATION BUILDINGS 1-7, 9-14
SCALE: 3/8" = 1'-0"

KEY NOTE

1. FIBERGLASS ARCHITECTURAL COMP ROOFING / APPROVED VAPOR BARRIER / 1/2" CDX PLY.W.D / PRE-ENGINEERED TRUSSES (REFER TO STRUCTURAL DRAWINGS ON SPECIFICATIONS AND LAYOUT / R-49 BLOWN INSULATION)
2. OPEN SOFFIT
3. DOWN SPOUT
4. CONTINOUS GUTTER
5. LAP SIDING (1/16" EXPOSED) (FIBER CEMENT) / APPROVED VAPOR BARRIER / 1/2" CDX PLY.W.D. / 2x4 STUDS @ 16" O.C. (R-21 BATT INSULATION) / 5/8" GYP.BD.
6. 1x10 BAND
7. HIDDEN LINE INDICATES TOP OF SECOND FLOOR
8. 1x6 TRIM BOARD
9. 1x6 CORNER BOARD
10. HARDI-PANEL 8" GROVES
11. PTAC UNIT AS SELECTED
12. WINDOW HEAD, JAMB, SILL DETAILS (REFER TO 25, 25/A13.)
13. DOOR HEAD, JAMB, SILL DETAILS (REFER TO 26, 26/A13
14. 1x3 @ 16" O.C. / T1-11 PANELS
15. 1x4 OVER T1-11 NO GROOVE
16. FOOTINGS (REFER TO STRUCTURAL FOR SPECIFICATIONS)
17. NOT USED
18. SHADED AREA INDICATES INTERIOR OF STRUCTURE
19. ADDRESS IDENTIFICATION NUMBERS SHALL BE 4" HIGH (min.), 1/2" STROKE WIDTH (min.) AND OF A CONTRASTING COLOR.

PRELIMINARY SET NOT FOR CONSTRUCTION

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RODD HANSEN ARCHITECT, LLC
1351 Oak Street Suite A
Eugene, Oregon 97401
Phone: (541) 687-1800
Fax: 541-687-1815
E-Mail: rodd@hansenarchitectural.com

ASH SPRINGS APARTMENTS
BRENT LANZ
TAX MAP: 17-02S-4I 00400
SPRINGFIELD, OREGON 97478

TITLE: EXTERIOR ELEVATIONS

JOB#: 1413.1103202008P

DRAWN BY: JSD

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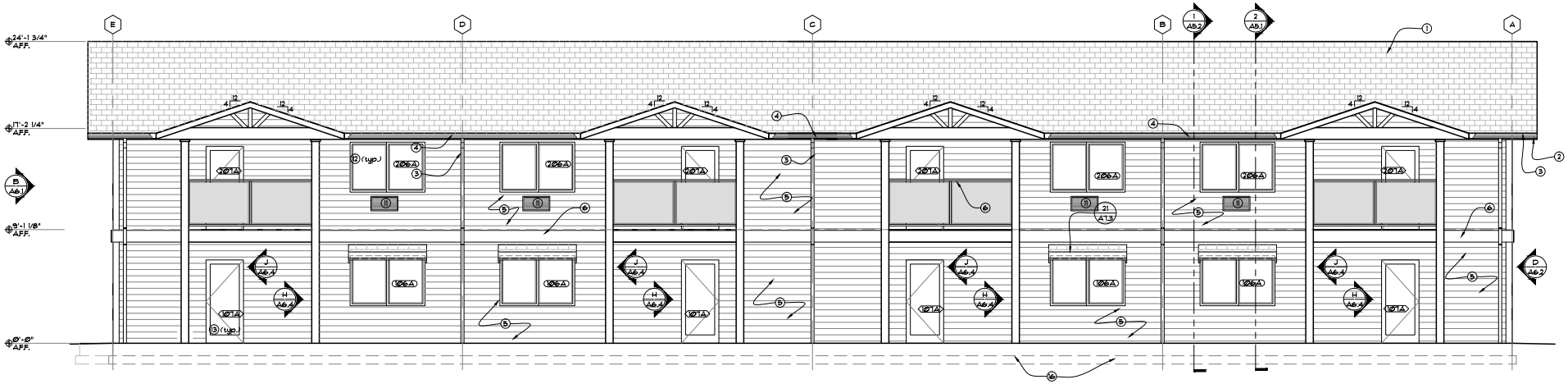
ISSUE DATE: 06-08-2020

SCALE: VARIES

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8-PLEX

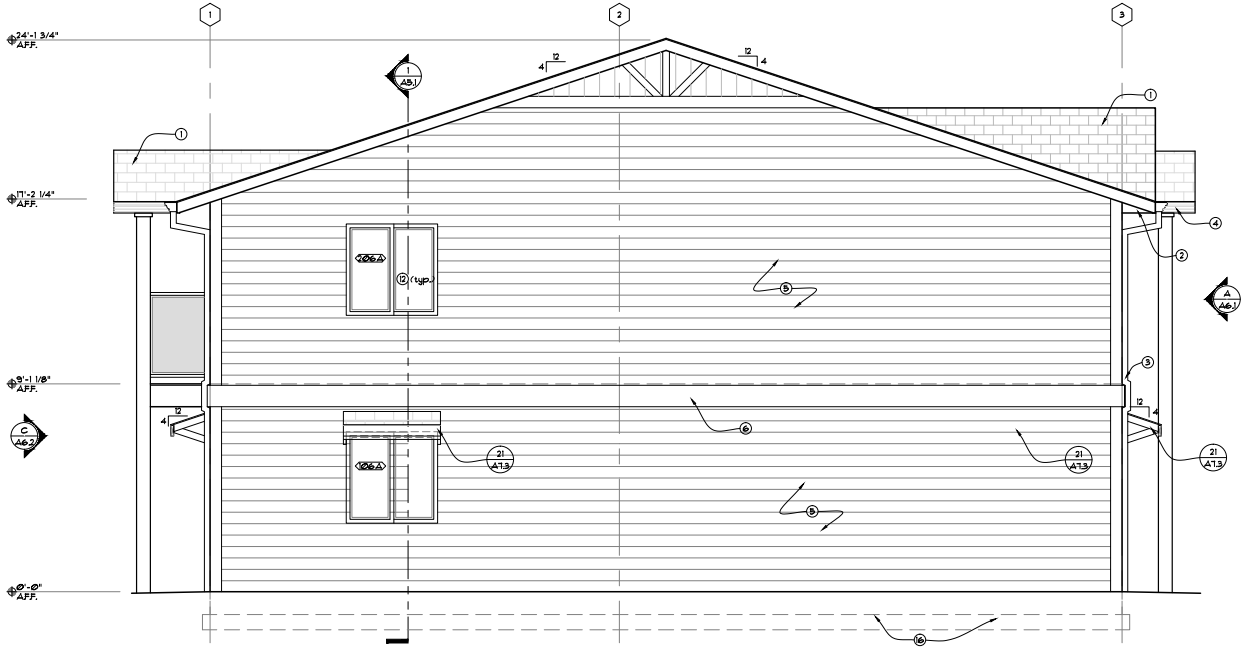
EXHIBIT D

EXHIBIT E



C EXTERIOR ELEVATION BUILDING 1-7, 9-14

SCALE: 1/4" = 1'-0"



D EXTERIOR ELEVATION BUILDING 1-7, 9-14

SCALE: 3/8" = 1'-0"

KEY NOTE

1. FIBERGLASS ARCHITECTURAL COMP ROOFING / APPROVED VAPOR BARRIER / 1/2" CDX PLY.WD / PRE-ENGINEERED TRUSSES (REFER TO STRUCTURAL DRAWINGS ON SPECIFICATIONS AND LAYOUT) R-49 BLOWN INSULATION)
2. OPEN SOFFIT
3. DOWN SPOUT
4. CONTINUOUS GUTTER
5. LAP SIDING (1/16" EXPOSED) (FIBER CEMENT) / APPROVED VAPOR BARRIER / 1/2" CDX PLY.WD. / 2x4 STUDS @ 16" O.C. (R-21 BATT INSULATION) / 5/8" GYP.BD.
6. 1x10 BAND
7. HIDDEN LINE INDICATES TOP OF SECOND FLOOR
8. 1x6 TRIM BOARD
9. 1x6 CORNER BOARD
10. HARDI-PANEL 8" GROVES
11. PTAC UNIT AS SELECTED
12. WINDOW HEAD, JAMB, SILL DETAILS (REFER TO 25, 29/A13)
13. DOOR HEAD, JAMB, SILL DETAILS (REFER TO 26, 30/A13
14. 1x3 @ 16" O.C. / T1-11 PANELS
15. 1x4 OVER T1-11 NO GROOVE
16. FOOTINGS (REFER TO STRUCTURAL FOR SPECIFICATIONS)
17. NOT USED
18. SHADED AREA INDICATES INTERIOR OF STRUCTURE
19. ADDRESS IDENTIFICATION NUMBERS SHALL BE 4" HIGH (min.) 1/2" STROKE WIDTH (min.) AND OF A CONTRASTING COLOR.

EXHIBIT E

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RODD HANSEN ARCHITECT, LLC
1351 Oak Street Suite A
Eugene, Oregon 97401
Phone: (541)-681-1800
Fax (541)-681-1200
E-Mail: rodd@rharchitectural.com

ASH SPRINGS APARTMENTS

BRENT LANZ

TAX MAP: 17-0232-AL 00400
SPRINGFIELD, OREGON 97478

TITLE: EXTERIOR ELEVATIONS

JOB#: 1413.1103201080P

DRAWN BY: JSD

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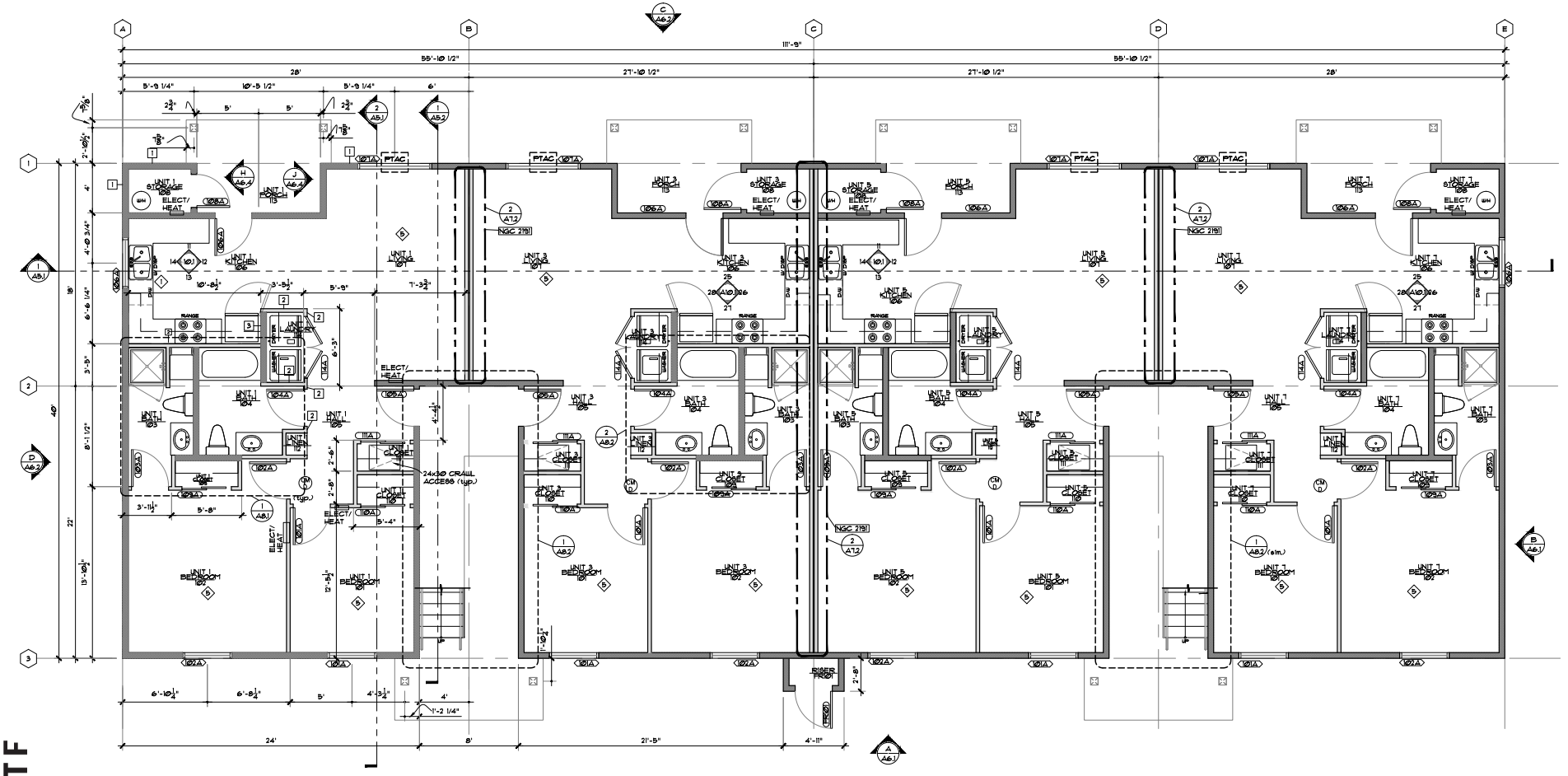
ISSUE DATE: 06-08-2020

SCALE: VARIES

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EXHIBIT F



FIRST FLOOR PLAN BUILDINGS 1-7, 9-14 — UNIT=968'-0" SQFT — FIRST FLOOR=3872'-0" SQFT

SCALE: 1/4" = 1'-0"

LEGEND

- 2x6 WOOD FRAMED WALL
- EXISTING WALL
- 2x4 WOOD FRAMED WALL

WALL TYPES

1. SIDING AS SELECTED (REF. TO A6 SHEETS FOR SIDING MATERIAL LOCATION AND TYPES) / APPROVED VAPOR BARRIER / 1/2" CDX PLYWD. / 2x6 STUD WALL @ 16" O.C. (R-21 BATT INSULATION) / 5/8" TYPE 'X' GYP. BD.
2. 5/8" TYPE 'X" GYP. BD. / 2x4 STUDS @ 16" O.C. (REFER TO STRUCTURAL DRAWING FOR DETAILS) / 5/8" TYPE 'X' GYP. BD.
3. 5/8" TYPE 'X" GYP. BD. / 2x6 STUD @ 16" O.C. / (REFER TO STRUCTURAL DRAWING FOR DETAILS) / 5/8" TYPE 'X' GYP. BD.
4.

GENERAL NOTES:

1. MIR. TYPE 'X" GYP. BD. BEHIND ALL WATER FIXTURES TO EXTEND 2' BEYOND THE FIXTURE (typ.) U.O.N.
2. PROVIDE VERTICAL 2x6 STUD (FLAT) IN WALL FRAMING WHERE DOOR HARDWARE STRIKES WALL
3. REFER TO STRUCTURAL DRAWINGS FOR SHEAR WALL LOCATIONS AND TYPES
4. REFER TO SHEET A9.2 FOR FIRE RATING DETAILS
5. TV AND DATA

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RODD HANSEN ARCHITECT, LLC
1561 Oak Street Suite A
Eugene, Oregon 97401
Phone: (541)-681-1800
Fax: (541)-681-1200
E-Mail: roddehansenarchitectural.com

ASH SPRINGS APARTMENTS

BRENT LANZ

TAX MAP: 17-0231-41 00400
SPRINGFIELD, OREGON 97478

TITLE: FIRST FLOOR PLAN

JOB#: 1413.1103120208P

DRAWN BY: JSD

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ISSUE DATE: 06-08-2020

SCALE: 1/4"=1'-0"

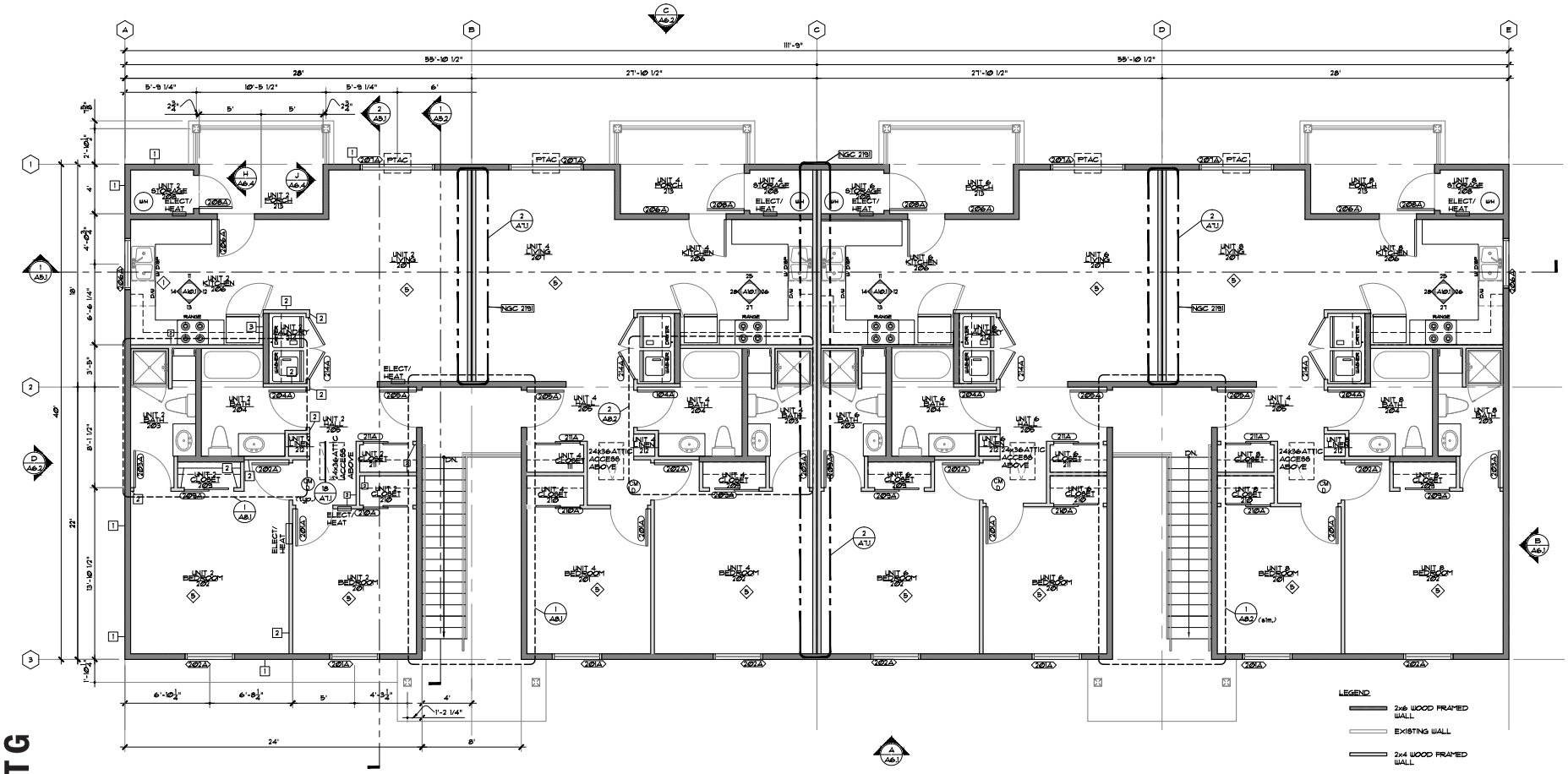
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8-PLEX

EXHIBIT F

EXHIBIT G

EXHIBIT G



SECOND FLOOR PLAN BUILDINGS 1-7, 9-14 UNIT=968'-0" SQFT SECOND FLOOR=3872'-0" SQFT

SCALE: 1/4" = 1'-0"

WALL TYPES

1. SIDING AS SELECTED (REF. TO A6 SHEETS FOR SIDING MATERIAL LOCATION AND TYPES) / APPROVED VAPOR BARRIER / 1/2" CDX PLYWD. / 2x6 STUD WALL @ 16" O.C. (R-21 BATT INSULATION) / 5/8" TYPE "X" GYP. BD.
2. 5/8" TYPE "X" GYP. BD. / 2x4 STUDS @ 16" O.C. (REFER TO STRUCTURAL DRAWING FOR DETAILS) / 5/8" TYPE "X" GYP. BD.
3. 5/8" TYPE "X" GYP. BD. / 2x6 STUD @ 16" O.C. / (REFER TO STRUCTURAL DRAWING FOR DETAILS) / 5/8" TYPE "X" GYP. BD.
4.

GENERAL NOTES:

1. MR. TYPE "X" GYP. BD. BEHIND ALL WATER FIXTURES TO EXTEND 2' BEYOND THE FIXTURE (typ.) U.O.N.
2. PROVIDE VERTICAL 2x6 STUD (FLAT) IN WALL FRAMING WHERE DOOR HARDWARE STRIKES WALL.
3. REFER TO STRUCTURAL DRAWINGS FOR SHEAR WALL LOCATIONS AND TYPES
4. REFER TO SHEET A5.2 FOR FIRE RATING DETAILS
5. TV AND DATA

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RODD HANSEN, ARCHITECT, LLC
1351 Oak Street Suite A
Eugene, Oregon 97401
Phone: (541) 515-1800
Fax: (541) 515-1801
E-Mail: rodd@rharchitectural.com

ASH SPRINGS APARTMENTS

BRENT LANZ

TAX MAP: 17-02W-32-AP 00400
SPRINGFIELD, OREGON 97478

TITLE: SECOND FLOOR PLAN

JOB#: 1413.1103202008P

DRAWN BY: JSD

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ISSUE DATE: 06-08-2020

SCALE: 1/4"=1'-0"

A3.2

8-PLEX

EXHIBIT H

TRAFFIC IMPACT ANALYS

ASH SPRINGS APARTMENTS

EUGENE, OREGON

February 2, 2021

Revised March 16, 2021

160 Madison Street, Suite A
Eugene, Oregon 97402
541.513.3376

SANDOW
ENGINEERING

Traffic Impact Analysis

Ash Springs Apartments



Roseburg, Oregon
February 2, 2021
Revised March 16, 2021

Kelly Sandow PE

SANDOW
ENGINEERING
160 Madison Street, Suite A
Eugene Oregon 97402
541.513.3376
sandowengineering.com

project # 5865

EXECUTIVE SUMMARY

This report provides the Traffic Impact Analysis and findings prepared for the proposed Ash Springs apartments in Roseburg, Oregon. The subject site is located on Assessor's Map 27-05W-16-00 Tax Lot 201. The 7.00-acre parcel is zoned MU- Mixed-Use. The applicant is proposing the development of 105 apartment units. The proposal includes two full-movement access connections to Pomona Street.

The analysis evaluates the transportation impacts as per the City of Roseburg and ODOT criteria, evaluating adjacent roadway and intersection operation with the addition of development traffic for the year of completion and a 5-year future analysis. Background roadway conditions include the addition of full development trips from the Oak Springs apartments to the north.

The following report recommendations are based on the information and analysis documented in this report.

FINDINGS

- All studied intersections operate within the mobility standards with and without the development traffic.
- The addition of development traffic does not substantially increase queuing conditions.
- There is no off-site mitigation needed for this development.
- The Two-Way Left-Turn Lane on the west side of the intersection should be restriped to dedicated left turn pocket with a minimum of 100-foot storage.

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1.0 BACKGROUND

1.1 SITE INFORMATION

This report provides the Traffic Impact Analysis and findings prepared for the proposed Ash Springs Apartment complex located in Roseburg, Oregon. The site is located at the northeast corner of Hwy 138 and Pomona Street. The 7.0-acre site is located at Tax Lot 201 of Map 27-05W-16-00. The proposal is to construct 105 apartment units over several 2-story buildings.

The site is proposing 2 full-movement access connections to Pomona St. There will be no direct connection to Highway 138. Appendix A contains the site plan.

1.2 ANALYSIS SCOPE

The traffic study is performed in accordance with ODOT standards and criteria. A turning movement/intersection analysis was performed for the adjacent intersection. The following is included in the study:

- Hwy 138 @ Pomona St
- Site Access Connections @ Pomona St

The operational analysis was performed at the study area intersections for the weekday PM peak hour(3:30-6:30 PM). The operational analysis is performed for the following conditions:

- Existing conditions, year 2021
- Year of completion, year 2022, with and without the proposed development
- Five-year planning horizon, the year 2027, with and without the proposed development

Additionally, the development trips from Oak Springs apartments to the north are added to the background traffic volumes as the turning movement counts were taken prior to completion of Oak Springs.

2.0 EXISTING ROADWAY CONDITIONS

2.1 STREET NETWORK

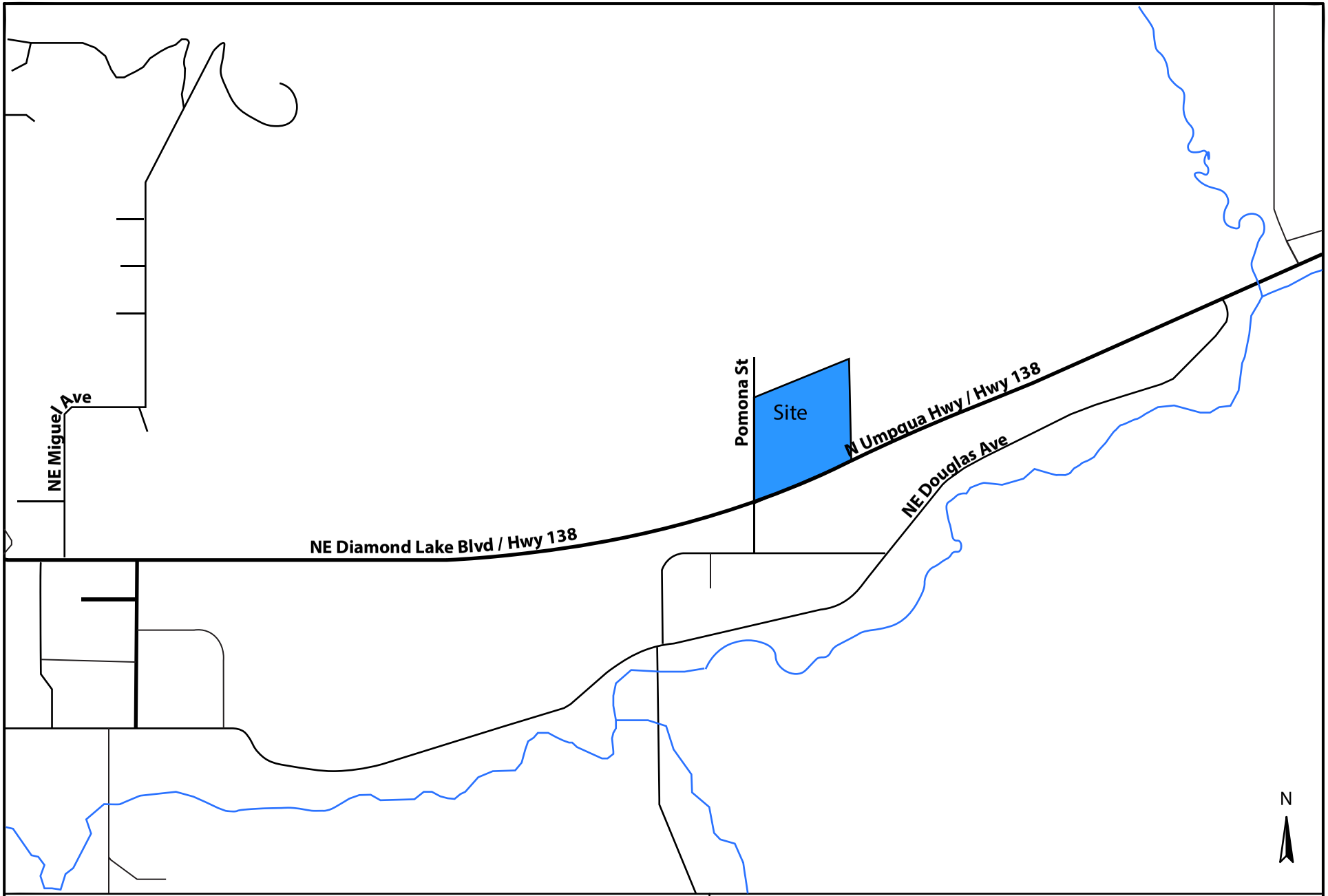
Streets included within the study Hwy 138 and Pomona St. The roadway characteristics within the study area are included in Table 1. Figure 1 provides a map of the site location and study area, Figure 2 illustrates the street classifications within the study area, and Figure 3 illustrates the study area intersection geometry and access control.

TABLE 1: ROADWAY CHARACTERISTICS WITHIN STUDY AREA

Characteristic	Hwy 138	Pomona St
Jurisdiction	ODOT	City of Roseburg
Functional Classification	Principal Arterial	Local
Lanes per Direction	2	1
Center Left Turn lane	Yes	None
Restrictions in the Median	None	None
Bikes Lanes Present	None	None
Sidewalks Present	None	Partial
Transit Route	West of Pomona	None
On-Street Parking	None	None
Vertical or Horizontal Sight Limitations	None	None

2.2 ADJACENT ZONING

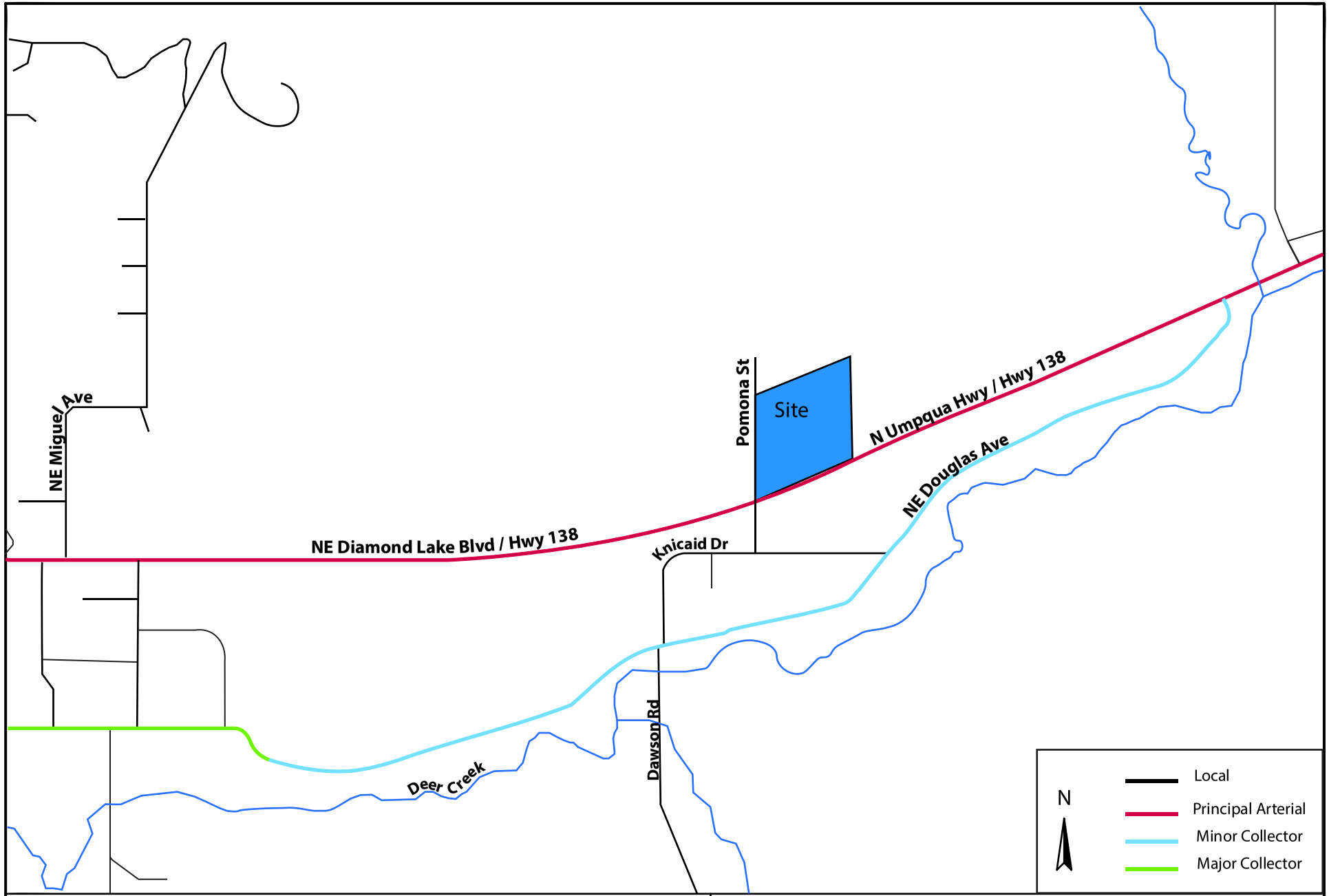
The site is zoned Mixed Use-MU. The surrounding land uses north of Hwy 138 are zoned Mixed-Use MU. Land uses south of Hwy 138 are zoned General Commercial C-3, Mixed-Use MU, and Medium Industrial M2. Figure 4 illustrates the zoning of the adjacent parcels.



Ash Springs Apts Roseburg, Oregon

Figure 1: Site Location and Vicinity Map

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160 Madison Street Suite A Eugene, Oregon 97402 - 541.513.3376 - sandowengineering.com

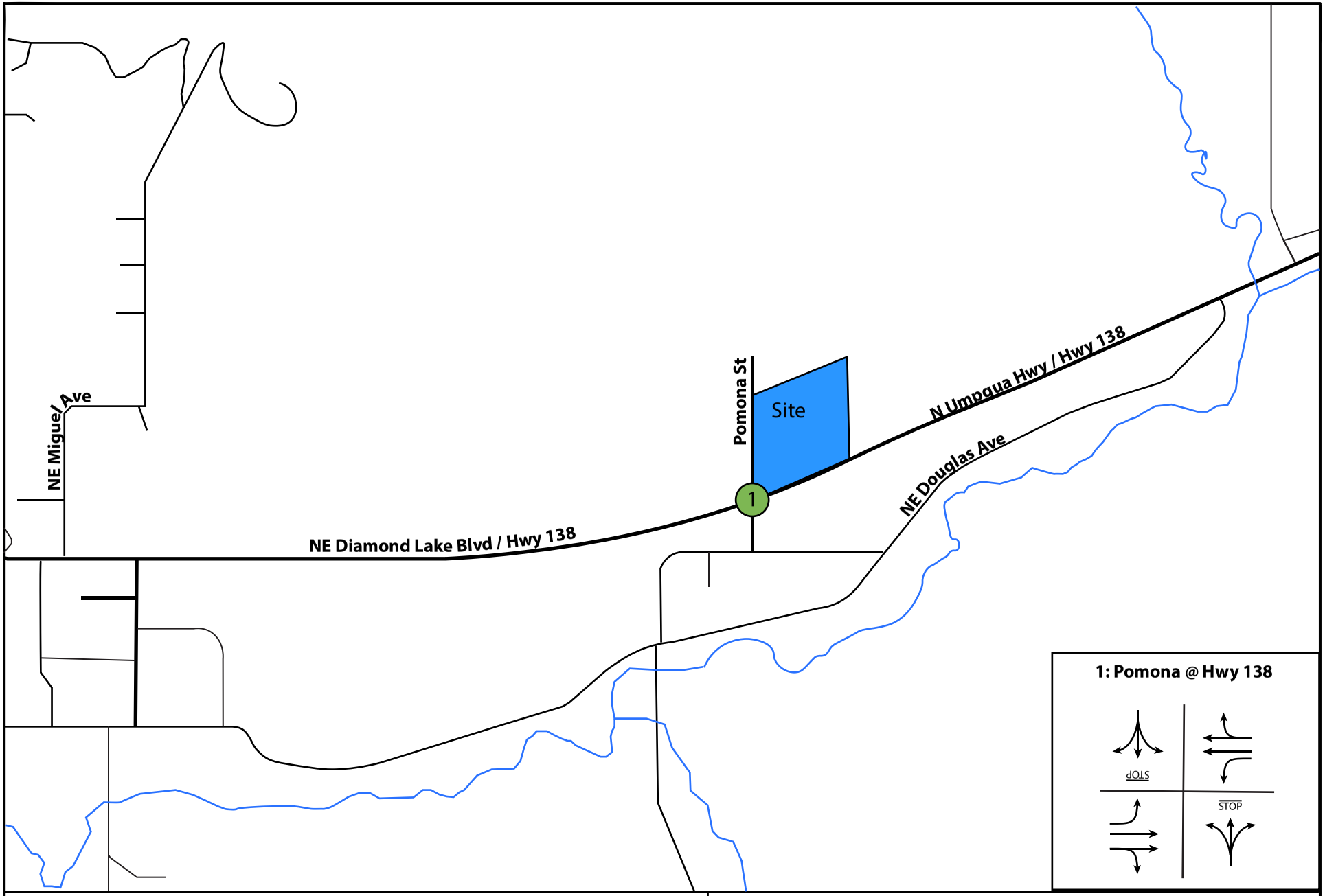


Ash Springs Apts Roseburg, Oregon

Figure 2: Street Classifications

SANDOWENGINEERING

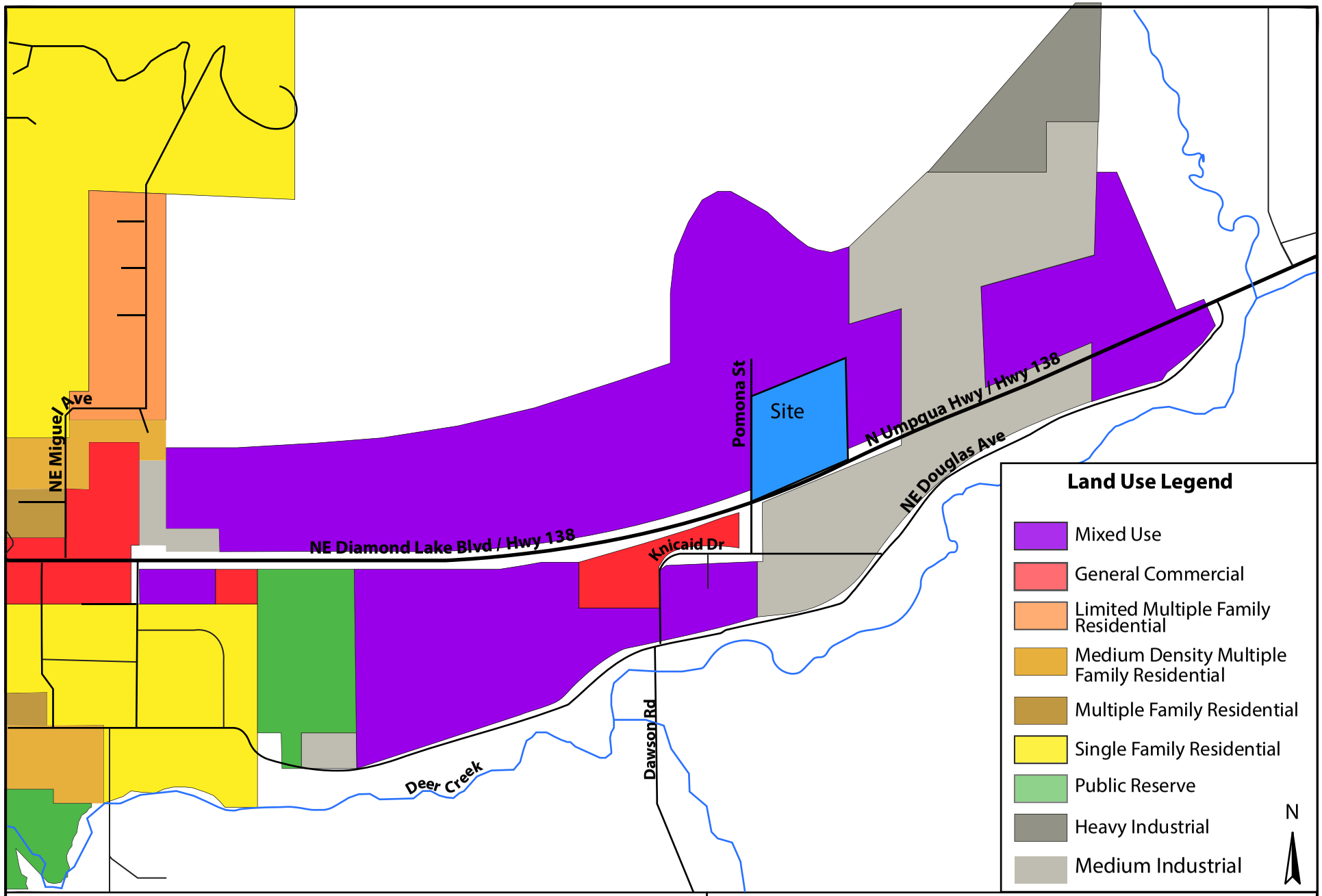
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Figure 3: Lane Configuration and Traffic Control

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Figure 4: Surrounding Land Uses

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3.0 CRASH ANALYSIS

A crash estimation was performed for the intersection of Hwy 138 and Pomona St. The analysis investigates crash data available for the most recent 5 years, 1/1/2015-12/31/2019, to determine a crash rate in crashes per million entering vehicles and the type of crashes that occurred. The crash rate is compared to the statewide crash rate of 1,080. The crash data is provided in Appendix B. The data is summarized in Table 2.

TABLE 2: INTERSECTION CRASH RATES

Location	Number of Crashes	Types of Crashes						ADT	Crash Rate*
		Head	Rear	Side	Turn	Other	Pedestrian/ Bike		
Highway 138 at Pomona	4	0	0	0	4	0	0	12,290	0.18

***(crashes/million entering vehicles)**

As illustrated within Table 2, the crash rate is not exceeded the statewide crash rate. Therefore, there is no mitigation required.

4.0 DEVELOPMENT TRIP GENERATION AND DISTRIBUTION

The development is proposing 105 apartment units over several 2 story buildings. The vehicle trips generated to this site are estimated using the ITE Trip Generation Manual 10th Edition. The closest ITE Land Use to the proposed development is ITE Land Use Code 220- Multi-Family Low-Rise Residential. The PM peak hour development trips are provided in Table 3.

TABLE 3: TRIP GENERATION-PEAK HOUR

ITE Land Use	Size	Trip Generation					
		Rate	Trips	%IN	%OUT	IN	OUT
PM Peak Hour Trips							
220- Multi-Family Housing	105	*Eqn1	62	63%	37%	39	23

*Eqn1= ln(t)=0.89ln(x)-0.02

The existing travel patterns from the traffic counts are used to estimate how the development trips will use the surrounding transportation system to access the site. The trips are distributed through the study area based on those existing travel patterns as described below:

- 10% to/from the east
- 90% to/from the west

The traffic volumes were distributed within the study area according to the percentages above and are illustrated in Figure 5.

5.0 BACKGROUND TRAFFIC VOLUMES

5.1 INTERSECTION COUNTS

Recent traffic counts were collected in January 2021 at the intersection of Hwy 138 at Pomona Street. Counts collected during this time are generally affected by the Covid-19 shutdowns. Therefore, new counts need to be adjusted to reflect conditions consistent with pre-COVID-19 19 traffic volumes. As discussed with and agreed upon with ODOT, the new count will be adjusted comparing an existing pre-Covid-19 count with a count collected in January 2021 at a nearby intersection. The nearby comparison intersection is Highway 138 at Rifle Range Road. A January 2021 count was collected at this intersection. This January 2021 count was compared to the 2016 traffic seasonally adjusted volumes from the City of Roseburg's newly completed Transportation System Plan for this intersection. First, the 2016 count was grown to 2021 volumes using ODOT Traffic Volumes Tables. The 2021 TSP count was compared to the January 2021 count, and it was determined that the new January 2021 volumes are approximately 8.5% lower than the pre-Covid-19 volumes. This is consistent with the collected traffic volumes from ODOT, showing the traffic volumes affects by the Covid-19 impacts. The factor of 1.085 was applied to the January 2021 count at Hwy 138 at Pomona St to determine “pre COVID-19 volumes”.

The traffic volumes are included in Appendix C.

5.2 SEASONAL ADJUSTMENT

Application of seasonal adjustment factors account for the fact that through volumes along State Highways fluctuate from month to month due to changes in recreational behavior, etc. The design hour traffic volumes are adjusted to reflect traffic conditions on roadways during the peak month of the year using a seasonal adjustment factor.

The count for Highway 138 at Pomona Street was taken in January. Therefore, the seasonal fluctuation in traffic was considered for this location. The seasonal adjustment was determined using the methodology outlined by ODOT’s *ANALYSIS PROCEDURES MANUAL (APM)*. The seasonal adjustment considers the “commuter” trend, as described within ODOT’s *2020 SEASONAL TREND TABLE*. The seasonal adjustment factor for this category is 1.162. The seasonal adjustment calculation is included in Appendix C.

5.3 FUTURE YEAR BACKGROUND VOLUMES

The proposed site development is projected to be completed by the year 2022. Consistent with the traffic impact analysis criteria, the intersections were evaluated for the year of completion, the

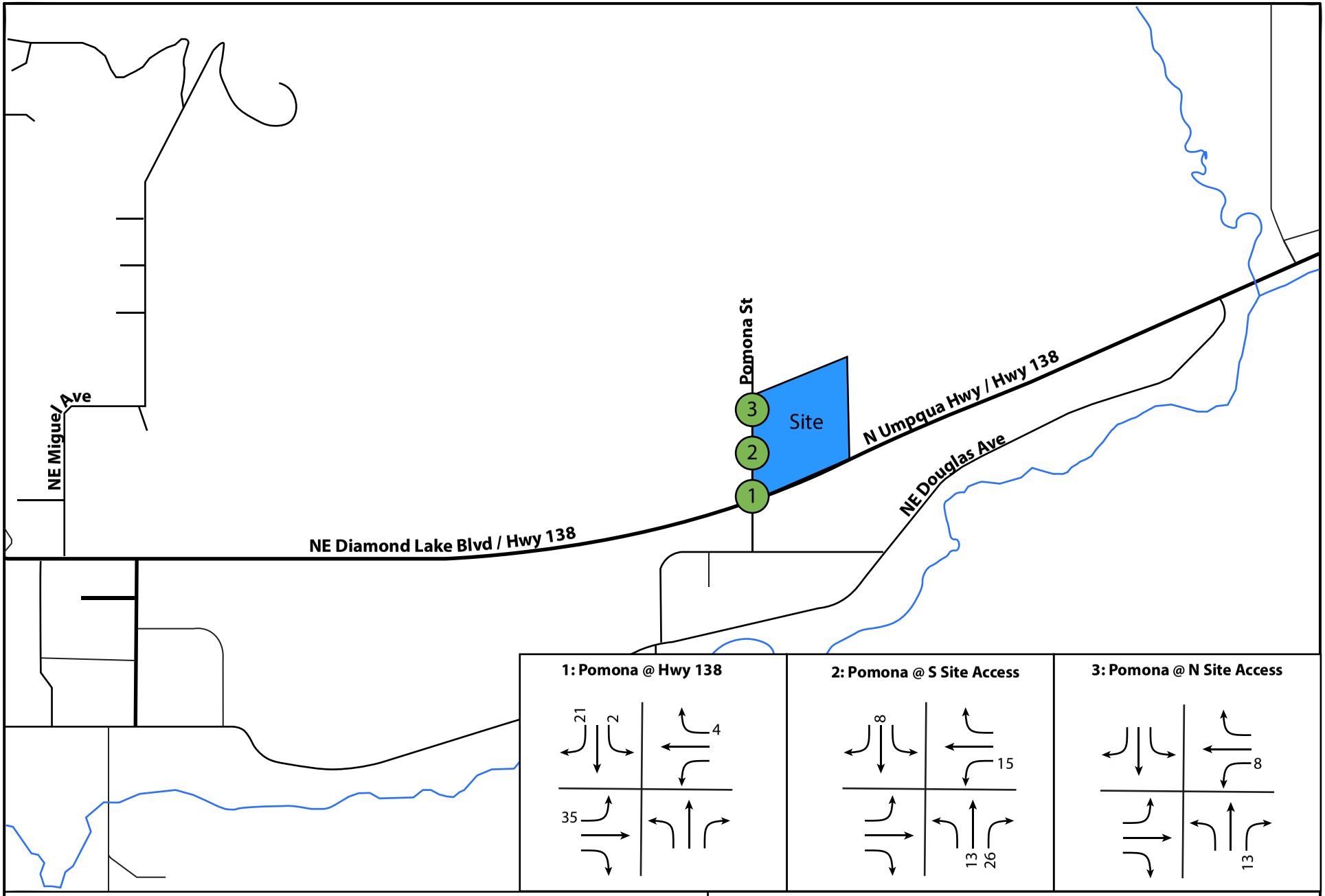
year 2022, and a 5-year planning horizon, the year 2027. To account for naturally occurring traffic increased between the count year and the future analysis year, an annual growth rate was applied. The growth rate was estimated using ODOT Future Volume Tables. The data for this section of Hwy 138 shows an estimated growth of 1.7% per year. The 1.7% per year was applied to the year 2021 volumes to estimate the year 2022 and the year 2027 background volumes.

5.4 IN PROGRESS DEVELOPMENT TRIPS

To the north of the development site, Oak Springs apartment complex is under construction and is beginning to lease apartments. As the apartment complex is under construction but not fully leased during the time of the counts, the estimated trips generated by Oak Springs is added to the background trips for the year 2022 and year 2027. Oak Springs apartments is 89 units. The estimated trips for this development using the ITE data for apartments is 53 pm peak hour trips with 34 entering and 20 exiting. Appendix C illustrated the trip estimate and distribution for Oak Spring apartments.

5.5 FINAL TRAFFIC VOLUMES

The existing traffic volumes were adjusted according to the methodology described above. Appendix C provides the traffic volume calculations. The development trips are added to the background traffic to volume to represent the build conditions. Figures 6 illustrates the year 2021 pm peak hour background traffic volumes. Figure 7 illustrates the year 2022 and Figure 8 illustrates the year 2027 PM peak hour background volumes. Figure 9 illustrates the year 2021 PM and Figure 10 illustrates the year 2027 PM Peak hour volumes with the development.

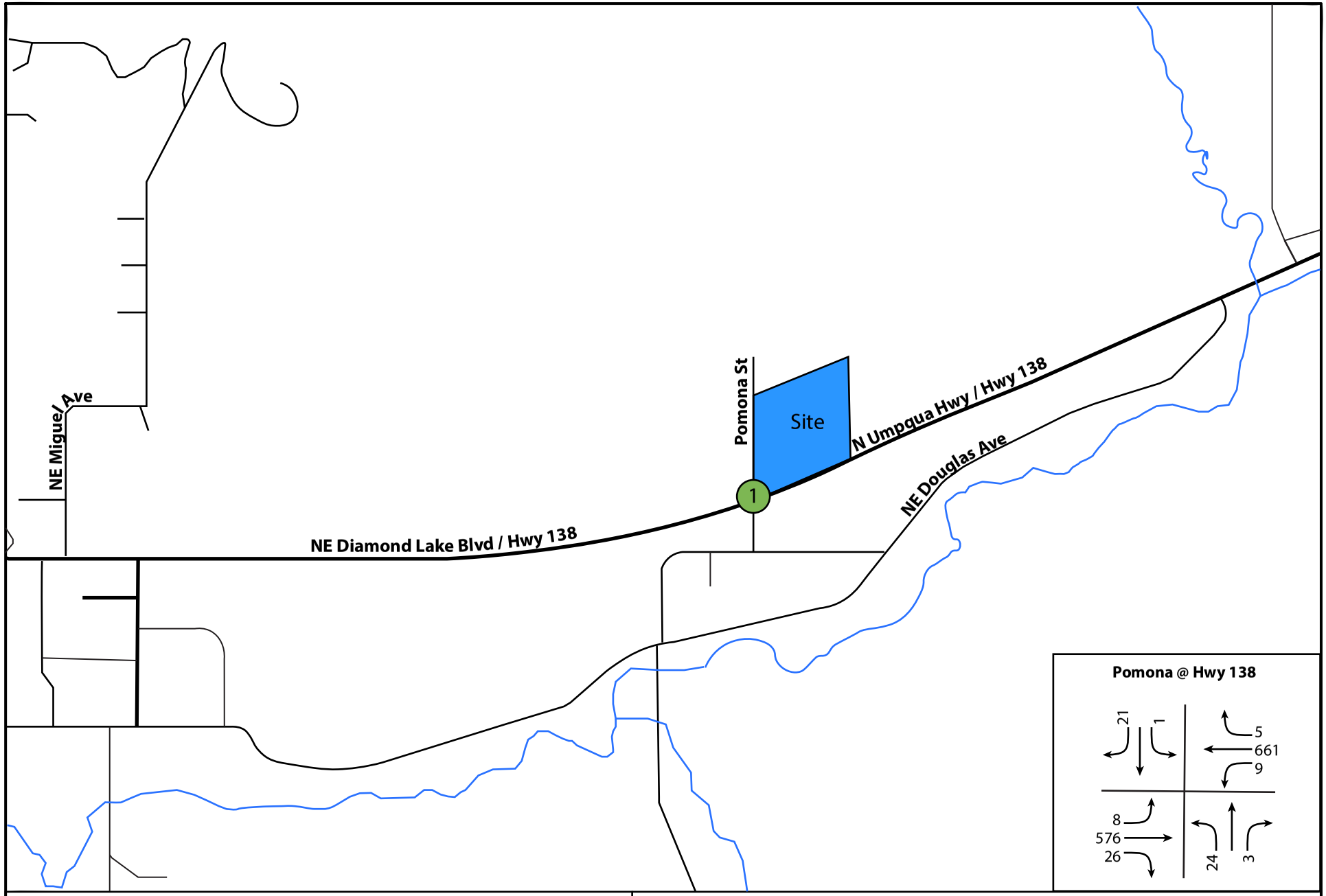


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Figure 5: Development Trip Distribution

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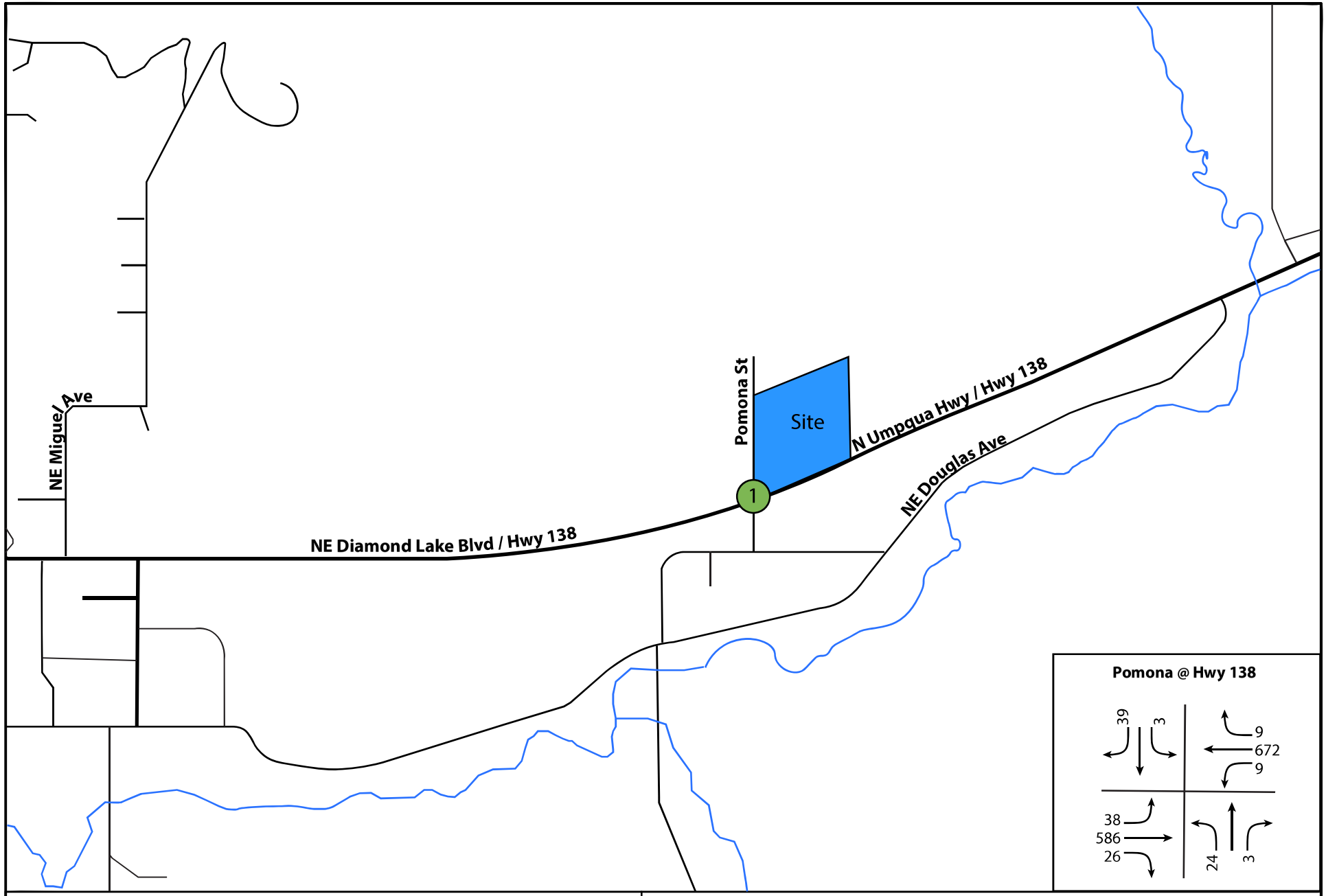
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Figure 6: Year 2021 PM Peak Hour Background Traffic Volumes

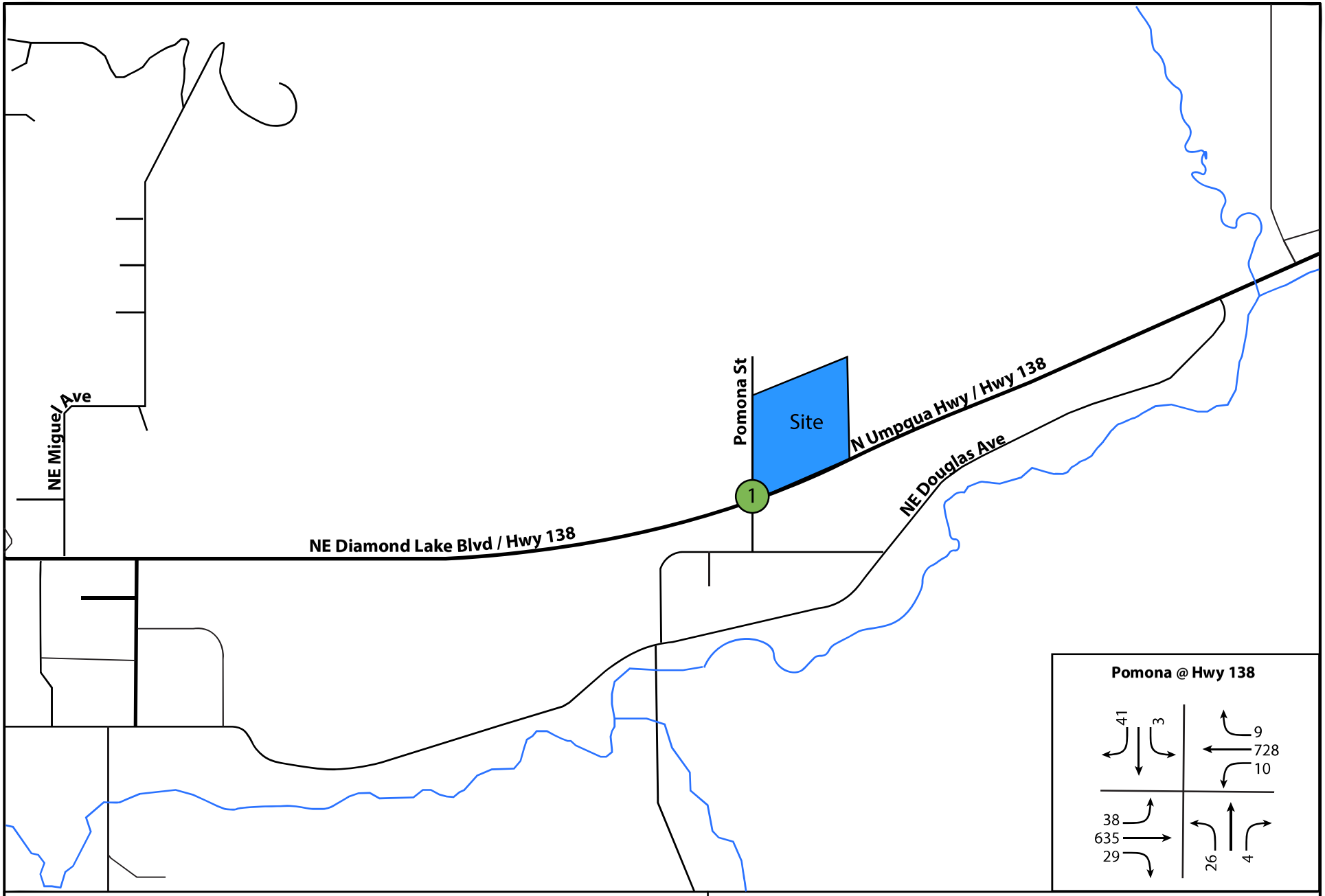
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Figure 7: Year 2022 PM Peak Hour Background Traffic Volumes

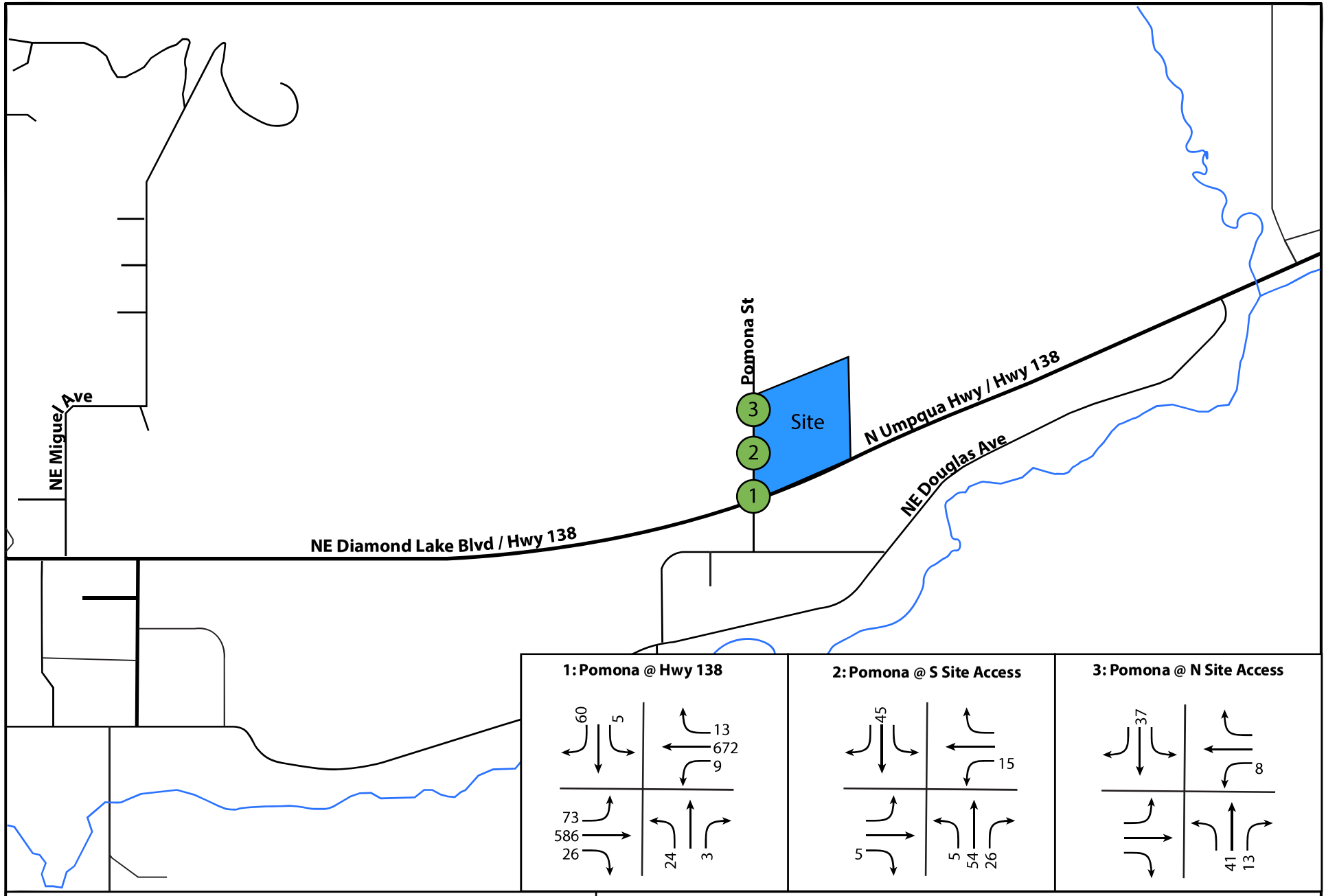
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Figure 8: Year 2027 PM Peak Hour Background Traffic Volumes

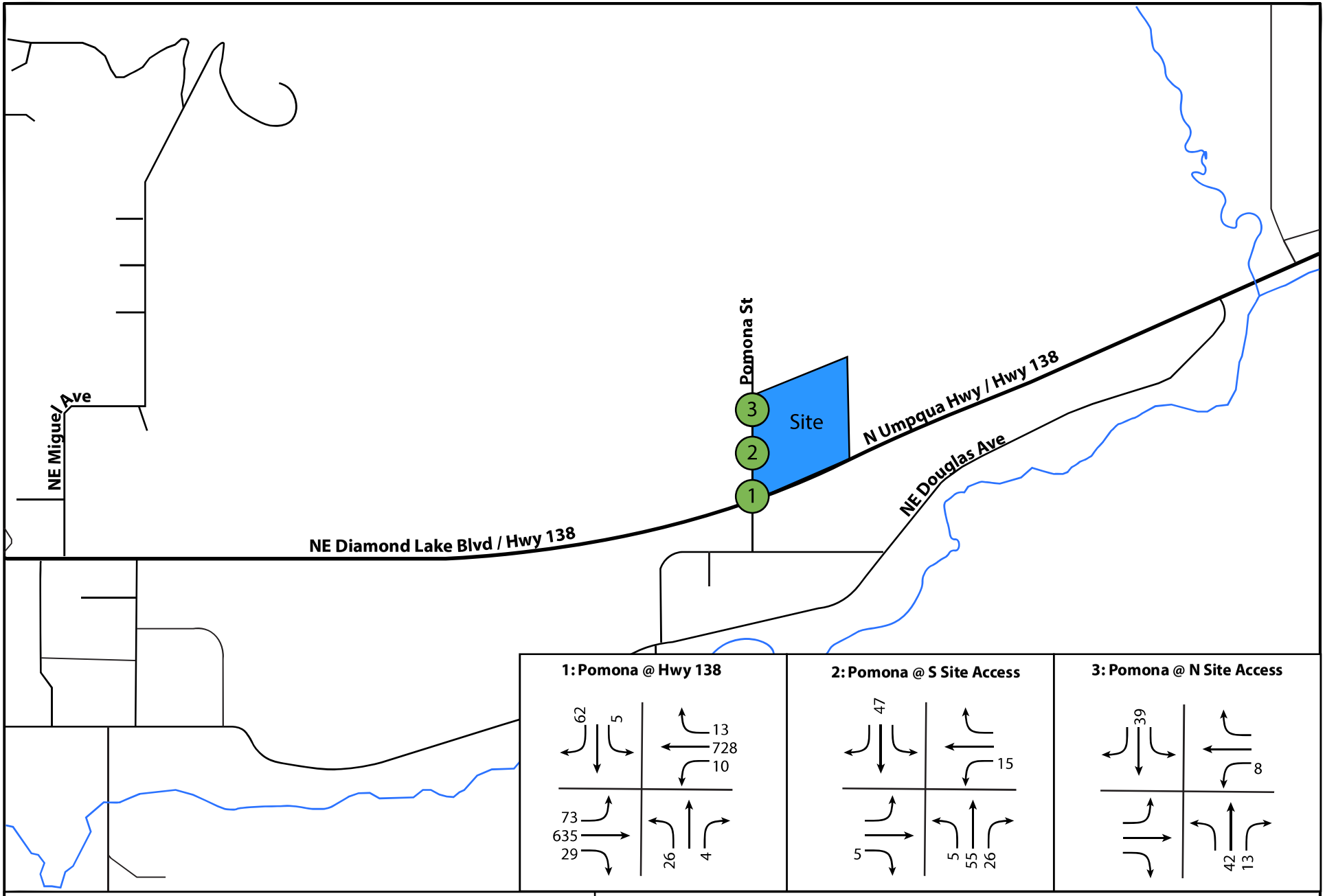
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Figure 9: Year 2022 PM Peak Hour Traffic Volumes with Development

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Figure 10: Year 2027 PM Peak Hour Traffic Volumes with Development

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6.0 INTERSECTION ANALYSIS

6.1 PERFORMANCE MEASURES

The measure of performance for the site access and intersection is the volume-to-capacity ratio (v/c). The volume-to-capacity ratio describes the capability of an intersection to meet volume demand based upon the maximum number of vehicles that could be served in an hour. V/C is the threshold for which ODOT evaluates the operation of intersections, as defined by the *1999 Oregon Highway Plan*. V/C thresholds are defined based on roadway classification and speed. Highway 138 is a Regional Highway with a posted speed of 55 mph. The stopped approach has a v/c threshold of 0.90, and the mainline has a v/c threshold of 0.85.

The City of Roseburg uses an LOS standard. The LOS criteria, as defined by the Highway Capacity Manual, for signalized intersections, are provided in Table 4.

TABLE 4: HCM LEVEL OF SERVICE FOR INTERSECTIONS

	Stopped Delay Per Vehicle (Seconds per Vehicle)	
	Unsignalized Intersections	**Signalized Intersections**
A	≤ 10.0	≤ 10
B	> 10.0 and ≤ 15.0	> 10 and ≤ 20
C	> 15.0 and ≤ 25.0	> 20 and ≤ 35
D	> 25.0 and ≤ 35.0	> 35 and ≤ 55
E	> 35.0 and ≤ 50.0	> 55 and ≤ 80
F	> 50.0	> 80

6.2 INTERSECTION ANALYSIS RESULTS

A performance analysis was conducted for the studied intersections for the Year 2021, 2022, and 2027 conditions during the PM peak hours. The intersection evaluation was performed using Synchro 10. The results are shown in Table 5. The SYNCHRO outputs are provided in Appendix D.

TABLE 5: INTERSECTION PERFORMANCE: WEEKDAY AM AND PM PEAK HOUR

Intersection	Mobility Standard v/c	2021 Background	2022 Background	2022 Build	2027 Background	2027 Build
Hwy 138 @ Pomona St	Side Street 0.90	0.18	0.29	0.24	0.30	0.38
	Mainline 0.85	0.01	0.10	0.06	0.06	0.11
Pomona St at S Access	LOS D	n/a	n/a	A	n/a	A
Pomona St at N Access	LOS D	n/a	n/a	A	n/a	A

As illustrated in Table 5, the intersection and site access connections will meet the applicable mobility standards with the addition of development trips.

7.0 QUEUE ANALYSIS

A queuing analysis was conducted for the studied intersections. The analysis was performed using SimTraffic, a microsimulation software tool that uses the HCM defined criteria to estimate the queuing of vehicles within the study area. The average and 95th percentile queuing results are illustrated in Table 6 for the year 2021 and Table 7 for the year 2022 and year 2027 PM peak hour conditions. All results are rounded to 25 feet to represent the total number of vehicles in the queue, as one vehicle typically occupies 25 feet of space. The SimTraffic outputs are provided in Appendix E.

TABLE 6: INTERSECTION QUEUING: THE YEAR 2021 WEEKDAY PM PEAK HOUR

Intersection			Available Storage (Feet)	2021 Background (Feet)	
				Average	95th percentile
Hwy 138 @ Pomona St	EB	L	TWLTL	25	25
	WB	L	TWLTL	25	25
	NB	LTR	250	25	50
	SB	LTR	500	25	50

TABLE 7: INTERSECTION QUEUING: WEEKDAY PM PEAK HOUR

Intersection			Available Storage (Feet)	2022 Background (Feet)		2022 Build (Feet)		2027 Background (Feet)		2027 Build (Feet)	
				Average	95th percentile	Average	95th percentile	Average	95th percentile	Average	95th percentile
Hwy 138 @ Pomona St	EB	L	TWLTL	25	50	25	50	25	50	25	75
	WB	L	TWLTL	25	25	25	25	25	25	25	25
	NB	LTR	250	25	50	25	50	25	75	50	100
	SB	LTR	500	25	50	25	50	25	50	25	75
Pomona St @ S Access	EB	LTR	100	n/a	n/a	25	25	n/a	n/a	25	50
	NB	LTR	250	n/a	n/a	0	0	n/a	n/a	0	0
	SB	LTR	250	n/a	n/a	0	0	n/a	n/a	0	0
	WB	LTR	100	n/a	n/a	25	50	n/a	n/a	25	50
Pomona St @ N Access	WB	LR	100	n/a	n/a	25	25	n/a	n/a	25	50
	NB	LTR	400	n/a	n/a	0	0	n/a	n/a	0	0
	SB	LTR	300	n/a	n/a	0	0	n/a	n/a	0	0

As demonstrated in Table 7, the addition of development traffic does not substantially increase the queuing conditions at the studied intersections.

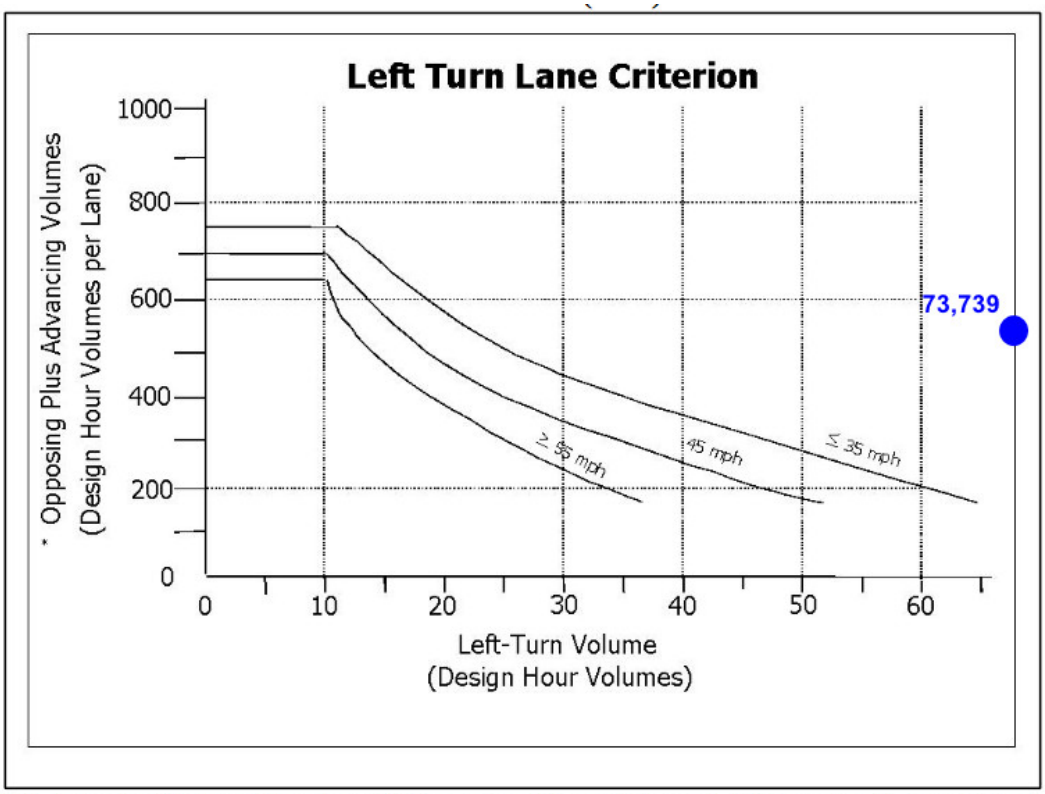
8.0 TURN LANE WARRANTS

Right and left turn lane warrants were performed for the intersection of Highway 138 at Pomona Street. The turn analysis follows the procedures within ODOT's Analysis Procedures Manual.

LEFT TURN LANE

Currently, Highway 138 is striped with a Two-Way Left-Turn Lane, TWLTL, on the west side of the intersection (north-eastbound left turn) and a striped left turn pocket on the east side (southwest bound left-turn) of the intersection. While the TWLTL provides a separate space for a left turn into Pomona Street, the turn lane warrants were evaluated to determine if the TWLTL should be restriped to a left turn pocket.

The Analysis Procedures Manual has three criteria for determining when a separate left turn pocket should be installed. Criterion 1 is the comparison of left-turn traffic volumes to advancing and opposing traffic volumes. As per Figure 10, during the year 2027 PM peak hour, there are 73 left turns, 737 advancing volumes, 741 opposing volumes, 2 advancing and 2 opposing travel lanes, and the speed of Highway 138 is 55 mph. The illustration below shows the left turn lane criterion.

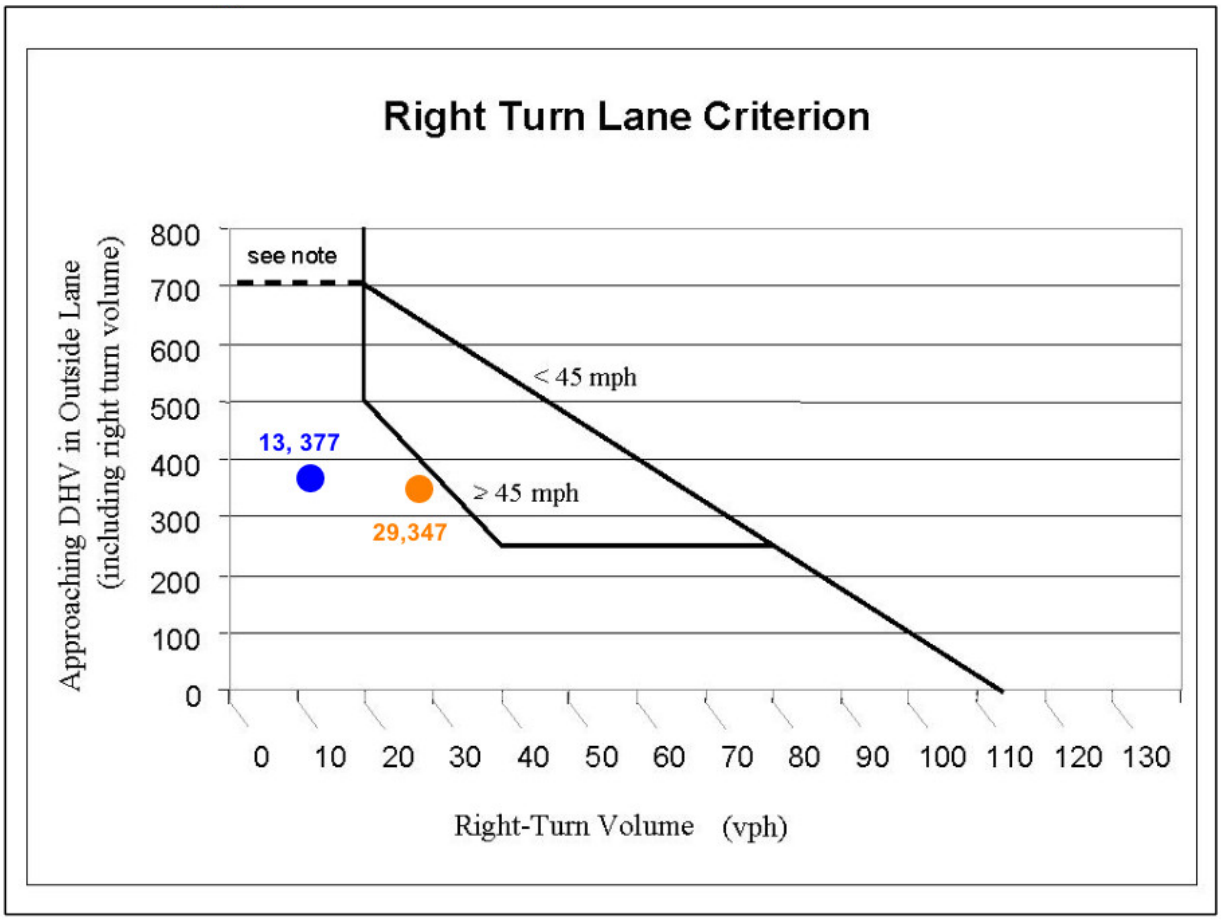


*(Advancing Volume/Number of Advancing Through Lanes) + (Opposing Volume/Number of Opposing Through Lanes)
Opposing left turns are not counted as opposing volumes

As illustrated, the criterion for a left turn based on traffic volumes is met. Therefore, the TWLTL should be restriped to a left turn pocket. The year 2027 PM peak hour 95th percentile queue for this left turn is 75 feet. The left-turn pocket should have a minimum of 100-foot storage.

RIGHT TURN LANE

The Analysis Procedures Manual has three criteria for determining when a separate right turn pocket should be installed. Criterion 1 is the comparison of right-turn traffic volumes to approaching traffic volumes. As per Figure 10, during the year 2027 PM peak hour, there are 13 southwest right turns, 377 approaching volumes, and the speed of Highway 138 is 55 mph. Additionally, there 29 northeast right turns, and 347 approaching volumes. The illustration below shows the right turn lane criterion.



Note: If there is no right turn lane, a shoulder needs to be provided. If this intersection is in a rural area and is a connection to a public street, a right turn lane is needed.

As shown in the illustration a right turn lane is not warranted for this intersection.

9.0 CONCLUSION

This report provides the Traffic Impact Analysis and findings prepared for the proposed Ash Springs Apartments located in Roseburg, Oregon. The applicant is proposing the development of 105 apartment units. The analysis evaluates the transportation impacts as per the City of Roseburg and ODOT, evaluating adjacent roadway and intersection operation with the addition of development traffic for the year of completion and 5 years into the future.

FINDINGS

- All studied intersections operate within the mobility standards with and without the development traffic.
- The addition of development traffic does not substantially increase queuing conditions.
- There is no off-site mitigation needed for this development.
- The Two-Way Left-Turn Lane on the west side of the intersection should be restriped to dedicated left turn pocket with a minimum of 100-foot storage.

Ash Spring Apartments

APPENDIX A: SITE PLAN

ASH SPRINGS APARTMENTS

PROPERTY INFORMATION

R126196
ACRES: 7.0 ac.
ZONE: Mixed Use/MU

SITE PLAN

UNITS:	105
UNITS/ACRE:	15
TOTAL VEHICLE PARKING:	207 spaces
OFF-STREET STD.:	200
ADA PARKING:	7
PARKING/UNIT:	1.97 spaces

IMPERVIOUS AREA

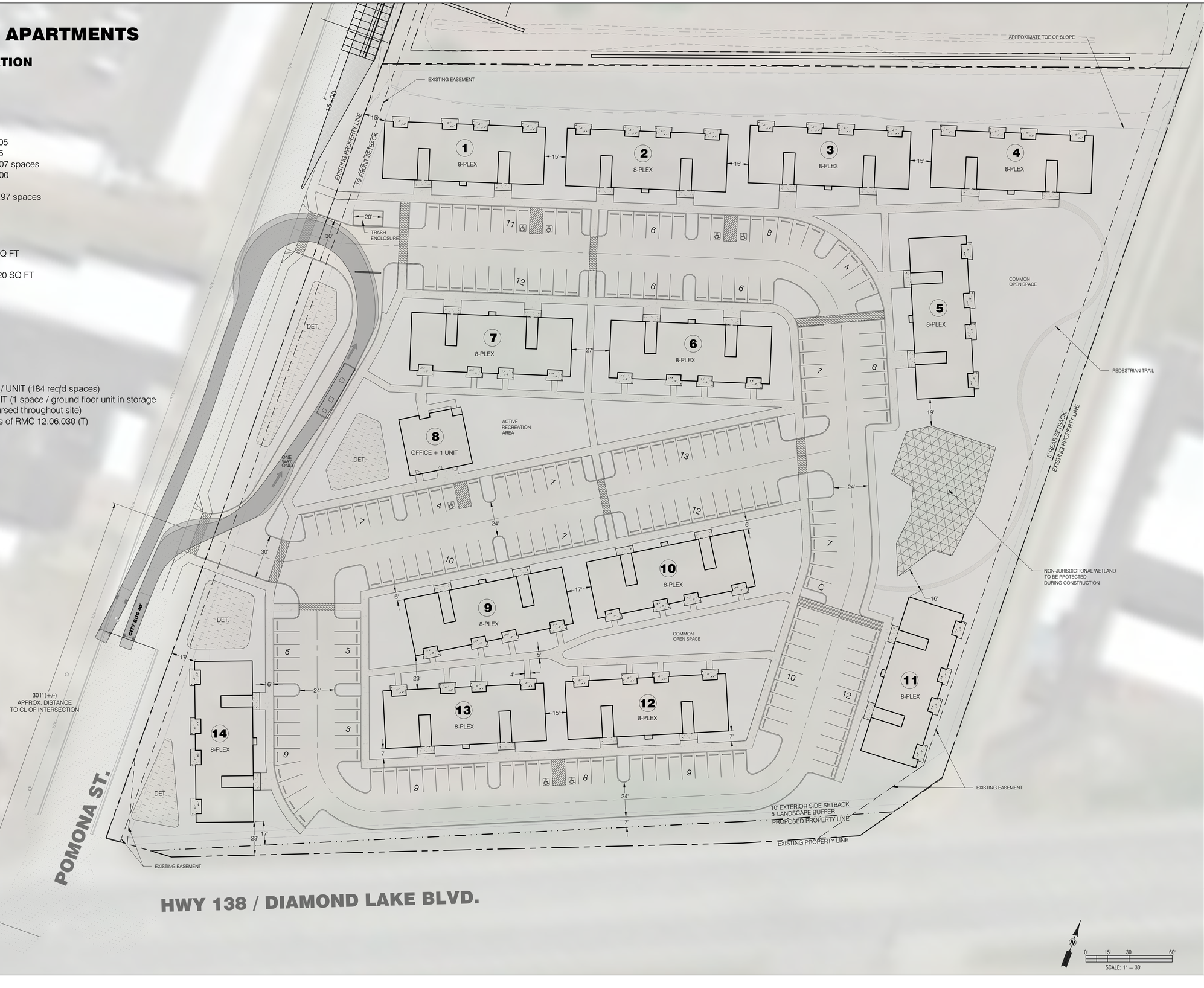
ROOFTOP: 63,700 SQ FT
SIDEWALKS/AC/CONC: 101,120 SQ FT

TOTAL IMPERVIOUS AREA: 164,820 SQ FT

LUDO INFO

SETBACKS:
- FRONT: 15'
- INTERIOR SIDE: 5'
- EXTERIOR SIDE: 10'
- REAR: 5'

MAX. BUILDING HEIGHT: 45'
VEHICLE PARKING: 1.75 SPACES / UNIT (184 req'd spaces)
BICYCLE PARKING: 1 SPACE / UNIT (1 space / ground floor unit in storage area; 53 bike parking spaces disbursed throughout site)
LANDSCAPE: to meet requirements of RMC 12.06.030 (T)



civil
structural
surveying
architecture
planning

i.e. Engineering, inc.
809 SE Pine St
Roseburg, OR

ieengineering.com

PRELIMINARY

Rev.	Date	Dwg	Description

ASH SPRINGS APARTMENTS
311 NE POMONA STREET
ROSEBURG, OR 97470
PRELIMINARY LAYOUT
SCALE: 1" = 30'
DECEMBER 4, 2020
ISSUE: PRELIMINARY LAYOUT

PROJECT NO. 2923-01
DRW. JMM
CHK. AP

Z:\2923\300-Ash Springs, LLC\300-01 Ash Springs\DESIGN\CAD\300-01 PRELIM SITE PLAN1.dwg
JaimieW Dec 10, 2020

APPENDIX B: CRSH DATA

Ash Spring Apartments

North Umpqua Hwy @ Pomona St											
YEAR	PDO	INJURY	FATAL	HEAD	REAR	SIDE	TURN	OTHER	PED	BIKE	TOTAL
2015		1					1				1
2016		2					2				2
2017											0
2018		1					1				1
2019											0
											0
TOTALS:	0	4	0	0	0	0	4	0	0	0	4

CHECK
OK
OK
OK
OK
OK
OK

P.M. PEAK HOUR	Number of Years, n	ADT	AVG. ANNUAL MILES (MILLIONS)	AVG. YEARLY CRASHES	CRASH RATE/ MILLION MILES
1229	5	12290	4485850.000	800000.0	0.18

Turn	S-W & W-E 4

CRASH SUMMARIES BY YEAR BY COLLISION TYPE

Highway 138 ALL ROAD TYPES, MP 2.17 to 2.19 01/01/2015 to 12/31/2019, Both Add and Non-Add mileage

COLLISION TYPE	FATAL CRASHES	NON-FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER-SECTION	INTER-SECTION RELATED	OFF-ROAD
YEAR: 2018														
TURNING MOVEMENTS	0	1	0	1	0	2	0	0	1	0	1	1	0	0
YEAR 2018 TOTAL	**0**	**1**	**0**	**1**	**0**	**2**	**0**	**0**	**1**	**0**	**1**	**1**	**0**	**0**
YEAR: 2016														
TURNING MOVEMENTS	0	2	0	2	0	3	0	2	0	1	1	2	0	0
YEAR 2016 TOTAL	**0**	**2**	**0**	**2**	**0**	**3**	**0**	**2**	**0**	**1**	**1**	**2**	**0**	**0**
YEAR: 2015														
TURNING MOVEMENTS	0	1	0	1	0	1	0	1	0	1	0	1	0	0
YEAR 2015 TOTAL	**0**	**1**	**0**	**1**	**0**	**1**	**0**	**1**	**0**	**1**	**0**	**1**	**0**	**0**
FINAL TOTAL	**0**	**4**	**0**	**4**	**0**	**6**	**0**	**3**	**1**	**2**	**2**	**4**	**0**	**0**

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirements, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

138: NORTH UMPQUA

Highway 138 ALL ROAD TYPES, MP 2.17 to 2.19 01/01/2015 to 12/31/2019, Both Add and Non-Add mileage

1 - 4 of 4 Crash records shown.

SER# / INVEST / RD DPT / UNLOC?	S P / E / D	A	D M R / U / G	J / I / N	S / C / H	W / O / R / K	DATE / DAY / TIME / LAT	COUNTY / CITY / URBAN AREA / LONG	RD# / COMPNT / MLG / MILEPNT	FC / TYP	CONN# / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE / (MEDIAN) / LEGS / (#LANES)	INT-REL / TRAF- / CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE / TRLR QTY / OWNER / TYPE	MOVE / FROM / TO	P#	PRTC / TYPE	INJ / SVRTY	A / G / E	S / E / X	LICNS / RES	PED / LOC	ERROR	ACT	EVENT	CAUSE
00019	N	N	N	N			01/08/2015	DOUGLAS	1	14		INTER	4-LEG	N	N	FOG	ANGL-OTH	01	NONE	TURN-L										02
NO RPT							TH	ROSEBURG	MN 0		KINCAID DR	CN		STOP SIGN	N	DRY	TURN		PRVTE	S -W								015		00
N							3P	ROSEBURG UA	2.18		DIAMOND LAKE BLVD	04	0		N	DAY	INJ		PSNGR CAR		01	DRVR	INJB	85	M	OR-Y		028	000		02
N							43 12 50.34	-123 18 1.29			013800100S00															OR<25					
																		02	NONE	STRGHT										
																			PRVTE	W -E								000		00
																			PSNGR CAR		01	DRVR	NONE	68	M	OR-Y		000	000		00
																										OR<25				
00719	N	N	N	N	N	N	07/14/2016	DOUGLAS	1	14		INTER	3-LEG	N	N	CLR	ANGL-OTH	01	NONE 0	STRGHT										087	02
CITY							TH	ROSEBURG	MN 0		KINCAID DR	CN		STOP SIGN	N	DRY	TURN		PRVTE	W -E								000	087	00
N							9P	ROSEBURG UA	2.18		DIAMOND LAKE BLVD	04	0		N	DUSK	INJ		PSNGR CAR		01	DRVR	INJB	59	F	OR-Y		000	000		00
N							43 12 50.34	-123 18 1.29			013800100S00															OR>25				
																		02	NONE 0	TURN-L										
																			PRVTE	S -W								015		00
																			PSNGR CAR		01	DRVR	INJA	17	F	OR-Y		028	000		02
																										OR>25				
01033	N	N	N	N	N	N	09/27/2016	DOUGLAS	1	14		INTER	3-LEG	N	N	CLR	ANGL-OTH	01	NONE 0	STRGHT											02
CITY							TU	ROSEBURG	MN 0		KINCAID DR	CN		STOP SIGN	N	DRY	TURN		PRVTE	W -E								000		00
N							1P	ROSEBURG UA	2.18		DIAMOND LAKE BLVD	04	0		N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	84	M	OR-Y		000	000		00
N							43 12 50.34	-123 18 1.29			013800100S00															OR<25				
																		02	NONE 0	TURN-L										
																			PRVTE	S -W								015		00
																			PSNGR CAR		01	DRVR	INJA	69	M	OR-Y		028	000		02
																										OR<25				
01006	N	N	N	N			10/26/2018	DOUGLAS	1	14		INTER	CROSS	N	N	RAIN	ANGL-OTH	01	NONE	STRGHT										02
CITY							FR	ROSEBURG	MN 0		KINCAID DR	CN		STOP SIGN	N	WET	TURN		PRVTE	W -E								000		00
N							7P	ROSEBURG UA	2.18		DIAMOND LAKE BLVD	04	0		N	DARK	INJ		PSNGR CAR		01	DRVR	INJB	37	F	OR-Y		000	000		00
N							43 12 50.34	-123 18 1.29			013800100S00															OR<25				
																		02	NONE	TURN-L										
																			PRVTE	S -W								015		00
																			PSNGR CAR		01	DRVR	INJB	55	M	OR-Y		028	000		02
																										OR<25				

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

138: NORTH UMPQUA

Highway 138 ALL ROAD TYPES, MP 2.17 to 2.19 01/01/2015 to 12/31/2019, Both Add and Non-Add mileage

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

APPENDIX C: TRAFFIC VOLUMES

Ash Spring Apartments

Intersection: **1: Pomona St @ Hwy 138** City: **Eugene, OR**

Counter: **Sandow Engineering** Date: **Tuesday, January 12, 2021**

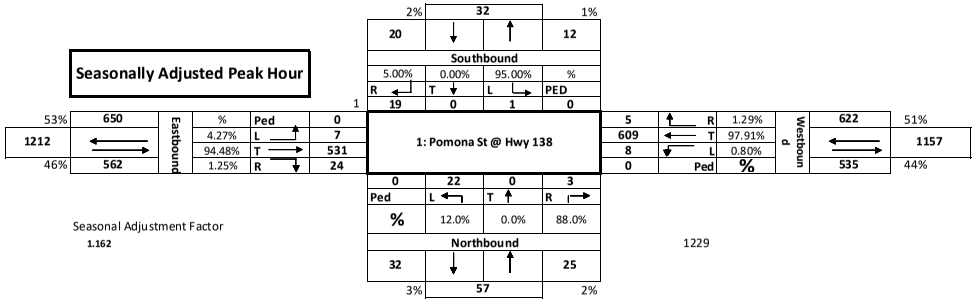
Total of All Vehicles

Time Period		Southbound				Westbound				Northbound				Eastbound				15 Minute Volume	Hourly Volume	Pedestrians			
		Right	Thru	Left	Approach Total	Right	Thru	Left	Approach Total	Right	Thru	Left	Approach Total	Right	Thru	Left	Approach Total			SB	WB	NB	EB
15:30	15:45	2	1	0	3	0	147	0	147	0	0	3	3	5	84	1	90	243		0	0	0	0
15:45	16:00	2	0	1	3	0	143	1	144	2	0	4	6	3	115	1	119	272		0	0	0	0
16:00	16:15	0	0	0	0	0	111	0	111	1	0	2	3	3	108	1	112	226		0	0	0	0
16:15	16:30	4	0	0	4	1	146	5	152	0	0	4	4	6	100	3	109	269	1010	0	0	0	0
16:30	16:45	4	0	0	4	0	125	0	125	2	0	5	7	6	130	1	137	273	1040	0	0	0	0
16:45	17:00	3	0	1	4	2	129	0	131	0	0	7	7	6	115	2	123	265	1033	0	0	0	0
17:00	17:15	5	0	0	5	1	124	2	127	1	0	3	4	3	112	0	115	251	1058	0	0	0	0
17:15	17:30	1	0	0	1	0	96	1	97	0	1	1	2	2	122	0	124	224	1013	0	0	0	0
17:30	17:45	1	0	0	1	0	100	0	100	0	0	2	2	2	100	1	103	206		0	0	0	0
17:45	18:00	4	0	0	4	0	123	1	124	1	0	1	2	4	72	3	79	209		0	0	0	0
18:00	18:15	1	0	1	2	0	48	0	48	0	0	4	4	2	68	2	72	126		0	0	0	0
18:15	18:30	2	0	0	2	0	37	0	37	0	0	2	2	2	66	0	68	109		0	0	0	0
Count Period Total		**29**	**1**	**3**		**4**	**1329**	**10**		**7**	**1**	**38**		**44**	**1192**	**15**		**2673**		**0**	**0**	**0**	**0**

PM Peak Hour Count Summary

	Southbound				Westbound				Northbound				Eastbound						Pedestrians			
	Right	Thru	Left	Approach	Right	Thru	Left	Approach	Right	Thru	Left	Approach	Right	Thru	Left	Approach			SB	WB	NB	EB
Peak Volumes	**16**	**0**	**1**	**17**	**4**	**524**	**7**	**535**	**3**	**0**	**19**	**22**	**21**	**457**	**6**	**484**	**1058**		**0**	**0**	**0**	**0**
PHF	0.80	0.00	0.25	0.85	0.50	0.90	0.35	0.88	0.38	0.00	0.68	0.79	0.88	0.88	0.50	0.88	0.97					
Trucks	1	0	0		0	9	0		0	0	0		1	11	0							
% Trucks	3%	1%	9%		1%	2%	3%		3%	1%	1%		1%	2%	1%							

Seasonally Adjusted Peak Hour



Seasonal Adjustment Factor

1.162

1229

1: Pomona St @ Hwy 138

Pedestrians and Cars

Time Period	Southbound					Westbound					Northbound					Eastbound					15 Minute Volume	Hourly Volume
	Peds	Right	Thru	Left		Peds	Right	Thru	Left		Peds	Right	Thru	Left		Peds	Right	Thru	Left			
3:30 PM		2	1					141						3			5	79	1		232	
3:45 PM		2		1				134	1			2		4			2	109	1		256	
4:00 PM		0						106				1		2			3	100	1		213	
4:15 PM		4					1	130	3					3			6	95	2		244	945
4:30 PM		4						122				2		5			6	119	1		259	972
4:45 PM		3		1			2	123						7			6	112	2		256	972
5:00 PM		5					1	117	2			1		3			3	111			243	1002
5:15 PM		1						93	1				1	1			2	119			218	976
5:30 PM		1						94						2			1	96	1		195	912
5:45 PM		3						122	1			1		1			4	69	3		204	860
6:00 PM		1		1				47						4			2	67	2		124	741
6:15 PM		2						36						2			2	63			105	628
Total	0	28	1	3		0	4	1265	8		0	7	1	37		0	42	1139	14			
Peak Hour	**0**	**7**	**0**	**1**		**0**	**0**	**299**	**1**		**0**	**1**	**0**	**9**		**0**	**9**	**295**	**6**		**628**	

Trucks

Time Period	Southbound				Westbound				Northbound				Eastbound				15 Minute Volume	Hourly Volume
	Right	Thru	Left		Right	Thru	Left		Right	Thru	Left		Right	Thru	Left			
3:30 PM						6								5			11	
3:45 PM						9							1	6			16	
4:00 PM						5								8			13	
4:15 PM						16	2				1			5	1		25	65
4:30 PM						3								11			14	68
4:45 PM						6								3			9	61
5:00 PM						7								1			8	56
5:15 PM						3								3			6	37
5:30 PM						6							1	4			11	34
5:45 PM	1					1								3			5	30
6:00 PM						1								1			2	24
6:15 PM						1								3			4	22
Total	1	0	0		0	64	2		0	0	1		2	53	1			
Peak Hour	**1**	**0**	**0**		**0**	**9**	**0**		**0**	**0**	**0**		**1**	**11**	**0**		**22**	

Bikes

Time Period	Southbound				Westbound				Northbound				Eastbound			SB	WB	NB	EB
	Right	Thru	Left		Right	Thru	Left		Right	Thru	Left		Right	Thru	Left				
3:30 PM														0		0	0	0	0
3:45 PM																0	0	0	0
4:00 PM																0	0	0	0
4:15 PM																0	0	0	0
4:30 PM																0	0	0	0
4:45 PM																0	0	0	0
5:00 PM																0	0	0	0
5:15 PM																0	0	0	0
5:30 PM																0	0	0	0
5:45 PM																0	0	0	0
6:00 PM																0	0	0	0
6:15 PM																0	0	0	0
Total	0	0	0		0	0	0		0	0	0		0	0	0				
Peak Hour	**0**	**0**	**0**		**0**	**0**	**0**		**0**	**0**	**0**		**0**	**0**	**0**				

Pedestrians

Time Period	NE				NW				SW				SE			SB	WB	NB	EB
	Left	Right	Total		Left	Right	Total		Left	Right	Total		Left	Right	Total				
3:30 PM																0	0	0	0
3:45 PM																0	0	0	0
4:00 PM																0	0	0	0
4:15 PM																0	0	0	0
4:30 PM																0	0	0	0
4:45 PM																0	0	0	0
5:00 PM																0	0	0	0
5:15 PM																0	0	0	0
5:30 PM																0	0	0	0
5:45 PM																0	0	0	0
6:00 PM																0	0	0	0
6:15 PM																0	0	0	0
Total	0	0	0		0	0	0		0	0	0		0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**		**0**	**0**	**0**		**0**	**0**	**0**		**0**	**0**	**0**				

Intersection: **2: Rifle Range St @ Hwy 138** City: **Eugene, OR**

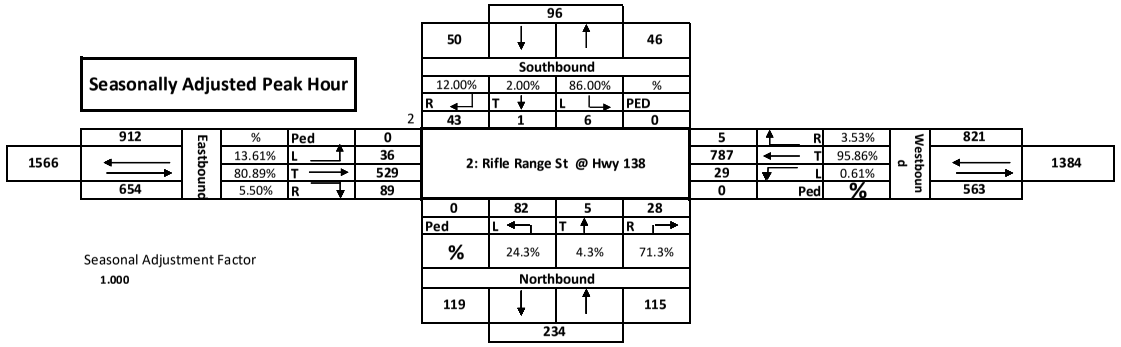
Counter: **Sandow Engineering** Date: **Thursday, January 14, 2021**

Total of All Vehicles

Time Period		Southbound				Westbound				Northbound				Eastbound				15 Minute Volume	Hourly Volume	Pedestrians			
		Right	Thru	Left	Approach Total	Right	Thru	Left	Approach Total	Right	Thru	Left	Approach Total	Right	Thru	Left	Approach Total			SB	WB	NB	EB
15:30	15:45	19	0	2	21	0	212	5	217	5	1	18	24	20	140	10	170	432		1	2	0	0
15:45	16:00	9	0	1	10	1	208	14	223	9	3	24	36	12	121	10	143	412		0	3	0	0
16:00	16:15	5	0	1	6	1	178	6	185	5	0	20	25	31	140	11	182	398		0	2	0	0
16:15	16:30	10	1	2	13	3	189	4	196	9	1	20	30	26	128	5	159	398	1640	0	0	0	0
16:30	16:45	5	0	1	6	3	172	3	178	4	0	17	21	28	145	5	178	383	1591	0	0	0	0
16:45	17:00	7	1	0	8	0	162	4	166	9	1	14	24	19	123	15	157	355	1534	0	1	0	0
17:00	17:15	12	1	1	14	0	175	1	176	7	1	21	29	25	153	9	187	406	1542	0	5	0	0
17:15	17:30	5	1	0	6	0	119	7	126	3	2	9	14	20	155	12	187	333	1477	0	0	0	0
17:30	17:45	10	1	1	12	0	150	1	151	3	2	21	26	17	109	3	129	318		0	0	0	0
17:45	18:00	5	0	0	5	1	159	4	164	0	0	12	12	20	106	6	132	313		0	0	0	0
18:00	18:15	2	1	1	4	0	77	1	78	2	2	13	17	21	83	10	114	213		0	0	0	0
18:15	18:30	5	0	1	6	1	72	2	75	0	0	10	10	22	90	8	120	211	1055	0	0	0	0
Count Period Total		**94**	**6**	**11**		**10**	**1873**	**52**		**56**	**13**	**199**		**261**	**1493**	**104**		**4172**		**1**	**13**	**0**	**0**

PM Peak Hour Count Summary

	Southbound				Westbound				Northbound				Eastbound						Pedestrians			
	Right	Thru	Left	Approach	Right	Thru	Left	Approach	Right	Thru	Left	Approach	Right	Thru	Left	Approach			SB	WB	NB	EB
Peak Volumes	**43**	**1**	**6**	**50**	**5**	**787**	**29**	**821**	**28**	**5**	**82**	**115**	**89**	**529**	**36**	**654**	**1640**		**0**	**0**	**0**	**0**
PHF	0.90	0.25	1.50	0.89	0.42	1.12	1.04	1.15	0.78	0.63	0.98	0.99	0.79	0.85	0.60	0.87	1.01					
Trucks	0	0	0		0	9	1		0	0	0		0	7	1							
% Trucks	1%	1%	2%		2%	1%	1%		1%	1%	2%		3%	1%	2%							


Seasonally Adjusted Peak Hour
96
50
46
Southbound
12.00%
2.00%
86.00%
%
R
T
L
PED
2
43
1
6
0
912
Eastbound
%
Ped
0
1566
13.61%
L
36
80.89%
T
529
654
5.50%
R
89
2: Rifle Range St @ Hwy 138
5
R
3.53%
787
T
95.86%
29
L
0.61%
0
Ped
%
Westboun
d
821
1384
563
0
82
5
28
Ped
L
T
R
%
24.3%
4.3%
71.3%
Northbound
119
115
234
Seasonal Adjustment Factor
1.000

2: Rifle Range St @ Hwy 138

Pedestrians and Cars

Time Period	Southbound					Westbound					Northbound					Eastbound					15 Minute Volume	Hourly Volume
	Peds	Right	Thru	Left		Peds	Right	Thru	Left		Peds	Right	Thru	Left		Peds	Right	Thru	Left			
3:30 PM	0	18		2		0	0	191	5		0	5	1	17		0	20	127	10		396	
3:45 PM	0	9		1		0	1	201	13		0	9	3	23		0	12	111	10		393	
4:00 PM	0	5		1		0	1	169	6		0	5	0	19		0	31	129	11		377	
4:15 PM	0	10	1	2		0	3	181	4		0	8	1	19		0	26	119	3		377	1543
4:30 PM	0	5		1		0	3	163	3		0	4	0	15		0	26	138	5		363	1510
4:45 PM	0	7	1	0		0		162	4		0	9	1	14		0	19	120	15		352	1469
5:00 PM	0	12	1	1		0		171	1		0	7	1	21		0	24	151	8		398	1490
5:15 PM	0	5	1	0		0		110	7		0	3	2	8		0	18	146	12		312	1425
5:30 PM	0	10	1	1		0		145	1		0	3	2	21		0	17	106	3		310	1372
5:45 PM	0	5		0		0	1	157	4		0	0	0	12		0	20	104	6		309	1329
6:00 PM	0	2	1	1		0		77	1		0	2	2	13		0	21	82	9		211	1142
6:15 PM	0	5		1		0	1	70	1		0	0	0	10		0	22	89	8		207	1037
Total	0	93	6	11		0	10	1797	50		0	55	13	192		0	256	1422	100			
Peak Hour	**0**	**22**	**2**	**3**		**0**	**2**	**449**	**7**		**0**	**5**	**4**	**56**		**0**	**80**	**381**	**26**		**1037**	

Trucks

Time Period	Southbound				Westbound				Northbound				Eastbound				15 Minute Volume	Hourly Volume
	Right	Thru	Left		Right	Thru	Left		Right	Thru	Left		Right	Thru	Left			
3:30 PM	1					21					1			13			36	
3:45 PM						7	1				1			10			19	
4:00 PM						9					1			11			21	
4:15 PM						8			1		1			9	2		21	97
4:30 PM						9					2		2	7			20	81
4:45 PM						0					0		0	3			3	65
5:00 PM						4					0		1	2	1		8	52
5:15 PM						9					1		2	9			21	52
5:30 PM						5								3			8	40
5:45 PM						2								2			4	41
6:00 PM						0								1	1		2	35
6:15 PM						2	1							1			4	18
Total	1	0	0		0	76	2		1	0	7		5	71	4			
Peak Hour	**0**	**0**	**0**		**0**	**9**	**1**		**0**	**0**	**0**		**0**	**7**	**1**		**18**	

Bikes

Time Period	Southbound				Westbound				Northbound				Eastbound			SB	WB	NB	EB
	Right	Thru	Left		Right	Thru	Left		Right	Thru	Left		Right	Thru	Left				
3:30 PM																0	0	0	0
3:45 PM																0	0	0	0
4:00 PM																0	0	0	0
4:15 PM																0	0	0	0
4:30 PM																0	0	0	0
4:45 PM																0	0	0	0
5:00 PM						1										0	1	0	0
5:15 PM																0	0	0	0
5:30 PM																0	0	0	0
5:45 PM																0	0	0	0
6:00 PM																0	0	0	0
6:15 PM																0	0	0	0
Total	0	0	0		0	1	0		0	0	0		0	0	0				
Peak Hour	**0**	**0**	**0**		**0**	**0**	**0**		**0**	**0**	**0**		**0**	**0**	**0**				

SEASONAL TREND TABLE (Updated: 10/14/2020)																									
TREND	1-Jan	15-Jan	1-Feb	15-Feb	1-Mar	15-Mar	1-Apr	15-Apr	1-May	15-May	1-Jun	15-Jun	1-Jul	15-Jul	1-Aug	15-Aug	1-Sep	15-Sep	1-Oct	15-Oct	1-Nov	15-Nov	1-Dec	15-Dec	Seasonal Trend Peak Period
INTERSTATE URBANIZED	1.0672	1.0684	1.0922	1.1160	1.0605	1.0050	0.9923	0.9796	0.9781	0.9767	0.9615	0.9463	0.9517	0.9571	0.9551	0.9531	0.9674	0.9816	0.9850	0.9884	1.0045	1.0206	1.0322	1.0438	0.9463
INTERSTATE NONURBANIZED	1.2426	1.2883	1.3750	1.4616	1.2645	1.0673	1.0382	1.0092	0.9798	0.9504	0.9005	0.8506	0.8322	0.8139	0.8221	0.8302	0.8719	0.9135	0.9441	0.9747	1.0178	1.0608	1.1123	1.1638	0.8139
COMMUTER	1.0850	1.0875	1.1183	1.1492	1.0880	1.0268	1.0014	0.9759	0.9705	0.9650	0.9503	0.9355	0.9470	0.9585	0.9509	0.9433	0.9528	0.9623	0.9614	0.9604	0.9938	1.0272	1.0474	1.0676	0.9355
COASTAL DESTINATION	1.1885	1.1712	1.2001	1.2289	1.1242	1.0194	1.0316	1.0437	1.0080	0.9723	0.9347	0.8972	0.8612	0.8252	0.8205	0.8159	0.8686	0.9214	0.9689	1.0164	1.0660	1.1156	1.1580	1.2005	0.8159
COASTAL DESTINATION ROUTE	1.3445	1.3248	1.4108	1.4968	1.2858	1.0747	1.0911	1.1076	1.0274	0.9473	0.8941	0.8409	0.7820	0.7231	0.7218	0.7205	0.8016	0.8827	0.9669	1.0511	1.1133	1.1754	1.2480	1.3206	0.7205
AGRICULTURE	1.4583	1.4827	1.5763	1.6700	1.4596	1.2492	1.1487	1.0482	0.9747	0.9011	0.8579	0.8146	0.8058	0.7970	0.7922	0.7873	0.7772	0.7670	0.8288	0.8905	0.9947	1.0989	1.2462	1.3934	0.7670
RECREATIONAL SUMMER	1.5848	1.6474	1.7861	1.9247	1.6595	1.3942	1.2973	1.2004	1.0517	0.9029	0.8256	0.7484	0.7018	0.6552	0.6708	0.6864	0.7393	0.7922	0.8898	0.9874	1.1242	1.2610	1.3965	1.5320	0.6552
RECREATIONAL SUMMER WINTER	0.8736	0.8525	0.9330	1.0135	1.0146	1.0158	1.1492	1.2825	1.1763	1.0700	0.9760	0.8821	0.8005	0.7190	0.7305	0.7420	0.8897	1.0374	1.2010	1.3645	1.5212	1.6778	1.3812	1.0847	0.7190
RECREATIONAL WINTER	0.6997	0.6389	0.6561	0.6733	0.7219	0.7704	1.0580	1.3455	1.3746	1.4038	1.2832	1.1625	0.9985	0.8344	0.8600	0.8857	1.0560	1.2262	1.4100	1.5937	1.8758	2.1580	1.5328	0.9076	0.6389
SUMMER	1.2151	1.2357	1.3129	1.3901	1.2520	1.1139	1.0620	1.0100	0.9718	0.9336	0.8976	0.8615	0.8457	0.8299	0.8354	0.8410	0.8743	0.9077	0.9357	0.9638	1.0273	1.0908	1.1322	1.1737	0.8299
SUMMER < 2500	1.3035	1.3186	1.3817	1.4448	1.2869	1.1289	1.0598	0.9906	0.9480	0.9053	0.8720	0.8387	0.8237	0.8086	0.8229	0.8373	0.8616	0.8859	0.9233	0.9607	1.0428	1.1249	1.2016	1.2783	0.8086

*** Seasonal Trend Table factors are based on previous year ATR data. The table is updated yearly.**
*** Grey shading indicates months were seasonal factor is greater than or less than 30%**
*** February 2019 snow event causing lower seasonal factors**

	12-Jan	Peak	
COMMUTER	1.0875	0.9355	1.162443
			1.162443

Existing 2021 PM Volumes

			20		12				
			R	T	L	PED			
		0	19	0	1	0			
	Ped	0					5	R	622
650	L	7			1: Pomona St @ Hwy 138		609	T	
	T	531					8	L	535
562	R	24					0	Ped	
			0	22	0	3			
			Ped	L	T	R			
				32		25			1229

Adjusted for Covid

1.085

			R	T	L	PED			
			21	0	1				
	Ped	0					5	R	674.9
705	L	8			1: Pomona St @ Hwy 138		661	T	
	T	576					9	L	580.5
610	R	26					0	Ped	
			0	24	0	3			
			Ped	L	T	R			
				35		27			

EDIT Highlighted

Base Year	2021
Target Year	2022
Years of Growth	1
Growth Rate Per Year	0.017
Growth Factor	1.02

2022 PM Volumes Background

			22		13				
			R	T	L	PED			
		1	21	0	1	0			
	Ped	0					6	R	686
717.2	L	8			1: Pomona St @ Hwy 138		672	T	
	T	586					9	L	590
620.1	R	26					0	Ped	
			0	24	0	3			
			Ped	L	T	R			
				35		28			

2022 with pipeline trips

			42		46				
			R	T	L	PED			
		1	39	0	3	1			
	Ped	0					9	R	689
735	L	38			1: Pomona St @ Hwy 138		672	T	
	T	586					9	L	592
650	R	26					0	Ped	
			0	24	0	3			
			Ped	L	T	R			
				35		28			

EDIT Highlighted

Base Year	2021
Target Year	2027
Years of Growth	6
Growth Rate Per Year	0.017
Growth Factor	1.10

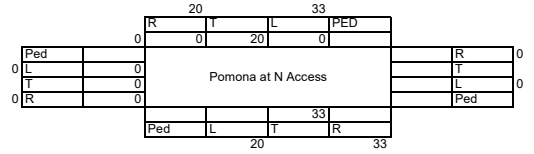
2027 PM Volumes Background

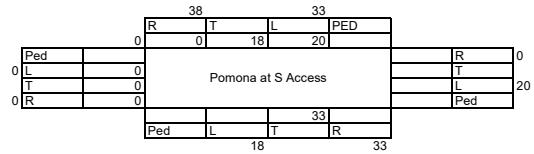
			24		14				
			R	T	L	PED			
		1	23	0	1	0			
	Ped						6	R	744
777.2	L	8			1: Pomona St @ Hwy 138		728	T	
	T	635					10	L	640
672	R	29						Ped	
			26	0	4				
			Ped	L	T	R			
				38		30			

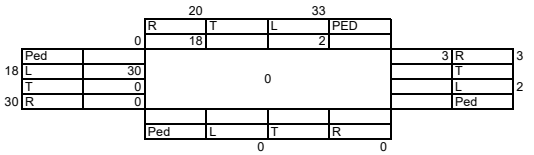
2027 with pipeline trips

			44		47				
			R	T	L	PED			
		1	41	0	3	3			
	Ped	0					9	R	747
795	L	38			1: Pomona St @ Hwy 138		728	T	
	T	635					10	L	642
702	R	29					0	Ped	
			0	26	0	4			
			Ped	L	T	R			
				38		30			

PM **Pipeline trips**



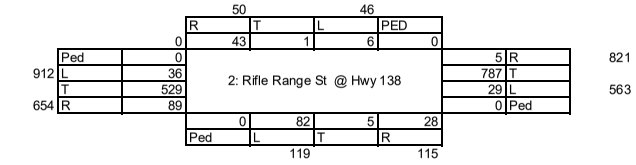




20
0

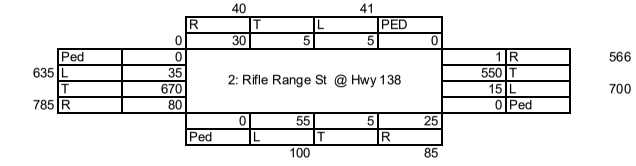
ITE Land Use	Size (KSF)	Trip Generation					
		Rate	Trips	% In	% Out	New Trips In	New Trips
		Total	0			0	0
PM Peak Hour							
220-	89	ean	53	63%	37%	34	20
		Total	53			34	20

2021 Traffic Count



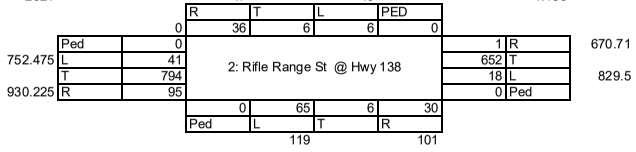
821 total 1640 Minor 115
Major 1475
563

2016 TSP Volume



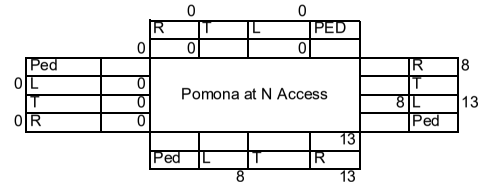
566 total 1476 Minor 85
Major 1351
700

2021 1.185

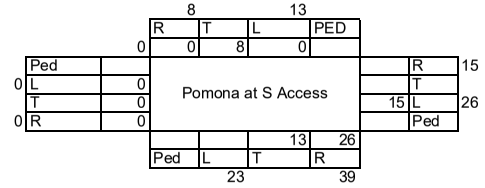


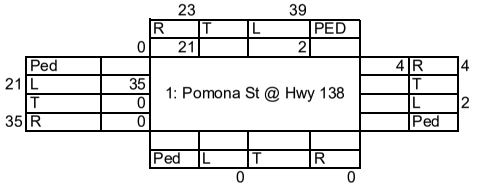
670.71 total 1749 Minor 101
Major 1601 0.08538
829.5

PM **Trip Distribution**



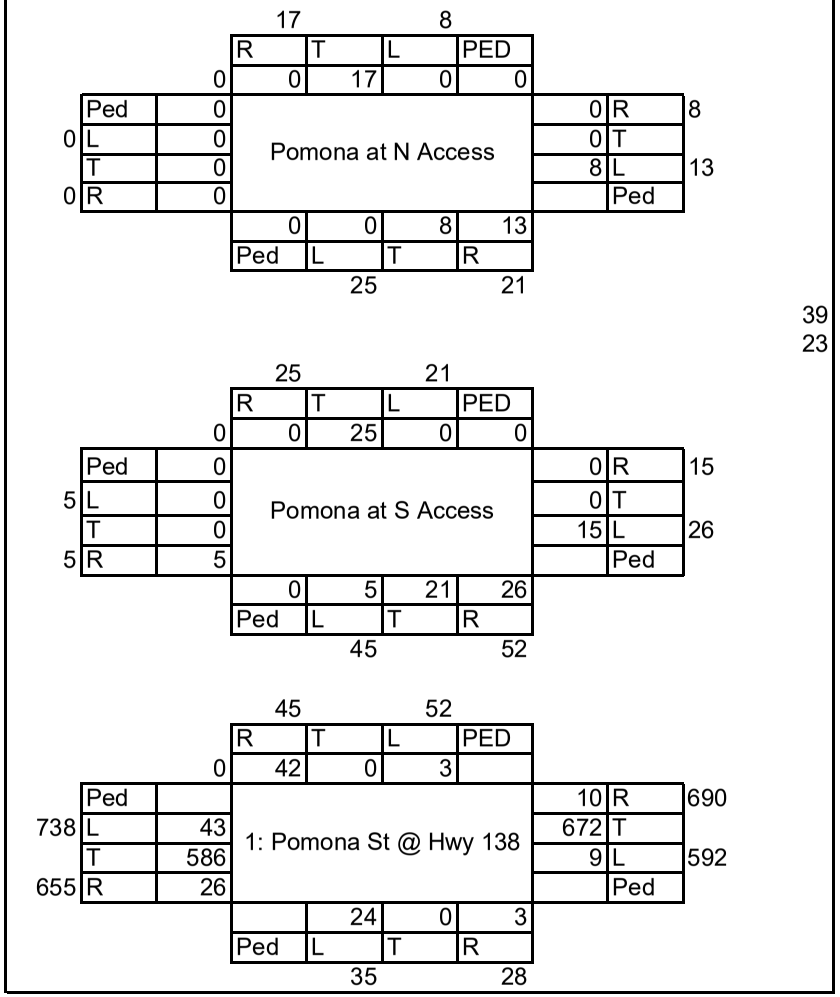
39
23



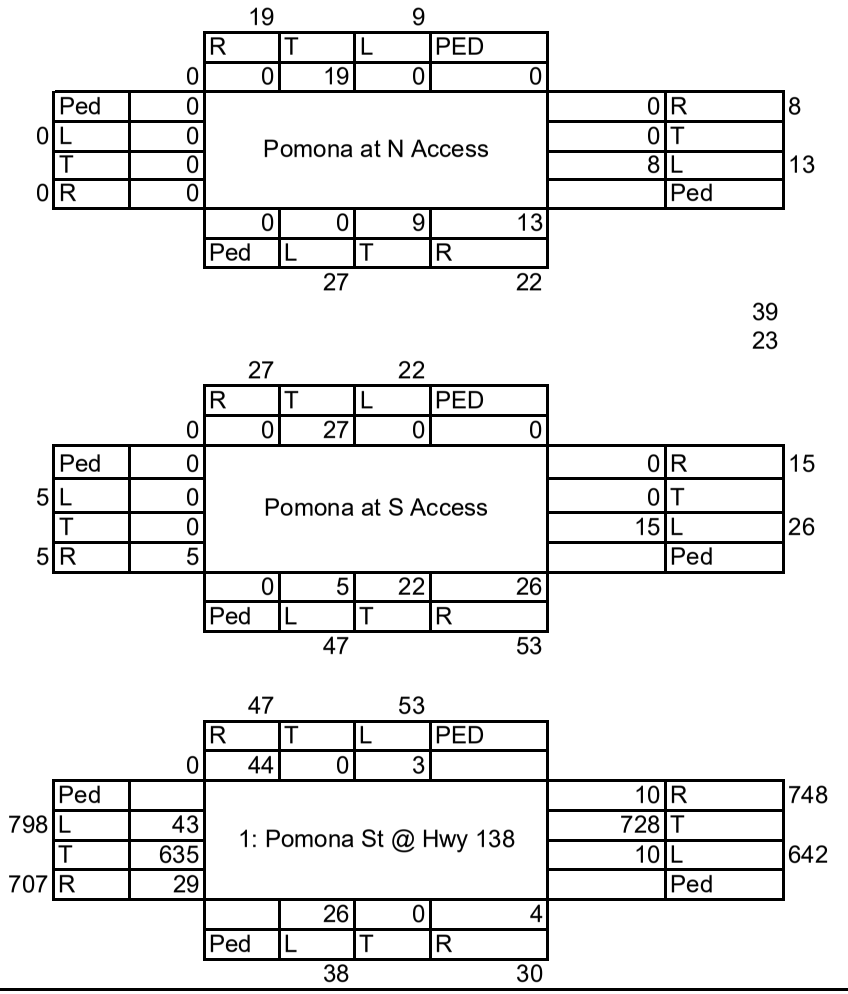


ITE Land Use	Size (KSF)	Trip Generation					
		Rate	Trips	% In	% Out	New Trips In	New Trips Out
		Total	**0**			**0**	**0**
PM Peak Hour							
220- Multi Family Low Housing	105	eqn	62	63%	37%	39	23
		Total	**62**			**39**	**23**

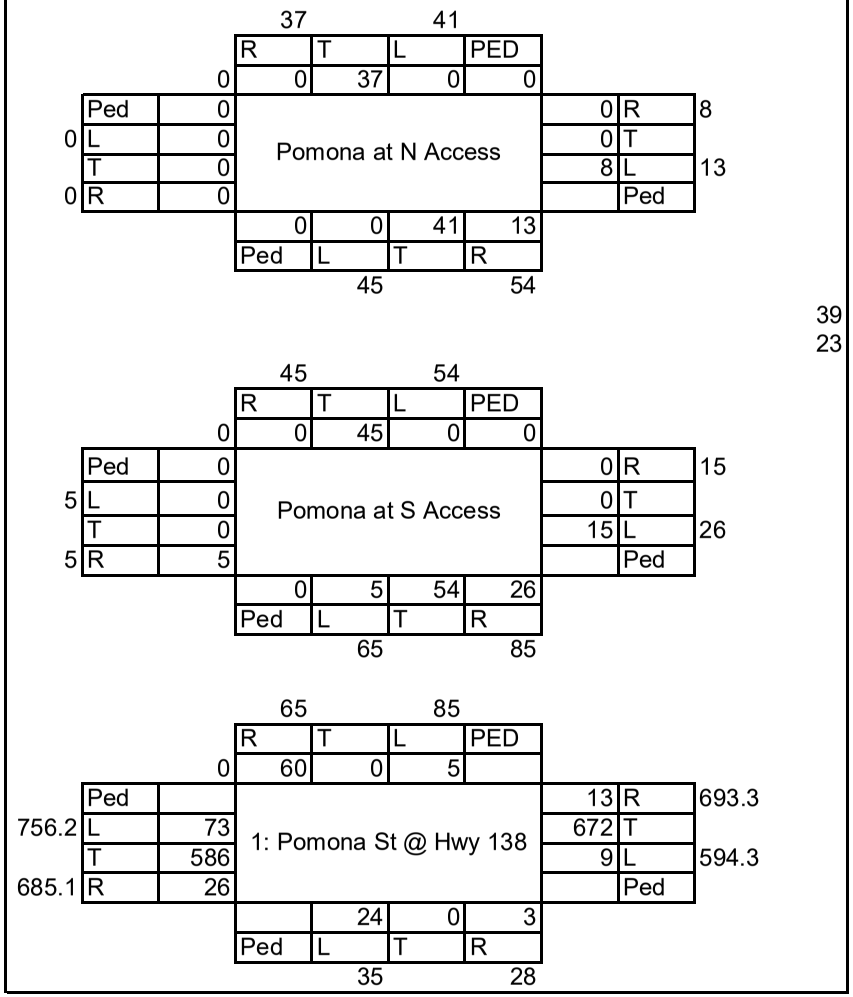
2022 Build without Pipeline



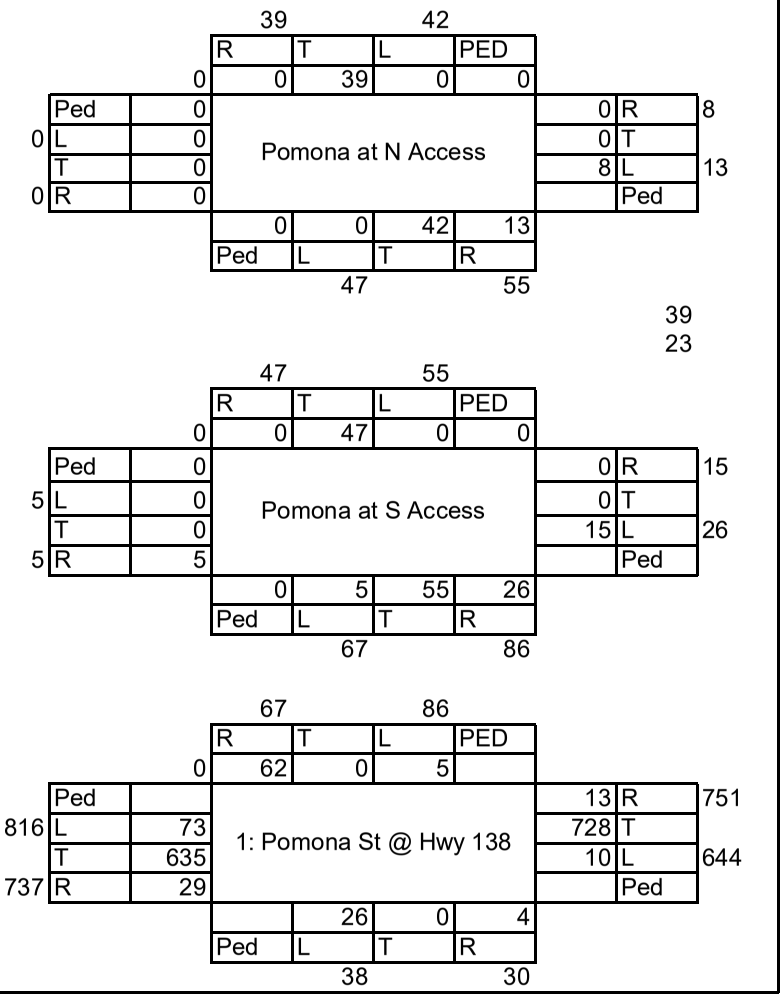
2027 Build without Pipeline



2022 Build with Pipeline



2027 Build with Pipeline



APPENDIX D: SYNCHRO OUTPUTS

Ash Spring Apartments

Intersection	
Int Delay, s/veh	0.9

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	8	576	26	9	661	5	22	0	3	1	0	21
Future Vol, veh/h	8	576	26	9	661	5	22	0	3	1	0	21
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	120	-	-	120	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	79	79	79	88	88	88
Heavy Vehicles, %	5	2	0	0	2	0	0	0	0	0	0	6
Mvmt Flow	9	655	30	10	751	6	28	0	4	1	0	24

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	757	0	0	685	0	0	1084	1465	343	1120	1477	379
Stage 1	-	-	-	-	-	-	688	688	-	774	774	-
Stage 2	-	-	-	-	-	-	396	777	-	346	703	-
Critical Hdwy	4.2	-	-	4.1	-	-	7.5	6.5	6.9	7.5	6.5	7.02
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.25	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.36
Pot Cap-1 Maneuver	830	-	-	918	-	-	174	129	659	164	127	608
Stage 1	-	-	-	-	-	-	407	450	-	362	411	-
Stage 2	-	-	-	-	-	-	606	410	-	649	443	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	830	-	-	918	-	-	164	126	659	160	124	608
Mov Cap-2 Maneuver	-	-	-	-	-	-	164	126	-	160	124	-
Stage 1	-	-	-	-	-	-	403	445	-	358	406	-
Stage 2	-	-	-	-	-	-	576	405	-	638	438	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.1	0.1	29.2	12
HCM LOS			D	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	180	830	-	-	918	-	-	539
HCM Lane V/C Ratio	0.176	0.011	-	-	0.011	-	-	0.046
HCM Control Delay (s)	29.2	9.4	-	-	9	-	-	12
HCM Lane LOS	D	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.6	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	38	586	26	9	672	9	24	0	3	3	0	39
Future Vol, veh/h	38	586	26	9	672	9	24	0	3	3	0	39
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	120	-	-	120	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	79	79	79	88	88	88
Heavy Vehicles, %	5	2	0	0	2	0	0	0	0	0	0	6
Mvmt Flow	43	666	30	10	764	10	30	0	4	3	0	44

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	774	0	0	696	0	0	1169	1561	348	1208	1571	387
Stage 1	-	-	-	-	-	-	767	767	-	789	789	-
Stage 2	-	-	-	-	-	-	402	794	-	419	782	-
Critical Hdwy	4.2	-	-	4.1	-	-	7.5	6.5	6.9	7.5	6.5	7.02
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.25	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.36
Pot Cap-1 Maneuver	818	-	-	909	-	-	151	113	654	141	112	600
Stage 1	-	-	-	-	-	-	365	414	-	354	405	-
Stage 2	-	-	-	-	-	-	601	403	-	588	408	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	818	-	-	909	-	-	133	106	654	133	105	600
Mov Cap-2 Maneuver	-	-	-	-	-	-	133	106	-	133	105	-
Stage 1	-	-	-	-	-	-	346	392	-	335	401	-
Stage 2	-	-	-	-	-	-	550	399	-	554	386	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.6	0.1	37	13.3
HCM LOS			E	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	146	818	-	-	909	-	-	480
HCM Lane V/C Ratio	0.234	0.053	-	-	0.011	-	-	0.099
HCM Control Delay (s)	37	9.6	-	-	9	-	-	13.3
HCM Lane LOS	E	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.9	0.2	-	-	0	-	-	0.3

Intersection	
Int Delay, s/veh	1.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	0	0	5	15	0	0	5	54	26	0	45	0
Future Vol, veh/h	0	0	5	15	0	0	5	54	26	0	45	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	82	82	82	82	82	82	82	82	82	82	82	82
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	2
Mvmt Flow	0	0	6	18	0	0	6	66	32	0	55	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	149	165	55	152	149	82	55	0	0	98	0	0
Stage 1	55	55	-	94	94	-	-	-	-	-	-	-
Stage 2	94	110	-	58	55	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.2	4.1	-	-	4.1	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.3	2.2	-	-	2.2	-	-
Pot Cap-1 Maneuver	824	731	1018	820	746	983	1563	-	-	1508	-	-
Stage 1	962	853	-	918	821	-	-	-	-	-	-	-
Stage 2	918	808	-	959	853	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	822	728	1018	813	743	983	1563	-	-	1508	-	-
Mov Cap-2 Maneuver	822	728	-	813	743	-	-	-	-	-	-	-
Stage 1	958	853	-	914	818	-	-	-	-	-	-	-
Stage 2	914	805	-	953	853	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	8.6	9.5	0.4	0
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1563	-	-	1018	813	1508	-	-
HCM Lane V/C Ratio	0.004	-	-	0.006	0.023	-	-	-
HCM Control Delay (s)	7.3	0	-	8.6	9.5	0	-	-
HCM Lane LOS	A	A	-	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	-	0	0.1	0	-	-

Intersection	
Int Delay, s/veh	0.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	8	0	39	41	0	37
Future Vol, veh/h	8	0	39	41	0	37
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	82	82	82	82	82	82
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	10	0	48	50	0	45

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	118	73	0	0	98	0
Stage 1	73	-	-	-	-	-
Stage 2	45	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	883	995	-	-	1508	-
Stage 1	955	-	-	-	-	-
Stage 2	983	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	883	995	-	-	1508	-
Mov Cap-2 Maneuver	883	-	-	-	-	-
Stage 1	955	-	-	-	-	-
Stage 2	983	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.1	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	883	1508	-
HCM Lane V/C Ratio	-	-	0.011	-	-
HCM Control Delay (s)	-	-	9.1	0	-
HCM Lane LOS	-	-	A	A	-
HCM 95th %tile Q(veh)	-	-	0	0	-

Intersection	
Int Delay, s/veh	2.2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	73	586	26	9	672	13	24	0	3	5	0	60
Future Vol, veh/h	73	586	26	9	672	13	24	0	3	5	0	60
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	120	-	-	120	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	79	79	79	85	85	85
Heavy Vehicles, %	5	2	0	0	2	0	0	0	0	0	0	6
Mvmt Flow	83	666	30	10	764	15	30	0	4	6	0	71

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	779	0	0	696	0	0	1249	1646	348	1291	1654	390
Stage 1	-	-	-	-	-	-	847	847	-	792	792	-
Stage 2	-	-	-	-	-	-	402	799	-	499	862	-
Critical Hdwy	4.2	-	-	4.1	-	-	7.5	6.5	6.9	7.5	6.5	7.02
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.25	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.36
Pot Cap-1 Maneuver	814	-	-	909	-	-	132	100	654	123	99	597
Stage 1	-	-	-	-	-	-	327	381	-	353	404	-
Stage 2	-	-	-	-	-	-	601	401	-	527	375	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	814	-	-	909	-	-	106	89	654	112	88	597
Mov Cap-2 Maneuver	-	-	-	-	-	-	106	89	-	112	88	-
Stage 1	-	-	-	-	-	-	294	342	-	317	400	-
Stage 2	-	-	-	-	-	-	524	397	-	471	337	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.1	0.1	48	14.7
HCM LOS			E	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	117	814	-	-	909	-	-	448
HCM Lane V/C Ratio	0.292	0.102	-	-	0.011	-	-	0.171
HCM Control Delay (s)	48	9.9	-	-	9	-	-	14.7
HCM Lane LOS	E	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	1.1	0.3	-	-	0	-	-	0.6

Intersection	
Int Delay, s/veh	1.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	38	635	29	10	728	9	26	0	4	3	0	41
Future Vol, veh/h	38	635	29	10	728	9	26	0	4	3	0	41
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	120	-	-	120	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	79	79	79	88	88	88
Heavy Vehicles, %	5	2	0	0	2	0	0	0	0	0	0	6
Mvmt Flow	43	722	33	11	827	10	33	0	5	3	0	47

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	837	0	0	755	0	0	1261	1684	378	1301	1695	419
Stage 1	-	-	-	-	-	-	825	825	-	854	854	-
Stage 2	-	-	-	-	-	-	436	859	-	447	841	-
Critical Hdwy	4.2	-	-	4.1	-	-	7.5	6.5	6.9	7.5	6.5	7.02
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.25	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.36
Pot Cap-1 Maneuver	774	-	-	865	-	-	129	95	625	121	94	572
Stage 1	-	-	-	-	-	-	337	390	-	324	378	-
Stage 2	-	-	-	-	-	-	574	376	-	566	383	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	774	-	-	865	-	-	112	89	625	114	88	572
Mov Cap-2 Maneuver	-	-	-	-	-	-	112	89	-	114	88	-
Stage 1	-	-	-	-	-	-	318	368	-	306	373	-
Stage 2	-	-	-	-	-	-	521	371	-	530	362	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0.1	45.4	14
HCM LOS			E	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	126	774	-	-	865	-	-	449
HCM Lane V/C Ratio	0.301	0.056	-	-	0.013	-	-	0.111
HCM Control Delay (s)	45.4	9.9	-	-	9.2	-	-	14
HCM Lane LOS	E	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	1.2	0.2	-	-	0	-	-	0.4

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	0	0	5	15	0	0	5	55	26	0	47	0
Future Vol, veh/h	0	0	5	15	0	0	5	55	26	0	47	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	82	82	82	82	82	82	82	82	82	82	82	82
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	2
Mvmt Flow	0	0	6	18	0	0	6	67	32	0	57	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	152	168	57	155	152	83	57	0	0	99	0	0
Stage 1	57	57	-	95	95	-	-	-	-	-	-	-
Stage 2	95	111	-	60	57	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.2	4.1	-	-	4.1	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.3	2.2	-	-	2.2	-	-
Pot Cap-1 Maneuver	820	728	1015	816	743	982	1560	-	-	1507	-	-
Stage 1	960	851	-	917	820	-	-	-	-	-	-	-
Stage 2	917	807	-	957	851	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	818	725	1015	809	740	982	1560	-	-	1507	-	-
Mov Cap-2 Maneuver	818	725	-	809	740	-	-	-	-	-	-	-
Stage 1	956	851	-	913	817	-	-	-	-	-	-	-
Stage 2	913	804	-	951	851	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	8.6	9.6	0.4	0
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1560	-	-	1015	809	1507	-	-
HCM Lane V/C Ratio	0.004	-	-	0.006	0.023	-	-	-
HCM Control Delay (s)	7.3	0	-	8.6	9.6	0	-	-
HCM Lane LOS	A	A	-	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	-	0	0.1	0	-	-

Intersection	
Int Delay, s/veh	0.7

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	8	0	42	13	0	39
Future Vol, veh/h	8	0	42	13	0	39
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	82	82	82	82	82	82
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	10	0	51	16	0	48

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	107	59	0	0	67	0
Stage 1	59	-	-	-	-	-
Stage 2	48	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	895	1012	-	-	1547	-
Stage 1	969	-	-	-	-	-
Stage 2	980	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	895	1012	-	-	1547	-
Mov Cap-2 Maneuver	895	-	-	-	-	-
Stage 1	969	-	-	-	-	-
Stage 2	980	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.1	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	895	1547	-
HCM Lane V/C Ratio	-	-	0.011	-	-
HCM Control Delay (s)	-	-	9.1	0	-
HCM Lane LOS	-	-	A	A	-
HCM 95th %tile Q(veh)	-	-	0	0	-

Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	73	635	29	10	728	13	26	0	4	5	0	62
Future Vol, veh/h	73	635	29	10	728	13	26	0	4	5	0	62
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	120	-	-	120	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	79	79	79	85	85	85
Heavy Vehicles, %	5	2	0	0	2	0	0	0	0	0	0	6
Mvmt Flow	83	722	33	11	827	15	33	0	5	6	0	73

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	842	0	0	755	0	0	1341	1769	378	1384	1778	421
Stage 1	-	-	-	-	-	-	905	905	-	857	857	-
Stage 2	-	-	-	-	-	-	436	864	-	527	921	-
Critical Hdwy	4.2	-	-	4.1	-	-	7.5	6.5	6.9	7.5	6.5	7.02
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.25	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.36
Pot Cap-1 Maneuver	770	-	-	865	-	-	113	84	625	105	83	570
Stage 1	-	-	-	-	-	-	302	358	-	323	377	-
Stage 2	-	-	-	-	-	-	574	374	-	508	352	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	770	-	-	865	-	-	89	74	625	95	73	570
Mov Cap-2 Maneuver	-	-	-	-	-	-	89	74	-	95	73	-
Stage 1	-	-	-	-	-	-	269	319	-	288	372	-
Stage 2	-	-	-	-	-	-	494	369	-	450	314	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1	0.1	61.5	15.7
HCM LOS			F	C

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	100	770	-	-	865	-	-	415
HCM Lane V/C Ratio	0.38	0.108	-	-	0.013	-	-	0.19
HCM Control Delay (s)	61.5	10.2	-	-	9.2	-	-	15.7
HCM Lane LOS	F	B	-	-	A	-	-	C
HCM 95th %tile Q(veh)	1.5	0.4	-	-	0	-	-	0.7

APPENDIX E: QUEUING OUTPUTS

Ash Spring Apartments

Intersection: 6: Diamond Lake Blvd & Pomona St, Interval #1

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	17	6	36	25
Average Queue (ft)	4	1	20	17
95th Queue (ft)	20	8	46	31
Link Distance (ft)			296	519
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	120	120		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Diamond Lake Blvd & Pomona St, Interval #2

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	22	16	36	29
Average Queue (ft)	2	2	16	12
95th Queue (ft)	14	10	38	29
Link Distance (ft)			296	519
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	120	120		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Diamond Lake Blvd & Pomona St, All Intervals

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	28	16	44	34
Average Queue (ft)	3	2	17	13
95th Queue (ft)	16	10	40	30
Link Distance (ft)			296	519
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	120	120		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty, Interval #1: 0
Network wide Queuing Penalty, Interval #2: 0
Network wide Queuing Penalty, All Intervals: 0

Intersection: 6: Diamond Lake Blvd & Pomona St, Interval #1

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	29	10	51	48
Average Queue (ft)	12	2	24	25
95th Queue (ft)	33	12	56	51
Link Distance (ft)			296	534
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	120	120		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Diamond Lake Blvd & Pomona St, Interval #2

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	44	24	58	64
Average Queue (ft)	12	4	20	25
95th Queue (ft)	34	18	50	50
Link Distance (ft)			296	534
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	120	120		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Diamond Lake Blvd & Pomona St, All Intervals

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	49	25	64	68
Average Queue (ft)	12	3	21	25
95th Queue (ft)	34	17	52	51
Link Distance (ft)			296	534
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	120	120		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty, Interval #1: 0
Network wide Queuing Penalty, Interval #2: 0
Network wide Queuing Penalty, All Intervals: 0

Intersection: 1: Pomona & S Access

Movement	EB	WB
Directions Served	LTR	LTR
Maximum Queue (ft)	18	31
Average Queue (ft)	4	13
95th Queue (ft)	20	39
Link Distance (ft)	133	452
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 4: Pomona & N Access

Movement	WB
Directions Served	LR
Maximum Queue (ft)	17
Average Queue (ft)	6
95th Queue (ft)	25
Link Distance (ft)	175
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 6: Pomona & Diamond Lake Blvd

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	34	2	34	33
Average Queue (ft)	17	0	20	20
95th Queue (ft)	37	3	45	40
Link Distance (ft)			288	196
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	120	120		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Intersection: 6: Diamond Lake Blvd & Pomona St, Interval #1

Movement	EB	WB	WB	NB	SB
Directions Served	L	L	TR	LTR	LTR
Maximum Queue (ft)	45	14	4	81	56
Average Queue (ft)	21	3	1	35	33
95th Queue (ft)	49	16	6	82	74
Link Distance (ft)			726	296	534
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)	120	120			
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 6: Diamond Lake Blvd & Pomona St, Interval #2

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	42	25	66	48
Average Queue (ft)	13	4	24	22
95th Queue (ft)	36	20	55	45
Link Distance (ft)			296	534
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	120	120		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Diamond Lake Blvd & Pomona St, All Intervals

Movement	EB	WB	WB	NB	SB
Directions Served	L	L	TR	LTR	LTR
Maximum Queue (ft)	52	25	4	84	69
Average Queue (ft)	15	4	0	27	25
95th Queue (ft)	40	19	3	63	54
Link Distance (ft)			726	296	534
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)	120	120			
Storage Blk Time (%)					
Queuing Penalty (veh)					

Network Summary

Network wide Queuing Penalty, Interval #1: 0
Network wide Queuing Penalty, Interval #2: 0
Network wide Queuing Penalty, All Intervals: 0

Intersection: 1: Pomona & S Access, Interval #1

Movement	EB	WB
Directions Served	LTR	LTR
Maximum Queue (ft)	30	31
Average Queue (ft)	7	13
95th Queue (ft)	28	37
Link Distance (ft)	133	452
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 1: Pomona & S Access, Interval #2

Movement	EB	WB	NB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	30	31	6
Average Queue (ft)	7	12	0
95th Queue (ft)	29	36	5
Link Distance (ft)	133	452	196
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 1: Pomona & S Access, All Intervals

Movement	EB	WB	NB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	30	31	6
Average Queue (ft)	7	12	0
95th Queue (ft)	29	36	4
Link Distance (ft)	133	452	196
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Pomona & N Access, Interval #1

Movement	WB
Directions Served	LR
Maximum Queue (ft)	35
Average Queue (ft)	12
95th Queue (ft)	37
Link Distance (ft)	175
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 4: Pomona & N Access, Interval #2

Movement	WB
Directions Served	LR
Maximum Queue (ft)	34
Average Queue (ft)	7
95th Queue (ft)	28
Link Distance (ft)	175
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 4: Pomona & N Access, All Intervals

Movement	WB
Directions Served	LR
Maximum Queue (ft)	35
Average Queue (ft)	8
95th Queue (ft)	31
Link Distance (ft)	175
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 6: Pomona & Diamond Lake Blvd, Interval #1

Movement	EB	EB	EB	WB	WB	NB	SB
Directions Served	L	T	TR	L	TR	LTR	LTR
Maximum Queue (ft)	65	8	4	10	3	90	76
Average Queue (ft)	29	1	0	3	0	49	30
95th Queue (ft)	67	12	5	10	5	132	74
Link Distance (ft)		1128	1128		671	288	196
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)	120			120			
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 6: Pomona & Diamond Lake Blvd, Interval #2

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	62	9	88	63
Average Queue (ft)	21	1	25	21
95th Queue (ft)	49	6	73	46
Link Distance (ft)			288	196
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	120	120		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Pomona & Diamond Lake Blvd, All Intervals

Movement	EB	EB	EB	WB	WB	NB	SB
Directions Served	L	T	TR	L	TR	LTR	LTR
Maximum Queue (ft)	71	8	4	10	3	104	86
Average Queue (ft)	23	0	0	2	0	31	23
95th Queue (ft)	54	6	3	7	2	92	55
Link Distance (ft)		1128	1128		671	288	196
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)	120			120			
Storage Blk Time (%)							
Queuing Penalty (veh)							

Network Summary

Network wide Queuing Penalty, Interval #1: 0
Network wide Queuing Penalty, Interval #2: 0
Network wide Queuing Penalty, All Intervals: 0

SANDOW
ENGINEERING
160 Madison Street, Suite A
Eugene, Oregon 97402
541.513.3376
sandowengineering.com

EXHIBIT I

Oregon
Kate Brown, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

December 10, 2019

Tyrholm Enterprises, LLC
Attn: Steven Tyrholm
P.O. Box 1459
Shady Cove, OR 97539

Re: WD # 2019-00573 **Approved**
Wetland Delineation Report for a Proposed Mixed-Use Site
Douglas County; T27S R5W S16CD TL201

Dear Mr. Tyrholm:

The Department of State Lands has reviewed the wetland delineation report prepared by Terra Science, Inc. for the site referenced above. Based upon the information presented in the report, we concur with the boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A) and one wetland ditch (Wetland B) were identified. Normally, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in jurisdictional wetlands or below the ordinary high-water line (OHWL) of a jurisdictional waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). However, Wetland A is exempt per OAR 141-085-0515(6) and Wetland B per OAR 141-0850515(10); therefore, both are not subject to these state permit requirements.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete

permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

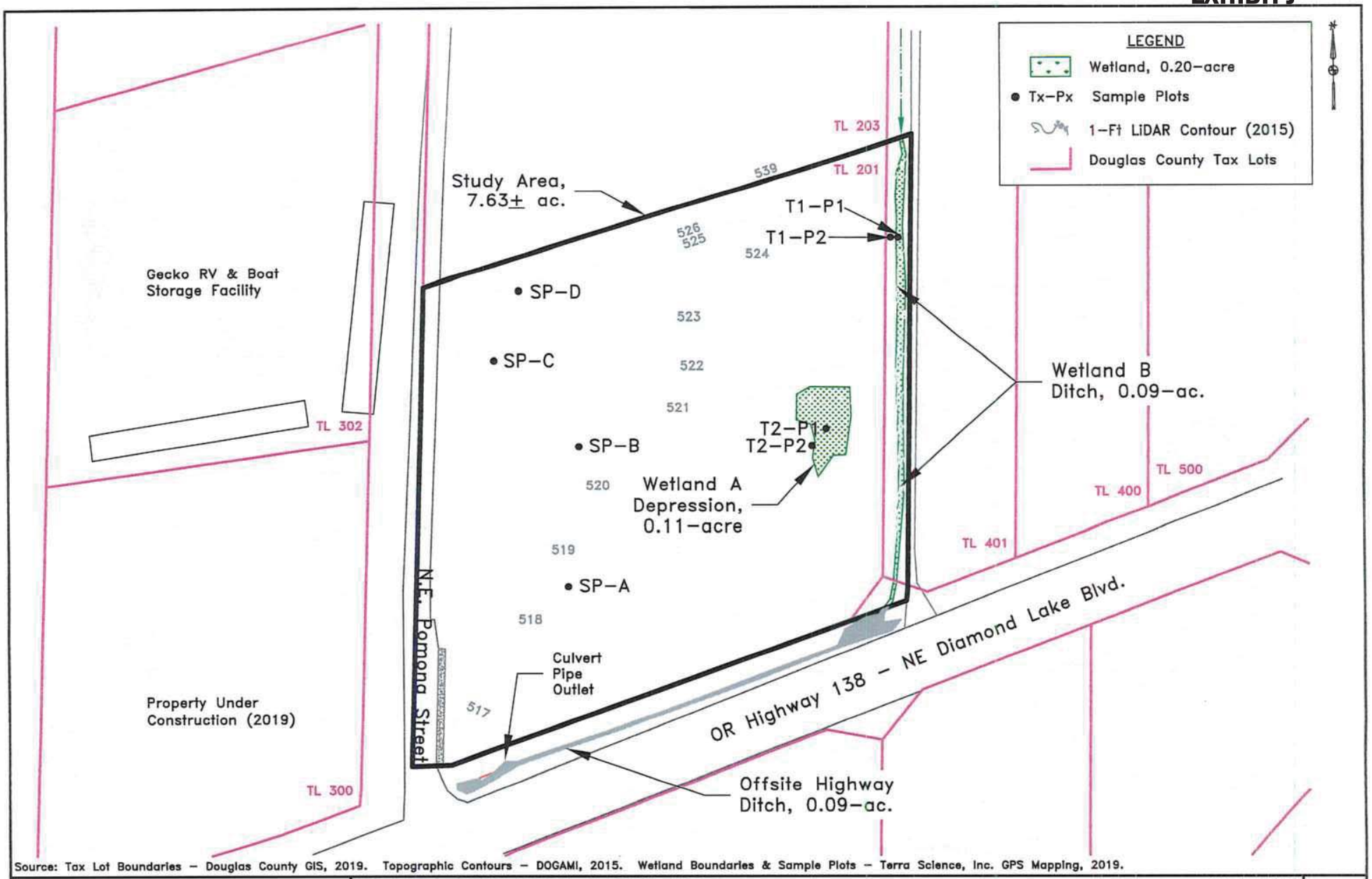
Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Douglas County, Lynne McAllister, at (503) 986-5300.

Sincerely,

Peter Ryan, PWS
Aquatic Resource Specialist

Enclosures

ec: Phil Scoles, Terra Science Inc.
City of Roseburg Planning Department
Anita Andazola, Corps of Engineers
Lauren Brown, DSL



Source: Tax Lot Boundaries – Douglas County GIS, 2019. Topographic Contours – DOGAMI, 2015. Wetland Boundaries & Sample Plots – Terra Science, Inc. GPS Mapping, 2019.

Terra Science, Inc.
Soil, Water, & Wetland Consultants

GRAPHIC SCALE
75 0 75 150 300
(IN FEET)
1 inch = 150 ft.

WETLAND DELINEATION REPORT FOR
TAX LOT 201, T. 27S, R. 5W, Section 16CD
Roseburg, Douglas County, Oregon

September 2019

DSL WD # 2019-0573
Approval Issued 12/10/2019
Approval Expires 12/10/2024

WETLAND DELINEATION MAP

FIGURE 6

EXHIBIT J

EXHIBIT K

Roseburg Public Schools

Roseburg Public Schools
Administration
1419 N.W. Valley View Dr.
Roseburg, OR 97471
Voice (541)440-4015
Fax (541)440-4003

Eastwood Elementary School
2550 S.E. Waldon
Roseburg, OR 97470
Voice (541)440-4180
Fax (541)440-4182

Fir Grove Elementary School
1360 W. Harvard Avenue
Roseburg, OR 97471
Voice (541)440-4085
Fax (541)440-4086

Fullerton IV Elementary School
2560 W. Bradford Drive
Roseburg, OR 97471
Voice (541)440-4081
Fax (541)440-4082

Green Elementary School
4498 S.W. Carnes Road
Roseburg, OR 97471
Voice (541)440-4127
Fax (541)440-4017

Hucrest Elementary School
1810 N.W. Kline
Roseburg, OR 97471
Voice (541)440-4188
Fax (541)440-4191

John C. Fremont Middle School
850 W. Keady Court
Roseburg, OR 97471
Voice (541)440-4055
Fax (541)440-4060

Joseph Lane Middle School
2153 N.E. Vine Street
Roseburg, OR 97470
Voice (541)440-4104
Fax (541)440-4100

Melrose Elementary School
2960 Melrose Road
Roseburg, OR 97471
Voice (541)440-4077
Fax (541)440-4078

Roseburg High School
400 W. Harvard Avenue
Roseburg, OR 97470
Voice (541)440-4142
Fax (541)440-8296

Sunnyslope Elementary School
2230 S.W. Cannon Road
Roseburg, OR 97471
Voice (541)440-4192
Fax (541)229-7815

Winchester Elementary School
217 Pioneer Way/PO Box 778
Winchester, OR 97495
Voice (541)440-4183
Fax (541)440-4187

Whatever it takes!

www.roseburg.k12.or.us

November 18, 2020

To Whom It May Concern:

The purpose of this letter is to serve as support for the CUP application for the apartment complex that will be located at 311 NE Pomona Street known as Ash Springs.

The schools that would serve the students living in Ash Springs would be: Grades K-5 Eastwood Elementary School, grades 6-8 Joseph Lane Middle School, and grades 9-12 Roseburg High School. The middle school and the high school currently have the capacity to serve additional students. Eastwood is nearing or at capacity. The district has been working on a plan to address additional space for elementary students in the district. That plan is to take the existing Rose Alternative School, located at what was once Rose Elementary School, and reopen that school as an elementary school. This is tentatively planned for the 2021-22 school year. This will take a financial investment on the part of the district to make it happen, but it is an investment that we are planning for.

The school district would be required to provide bus service to the students living at Ash Springs. A bus turnaround would be imperative to the district's ability to provide bus service as there is no other available area to turn around. The district requests that First Student, our student transportation services vendor, have an opportunity to confirm turn radius before construction.

If the district can answer any other questions regarding the Ash Springs development, please let us know.

Sincerely,

Jared Cordon
Superintendent

CITY OF ROSEBURG
PLANNING COMMISSION
STAFF REPORT

Land Use Regulation Text Amendments
File No. LUDR-21-002

Meeting Date: April 5, 2021
Staff Contact: Ricky Hoffman, City Planner
Applicant: City of Roseburg (Legislative)
Request: Amend the Roseburg Municipal Code to address the "Medium City" requirements of Oregon House Bill 2001.

ISSUE STATEMENT AND SUMMARY

Staff is proposing to amend various sections of the Land Use and Development Regulations in order to be consistent with the "Medium City" requirement of Oregon House Bill 2001.

BACKGROUND

In 2019, the Oregon Legislature passed House Bill 2001 to help provide citizens with more housing choices, beyond that of a typical detached single-family residence. Under the bill, by June 30, 2021, cities with a population of less than 25,000 must allow duplexes in areas zoned for single-family dwellings. By June 30, 2022, cities with a population of more than 25,000 must allow people to build duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas.

Roseburg sits in a unique situation, in that our current population is 24,890, just short of the 25,000 to require triplexes, fourplexes, cottage clusters and townhouses. Recognizing these future changes, the City applied for a grant through the Department of Land Conservation and Development (DLCD) in April of 2020. The grant is designed to assist in amending our code to better enable the use of duplexes in residential areas and to also help prepare future amendments to allow triplexes, fourplexes, cottage clusters and townhouses, recognizing that by June 30, 2022, most likely our population will exceed 25,000. The City was awarded the grant in June of 2020, and a contract was executed between the City, DLCD and 3J Consulting in August of 2020. Since that time, a Steering Advisory Committee has been formed and has met three times to discuss the project and review draft code; a community survey was launched that saw 353 individuals provide feedback; a public open house was held on December 8, 2020. The City with assistance of the consultant has drafted proposed amendments that are designed to address the "medium city" requirements of HB2001. These amendments have been crafted and revised based on the feedback provided from the advisory committee and comments from the public provided during the open house and survey. The proposed amendments are summarized below and provided in full text as **Attachment B**.

OVERVIEW OF AMENDMENTS

Development code updates are proposed to permit duplexes on all lots where single-family detached dwellings (SFDDs) are permitted, to comply with House Bill 2001 and OAR Division 660-046. Below is a list summarizing the proposed code amendments:

- Revise “two family dwelling” to “duplex” in all references
- Amend “duplex” definition to allow attached or detached configurations, including manufactured homes.
- Allow duplexes with the same requirements as SFDDs in the Low Density Residential (R10), Single-Family Residential (R7.5, R6), Limited Multi-Family Residential (MR14), Medium Density Multi-Family Residential (MR18) and Multi-Family Residential (MR29) zones. No changes to limit SFDDs in the higher density zones are proposed at this time.
- Allow duplexes on the same size lots as SFDDs and removing separate, larger minimum lot sizes for duplexes. No changes to the minimum lot sizes or minimum lot widths are proposed with this set of code changes, though they are being considered with the second round of code updates.
- No changes to setbacks, height, or lot coverage are proposed; the existing standards for SFDDs will apply equally to duplexes.
- Revise parking requirement to one per dwelling unit, two per duplex
- Create opportunities for either two separate or one shared driveway on duplex lots.
- Explicitly permit conversion of an existing nonconforming SFDD to a duplex and development of a duplex on an undersized lot of record.
- Amend Accessory Dwelling Unit (ADU) standards to remove any parking requirements.
- Revise duplex definition and ADU standards to allow either a duplex or a SFDD with an ADU on a single lot, but no more than two total dwelling units.
- Made a series of changes to provide clarity that manufactured dwellings can be used as duplexes and ADUs, consistent with probable interpretation under mix of current state statutes and Department of Land Conservation and Development direction, and what standards they should meet.
  - Roseburg Municipal Code (RMC) 12.02 Definitions: Updated definitions including focus on “manufactured homes” which are code-compliant units constructed after 1976. Clarified that ADUs, single-family dwellings, and duplex dwellings can either be site-built or manufactured homes.
  - RMC 12.04.030(D): Moved development standards for individual manufactured homes used as single-family dwellings out of the definitions into the residential standards, and specified which standards apply when used as single-family dwellings, ADUs and duplexes.
- Changed access standards in RMC 12.06.020(A) and RMC 12.06.030(Q) to make it possible for more (but not all) duplexes to have more than one driveway, including:
  - Explicitly allowing two driveways on corner lots where both streets are local streets.
  - Reducing spacing in between driveways on the same lot from 30 feet to 22 feet (retaining enough curb space for one on-street parking space).
  - Setting minimum and maximum residential driveway widths at 10-24 feet for one- or two-car driveways.

There will likely be many duplex designs that do best with one, two-car driveway in the center of the lot, but there may be instances where allowing the option for two driveways adds more flexibility.

- Flag lots:
  - Added definition in RMC 12.02 of flag lot including differentiating the “flag” and the “pole.”
  - Allowed for lots to take access either via private easement or creation of a flag lot with a “pole” for the driveway (equivalent to the easement) in RMC 12.12.010(E)(7).
  - Added standards for the minimum width of the easement or pole (20 feet easement, 12 feet paved).
  - Limited to one easement or flag lot per parent parcel, that can be developed with a single-family or duplex dwelling.
- Added requirement to specify intended mix of dwelling types, including duplexes, to preliminary subdivision plat requirements in RMC 12.12.010(R)(2) in order to provide greater certainty for new subdivisions and support infrastructure planning, without limiting ability to develop any individual lot as a SFDD or duplex.

The Findings of Fact and Order provide justification for the proposed text amendments are are included as **Attachment A**.

OPTIONS:

1. Adopt proposed Findings of Fact and Order recommending the City Council approve the text amendments.
2. Adopt proposed Findings of Fact and Order recommending the City Council deny the text amendments.
3. Adopt modified Findings of Fact and Order.

RECOMMENDATION:

Given the proposal meets applicable criteria, staff recommends the Planning Commission and the findings of fact as presented and recommend City Council Approve the proposed text amendments.

SUGGESTED MOTION:

I MOVE TO ADOPT THE FINDINGS OF FACT AS PRESENTED, AND RECOMMEND CITY COUNCIL APPROVE THE PROPOSED TEXT AMENDMENTS FILE NO. LUDR-21-002.

ATTACHMENTS:

A. Findings of Fact and Order
B. Text Amendments (Track Changes)
C. Stakeholder Interviews Summary
D. Public Survey Results

In the Matter of the Legislative Action by the City of Roseburg	) Text Amendment) File # LUDR-21-002

BEFORE THE ROSEBURG PLANNING COMMISSION
FINDINGS OF FACT AND ORDER

I. NATURE OF AMENDMENTS

The Community Development Department proposes changes to the Land Use and Development Regulations amending the Roseburg Municipal Code (RMC), which addresses the "Medium City" requirements contained within Oregon House Bill 2001.

II. PUBLIC HEARING

A public hearing was held on the proposed amendments before the Roseburg Planning Commission on May 3, 2021. At the hearing, the Planning Commission reviewed Land Use File LUDR-21-002 for legislative text amendments 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 #2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance #2363, as originally adopted July 1, 1982, 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 10 days prior to the hearing. Opportunities were provided for all interested parties to be involved in the planning process through the public hearing.

3. The proposal is to legislatively amend text within the Land Use and Development Regulations in chapter 12 of the Roseburg Municipal Code.

B. PROPOSAL

The City worked in coordination with the Oregon Department of Land Conservation and Development through a grant funded project locally referred to as the City of Roseburg Middle Housing Project. The project consisted of working with a consultant to draft "Middle Housing" code amendments to Chapter 12 of the Roseburg Municipal Code. The proposed code amendments are in response to Oregon House Bill 2001 and assist in meeting specific objectives of the City's 2019 Housing Needs Analysis. The full text of the changes made in this amendment are attached as Attachment B.

C. AGENCY COMMENTS

Coordination occurred between the Community Development Department, Public Works Departments, the Douglas County Building Department, The Roseburg Fire Department and the Oregon Department of Land Conservation and Development while the proposed amendments were being drafted.

D. PUBLIC COMMENTS

No public comments were received prior to the hearing.

E. PUBLIC OUTREACH

During the drafting of the amendments, the City facilitated public input via four main ways. 1) The City convened an advisory committee made up of eight community members who represent organizations and/or an individual who plays a key role in Roseburg's housing development. The advisory committee met three separate times throughout the process to provide information and feedback regarding the proposed amendments. 2) In addition to the advisory committee, five stakeholders made up of private developers/engineers/realtors/contractors were interviewed during the project in order to provide guidance to the amendment drafting process. This group was strategically curated to represent the community members who have the closest interaction with implementing the development regulations proposed in the amendments. As such, it was important for the City to ensure that these individuals provided feedback early in the process to assist in finding a final product that meets the City's goals and the requirements of HB2001, but also works for our development community. A summary of the stakeholder interviews is attached as Attachment C. 3) The City held an open house on December 8, 2020 for the public to participate in learning about the City's Middle Housing project and HB2001. The open house was extensively publicized on social media and in the local news outlets. It was held virtually on zoom and broadcasted on Facebook Live and was well attended by the public. 4) After the conclusion of the open house, the City began publicizing a public survey, which consisted of several questions designed to solicit feedback that would best characterize the community's goals and objectives for housing development, as it relates to the proposed amendments. Results of the public survey are attached as Attachment D.

F. REVIEW CRITERIA

Text amendments to the Land Use and Development Regulations identified in RMC Title 12 require legislative action. Procedures in which a legislative action must occur are contained in RMC Section 12.10.020. Section 12.10.020(F)(2) requires that all legislative action proposals be analyzed for consistency with the policies of the Comprehensive Plan, Statewide Planning Goals, and other provisions of the Code.

The Roseburg Comprehensive Plan, as mandated by ORS Chapter 197, must conform to the Oregon Statewide Planning Goals and maintain an implementing ordinance, through which the Roseburg Municipal Code carries out the goals and policies of the Comprehensive Plan. The intent of these ordinance amendments are to maintain consistency with ORS as the State makes changes from time to time and to comply with the intent of the Comprehensive Plan.

Comprehensive Plan
Pertinent policies that apply to the proposal have been evaluated as follows:

Housing Policy No. 1
New residential development shall be coordinated with the provision of an adequate level of services and facilities.

Finding: In most cases, services and facilities are considered and provided at the time of development, which is implemented within Roseburg's current land use ordinances, as well as the standard process for a site plan review. However, throughout the project the proposed amendments were coordinated with our Public Works and Fire Departments. Some concerns were expressed regarding fire access and added stress to on street parking facilities. There was recognition of the statutory requirements of the proposed amendments. However, consideration, reflected in the final draft of the amendments, were made regarding access. These changes include limiting the amount of units that can be served off a flag lot or easement and maintaining a driveway spacing of 22 feet, which is designed to preserve the distance of at least one on-street parking space. These changes assisting in mitigating fire access and parking concerns related to the proposed amendments.

In regards to physical capacity for street, water, sewer and storm infrastructure, it is not anticipated that development trends resulting from the proposed amendments will significantly change to the extent that it would create issue with the ability to provide adequate public services to individual housing developments. New development regardless of the density will be required to make the applicable public facility improvements at the time of development and the City will continue to apply system and development charges to new development in order to plan and fund capacity improvements to existing public infrastructure. Generally, this is planned through the respective master planning process for each type of public facility. Periodic updates to these respective master planning document will continue to be the standard process for coordinating adequate service and facilities.

Housing Policy No. 2
The City and County shall ensure an adequate supply of land suitable for development which is zoned for low, medium, and high density residential uses. Determination of an adequate supply shall be based on two to three year projections of demand. The City and County shall annually monitor and analyze population projects and projected housing demand to provide a reliable basis for land use decisions and to assure sufficient residential land to maintain a balance between supply and demand.

Finding: In 2019 the City adopted the Housing Needs Analysis. The primary goals of the housing needs analysis were to (1) project the amount of land needed to accommodate the future housing needs of all types within the

Roseburg Urban Growth Boundary (UGB), (2) evaluate the existing residential land supply within the Roseburg UGB to determine if it is adequate to meet that need, (3) to fulfill state planning requirements for a twenty-year supply of residential land, and (4) identify policy and programmatic options for the City to meet identified housing needs. As a result of the HNA, the City developed a number of different policy objectives to assist in achieving the City's needs for housing development. While the existing housing element goals and policies of the Comprehensive Plan still plays a vital role in the implementation of the City's land use regulations, as they related to housing development, the adoption of the 2019 Housing Needs Analysis was intended to provide an updated snapshot of Roseburg's housing needs and policies in order to achieve those needs. Therefore, for the purposes of evaluating the proposed amendments, the policies from the 2019 Housing Needs Analysis provides the latest and most accurate housing polices of the City. These polices can be found further in this document.

Natural Resources Policy No. 1
The South and North Umpqua Rivers, Newton Creek and Deer Creek are major waterways that are scenic, recreational, and natural resources of the community. They are, however, to be protected, preserved, and maintained for their primary function as drainage courses first. Any measures taken to sustain their primary function shall minimize adverse impacts on scenic, recreational, and natural values.

Finding: The proposed amendments for Middle Housing will have no impact on the current way in which the City implements the riparian habitat protection overlay and the floodplain overlay, both of which play a large role in preservation of the local waterways. These zoning overlays will remain unchanged as a result of the proposal.

Natural Resources Policy No. 2
Natural drainage courses, including major waterways, shall be regulated to control alteration, excavation, filling, realignment, cleaning, and all other actions that could affect their function or natural resource value.

Finding: The natural resources within our community continue to be one of the most important issues raised through the public planning process. This is evident in almost every aspect of development. From storm water regulations, to wetland and floodplain protections, as well as requirements for preservation of open spaces and landscaping. The City takes several steps within the development review process to ensure that these natural resource preservation related requirements continue to be implemented to the degree that satisfies our Comprehensive Plan policies. Any development approved through the proposed amendments will continue to be held to the same standards.

Public Facilities and Services Policy No. 1

The City shall strive to improve the level of cooperation with all agencies of local, state, and federal government in order to ensure the timely, orderly, and efficient provision of all public facilities and services essential to the social, economic, and physical wellbeing of the urban area and its citizens.

Finding: The City has a robust coordination process with other agencies and City Department that takes place during the site plan review process to ensure that all aspects of public facilities and services are being considered relative to the development being proposed. These services include water, transportation and storm water facilities coordinated through our City Public Works Department, sanitary sewer services coordinated though the Roseburg Urban Sanitary Authority, refuse collection services coordinated through our franchise holder Roseburg Disposal, as well as, periodic coordination with School Districts and Umpqua Transit District. The process will remain unchanged as a result of the proposed amendments.

Transportation Development Policy No. 1

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.

Finding: Last year, in 2020 the City adopted the updated Transportation System Plan, which is the guiding document for policy decisions related to transportation planning. This document contains a number of different policies and recommendations, which will serve as the basis for maintaining and updating the transportation related development regulations in Chapter 12 of the Roseburg Municipal Code. Development approved under the proposed amendments will be required, where applicable, to improve and or maintain transportation facilities to the level that is required under the TSP and/or the Land Use and Development Regulations.

Housing Needs Analysis (HNA)

HNA Policy No. 1

Provide opportunities for development of a range of housing types that are affordable to households at all income levels as described in the Roseburg Housing Needs Analysis. These housing types include (but are not limited to): single-family detached housing, accessory dwellings, cottage housing, manufactured housing, townhouses, duplexes, and apartments.

Finding: This policy points directly at the intent of House Bill 2001 and in turn the purpose for the proposed amendments. These amendments are a series of updates prescribed by state law that assist in removing existing zoning barriers and providing more flexibility in development regulations to assist in

diversifying the housing types being developed in Roseburg, which in turn will ideally have a positive impact on housing affordability based on supply and demand principals. The City is also committed and likely in the near future required to meet the "Large City" requirements of HB 2001, which is required of communities that have a population of 25,000 or greater. These requirements are similar to that of the current proposed amendments, but broaden the housing types being considered beyond just duplexes to include tri-plexes, quad-plexes, townhomes and cottage clusters. Although these amendments are not included in this proposal, the City is working through the same grant project to obtain a package of proposed amendments related to the remainder of these housing types that would further support this policy and general housing goals of the City.

HNA Policy No. 2

Develop policies to support affordable housing by lowering the costs of housing development for low-income affordable housing and/or middle-income affordable housing.

Finding: Oregon House Bill 2001, termed the "Middle Housing" bill, is specifically intended to try and address housing affordability in two ways: 1) The bill aims at trying to diversify the type of housing stock available, which would in theory provide more housing options at different price ranges in both the rental and owner occupied market; 2) It intends to remove barriers and provide more flexibility in local development regulations, which generally may result in more housing production across the board and in turn provide some relief in the heavy demand that is driving housing prices upward throughout the state.

Oregon Revised Statute (ORS) & Oregon Administrative Rules (OAR)

The applicable state law and rules that directly apply to the proposed legislative amendments are Oregon Revised Statute 197.758 Development of middle housing; local regulations and Oregon Administrative Rules Chapter 660, Division 46 Middle Housing in Medium and Large Cities.

Finding: Developing the proposed amendments was provided through a grant funded work program scoped and administered by the Department of Land Conservation and Development (DLCD). The grant funding was allocated by the state legislature and directed to DLCD for the specific purpose of assisting local governments to prepare hearing ready legislative amendments in compliance with HB 2001. The consultants that were selected by DLCD have been in direct coordination with DLCD staff throughout the entire amendment drafting process. This coordination was scoped into the project to ensure that all proposed code amendments are in full compliance with the applicable sections of ORS and OAR developed via HB2001. City staff and the consultant held biweekly meetings throughout the project in order to maintain a constant line of communication and filtered any statute or rule interpretation questions directly through DLCD staff. As a result, City staff is confident that all proposed amendments are in compliance with applicable sections of ORS and

OAR listed above.

Statewide Planning Goals

Pertinent Statewide Planning Goals that apply to the proposal have been evaluated as follows:

***Statewide Planning Goals 3, 4, 8, 13, 14, 15, 16, 17, 18, 19 will not be address within the findings below as they are not applicable to the proposed amendments.*

Statewide Planning Goal # 1 – CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The City meets this requirement by administering the public outreach items listed and summarized within subsection E of these findings. In addition, the City is required to hold a public hearing with the Planning Commission, in which public notification was required under Section 12.10 of the Roseburg Municipal Code, to ensure that any members of the public who have comments or concerns related to the proposed amendments have an opportunity to be heard during the May 3rd, 2021 Planning Commission Hearing.

The City of Roseburg provided notice of this proposal as mandated through ORS and Municipal Code requirements, as well as publishing the notice in the News Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council.

This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

Roseburg's Planning Commission has the responsibility to act as the conduit to the City Council on land use matters. The Planning Commission is selected through an open, well-publicized public process and the Commission may include one member who resides outside the city limits. All meetings were advertised to local media. The proposed amendments were the result of input from the public who were affected by the proposed code updates, Staff, the Douglas County Building Department, a representative of the Public Works and Planning Commission, and the City of Roseburg Fire Department.

Statewide Planning Goal #2 – LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation

measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and is required by HB 2001 and OAR Chapter 660 Division 046 and has been thoroughly described in this application. Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

As noted above the City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. Implementation of the Comprehensive Plan is accomplished through the adopted Code. The Land Use and Development Regulations Chapter of Roseburg Municipal Code has been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS.

Statewide Planning Goal #5, 6, 7 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES/AIR, WATER AND LAND RESOURCES QUALITY/AREAS SUBECT TO NATURAL HAZARDS

Finding: Goals 5, 6 and 7 are represented in the Natural Resources and Historic Preservation sections of Roseburg's Comprehensive Plan. The policies related to these items are reflected within the current implementing regulations of the Roseburg Municipal Code. This includes, but is not limited to, the Hillside Development Overlay, the Historic Districts Overlay, the Floodplain Overlay, the Riparian Habitat Overlays, the City's regulation regarding to storm water control, and the City's standards and polices related to compliance with Department of Environmental Quality and Department of State Lands regulations. These requirements along with others that support compliance with Goals 5, 6 and 7 will continue to be administered at the same level currently applied to all development within the City. Any development authorized under the proposed amendments would be subject to those same requirements relative to the applicability of the various requirements.

Statewide Planning Goal #8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The City, as part of the Comprehensive Plan, has an adopted and acknowledged Parks and Recreational Master Plan. This plan continues to be implemented by City Parks and Recreation staff and where appropriate through the development review process. Implementation of this plan is designed to meet the continually growing recreational needs of the community. This plan will continue to be periodically updated to meet the needs of the community.

Statewide Planning Goal #9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The implementation of HB 2001 (OAR Chapter 660 Division 046) for duplexes do not apply to lands that are zoned for employment uses on Commercial, Industrial or Public lots or parcels with the primary use intended for those activities. These lands are held for employment or public improvements to further Goal 9 activities pursuant to the Roseburg Comprehensive Plan. Compliance with OAR Chapter 660 Division 046 will provide additional housing opportunities within the City of Roseburg to support workers on employment designated lands. In addition, the amendments are intended to provide more housing development opportunities for local property owners and developers in our community. Easing zoning restrictions may have a positive economic impact on local property owners and developers, providing opportunities, which may not have previously existed because of restrictions in local zoning laws. An increase in housing development would have a trickle down economic impact from property owners, down to local contractors and subcontractors and other individuals that may work in trades or project design/management.

Statewide Planning Goal #10 – HOUSING

To provide for the housing needs of citizens of the state.

Finding: The City of Roseburg is experiencing a variety of housing supply and affordability issues, similar to the rest of the region and state. The 2019 Housing Needs Analysis, adopted by the City Council on September 9th, 2019, indicates Roseburg's development occurred at relatively low densities from 2000 to 2018. Some of the low density can be explained by the fact that much of Roseburg's vacant Low Density land is on slopes that are decreasing achievable densities. The report also indicated that Roseburg's Low Density Residential land base has constraints to development. More than one-quarter of Roseburg's vacant land in Low Density Residential is partially vacant (247 of 885 acres). In addition, two-thirds of Roseburg's vacant and partially vacant buildable land in Low Density Residential is on slopes of 12% to 24.9% (568 or 885 acres). Development of partially vacant land can be challenging for a number of reasons, including that it occurs when landowners are ready to subdivide and in cases where partially vacant land is on a relatively small lot (i.e., a lot smaller than five or ten acres), the amount of residential development that can occur is relatively small (and generally more expensive to build). Development on land with moderate slopes is also often more expensive because it generally occurs as lower densities (fewer dwelling units per acre) and on land without urban infrastructure where it may be more expensive to serve because of requirements for road construction or requirements for special equipment (such as pump stations). Developing new housing in these areas may be more expensive, providing fewer opportunities for development of market-rate affordable housing affordable to middle-income households.

The City's objective by implementing legislative amendments in response to HB 2001 (OAR 660-046-0030) is to assist in meeting the housing needs and address some of the affordability issues facing our community in a way that the development community can provide broader housing types in an efficient manner for current and future citizens. Therefore, staff finds that the proposed amendments achieve the intent of the State's Housing Goal.

Statewide Planning Goal #11: PUBLIC FACILITIES AND SERVICES
To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The City has coordinated the proposed amendments through the public works and sanitary sewer providers, as well as provided notice to other service provider in order to obtain feedback for the proposed amendments. Hearing no major concerns, the City will continue to make efforts to coordinate, where appropriate, with service providers within our community to ensure that facility and service improvements are captured during the time of development and based on the scope of work.

Statewide Planning Goal #12: TRANSPORTATION
To provide and encourage a safe, convenient and economic transportation system.

Finding: The City of Roseburg has recently adopted an update to the Transportation System Plan. The purpose of the TSP is to guide the maintenance, development, and implementation of the transportation system, to accommodate 20 years of growth in population and employment, and to implement the plans and regulations of the regional government and the State of Oregon, including the Oregon TPR. The TSP will serve as the transportation element of the Roseburg Comprehensive Plan. The Comprehensive Plan guides a community's land use, conservation of natural resources, economic development and public facilities. The TSP will continue to be the guiding materials for transportation improvements and policy decisions related to the Land Use and Development Regulations.

In addition OAR 660-046-0030 states that when a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. The City of Roseburg has not evaluated the impacts of duplex dwellings on the transportation system outside of the evaluation that occurred in the TSP as noted above.

IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the application meets the criteria for approval in RMC 12.10.020(F)(2).

V. ORDER

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

_____ _____
Planning Commission Chair Date

_____ _____
Stuart Cowie, Community Development Director Date

Planning Commission Members:
Ronald Sperry
Shelby Osborn
Dan Onchuck
Victoria Hawks
Stephanie Newman
Jaime Yraguen
Christy Palmini

Chapter 12.02 - GENERAL PROVISIONS

12.02.010 - Purpose.

This Chapter is designed to provide and coordinate regulations in the Roseburg Urban Area governing the development and use of lands, and to implement the Roseburg Urban Area Comprehensive Plan. To these ends, it is the purpose of this Code to:

A. Ensure that the development of property within the Roseburg urban area is commensurate with the character and physical limitations of the land, and, in general, to promote and protect the public health, safety, convenience, and welfare.

B. Protect the economy of the Roseburg urban area.

C. Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.

D. Encourage the provision of affordable housing in quantities adequate enough to allow all citizens some reasonable choice in the selection of a place to live.

E. Conserve all forms of energy through sound economical use of land and land uses developed on the land.

F. Provide for the orderly and efficient transition from rural to urban land use.

G. Guarantee the ultimate development and arrangement of efficient public services and facilities within the Roseburg urban area.

H. Provide for and encourage a safe, convenient, and economic transportation system within the Roseburg urban area.

I. Protect the quality of the air and water resources of the Roseburg urban area.

J. Protect life and property in areas subject to floods, landslides, and other natural disasters and hazards.

K. Provide for the recreational needs of the residents of the Roseburg urban area and visitors to the area.

L. Provide for adequate open space and protect historic, cultural, natural, and scenic resources.

12.02.020 - Scope and compliance.

A. A parcel of land may be used or developed, by land division or otherwise, and a structure may be used or developed, by construction, reconstruction, alteration, occupancy, or otherwise only as this Code permits.

B. In addition to complying with the criteria and other provisions within this Code, each development shall comply with the applicable standards published by the Public Works Director.

C. The requirements of this Code apply to the person undertaking a development, or the user of a development, and to the person's or user's successors in interest.

12.02.030 - Use of a development.

A development may be used only for a lawful use. A lawful use is a use that is not prohibited by law, and for which the development is designed and arranged, as permitted or approved, or which is nonconforming, pursuant to this Code.

12.02.040 - Compliance required.

A. No person shall engage in, or cause to occur, a development which does not comply with these regulations.

B. Neither the Building Official nor any other State or local official shall issue a permit for a use or the construction, reconstruction, or alteration of a structure or a part of a structure which has not been approved.

C. A development shall be approved by the Community Development Director or other Approving Authority according to the provisions of this Code. The Community Development Director shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the applicant created the violation, unless the violation can be rectified as part of a development proposal.

D. Unless appealed, a decision on any application shall be final upon expiration of the period provided for filing an appeal, or, if appealed, upon rendering of the decision by the reviewing body.

12.02.050 - Effect on agreements between parties.

This Code shall not interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided that where this Code imposes a greater restriction than that imposed by the agreement, the provisions of this Code shall control.

12.02.060 - Interpretation.

A. When in the administration of this Code there is doubt regarding the intent of the Code or the suitability of uses not specified, the Community Development Director may request an interpretation of the provision by the Planning Commission. The Planning Commission shall issue an interpretation to resolve the doubt, but such interpretation shall not have the effect of amending the provisions of this Code. Any interpretation of the Code by the Planning Commission shall be deemed an administrative action, shall be subject to review by the City Council pursuant to Sections 12.10.010(X) and 12.10.010(Y), and shall be based on the following considerations:

1. The Roseburg Urban Area Comprehensive Plan;
2. The purpose and intent of the Code as applied to the particular Chapter or Section in question; and
3. The opinion of the appointed legal counsel of the Approving Authority.

B. Meanings and Intent. Words and terms expressly defined in this Code have the specific meanings assigned, unless the context expressly indicates another meaning. Where words are not expressly defined in this Code, the following sources shall be consulted: State statute, and any dictionary of common usage, all of which shall be interpreted by context. Words used in the present tense include the future; the singular includes the plural; and the word "shall" is mandatory and not discretionary. Whenever the term "this Code" is used herewith, it shall be deemed to include all amendments hereto as may hereafter from time to time be adopted.

C. Headings and Illustrations. Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Code. In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, or illustration, the text controls.

D. Delegation of Authority. Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this Code expressly prohibit such a delegation.

12.02.070 - Restrictiveness.

Where the conditions imposed by a provision of this Code are less restrictive than comparable conditions imposed by other provisions of this Code, the provisions which are more restrictive shall govern.

12.02.080 - Severability.

If any Chapter, Section, Subsection, Paragraph, Subparagraph, clause, sentence, or provision of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Code, and the effect thereof shall be confined to the Chapter, Section, Subsection, Paragraph, Subparagraph, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the City Council to enact the remainder of this Code notwithstanding the parts so declared unconstitutional or invalid. Further, should any Chapter, Section, Subsection, Paragraph, Subparagraph, clause, sentence, or provision of this Code be declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate, or nullify such Chapter, Section, Subsection, Paragraph, Subparagraph, clause, sentence, or provision as to any other premises or use.

12.02.090 - Definitions.

As used in this Chapter, unless the context in which used clearly requires a different meaning, the following words or phrases shall be defined as follows:

"Abut or abutting" means adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting if the common property line between the two (2) parcels measures less than eight (8) feet in a single direction. Synonymous with adjoining.

"Access" means the place means, or way by which pedestrians or vehicles shall have adequate and usable ingress and egress to a property, use, or parking space.

"Accessory building" means any subordinate building or portion of a main building; the use of which is incidental, appropriate, and subordinate to that of the main building. No building shall be considered accessory if it is the only building on a lot, parcel, or unit of land.

"Accessory dwelling unit" means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. An accessory dwelling unit may either pass inspection for compliance with the International Building Code (IBC) standards or meet the definition of a manufactured home.

"Accessory use" means a use incidental, appropriate, and subordinate to the main use of a lot or building.

"Adjusted lot" means a unit of land created by a lot line adjustment. Once created, the term "adjusted lot" is synonymous with "lot" and "parcel" for purposes of this Code.

"Adult day care" means community-based group programs designed to meet the needs of functionally and cognitively impaired adults through individual plans of care that are structured, comprehensive, and provide a variety of health, social, and related support services in protective settings during part of the day but provide less than 24-hour care. These facilities must be registered with the State of Oregon and meet local jurisdiction requirements.

"Administrative action" means a proceeding pursuant to this Code that is a land use decision or a limited land use decision under State Law, in which the legal rights, duties, or privileges of specific parties are determined, and any appeal or review thereof.

"Alley" means a public or private way having a maximum width of 20 feet affording only a secondary means of access to abutting property.

"Alteration" means any change, addition or modification in construction, occupancy or use.

"Ambulance service" means a use providing for only emergency and non-emergency transportation of injured or infirm persons, including a dispatching office and living units for a caretaker resident and/or on duty personnel and excluding retail sales.

"Amendment" means a change in a portion of the Roseburg Urban Area Comprehensive Plan Map pursuant to Chapter 12.10 of this Code; a change in the wording, text, or substance of this Code, or a change in the district boundaries or overlay boundaries upon the zoning map.

"Approving authority" means the person or body given authority to decide applications for development approval under the provisions of this Code.

"Automobile repair garage" means a use providing for the major repair and maintenance of motor vehicles, and including any mechanical and body work, straightening of body parts, painting, welding, or temporary storage of motor vehicles pending such repair or maintenance.

"Automobile service station" means a use providing for the retail sale of motor fuels, lubricating oils, and vehicle accessories, and including the servicing and repair of motor vehicles as an accessory use, but excluding all other sales and services except the sale of minor convenience goods for service station customers as accessory and incidental to the principal operation. Uses permitted at an automobile service station shall not include major mechanical and body work, straightening of body parts, painting, welding, tire recapping, storage of motor vehicles not in operating condition, or other work generating noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. An automobile service station shall not be deemed to include a repair garage or a body shop.

"Automobile wrecking yard" means any area of land used for the storage, wrecking, or sale of two or more inoperable motor vehicles, trailers, farm equipment, or parts thereof. Where such vehicles, trailers, equipment, or parts are stored in the open and are not being restored to operating condition, and including any land used for the commercial salvaging of any other goods, articles, or merchandise.

"Basement" means a story partly or wholly underground. A basement shall be counted as a story for purposes of height measurements where more than one-half (½) of its height is above the average level of the adjoining ground.

"Block" means an area of land within a subdivision, which area may be bounded on all sides by streets, railroad rights of way, un-subdivided land, or water courses.

"Boarding house" means a single-family dwelling where lodging and meals are provided to guests, for compensation, for time periods of at least 16 consecutive nights.

"Bond, performance" means a document, acceptable by the city, issued by a surety company, in return for a fee or premium, guaranteeing the performance of the terms and conditions of a development approval.

"Boundary line" means the property line bounding a lot or parcel.

"Boundary line adjustment" means the relocation of a common boundary line between lots or parcels.

"Brewery, macro-" means a business that produces beer, wine or alcohol wholly within an enclosed building. Macro-breweries must be able to facilitate commercial trucks onsite for large-scale distribution. A tap room is not required. Restaurants and other uses may be incorporated into the building where permitted by the zoning district located therein.

"Brewery, micro-" means a business that produces beer, wine or alcohol wholly within an enclosed building where the gross floor area dedicated to production and storage is no greater than 20,000 square feet. Within one year of beginning production, micro-breweries are required to have a tap room that is open to the public at least three days or ten hours per week. Tap Rooms shall have a minimum floor area equal to five percent (5%) of the total floor area used for production and storage. Restaurants and other uses may be incorporated into the building where permitted by the zoning district located therein.

"Building." For the purposes of this Code, the terms "building" and "structure" shall be synonymous. See "Structure."

"Building height" means the vertical distance from the average finished grade to the highest point of a building, exclusive of chimneys and similar features referenced in Section 12.08.040(D). When the walls are parallel to and within five (5) feet of a sidewalk, the grade shall be measured at the sidewalk.

"Building site" means the ground area of a building or buildings, together with all open spaces required by this Code.

"Campground" means an area where facilities are provided to accommodate the temporary use of tents, campers, recreational vehicles, and motor homes by the traveling public.

"Care" means the provision of room and board, assistance with personal care and activities of daily living, provision of protection, transportation, or recreation, and assistance in time of crisis.

"Carport" means a stationary structure consisting of a roof with its supports and no more than two (2) walls or storage cabinets substituting for walls used for sheltering a motor vehicle.

"Cemetery" means land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes; including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

"Change of use" means a change from an existing use to another permitted use according to the applicable zoning.

"Child" means an individual under 13 years of age, or eighteen years of age for those with special needs or disabilities as defined by State law.

"Clear vision area." See Section 12.08.040(F).

"Club or lodge" means a building and facilities owned and operated for a social or recreational purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.

"Commission" means the Planning Commission.

"Communication facility" means a facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.

"Community center or hall" means a building and facilities owned and operated by a governmental agency or non-profit community organization whose membership is open to any resident of the community in which the center or hall is located.

"Community sanitary sewer system" means a public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

"Community water supply system" means a public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

"Comprehensive plan" means the generalized, coordinated land use map and policy statement for the urban area that interrelates all functional and natural systems and activities relative to the use of lands, including but not limited to sewer and water systems; transportation systems, education systems, recreational facilities, and natural resources and air and water quality management programs.

"Condominium" means property, any part of which is submitted and approved in accordance with the provisions of ORS Chapter 100.

"Contiguous" means touching at least one (1) point or that which would be so except it is separated only by a public right-of-way or a body of water.

"Continuous nursing care" means nursing care that is required by, and provided to, a resident each day on a 24-hour basis.

"Council" means the City Council of the City of Roseburg, Oregon.

"Data center" means data storage and processing facilities, electronic products - manufacture, storage and assembly, together with all related and supporting uses and facilities.

"Day care" means supervision provided to a child during a part of the 24 hours of the day, with or without compensation. Day Care does not include care provided: by the child's parent, guardian, or person acting in loco parentis; by providers of medical services, in the home of the child; by a person related to the child by blood or marriage within the fourth degree as determined by civil law; on an occasional basis; or by a school.

"Day care facility" means a facility which provides day care for six (6) or more children on either a full or part-time basis and other than in the home of the provider.

"Density" means the number of dwelling units to be contained within a specified land area.

"Development" means any man made change to improved or unimproved real estate, including, but not limited to, the construction, alteration, or use of buildings, division of land, creation of private or public streets, construction of public and private utilities and facilities, mining, excavation, grading, installation of fill, open storage of materials, or any other activity specifically regulated by the provisions of this Code. Except when in conjunction with other development, installation of less than 3,000 square feet of asphalt or other impervious paving surfaces shall not be included in this definition.

"Director." Unless otherwise specified, the Community Development Director or such other person as said Director or the City Manager may designate.

"District" means a portion of the Roseburg Urban Area, whether unincorporated or incorporated, within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited, as set forth and specified in this Code.

"Duplex." See "Dwelling, Duplex ~~Two Family~~" definition.

"Dwelling, multiple-family" means a building designed and used for occupancy by three (3) or more families, each within a separate dwelling unit. Multiple-Family Dwelling is synonymous with "multifamily dwelling/development."

"Dwelling, single-family" means a building or portion thereof designed and used exclusively for and containing facilities for the occupancy of one (1) family, and having housekeeping facilities for only one (1) family~~, which either:~~ .

~~1. Has passed inspection for compliance with the International Building Code (IBC) standards; or~~

~~2. Is a manufactured home constructed after June 15, 1976, which also meets all of the following standards:~~

~~a. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.~~

~~b. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade.~~

~~c. The manufactured home shall have a pitched roof, with a slope of at least a nominal three (3) feet in height for each 12 feet in width.~~

~~d. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.~~

~~e. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of the single-family dwellings constructed under the state building code as defined in ORS 455.010.~~

~~f. The manufactured home shall have a garage or carport constructed of like materials. The Director may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.~~

g. Unless inconsistent with the above, the manufactured home and the lot upon which it is sited shall also be subject to all other development standards, architectural requirements, and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subject.

3. Part 2 of the foregoing definition shall not apply to any area designated in the Comprehensive Plan or in this Code as an historic district, or to any residential land immediately adjacent to an historic landmark. The foregoing definition shall not be construed as abrogating any recorded restrictive covenant. (see Family)

"Dwelling, two-family (duplex)" means two (2) attached or detached dwelling units on one lot or parcel a building or portion thereof designed or used exclusively for the occupancy of two (2) families living independently of each other, and having separate housekeeping facilities for each family, and passing inspection for compliance with the International Building Code (IBC) standards. This definition shall not include mobile homes and manufactured dwellings. This definition shall not include a single-family dwelling and an accessory dwelling unit.

"Dwelling unit" means one (1) or more habitable rooms that includes provisions for sleeping, cooking, eating and sanitation for one family in compliance with International Building Code (IBC) standards. This definition shall not include mobile homes and manufactured dwellings as defined herein. Synonymous with "dwelling."

"Easement" means a legal interest in land, granted by the owner to another person, which allows that person(s) the use of all or a portion of the owner's land, generally for a stated purpose including, but not limited to, access, drainage or placement of utilities.

"Facility" means a structure that is constructed, placed, or erected for the purpose of furthering a permitted or conditional use.

"Family" means one or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than five (5) additional persons, who live together in one dwelling unit; or one (1) or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five (5) additional persons, who live together in one dwelling unit. an individual, or two (2) or more persons related by blood, marriage, adoption, or legal guardianship, living together as one (1) housekeeping unit using one (1) kitchen, and providing meals, or lodging to not more than two (2) additional persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one housekeeping unit using one (1) kitchen; or a group of six (6) or more persons living together as one (1) housekeeping unit using one (1) kitchen, if said persons are handicapped persons as defined in the federal Fair Housing Amendments Act of 1988.

"Family day care home" means a facility which provides day care in the home of the provider to fewer than 17 children, including children of the provider, regardless of full-time or part-time status.

"Family day care provider." For the purposes of this Code, the terms "Family Day Care Home" and "Family Day Care Provider" shall be synonymous. See "Family Day Care Home."

"Family hardship dwelling" means a mobile home used temporarily during a family hardship situation, pursuant to Chapter 12.10 of this Code, when an additional dwelling is allowed to house aged or infirmed persons or persons physically incapable of maintaining a complete separate residence apart from their family.

"Fence" means an obstruction arranged in such a way as to partially or wholly impede vision or access.

"Fish and wildlife management" means the protection, preservation, propagation, promotion, and control of wildlife by either public or private agencies or individuals.

"Floor area" means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including attic space providing headroom of less than seven (7) feet, or basement if the floor above is less than six (6) feet above grade.

"Foster home." See "Residential Home."

"Garage, private parking" means a publicly or privately owned structure having one (1) or more tiers or heights used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage as required by this Code, and which is not open for any use by the general public.

"Garage, public parking" means a publicly or privately owned structure having one (1) or more tiers or heights used for the parking of automobiles, and open garages may include parking spaces for customers, patrons, or clients which are required by this Code, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

"Habitable floor" means any floor usable for living purposes, which includes working, eating, cooking, or recreation, or a combination thereof. A basement, as that word is defined in the Oregon State Structural Specialty Code and Fire and Life Safety Code, is a habitable floor.

"Hardship" means a substantial injustice which deprives the landowner of beneficial use of his/her land. "Hardship" applies to the property itself, including structures, and not to the owner or applicant, and is applicable to property which is unique or unusual in its physical characteristics so that the regulations render the property substantially unusable.

"Heliport" means an area used or intended to be used for landing or takeoff of helicopters or other vertical takeoff and landing (VTOL) aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

"Hillside development" means the development of lands which may be planned and developed as a single unit or subdivision, or developed as individual lots, identified on the City Slope Map and/or having areas of slope greater than 12%, being subject to the provisions of Section 12.04.100 of this Code providing flexibility from traditional siting and land use regulations.

"Hospitals" means institutions devoted primarily to the rendering of healing, curing, and nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two (2) or more non-related individuals suffering from illness, injury, or deformity, or where obstetrical or other healing, curing, and nursing care is rendered over a period exceeding 24 hours.

"Hotel" means a building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation, and in which no provision is made for cooking in individual rooms or suites of rooms.

"Immediate family member" means family member of the first degree of kinship or equivalent thereof.

"Intermediate care facility." See "Nursing Home."

"International Building Code (IBC)" means the currently adopted and applicable International Building Code and any amendment thereto, including the Oregon Structural Specialty Code (OSSC) and the Oregon Residential Specialty Code (ORSC) as applicable.

"Kennel" means a use providing for the accommodation of four (4) or more dogs, cats, at least four (4) months of age, where such animals are kept for board, propagation, training, or sale.

"Kitchen" means any room, all or any part of which is designed, built, equipped, or used for the preparation of food and/or the washing of dishes.

"Load space" means an off street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

"Lot" means a unit of land created by a subdivision of land. Once created, the term "lot" is synonymous with the term "parcel" for the purposes of this Code.

"Lot area" means the total horizontal area within the lot lines of a lot, exclusive of streets and easements of access to other property.

"Lot, corner" means a lot abutting two (2) or more streets other than an alley, at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

"Lot coverage" means the area of a lot that is covered by a building, structure, or surface that is impervious to water.

"Lot, flag" means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or "pole" to the main part of the lot used for building, which is located behind another lot that has street frontage. There are two distinct parts to the flag lot; the development area or "flag" which comprises the actual building site, and the access strip or "pole" which provides access from the street to the flag.

"Lot frontage" means the portion of a lot line or lines abutting any kind of a street (public or private) other than an alley.

"Lot, interior" means a lot other than a corner lot with only one frontage on a street.

"Lot line" means the property line bounding a lot or parcel.

"Lot line adjustment" means the relocation of a common boundary between lots or parcels or the elimination of a common boundary between lots or parcels.

"Lot line, front" means the lot line or lines common to the lot and a street other than an alley, and in case of a corner lot, the shortest lot line along a street other than an alley.

"Lot line, rear" means the lot line or lines opposite and most distant from the front lot line. In the case of an irregularly, shaped lot, the rear lot line shall be a line or lines connecting the side lot lines that is the most distant from the front lot line. For a triangular shaped lot, the "rear lot line" shall be a line ten (10) feet in length located entirely within the lot, connecting the side lot lines and that is parallel to the front lot line.

"Lot line, side" means any lot line or lines not a front or rear lot line. An interior side lot line is a lot line common to more than one lot, or to the lot and an alley; an exterior side lot line is a lot line common to the lot and a street other than an alley.

"Lot, through" means a lot having frontage on two streets that are approximately parallel, other than an alley, and are not identified as intersecting street corners. Yards shall be provided as indicated under "Yards" in this Section, unless lots do not comply with the depth requirements for double frontage lots as provided in Chapter 12.12, Subsection 12.12.010(M), in which case the "Front Yard" shall be defined as the street for which address is assigned with the other frontage being a "Rear Yard" area.

"Lot measurements" means:

1. Depth of a lot shall be the distance from the midpoint of the front lot line to the midpoint of the rear lot line.
2. Width of a lot shall be considered to be the average distance between side lot lines measured parallel to the front lot line. The "~~flag~~pole" of flag lots is not included when computing lot width.

"Lot of record" means a unit of land created as follows:

1. A lot in an existing and duly recorded subdivision.
2. A parcel in an existing, duly recorded land partition; or
3. An adjusted lot resulting from an approved lot line adjustment; or
4. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or
5. Any unit of land created prior to zoning and partitioning regulations by deed or metes and bound description, and recorded with the Douglas County Clerk; provided, however, that contiguous

units of land so created under the same ownership and not conforming to the minimum property size of this Code shall be considered one (1) lot of record.

"Manufactured dwelling" means:

1. "Manufactured Dwelling" for purposes of this Code is synonymous with "manufactured home" and "mobile home" and means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, and that is being used for residential purposes.

2. "Manufactured Dwelling" does not include any building or structure constructed to conform to the State of Oregon One and Two Family Dwelling Code, as adopted by the State Building Codes Division.

32. "Manufactured Dwelling" does not mean a "recreational vehicle." ~~or "trailer coach."~~

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction, as defined in ORS 446.003.

"Medical marijuana dispensary" means any facility or operation designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon Medical Marijuana Registry Identification Card holders pursuant to ORS 475B.785-475B.949.

"Marijuana processor—medical" means a person who processes marijuana in accordance with ORS 475B.010-475B.545 for medicinal purposes pursuant to ORS 475B.785-475B.949.

"Marijuana processor—recreational" means a person who processes marijuana in accordance with ORS 475B.010-475B.545 for recreational purposes.

"Marijuana producer" means a person who produces marijuana in accordance with ORS 475B.010-475B.545.

"Marijuana retailer" means a person who sells marijuana items to a consumer in accordance with ORS 475B.010-475B.545.

"Marijuana wholesaler" means a person who purchases marijuana items for resale to a person other than a consumer in accordance with ORS 475B.010-475B.545.

"Mining operations" means processes conducted for the exploration, mining and processing of aggregate and mineral resources or other sub-surface resources.

"Ministerial decision" means a decision by the Community Development Director that is not a limited land use or land use decision per State law.

"Mini-retail business (MRB)" means a commercial operation from a small permanent or temporary structure, mobile vehicle or cart (e.g. Food truck, coffee stand, vendor cart) within the parking lot of an existing business location or a vacant parcel within the commercial or industrial zones. A certificate of occupancy and/or a business registration shall not be issued until all conditions of approval from various departments are satisfactorily met.

"Mobile home." For purposes of this Code, "mobile home" is synonymous with "manufactured home" and "manufactured dwelling."

"Mobile home park" means any place where four (4) or more mobile homes are located within 500 feet of one another on a lot, parcel, or unit of land under the same ownership, the primary purpose of which is to rent or lease space or mobile homes for a charge or fee paid or to be paid for the rental, lease, or use of facilities, or to offer space free in connection with securing the trade, patronage, or employment of such persons.

"Modular home" means a building which is not framed onsite in the conventional manner but which does meet the definitional criteria for a single-family dwelling under this Code.

"Motel" means a building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.

"Nonconforming lot of record" means a unit of land which lawfully existed in compliance with all applicable ordinances and laws, but which, because of the application of subsequent zoning regulations, no longer conforms to the lot dimension requirements for the zoning district in which it is located.

"Nonconforming structure" means any building which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of subsequent zoning or development standards, no longer conforms to current standards (e.g., height limits, yard setbacks, coverage limits, off-street parking requirements, etc.).

"Nonconforming use" means use of a structure or land, or in combination, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of subsequent zoning regulations, no longer conforms to use restrictions for the zoning district in which it is located.

"Nursing care" means the performance by a licensed nurse of observation, care and counsel of the ill, injured or infirm, which requires substantial specialized skill and judgment as prescribed by a physician. Nursing care does not include periodic treatment such as changing dressings or injections provided by a visiting licensed nurse.

"Nursing home" means any home, place, or institution which operates and maintains facilities providing convalescent and/or chronic care, for a period exceeding 24 hours for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

"Overlay district" means a set of zoning requirements described in the zoning regulations, mapped on the zoning map, and applied in addition to the zoning requirements of the underlying districts.

"Owner" means the owner of record of real property as shown on the latest tax rolls or deed records of the County, or a person who is purchasing a parcel of property under recorded contract.

"Parcel" means a unit of land created by a partition of land. Once created, the term "parcel" is synonymous with the term "lot" for the purposes of this Code.

"Park" means an open or enclosed tract of land set apart and devoted for the purposes of pleasure, recreation, ornament, light, and air for the general public.

"Parking area, automobile" means space within a lot or a building, exclusive of driveways, ramps, columns, office, and work area, for the temporary parking or storage of automobiles.

"Parking area, private" means privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this Code, and which is not open for use by the general public.

"Parking space" means an area within a private or public parking area, building or structure, for the parking of one automobile.

"Partition" means an act of partitioning land or an area or tract of land partitioned, as defined in this Section.

"Partition land" means to divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from foreclosure; divisions of land resulting from foreclosure of recorded contracts for the sale of real property; divisions of land resulting from the creation of cemetery lots; the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner; "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by applicable zoning or other

provisions of this Code; and "partition land" does not include a sale or grant by a person to a public agency or public body for state highway, county road, City street, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan.

"Party" means, with respect to administrative actions and quasi-judicial hearings, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Code, or provide testimony at a hearing of the approving authority before the close of the evidentiary portion thereof, are hereby defined as a party:

1. The applicant and all owners or contract purchasers of record, as shown in the files of the Douglas County Assessor's Office, of the property which is the subject of the application.
2. All property owners of record, as provided in (1) above, within 300 feet of the property which is the subject of the application.
3. Any affected unit of local government or State or Federal agency which has entered into an agreement with the City to coordinate planning efforts and to receive notices of administrative actions.
4. Any other person, or his/her representative, who is specially, personally, adversely, and substantially affected in the subject matter, or is aggrieved by the subject matter, as determined by the approving authority. A person or entity interested in the correct application of land use laws shall be deemed to be aggrieved for these purposes.

"Person" means an individual, his/her heirs, executors, administrators, or assigns, or a firm, partnership, association, or corporation, its successors, or assigns, or any political subdivision, agency, board, or bureau of the State of Oregon, or the agent of any of the aforesaid.

"Pharmacy" means a dispensary for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, to handle merchandise primarily of a nature customarily prescribed.

"Planned unit development (PUD)" means a unit of land planned and developed with design flexibility from traditional siting regulations or land use regulations, and subject to the provisions of Chapter 12.12 of this Code.

"Planning commission." See "Commission."

"Plat" means a final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision, a partition or a common boundary line adjustment.

"Professional office" means the place of business of persons engaged in a profession, such as accounting, architecture, law, estate brokerage, landscape architecture, and medical or dental practice.

"Public and semi-public buildings and uses" means a building or use principally of an institutional nature and serving a public need, such as governmental agencies, religious institutions, public utilities, schools, hospitals, libraries, museums, fire and police stations, clubs and lodges, parks, and other public buildings or uses, but not including uses that are open to the public such as bars, restaurants or recreational facilities that are used for commercial enterprise.

"Public utility" means any corporation, company, individual association of individuals, or its lessees, trustees, or receivers, that owns, operates, manages or controls all or any part of any plat or equipment for the conveyance of telegraph, telephone messages, with or without wires, for the transportation as common carriers, or for the production, transmission, delivery, or furnishing of heat, light, water, or power, or sanitation services, directly or indirectly to the public.

"Public works director" means the Public Works Director or his/her duly authorized representative.

"Recreational vehicle" means a vacation trailer or other unit with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes.

"Religious institution" means a building wherein persons regularly assemble for religious worship and which is controlled and maintained by a religious body, together with all accessory buildings and uses,

including day school facilities, parking, caretaker's housing (limited to one single-family dwelling or dwelling unit) a Residential Facility or Residential Home, and day care facilities when operated by the religious body. All buildings and uses shall adhere to applicable standards.

"Residential facility" means a residential care facility, residential training facility, or a residential treatment facility, as defined in ORS 443.400 and licensed under ORS 443.410, that provides residential care and treatment or training for six (6) or more socially dependent individuals, individuals with mental emotional or behavioral disturbances or alcohol or drug dependence, individuals with physical disabilities, individuals with mental retardation or other development disabilities, in one or more dwellings on contiguous properties.

"Residential home" means a residential treatment or training home, as defined in ORS 443.400 and licensed under ORS 443.410, that provides residential care and treatment or training for five (5) or fewer individuals with mental retardation or other developmental disabilities, individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence in one or more dwellings on contiguous properties. No "Residential Home" shall admit persons requiring continuous nursing care.

"Retaining wall" means an engineered structure designed to maintain an earthen bank.

"Rooming house" means a single-family dwelling where lodging, but not meals, is provided to guests for compensation, for time periods of at least 16 consecutive nights.

"Salvage yard" means any property where scrap, waste material, or other goods, articles or secondhand merchandise are dismantled, sorted, stored, distributed, purchased, or sold in the open.

"School" means any public or private institution for learning meeting State of Oregon accreditation standards.

"Setback" means the required minimum distance between a property line and the buildable area of a lot. Within the setback, certain development is restricted (e.g., buildings, parking and auto maneuvering areas, fence height, etc.). See "Lot Lines" and "Yards."

“Severe Event” means an act of nature or unforeseen circumstance that constitutes an uninhabitable living experience for an individual or group.

“Severe Event Shelter” means a temporary use within a building, typically not used as a residence, meant to provide relief during a Severe Event to individuals who arehomeless or at risk of exposure to a severe event.

"Sidewalk cafe" means any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen.

"Sign." See Section 12.08.020.

"Single room occupancy housing (SRO)" means a structure that provides individual rooms with sleeping accommodations for no more than two persons per room and shared or communal bath, toilet, and cooking facilities for residents.

"Special household" means a household containing an individual such as an elderly or handicapped person with special housing needs.

"Stand" means a pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and is used for the displaying, sorting, or transporting of articles offered for sale by a vendor.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. (See Basement.)

"Street, private" means any street or road, which is not a public street as defined in this Code.

"Street, public" means a street or road which has been dedicated or deeded for the use of the public. For the purposes of this Code, public street may include "alley," "lane," "place," "court," "avenue," "boulevard," and similar designations, and any County roads and State highways.

"Structure" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some manner and which requires location on or in the ground. This definition shall include, for the purpose of this Code, a mobile home and accessories thereto.

"Subdivide land" means to divide an area or tract of land into four (4) or more lots within a calendar year when such areas or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

"Subdivision" means either an act of subdividing land or an area or a tract of land subdivided as defined in this Section.

"Swimming pool" means any constructed or prefabricated pool used for swimming or bathing, 24 inches or more in depth.

"Tap room" means an accessory use within or physically connected to a brewery that allows customers to purchase beer, wine or alcohol for onsite consumption and in containers for offsite consumption. Such areas may include retail sale of merchandise and/or entertainment activities. Permitted restaurants (whether outright by zoning or upon conditional approval) that serve the brewery's product may satisfy a micro-brewery's requirement to have a tap room onsite.

"Townhouse" means a residential building containing multiple dwelling units, each located on its own parcel with a common or abutting wall along shared parcel lines. Each dwelling unit has its own external entrance. No more than one dwelling unit may be located on a single parcel. There are two types of townhouses: two-unit townhouses and three+-unit townhouses (buildings containing three or more dwelling units).

"Unit of land" means an area of contiguous land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required by this Code; such property shall have frontage on a public street or such other access approved by the approving authority under provision of this Code. A unit of land may be:

1. A single lot of record;
2. A lot or adjusted lot as defined herein;
3. A parcel as defined herein;
4. A series of contiguous units of land, including lots and parcels.

"Urban area" means all territory, whether incorporated or unincorporated, located within the Roseburg Urban Growth Boundary.

"Use" means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

"Use, permitted" means a building, structure, or use permitted outright in a zoning district, and which complies with all of the regulations applicable in that district.

"Use, principle" means the primary use of a lot or site, and includes a permitted or conditional use.

"Variance" means a deviation from the strict application of standards established by this Code with respect to lot area and dimensions, setbacks, building height, and other such standards. The authority to grant a variance does not extend to use regulations.

"Vending" means the sale of food or merchandise from a stand operating on private property within the Downtown area.

"Veterinary clinic" means a business establishment in which veterinary services are rendered to domestic animals.

"Warehousing and distribution" means a business where the principle operation is to receive, store and move goods for the business, other businesses or customers.

"Wholesale" means a business where the principle operation is the selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general retail use.

"Yard, required" means the required minimum open space on a property, determined by required setbacks, which is unobstructed from the ground upward, except as otherwise provided in this Code.

"Yard, front" means a yard between side lot lines measured horizontally at right angles from the front lot line.

"Yard, rear" means a yard between side lot lines measured horizontally at right angles from the rear lot line.

"Yard, side" means a yard between the front and rear yard measured horizontally at right angles from the side lot line. Side yard widths shall be determined based on setback requirements for interior and exterior side lot lines. See "Lot Line, Side."

"Zero-lot-line house" means a principal residential building containing one dwelling unit located on a single lot that is either unattached to another dwelling unit, or attached to only one other dwelling unit by a common wall. The building is shifted to one side of the parcel so that there is a more usable side yard on one side of the building and very little or no private yard on the other side. ~~Zero-lot-line houses are subject to the parcel and building standards of the applicable Zoning District except as modified or supplemented by the zero-lot-line house standards of this definition. No more than one zero-lot-line dwelling may be located on a single parcel.~~

1. ~~A zero-lot-line house development must consist of at least two contiguous parcels with frontage on the same street.~~
2. ~~Zero-lot-line house developments require that the planning for all house locations be done at the same time.~~
3. ~~The interior side setback on one side of the lot containing a zero-lot-line house may be reduced to as little as zero. The zero or reduced setback side of a zero-lot-line house may not abut a street and may not abut a lot that is not part of the zero-lot-line house development. On the "non-zero" side, a setback must be provided equal to at least two times the minimum side setback requirement of the subject Zoning District.~~
4. ~~Driveways may not be located in the required side setback.~~
5. ~~Eaves on the side of a house with a reduced setback may not project over the property line.~~
6. ~~When the zero-lot-line building's exterior wall or eaves are set back less than two (2) feet from the abutting property line, a perpetual maintenance easement at least five (5) feet in width and of a length equal to the depth of the structure it benefits as measured from the front property line, must be provided on the parcel abutting the zero-lot-line property line, which must be kept clear of structures that would prevent maintenance of the zero-lot-line house. A copy of the recorded easement (unless the dwelling units are joined by a common wall) must be provided prior to site plan approval. This provision is intended to ensure the ability to conduct maintenance on the zero-lot-line house.~~
7. ~~The side of the house which faces the reduced or zero lot line setback of the parcel on which it is situated shall not have windows, doors or other openings that allow for visibility. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.~~

(Ord. No. 3520 , § 1, 3-11-2019; Ord. No. 3514 , § 1, 11-26-2018; Ord. No. 3538 , § 1, 3-23-2020)

Chapter 12.04 - ZONING REGULATIONS—DISTRICTS AND OVERLAYS

12.04.010 - Introductory and general provisions.

A. Purpose. To achieve the purposes outlined in Chapter 12.02 of this Code, and to ensure that use of land in the Roseburg Urban Area conforms to the Roseburg Urban Area Comprehensive Plan, Zoning Districts (also referred to as zones) have been established for all areas under the land use authority of the City of Roseburg. These Districts specify regulations for the use of land and property development standards, and are applied by boundaries indicated on the Roseburg Zoning Map.

B. Location of zones. The boundaries for the zones listed in this Code are indicated on the Roseburg Zoning Map which is hereby adopted by reference and incorporated herein.

C. Zoning map. The Roseburg Zoning Map shall be certified by the City Council as being the official zoning map adopted by reference. Certification of the official zoning map shall appear on the cover page.

D. Amendment of map. Whenever it is necessary to amend the zoning map to conform with an amendment to the text or maps of this Code, the Director shall so change the map and annotate the cover sheet to show the Code amendment or administrative action number and the date of the change. The Director shall certify that the official map has been changed in conformance with the Code amendment or administrative action.

E. Zoning districts. For the purpose of this Code, the Zoning Districts shown in Table 2-1 are hereby established to implement the Comprehensive Plan Land Use Designations:

TABLE 2-1. ZONING DISTRICTS

COMPREHENSIVE PLAN LAND USE DESIGNATION	ZONING CLASSIFICATION	MAP SYMBOL
Public, Semi-public	Public Reserve	PR
	Airport District	AP
Parks/Open Space and Hazard Areas	Public Reserve	PR
Residential Open Space	Residential Open Space	RO
Low Density Residential	Low Density Residential	R10
	Single-Family Residential	R7.5
	Single-Family Residential	R6
	Limited Commercial	C1
Medium Density Residential	Limited Multiple-Family Residential	MR14

	Medium Density Multiple-Family Residential	MR18
	Limited Commercial	C1
High Density Residential	Multiple-Family Residential	MR29
	High Density Multiple-Family Residential	MR40
	Limited Commercial	C1
Professional Office	Professional Office	PO
Commercial	Central Business District	CBD
	Limited Commercial	C1
	Community Commercial	C2
	General Commercial	C3
	Mixed Use	MU
Industrial	Light Industrial	M1
	Medium Industrial	M2
	Heavy Industrial	M3
	Mixed Use	MU

F. Interpretation of zone boundaries. Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning map, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lines shall be construed to follow such plat lines.
3. Boundaries indicated as approximately following City limits shall be construed to follow such City limits.

4. Boundaries indicated as following railroad lines or public utility easements shall be construed to be midway between the main tracks or utility easement, whichever is applicable.

5. Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow said centerlines.

6. Boundaries indicated as following shorelines shall be construed to follow the mean high water line.

7. Boundaries indicated as parallel to or extension of features indicated in the above Subsections (1) through (6) of this Section shall be so construed.

8. Where physical features existing on the ground vary with those shown on the official zoning map, or in other circumstances not covered by the above Subsections (1) through (6) of this Section, the Director shall interpret the zone boundaries, and, if necessary, may refer the matter to the Planning Commission for its interpretation pursuant to Section 12.02.070.

9. Where a public street or alley is officially vacated, the zone requirements applicable to the property to which the vacated area becomes a part shall apply.

G. Overlay districts. Any portion of a zone district may be subject to additional consideration by the establishment of regulations that "overlay" the parent district. These "overlay districts" may be applied singularly, or in any combination thereof, through application for a zone change pursuant to Section 12.10.040, and are designed to ensure that the various considerations contained in the text of such overlay district are employed in using and developing land subject to an overlay district.

Development in any area subject to an overlay district shall be undertaken only after any required administrative action, and in accordance with any conditions resulting from such administrative action. In the event of a conflict between the provisions of the overlay district and the underlying zoning district, the provisions of the overlay district shall prevail. Overlay districts employed in this Code include the following:

1. Airport Impact Overlay. The Airport Impact Overlay District is intended to protect the public health, safety, and welfare by assuring that development within areas impacted by airport operations is appropriately planned to mitigate the impact of such operations, and to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls as specified in Section 12.04.080 of this Code.

2. Floodplain Overlay. A district shall be given a floodplain overlay designation when such district has been identified as subject to periodic inundations by the Federal Emergency Management Agency (FEMA). Since such inundation adversely affects the public health, safety, and general welfare, development in said district shall be in conformance to the provisions of Section 12.04.090 of this Code, in addition to the requirements of the underlying zone.

3. Hillside Development Overlay. A Hillside Development Overlay is particularly applicable to areas of active or potential mass movement (landslide areas) and to all areas identified on the City of Roseburg Slope Map adopted by reference herein and/or greater than 12% slope. Prior to development approval, assurance shall be made that the public health, safety and welfare is not jeopardized by land use or development being proposed. Such approval shall be pursuant to Section 12.04.110 of this Code.

4. Planned Unit Development (PUD). A Planned Unit Development (PUD) Overlay is established by a land developer through a process designed to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards, to encourage superior development arrangements, and to promote the efficient use of urban land. Development within a district subject to a PUD overlay shall be approved pursuant to Subsection 12.10.010(R) and Chapter 12.12 of this Code.

5. Historic Districts Overlay. The purpose of the Historic Districts Overlay is to preserve, protect, maintain, and enhance those historic resources which represent or reflect elements of the cultural, social, economic, political, and architectural history. Historic resources are the sites, buildings, structures, objects, natural features, or specific districts that relate to events or

conditions of our past. Protected resources will provide educational value, enjoyment, and economic diversification as well as beautification of the City and enhancement of property values. Section 12.04.110 of this Code is intended to allow the City to review any changes including alterations, remodels, additions, demolitions, and/or new construction proposals at the time of site review to ensure that registered historic districts/resources are preserved.

6. West Avenue Residential Overlay. The West Avenue Residential Overlay District is intended to implement the strategies contained in the West Avenue Redevelopment Plan. This overlay district recognizes and provides for the continued use of long established dwellings of record. Residential uses shall be subject to Section 12.04.120 of this Code.

12.04.020 - Public reserve and residential open space districts.

(Not affected by proposed code amendments)

12.04.030 - Residential districts.

A. Purpose. Roseburg's Residential Zoning Districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential use types, some nonresidential uses are also allowed. District standards provide development flexibility, while at the same time helping to ensure that new development is compatible with the City's many neighborhoods. In addition, the regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed.

List and Map Symbols

DISTRICT NAME	MAP SYMBOL
Low-Density Residential	R10
Single-Family Residential	R7.5
Single-Family Residential	R6
Limited Multiple-Family Residential	MR14
Medium-Density Multiple-Family Residential	MR18
Multiple-Family Residential	MR29
High-Density Multiple-Family Residential	MR40

B. Allowed uses and standards.

1. Permitted Uses. Uses identified with a "P" in Table 2-4 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Code. Uses identified with "P, C" indicate that the

use may be permitted based on specific standards, but is only conditionally allowed if those standards are not met.

2. Conditional Uses. Uses identified with a "C" in Table 2-4 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Section 12.10.080 of this Code. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Code. Some uses may be identified with both a "P" and a "C," refer to the footnotes for explanations.

3. Prohibited Uses. Uses identified with a "-" are expressly prohibited. Uses not identified are also prohibited.

4. Use Standards. The "use standards" column of Table 2-4 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5. Development Standards. Development of land within these Districts must comply with the standards referenced in Table 2-5, as well as other applicable development standards contained within this Code, such as parking requirements. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e., setbacks and coverage).

TABLE 2-4: RESIDENTIAL—ALLOWED USES

USE CATEGORY Specific Use	R10	R7.5	R6	MR14	MR18	MR29	MR40	STANDARDS
RESIDENTIAL								
1) Single-Family Dwelling	P	P	P	P	P	P	-	-
2) Duplex ~~Two Family~~ Dwelling [1]	P~~, C~~	P~~, C~~	P~~, C~~	P	P	P	-	~~12.04.030(F)(2)~~
3) Townhouses	C	C	C	P	P	P	P	12.04.030(E)
4) Multifamily Dwelling	-	-	-	P	P	P	P	12.04.030(F)
5) Mobile Home Parks	-	-	-	P	P	-	-	12.10.120
6) Accessory Dwelling Unit [2]	P	P	P	P	P	P	P	12.04.030(C)
7) Boarding and Rooming Houses	-	-	-	P	P	P	-	-
8) Family Day Care Home	P	P	P	P	P	P	P	-
9) Residential Home	P	P	P	P	P	P	P	-
10) Residential Facility	C	C	C	P	P	P	P	-

11) Severe Event Shelter	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	12.08.060
PUBLIC/CIVIC								
12) Religious Institutions	P	P	P	C	C	C	C	-
13) Parks and Playgrounds	C	C	C	C	C	C	-	-
14) Public/Semi-public Buildings and Uses	C	C	C	C	C	C	-	-
15) Schools	-	-	-	C	C	C	-	-
COMMERCIAL								
16) Ambulance Service	-	-	-	-	-	C	C	-
17) Bed and Breakfast Facilities	C	C	C	C	C	C	C	12.08.040(K)
18) Convenience Commercial Uses [5]	-	-	-	-	-	-	C	-
19) Day Care Facility	C	C	C	C	C	C	C	-
20) Nursing Home	-	-	-	-	C	C	-	-
21) Privately-Operated Kindergarten	-	-	-	C	C	C	-	-
22) Telecommunications Facilities	C	C	C	C	C	C	C	12.08.030
23) Temporary Sales Office [3]	P	P	P	P	P	P	P	-
24) Uses Permitted in PO Zone [4]	-	-	-	C	C	C	C	

[1] Conversion of an existing legal non-conforming single-family dwelling to a duplex is allowed, provided that the conversion does not increase the non-conformity. In any case, the number of dwelling units on a lot or parcel may not exceed two, including any accessory dwelling units. ~~Two-family dwellings are permitted on designated duplex lots approved in subdivision proceedings pursuant to Chapter 12.12. If a lot is not a designated duplex lot a Conditional Use Permit must be obtained.~~

[2] Accessory dwelling units shall be accessory to a lawfully established single-family dwelling and is subject to the standards in Subsection 12.04.030(C).

[3] The use of a temporary sales office for a new development shall be exempt from the Administrative Approval process. However, such uses shall be limited to the exclusive use for the project on which it is located and shall be discontinued upon completion of the initial sales of all lots.

[4] In addition to Conditional Use Criteria, the site shall abut a PO, CBD, C1, C2 or C3 and have adequate area to meet the development standards of said use.

[5] Convenience Commercial Uses are limited to the following: barber/beauty shops, delicatessens, grocery stores less than 2,500 square feet, restaurants without a drive-thru, pharmacies, and professional offices. The commercial use is restricted to the first floor and must have residential dwelling units located in upper stories.

[6] Severe Event Shelters provide short-term relief from Severe Events, such as extreme weather. Severe Event Shelters shall be within an existing institutional building or other buildings, typically not intended for residential uses, and not currently classified as a Residential Occupancy per Building or Fire Code. It is the intent of these standards to ensure that any conflicts with the Severe Event Shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 12.08.060.

TABLE 2-5. RESIDENTIAL PARCEL AND BUILDING STANDARDS

DISTRICTS	R10	R7.5	R6	MR14	MR18	MR29	MR40
Minimum Lot Area (sq. ft.)							
Single-Family and Duplex Dwelling	10,000	7,500	6,000	6,000	6,000	6,000	-
~~Two-Family Dwelling~~	~~11,000~~	~~8,250~~	~~6,600~~	~~6,600~~	~~6,000~~	~~6,000~~	~~-~~
Townhouses [1]	4,500	3,600	3,000	2,400	2,400	2,400	2,400
Multifamily Dwelling [4] (Min. Lot Area/Lot Area per dwelling unit)	-	-	-	10,000/3,000 [2] [3]	10,000/2,350 [3]	10,000/1,500 [3] [4]	30,000/800 [3] [4]
Residential Facility or Home (Min. Lot Area/Lot Area per five (5) beds) [5]	10,000/4,700	10,000/4,700	10,000/4,700	10,000/4,700	10,000/4,700	10,000/3,000	10,000/2,200
Minimum Lot Width (feet) [1]	60	60	60	60	60	60	-
Coverage	55%	55%	55%	70%	80%	80%	80%
Setbacks (feet) [7]							
Front	20	20	15	15	15	15	10
Rear	10	10	10	[6]	[6]	[6]	[6]

Side (interior)	5	5	5	[6]	[6]	[6]	[6]
Side (exterior)	10	10	10	10	10	10	10
Maximum Building Height (feet)	35	35	35	35	45	60	80

[1] Townhouses have additional parcel and building development standards as shown in Subsection 12.04.030(E).

[2] No more than four (4) dwelling units allowed per building.

[3] Multiple-dwelling buildings have additional parcel and building development standards as shown in Subsection 12.04.030(F).

[4] New multifamily development is eligible for density bonuses. See Paragraph 12.04.030(F)(3).

[5] Residential Facilities and Homes shall have no more than 20 beds per any one (1) building.

[6] Side and Rear Yard requirements vary according to the number of stories within building as follows:

- •One story: four (4) feet
- •Two stories: five (5) feet
- •Three stories: eight (8) feet
- •Four stories: ten (10) feet
- •Five or more stories: 12 feet, plus two (2) additional feet for each story over five (5), with a maximum required yard of 20 feet.

[7] Any side of a garage that has a door for an automobile shall be set back from the property line where vehicle access is provided by a minimum of 20 feet.

C. Accessory dwelling units. Accessory dwelling units shall conform to the following standards:

1. Accessory dwelling units are exempt from the housing density standards and minimum lot areas of residential zoning districts.
2. A maximum of one (1) accessory dwelling unit is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor);
    a. A detached accessory dwelling unit shall not exceed 1000 square feet in floor area, or 75% of the primary dwelling's floor area, whichever is smaller.
    b. An attached or interior accessory dwelling unit shall not exceed 1000 square feet of floor area, or 75% of the primary dwelling's floor area, whichever is smaller. However, accessory dwelling units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling unit would be more than 1000 square feet;
3. Accessory dwelling units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

a. Conversion of an existing legal non-conforming structure to an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity.~~; and~~

~~b. No off-street parking is required for an accessory dwelling unit except, one (1) off-street space shall be provided if the street that provides access is signed for restricted parking along the frontage of the property.~~

4. Accessory dwelling units shall comply with the street improvement standards of Subsection 12.06.010(D)(1) and sidewalk improvement requirements of Subsection 12.06.020(E)(1), if applicable, except that s~~S~~treet or sidewalk improvements are not required for interior accessory dwelling units in which no increase to the size of the total gross floor area on the property occurs.

D. Manufactured homes.

1. Individual manufactured homes placed as a single-family dwelling outside of a mobile home park or as a duplex dwelling shall comply with the following standards:

a. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

b. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade.

c. The manufactured home shall have a pitched roof, with a slope of at least a nominal three (3) feet in height for each 12 feet in width.

d. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Community Development Director.

e. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of the single-family dwellings constructed under the state building code as defined in ORS 455.010.

f. The manufactured home shall have a garage or carport constructed of like materials. The Director may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

g. Unless inconsistent with the above, the manufactured home and the lot upon which it is sited shall also be subject to all other development standards applicable to the single-family or duplex dwelling.

2. Individual manufactured homes placed as an accessory dwelling unit shall comply with Subsection 12.04.030(D)(1)(b), (c), (d) and (e). The manufactured home shall comply with all other applicable standards for accessory dwelling units.

3. Individual manufactured homes are not permitted in any area designated in the Comprehensive Plan or in Section 12.04.110 as an historic district, or to any residential land immediately adjacent to an historic landmark.

E~~D~~. Screening. All nonresidential development abutting a residential zone or use shall be screened by a minimum six (6) feet-high sight-obscuring fence or hedge along the abutting property lines. Fences shall be subject to the standards set forth in Subsection 12.08.040(G). Nonresidential development to which this applies includes, but is not limited to:

1. Religious Institutions;

2. Day Care Facility;

3. Residential Facility/Home.

F~~E~~. Townhouses.

1. Number of Dwelling Units. In zoning districts that allow three+-unit townhouses, buildings may not contain more than eight (8) attached dwelling units.

2. Parcel Standards.

TABLE 2-6: TOWNHOUSE PARCEL STANDARDS

DISTRICTS	R10	R7.5	R6	MR14	MR18	MR29	MR40
Coverage	60%	65%	65%	75%	80%	80%	80%
Lot Width (feet)	35	35	30	25	25	25	20
Front Setback	20	15	10	10	10	10	5

a. Side and rear yard setbacks of the zoning district apply.

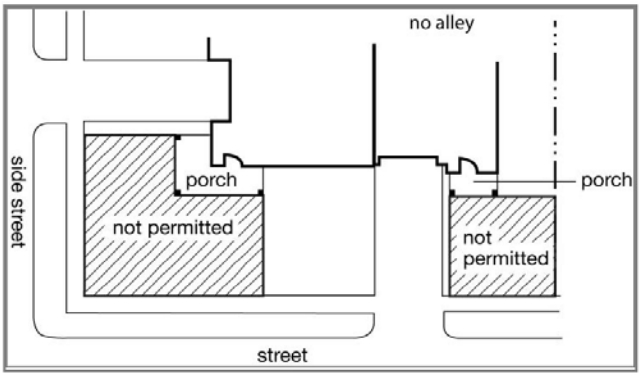
b. Front yard setback for any portion of the facade adjacent to automobile access must be at least 20 feet in order to accommodate off-street parking.

3. Parking and Access.

a. Access to parking spaces and garages must be from an alley for all parcels abutting an alley.

b. For parcels without alley access, driveways, parking and other vehicular use areas shall not be located between the porch (or covered building entrance) and the street (see Figure 2-1: Townhouse Parking Standards).

FIGURE 2-1: TOWNHOUSE PARKING STANDARDS



c. When parking is provided in a garage or carport that faces a street, the following standards must be met:

i. The garage or carport width may not exceed 50% of the street facing facade of each attached dwelling unit or 13 feet, whichever is greater (see Figure 2-2: Townhouse Garages).

ii. A townhouse structure may have no more than two individual garage doors or carport entrances in succession on a street-facing facade.

iii. Garages and carports must be set back at least 20 feet from all property lines that abut a street. Garages and carports must be recessed at least two (2) feet from the street facing facade of the building.

iv. When garages or carports are paired (abutting), driveways must be combined and centered on the property line between dwelling units providing access to the garages or carports. There must be a minimum of 33 feet distance between single or paired driveways, measured along the front property line, unless otherwise approved by the City engineer (see Figure 2-3: Townhouse Driveway Spacing).

v. Driveway widths must meet the standards contained within this Code, except that driveway setbacks from interior property lines of adjoining townhouse units are not necessary.

FIGURE 2-2: TOWNHOUSE GARAGES

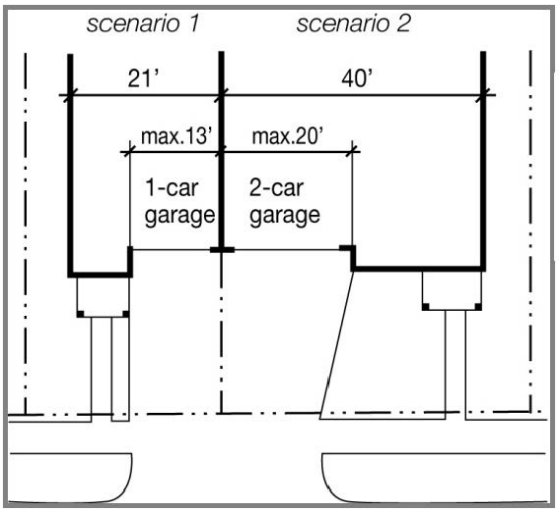
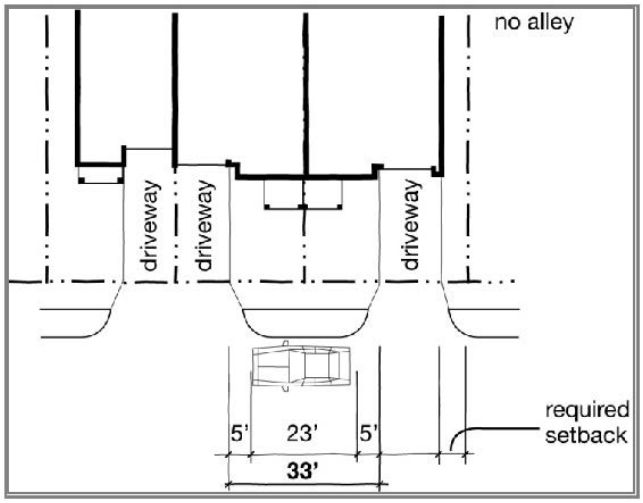


FIGURE 2-3: TOWNHOUSE DRIVEWAY SPACING



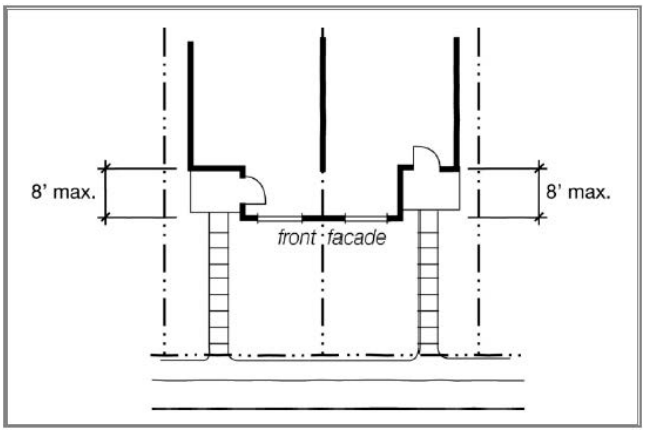
4. Building Design.

   a. Entryway.

      i. Each dwelling unit must have a separate ground-floor entrance that is clearly defined and highly visible on the building facade that faces a public street or a right-of-way other than an alley. The front door must be within eight (8) feet of the building's front facade (see Figure 2-4: Townhouse Entryways). The door may be at any angle to the street as long as the other entrance standards are met.

      ii. Each front entrance must include a porch or covered entry. A pedestrian walkway must connect each front entrance to the street. A door that leads directly into a garage does not qualify as a front entrance.

FIGURE 2-4: TOWNHOUSE ENTRYWAYS



   b. Glazing. Each townhouse dwelling unit must provide windows or glazed area equal to at least 15% of the building facade that faces a public street or a right-of-way other than an alley. Glazing in (vehicle) garage doors may not be counted towards meeting glazing requirements.

   c. Building Modulation. Architectural features applied to building facades that provide depth and visual relief from large expanses of blank walls and reduce the apparent scale and bulk of the building.

i. Building facade modulation must be provided on the front facade of all townhouse buildings containing three or more dwelling units when such buildings directly face a public street (other than an alley), as follows:

A. Exterior walls may not exceed 32 feet in (horizontal) length without modulation.

B. Along the vertical face of all building stories, such elements shall occur at a minimum interval of 30 feet and each floor shall contain at least two elements listed below.

C. All modulations must have a depth of at least two (2) feet and a horizontal length of at least four (4) feet.

ii. Modulation may be achieved through such techniques and features as:

A. Recessed or projecting wall offsets;

B. Recess areas (e.g., deck, patio, courtyard, entrance or similar feature).

C. Entryways, balconies, bay windows;

D. Porch or canopy structures including columns or piers;

E. Dormers with peaked roofs and windows or offsets or breaks in roof elevation of 2 feet or greater in height; or

F. Other prominent architectural features that serve to provide dimension and break up large expanses of wall area.

d. Landscaping. Each lot developed as a townhouse shall provide a landscaped area in the front yard equal to at least 20 percent of the total front yard but no less than 50 square feet in area.

i. Each 25 square feet of required area landscaping shall contain one (1) tree at least six (6) feet high. At least two (2) one-gallon or one (1) five-gallon shrubs shall be placed for every ten (10) square feet of lot landscaping. The remaining planter area shall be treated with ground cover.

ii. Specifications for Trees and Plant Materials.

A. Deciduous Trees. Deciduous shade or ornamental trees shall be a minimum one and one-half (1½) inch caliper measured six (6) inches above ground, and a minimum of six (6) feet in height at time of planting.

B. Conifer or Evergreen Trees. Coniferous or evergreen trees shall be a minimum of six (6) feet in height above ground.

C. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size.

D. Living ground covers. Living ground covers shall be drought-tolerant, fully rooted and shall be well branched or leafed.

E. Other ground covers. Other ground covers shall consist of a decorative treatment of bark, rock, or other attractive ground cover.

F. Lawns. Lawns shall consist of grasses. Lawns shall provide 100% coverage and be weed-free.

GF. Multiple-family dwellings. The provisions of this Section are intended to ensure that multifamily dwellings are well-designed and provide amenities that improve the quality of development.

1. Minimum Distance between Buildings. Where multifamily dwelling buildings are grouped as one (1) project on one (1) tract of land, the minimum distances between buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.

2. Pedestrian Access. Multifamily developments must provide a system of walkways connecting each multifamily building to the following: adjacent public sidewalks, onsite parking lots or parking structures, other onsite multifamily buildings, garages, disposal and recycling containers, mail boxes, recreation areas and bicycle storage areas.

3. Improved Open Space. Lots or sites with multifamily dwellings shall provide improved open space meeting the following standards:

   a. At least 100 square feet shall be provided per dwelling unit, but no less than 800 square feet for the entire site. Open space not containing amenities specified below shall be covered by weed-free, drought-tolerant landscaping.

   b. All dimensions shall be at least 20 feet, and shall have a ratio no greater than 3:1 so that no one side is more than three times the length of the other. No more than 20% of open space shall be on land with a slope greater than 12% (sports courts/fields shall have a slope no greater than three (3) percent).

   c. Unless the total improved open space required for the development is provided with private outdoor areas, at least 50% of the open space shall include one or more of the following types of amenities:

      i. Fixed Features. Amenities such as benches, grills, playground equipment, sheltered areas, or other permanent features approved by the Director.

      ii. Garden Areas. Garden areas shall include fencing that prevents deer intrusion, is accessible to all residents and a compacted topsoil layer at least 4 inches in depth.

      iii. Developed Recreation Areas. Examples include swimming pools and adjoining patios or decks, sports courts/fields that are developed and equipped to industry standards. These areas shall contribute to the 50% requirement at a 4:1 ratio (i.e., 200 square feet of a developed recreation area shall constitute 800 square feet of required improved open space).

   d. Private Outdoor Areas. Areas for individual dwelling units shall be adjoining and for the exclusive use of the dwelling unit they serve, subject to the following specifications:

      i. Ground-story dwellings shall provide at least 100 square feet (lawns, patios or decks), and upper-story dwellings shall provide at least 80 square feet (balconies or decks).

      ii. No horizontal dimension shall be less than eight (8) feet.

      iii. Ground-story areas may be fenced (excluding chain-linked fence). If fenced, a lockable door shall be provided to grant access to public right-of-way or other improved open space. Upper-story areas shall be partitioned from the areas of adjoining units by a solid wall.

   e. Exceptions. The following exceptions shall apply to this Subsection:

      i. Multifamily dwellings located above commercial structures, or structures within the Central Business District (CBD).

      ii. Remodel or conversion projects that do not change the building footprint by more than 20% or increase the number of dwelling units by more than two (2). Projects that modify existing multifamily dwellings and cannot comply with the standards of this Subsection must utilize any available land by installing improvements listed in Subparagraph 12.04.030(F)(3)(c) of this Code or by providing Private Outdoor Areas for each dwelling unit.

4. Density Bonus. The approving authority shall authorize a ten percent (10%) increase in residential density for each amenity package provided in a new multifamily development in the MR29 and MR40 Districts; provided, however, that increased density shall not be granted for more than three (3) amenity packages (maximum 30% density increase).

The requirements of each amenity package shall not be subject to the provisions of Section 12.10.050 (Variances).

a. Amenity Package No. 1—Crime Prevention. Allow a ten percent (10%) increase in density if all of the following are provided:

   i. One window (minimum six (6) square feet) must be provided in each unit, which overlooks the circulation space leading to the unit;

   ii. All exterior doors shall be solid core or metal, and shall have dead bolts and security viewers;

   iii. All sliding glass doors and windows will have the sliding section on an inside track;

   iv. Any lobby space provided shall be provided with windows such that the entire interior of such lobby is visible from outside the lobby;

   v. All exterior stairs used as the principal access to a dwelling shall be entirely visible from at least 20 feet away from the stair landing;

   vi. A single stair, corridor, or courtyard may not be used as the principal entrance to more than eight (8) units;

   vii. Hallways or corridors shall have emergency exits at 30 feet intervals;

   viii. Any outdoor space provided for recreation shall be visible from at least one-third (1/3) of the units it is intended to serve;

   ix. From any stair or elevator landing, all apartment principal entrances served by that landing shall be visible.

b. Amenity Package No. 2—Energy Conservation. Allow a ten percent (10%) increase in density if all of the following provisions are met:

   i. All windows and glass sliding doors must have insulated frames.

   ii. All units with individual room heating shall provide a wall thermostat in every room so heated; such thermostat shall be located between three (3) and five (5) feet above the floor and within 18 inches of the principal entrance to the room.

   iii. In dwelling units where a circulation space connects sleeping rooms with the living/dining/kitchen area, a door shall be provided in that circulation space.

   iv. All windows and glass doors shall be double glazed.

   v. All top level unit ceilings shall be insulated to a minimum of "R-38."

   vi. All thermostats within a project shall have night setback capabilities.

   vii. At least one of the following shall be provided:

      A. Passive solar heating for at least two-thirds (2/3) of all units in the project;

      B. Active solar space heating;

      C. Solar hot water heating.

c. Amenity Package No. 3—Transitional Spaces. Allow a ten percent (10%) increase in density if all of the following provisions are met:

   i. No auto parking or maneuvering area may be within five (5) feet of the principal entry to any unit, or a corridor or stair that is the main access to such an entry.

   ii. Provide every unit with a private porch, patio, deck, or balcony that has at least 48 square feet with no dimension of less than six (6) feet.

iii. Provide a hallway or corridor within the unit between bedroom areas and living areas, and provide a doorway within this hallway or corridor, separating living from sleeping areas.

iv. Increase all required building setbacks by 50%.

d. Amenity Package No. 4—Larger Units. Allow a ten percent (10%) increase in density if all of the following provisions are met:

i. All units will have the following minimum gross square footage of interior space:

•Studio 500 square feet

•One Bedroom 675 square feet

•Two Bedrooms 800 square feet

•Three Bedrooms 950 square feet

ii. Kitchens shall be at least 64 square feet in area, exclusive of eating space, and shall have a minimum dimension of eight (8) feet; a kitchen window shall be provided over the kitchen sink; kitchen storage shall be provided as follows:

•20 square feet of drawer space;

•40 square feet of shelf space; and

•20 square feet of counter space.

iii. All units will be provided with storage space according to the following:

•Bedroom Closet—10 sq. ft. floor area each;

•Linen Closet—20 sq. ft. shelf area;

•Guest Hall or Coat Closet—10 sq. ft. floor area;

•Private Storage Locker—100 cu. ft.

iv. At least 30%-of all units must have two (2), and at least ten percent (10%) of all units must have three (3) bedrooms.

e. Amenity Package No. 5—Neighborhood Compatibility. Allow a ten percent (10%) density bonus if all of the following provisions are met:

i. All required yards and buffers shall be planted in grass or other low, living ground cover.

ii. Siding shall be sawn lumber, premium grade or better rough sawn or textured plywood, clay brick; or, similar high quality material.

iii. Exterior walls of the project that face onto the right-of-way shall be varied to meet one (1) of the following criteria:

A. The exterior wall shall vary in its distance from the facing right-of-way by at least 18 inches every 40 feet; or

B. Balconies or porches shall be provided facing onto the right-of-way for every dwelling with an exterior wall that faces a right-of-way; such balcony or porch shall extend at least four (4) feet beyond the exterior wall of the unit.

f. Amenity Package No. 6—Children's Play Space. Allow a ten percent (10%) increase in density for projects that incorporate all of the following features into their design:

i. Provide 50 square feet of play area for every unit in the project; however, no play area may be smaller than 1,000 square feet or less than 25 feet on any side.

ii. Each play area must have at least 400 square feet of grass.

iii. No unit in the project shall be more than 200 feet from a play area.

iv. Every unit shall be connected to a play area by a pedestrian walk which is not crossed at any point by motor vehicle parking or maneuvering areas or access drives.

v. Every play area used to meet the requirements of this Section shall be provided with two (2) trees and two (2) benches with backs. Such benches shall be at least five (5) feet long.

vi. Play areas shall be provided with a swing set (permanent, four (4) swings minimum) and at least one (1) of the following features for each five (5) units the play area is intended to serve. These may not be repeated until at least three (3) different features are provided:

A. Slide (permanent);

B. Sand Box, at least 64 square feet in area;

C. Basketball Half Court (permanent);

D. Play structure covering a minimum area of 100 square feet (permanent);

E. Two (2) additional trees, subject to the requirements listed in Subparagraph (e) of this Section.

Where a play area serves 30 or more units, (A) through (E) above will be repeated to continue the ratio of one (1) feature for every five (5) units.

(Ord. No. 3520 , §§ 2, 3, 3-11-2019)

12.04.040 - Commercial Districts.

(Not affected by proposed code amendments)

12.04.050 - Central business district (CBD).

(Not affected by proposed code amendments)

12.04.060 - Airport district (AP).

(Not affected by proposed code amendments)

12.04.070 - Industrial districts.

(Not affected by proposed code amendments)

12.04.080 - Airport impact overlay.

A. Purpose. The purpose of the Airport Impact Overlay District is to protect the public health, safety, and welfare by assuring the development within areas impacted by airport operations is appropriately planned to mitigate the impact of such operations. Furthermore, this overlay district is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls, as deemed essential to protect the public health, safety, and welfare consistent with Federal Aviation Regulations (FAR) Part 77. The Airport Approach and Runway Protection Zones are shown on Sheets 2 thru 5 in Chapter 5 of the Airport Layout Plan.

B. Definitions. For the purpose of this Section only, the following definitions are established:

"Airport approach surface" means a surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the Primary Surface at a 20:1 slope for a horizontal distance of 5,000 feet along the extended runway centerline. The beginning width of the Approach Surface coincides with the 500 foot width of the primary surface expanding to a width of the primary surface expanding to a width of 1,500 feet at a distance of 5,000 feet.

"Airport approach zone" means the area underneath the Airport Approach Surface.

"Runway protection zone" means the Runway Protection Zone coincides with the Airport Approach Zone for a horizontal distance of 1,000 feet from the end of the primary surface (or 1,200 feet from the end of the runway).

"Airport transitional surface" means a surface extending upward at a 7:1 slope from the sides of the Primary and Approach Surfaces and intersecting with the Airport Horizontal Surface as specified herein and shown in Figure 2-4 of the Airport Master Plan.

"Airport transitional zone" means the area underneath the Airport Transitional Surface.

"Airport horizontal surface" means the Airport Horizontal Surface is established by constructing horizontally-oriented arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines drawn parallel to the runway centerline at an elevation of 675 feet above mean sea level. The Airport Horizontal Surface does not include the Approach and Transitional Surfaces.

"Airport horizontal zone" means the area underneath the Airport Horizontal Surface, not including the Airport Approach and Transitional Zones.

"Airport conical surface" means the Airport Conical Surface extends horizontally and vertically from the Airport Horizontal Surface at a slope of 20:1 for a horizontal distance of 4,000 feet, terminating at an elevation of 875 mean sea level.

"Airport conical zone" means the area underneath the Airport Conical Surface.

"Airport primary surface" means a surface longitudinally centered on the runway extending 200 feet beyond each end of the runway. The width of the Primary Surface is 500 feet. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline.

"Height." For the purpose of determining the height limits in all Zones set forth in this Section the datum shall be mean sea level elevation unless otherwise specified.

"Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.

"Obstruction" means any structure, growth, or other object, including a mobile object which penetrates any surface specified in this Section.

"Place of public assembly" means a structure which is designed to accommodate more than 25 persons at one time for such purposes as deliberation, education, worship, shopping, entertainment, or amusement.

"Slope" means an angle determined by a ratio of a horizontal and vertical measurements written as X:Y respectively.

"Structure" means an object, including a mobile object, constructed or installed by persons, including but not limited to buildings, towers, cranes, smokestacks, poles, earth formations, and overhead transmission lines.

C. Allowed uses and standards.

1. Permitted Uses.

   a. Uses and activities permitted by the underlying zoning district shall be allowed unless specifically prohibited or contradicted by this Section.

   b. Within the Runway Protection Zone, the following uses and activities are permitted:

i. Farm use, excluding any permanent structures or objects.

ii. Roadways, parking areas, and open storage areas which do not include any permanent structures or objects, and which are located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any other way impair visibility in the vicinity of the land approach.

iii. Underground utilities.

iv. Exceptions for structures and uses other than above may be permitted subject to review and approval by the Federal Aviation Administration.

2. Use and Height Limits.

a. Within the Airport Impact Overlay, no use shall be allowed if such use is likely to attract a quantity of birds hazardous to aircraft operations.

b. Within the Runway Protection Zone, and within the Airport Approach Zone for a distance of 2,500 feet extending from the end of the runway, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate, nor shall the beam of light project into the Approach Surface in such a manner as to result in confusion or distraction to pilots.

c. Within the Runway Protection Zone, no place of public assembly, as defined in this Section, shall be permitted. Any existing place of public assembly shall be allowed to continue, including building modifications, but shall not increase its occupant load.

d. When the use of a building as a public assembly has been discontinued for a period in excess of one (1) year, the structure or property shall not thereafter be used as a public assembly.

e. Any place of public assembly which is damaged or destroyed may be restored to a public assembly, provided the restoration is commenced within a period of one (1) year, and is diligently prosecuted to completion. The restoration or reconstruction shall not increase the floor area or occupant load to a level greater than that which existed at the time of damage or destruction.

f. Within the Airport Approach Zone for a distance of 3,500 feet extending from the end of the runway, no Multi-Family dwelling shall be permitted.

g. Notwithstanding any other provisions of this Code, no use may be made of land or water within any Zone established by this Section in such a manner as to create electrical interference with navigational signals of radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

h. Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no natural or manmade object or structure shall be allowed to grow in any Zone created by this Section so that it penetrates any Airport Surface, as defined in Subsection 12.04.080(B). No specific height limit applies because the ground level is irregular and therefore the distance between the ground and the Primary, Approach, Transitional, Horizontal and Conical Imaginary Surfaces varies.

3. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing obstruction or nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Owner to indicate to the operators of aircraft in the vicinity of the airport and presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Owner.

4. Permits. Except as specifically provided in "a" and "b" hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any Zone hereby created until site development plans have been approved by the Director as specified in Chapter 12.06. Site development plan approval for a use inconsistent with the provisions of this Section shall not be granted unless a variance has been approved in accordance with the below Paragraph 12.04.080(C)(5).

   a. In the area lying within the limits of the Horizontal Zone and Conical Zone, no site development plan review shall be required for any tree with a maximum potential height of less than 75 feet of vertical height above the ground, which conforms to the restrictions of Subsection 12.04.080(C).

   b. In areas lying within the limits of the Airport Approach Zones, but at a horizontal distance of 4,200 or more feet from each end of the runway, no site development review shall be required for any tree with a maximum potential height of 75 feet of vertical height above the ground, which conforms to the restrictions of Subsection 12.04.080(C).

5. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Section, may apply for a Variance from such regulations using the procedure of Subsection 12.10.010(T).

   The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effects of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. In addition to the criteria for granting a variance as specified in Section 12.10.050, such variance must be found not to create a hazard to air navigation, and to be in accordance with the intent of this Section.

   As further conditions for granting a variance the approving authority may require an overflight and aviation hold harmless agreement, and may further require an agreement from the applicant agreeing to remove the structure, tree, or use for which the variance is granted at the applicant's expense if the City so requires as some future time. The approving authority may require that such agreement(s) be recorded against the property.

12.04.090 - Floodplain overlay.

A. Statutory authorization. The Legislature of the State of Oregon has in Article IV, Section 2 , and Article XI, Section 2 , of the Constitution of the State of Oregon, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The City Council has adopted this Section in accordance with such authority.

B. Impact on Public Health and Safety.

1. Flood hazard areas within City of Roseburg are subject to periodic inundation which results in loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection; and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damages also contribute to the flood loss.

3. This Section seeks to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid the direct or indirect support of floodplain development whenever there is a practicable alternative. The preferred method for satisfying this requirement is to avoid sites in the base floodplain. If a structure must be located in the base floodplain, this Section requires that potential harm to people and property and to natural and beneficial floodplain values is minimized.

C. Purpose. It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money and costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of reducing flood losses. In order to accomplish its purposes, this Section includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
6. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

E. Definitions. Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section the most reasonable application. For purposes of this Section, the following are defined as follows:

"1-percent-annual-chance flood" means a flood having a one chance in 100 of being equaled or exceeded in any one-year period (also known as the "100-year" flood or "base flood").

"1-percent-annual-chance flood elevation" means a computed elevation to which floodwater is anticipated to rise during the 1-percent-annual-chance flood (also known as the "100-year flood" elevation or the "base" flood elevation).

"1-percent-annual-chance floodplain" means an area subject to flooding by the 1-percent-annual-chance flood (also known as the "100-year" floodplain or "base" floodplain).

"0.2-percent-annual-chance flood" means a flood which has a 0.2-percent chance of being equaled or exceeded in any given year (also known as the "500-year" flood).

"0.2-percent-annual-chance flood elevation" means a computed elevation to which floodwater is anticipated to rise during the 0.2-percent-annual-chance flood (also known as the "500-year" flood elevation).

"0.2-percent-annual-chance floodplain" means an area subject to flooding by the 0.2-percent-annual-chance flood (also known as the "500-year" floodplain).

"500-year elevation approach" means an area subject to a 0.2%-annual-chance flood.

"Appeal" means a request for a review of the Community Development Director's interpretation of any provision of this Code or a request for a variance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of special flood hazard" Means land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

"Base flood" means a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"Base flood elevation" means a computed elevation to which floodwater is anticipated to rise during the base flood.

"BFE." See "Base Flood Elevation".

"Basement" means any area of the building having its floor subgrade (below-ground level) on all sides.

"Below-grade crawlspace" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four (4) feet at any point.

"Compensatory storage" means the volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing a volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Elevated building" means for insurance purposes, a non-basement building which has had its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters and/or unusual and rapid accumulation of surface runoff waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Hydraulically equivalent site" means a compensation area designed to drain freely and openly to a channel and located opposite or adjacent to a fill area. A site shall be designed by a registered civil engineer using a nationally accepted hydrologic model.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Subsection 12.04.090(EE) of this Code.

"Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"NAVD 88" means North American Vertical Datum of 1988.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this Section.

"New manufactured home subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

"Regulatory flood." See "1-Percent-Annual-Chance Floodplain"

"Special flood hazard area." See "1-Percent-Annual-Chance Floodplain" also abbreviated as "SFHA".

"Start of construction" means the first placement of permanent construction including substantial improvement of a structure (other than a mobile home) on a site such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing

the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"State Building Code" means the combined specialty codes.

"Structure" means a walled and roofed building including a gas or liquid storage that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 30% of the market value of the structure before the damage occurred.

"Substantial improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a fifteen-year period, the cost of which equals or exceeds 30 percent of the market value of the structure before the work is started. Before the damage occurred, this term includes structures that have incurred 'substantial damage', regardless of the actual repair work performed.

1. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

2. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

3. Any alteration of a structure listed on the National Register of Historic Places or the City Inventory of Historic Places.

"Technical evaluation" means the application of special knowledge of the mathematical, physical, and engineering sciences regarding investigation, evaluation, planning, and design for the purpose of assuring compliance with applicable standards (i.e., photo interpretation, surveys, land forms, data sources, hydrological analysis, etc.).

"Variance" means a grant of relief from the requirements of this Section which permits construction in a manner that would otherwise be prohibited by this Section.

F. Lands to which this Code applies. This Code shall apply to all areas of special flood hazards within the jurisdiction of the City of Roseburg.

G. Basis for establishing areas of special flood hazard. Areas of flood hazard for the Roseburg urban area are areas designated as special flood hazard areas (A zones) or areas within a floodway.

Special flood hazard areas and floodways are identified by the Federal Insurance Administration in scientific and engineering reports entitled "The Flood Insurance Study for Douglas County, Oregon and Incorporated Areas," effective date February 17, 2010, with accompanying Digital Flood Insurance Rate Maps (DFIRM) and Flood Hazard Boundary Maps and future revisions as adopted.

All of the above referenced publications, maps and orthophotos are hereby adopted by reference and declared to be part of this Code as are future revisions as adopted. These publications, maps, and orthophotos shall be kept on file with the Community Development Department.

These publications shall be used as the basis for determining which flood district applies to property. The best available information for flood hazard identification as outlined in Subsection 12.04.090(N) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Subsection 12.04.090(N) of this Code. Where these publications fail to provide data sufficient to determine the applicable flood district, the applicable flood district and base flood elevation shall be determined on the basis of the best available information.

Areas of flood hazard shall also include any land area susceptible to inundation water from any source where the above referenced maps have not identified any special flood areas.

H. Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Code and other applicable regulations. Violation of the provisions of this Code by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $5,000.00 or imprisoned for not more than 30 days, or both, for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Roseburg from taking such other lawful action as is necessary to prevent or remedy any violation.

I. Abrogation and greater restrictions. This Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

J. Interpretation. In the interpretation and application of this Code, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally constructed in favor of the City Council; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the state building codes.

K. Warning and disclaimer of liability. The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on technical evaluations as defined in Subsection 12.04.090(E) of this Code. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Code shall not create liability on the part of the City, any Department or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Code or any administrative decision lawfully made thereunder. Building in areas where flooding can occur is at the owner's sole risk.

L. Site plan review. A site plan review shall be obtained before construction or development begins within any area of special flood hazard established in Subsection 12.04.090(FF) of this Code. The Community Development Director is appointed to administer and implement this Code by granting or denying site plan review applications in accordance with its provisions. The review shall be for all structures including mobile homes, as set forth in the "DEFINITIONS" and for other development including fill and other activities, also as set forth in the "DEFINITIONS." Application for a site plan review shall be made on forms furnished by the Community Development Director and may include but be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level NAVD 88, of the bottom of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level NAVD 88 to which any structure has been flood-proofed;
3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria specified in Subsection 12.04.090(BB) of this Code; and,
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Where elevation data is not available through the Flood Insurance Study or from another authoritative source (Subsection 12.04.090(N) of this Code), applications for site plan review shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of

past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

M. Duties and responsibilities of the Director. Duties of the Community Development Director shall include but not be limited to:

1. Review all development applications to determine that the requirements and conditions of this Code have been satisfied.

2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Subsection 12.04.090(EE) of this Code are met.

N. Use of other base flood data. When base flood elevation data has not been provided in accordance with Subsection 12.04.090(G) of this Code: Basis for Establishing the Areas of Special Flood Hazard, the Community Development Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer Subsection 12.04.090(Z) of this Code: Residential Construction, and Subsection 12.04.090(AA) of this Code: Nonresidential Construction.

O. Information to be obtained and maintained.

1. Where base flood elevations data is provided through the Flood Insurance Study or required as Subsection 12.04.090(N) of this Code obtain and record the actual elevation (in relation to NAVD 88) of the bottom of the lowest floor (including basements and below-grade crawlspace) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved flood-proofed structures:

a. Verify and record the actual elevation (in relation to NAVD 88), and,

b. Maintain the flood-proofing certifications required in Paragraph 12.04.090(L)(3) of this Code.

3. Maintain for public inspection all records pertaining to the provisions of this Code.

P. Alteration of watercourses. Notify adjacent communities and the State coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

Q. Interpretation of firm boundaries. Make interpretation where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 12.04.090(R) of this Code.

R. Variance procedure.

1. The Planning Commission shall hear and decide variances from the requirements of this Section as provided for in Subsection 12.10.010(T) of this Code.

2. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Community Development Director in the enforcement or administration of this Section as provided for in Subsection 12.10.010(Q) of this Code.

3. Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the City Council, as provided in Subsection 12.10.010(Y) of this Code.

4. In passing upon such applications, the Planning Commission shall consider all technical valuations, all relevant factors, standards specified in other Sections of this Code, and:

   a. Danger that materials may be swept onto other lands to the injury of others;

   b. Danger to life and property due to flooding or erosion damage;

   c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   d. Importance of the services provided by the proposed facility to the community;

   e. Necessity to the facility of a waterfront location, where applicable;

   f. Availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

   g. Compatibility of the proposed use with existing anticipated development;

   h. Relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;

   i. Safety of access to the property in times of flood for ordinary and emergency vehicles;

   j. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

   k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and street and bridges,

   l. Effects of flood damage on individual property owners.

5. Generally, the only condition under which a variance may be issued is for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsection 12.04.090(R)(4) of this Code have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

6. The Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Code.

7. The Community Development Director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

S. Conditions for variances.

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:

   a. Showing of good and sufficient cause;

   b. Determination that the granting of a variance will not result in increased flood heights or additional threats to public safety, extraordinary public expense, create nuisances, cause

fraud, or victimization of the public as identified in Subsection 12.04.090(L) - 12.04.090(R) of this Code, or conflict with existing local laws or ordinances.

5. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. As such, variances from the flood elevations should be quite rare.

6. Variances may be issued for nonresidential buildings and structures in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Paragraph 12.04.090(R)(5) and otherwise complies with Subparagraphs 12.04.090(U)(1) and 12.04.090(U)(2) (a-b) of this Code.

7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

T. General standards. In areas of flood hazards, the provisions of Subsections 12.04.090(U) through 12.04.090(BB) of this Code shall apply.

U. Anchoring.

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. Manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

a. All manufactured homes must likewise be anchored to resist flotation, collapse, and lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to the use of over-the-top or frame ties to ground anchors (Reference FEMA's guidebook FEMA-85 "Manufactured Home Installation in Flood Hazard Areas" for additional techniques).

b. Additions to the mobile home shall be similarly anchored.

3. Alternative methods of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Community Development Director that this standard has been met.

V. Construction materials and methods.

1. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. New construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be elevated to a minimum of one (1) foot above base flood elevation or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

W. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

3. On site waste disposal systems shall be located to avoid impairment to them to contamination from them during flooding consistent with Oregon Department of Environmental Quality Regulations.

   a. Roseburg Urban Sanitary Authority shall be notified when development requiring an onsite waste disposal system is proposed in an area of flood hazard.

   b. Roseburg Urban Sanitary Authority shall be responsible for carrying out the purposes of enforcing this provision.

X. Subdivision and partitioning proposals.

1. Subdivision and partitioning proposals shall be consistent with the need to minimize flood damage;

2. Subdivision and partitioning proposals shall have public utilities and facilities such as sanitary and storm sewer, gas, electrical, and water systems located and constructed and maintained to minimize flood damage;

3. Subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, including returning water;

4. Partitions and subdivisions for nonresidential uses shall have the explanation "Not for residential use" printed on the face of the final survey map or plat. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision and partition proposals and other proposed development which contain at least 50 lots or five (5) acres (whichever is less);

5. No portion of any street or road surface in any subdivision shall be at an elevation less than one (1) foot below the regional flood height. The road surface is that portion of a street or way available for vehicular traffic or where curbs are laid; the portion between curbs;

6. 100-year flood elevation data shall be provided and shown on final partition and subdivision plats. Applicant must show the boundaries of the 100-year flood and floodway on the final subdivision plat;

7. A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level, NAVD 88. The location of such monument shall be shown on the final partition map or subdivision plat.

Y. Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection 12.04.090(G): Basis for Establishing Areas of Special Flood Hazard, or Subsection 12.04.090(N): Use of Other Base Flood Data, the following provisions for residential and nonresidential construction, Subsections 12.04.090(Z) and 12.04.090(AA) of this Code and manufactured home placement, Subsection 12.04.090(BB) of this Code, are required.

Z. Residential construction.

1. New construction and substantial improvement of any residential structure shall have the bottom of the lowest floor, including basement, elevated to a minimum of one (1) foot above base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

   a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

   b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

AA. Non-residential construction. New Construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Section based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in Paragraph 12.04.090(O)(2) of this Code;

4. Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Paragraph 12.04.090(Z)(2);

5. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-proof level (e.g., a building constructed to the base flood level will be rated as one (1) foot below that level).

BB. Manufactured homes. All manufactured homes to be placed or substantially improved within Zone AE shall be elevated on a permanent foundation conforming to Subsection 12.04.090(F) such that the lowest longitudinal chassis beam of the manufactured home is a minimum of 18 inches above the base flood elevation and be securely anchored with a foundation system in accordance with the provisions of Paragraph 12.04.090(U)(2). Electrical and HVAC cross-over ducts shall be elevated to a minimum of one foot above base flood elevation.

CC. Recreational vehicles. Recreational vehicles placed on sites are required to either:

1. Be on the site for fewer than 180 consecutive days,

2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the requirements of Subsection 2.04.090(BB) above and the elevation and anchoring requirements for manufactured homes.

DD. Below-grade crawlspaces. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, and depicted in Figure 2-6, Figure 2-7 and Figure 2-8, below.

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed by the required openings stated in Paragraph 12.04.090(DD)(2) below. Because of hydrodynamic loads crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction is to elevate the bottom of joists and all insulation one (1) foot above BFE.
4. Any building utility systems within the crawlspace must be elevated a minimum of one (1) foot above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed a minimum of one (1) foot above the BFE or sealed from floodwaters.
5. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
8. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.
9. There is a charge added to the basic policy premium for a below-grade crawlspace.

FIGURE 2-6: PREFERRED CRAWLSPACE CONSTRUCTION

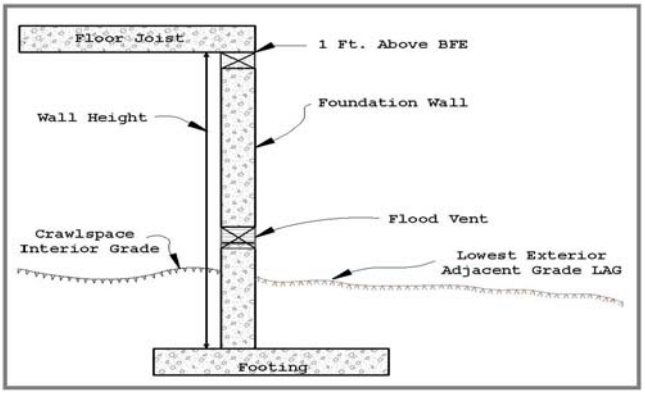


FIGURE 2-7: BELOW-GRADE CRAWLSPACE CONSTRUCTION

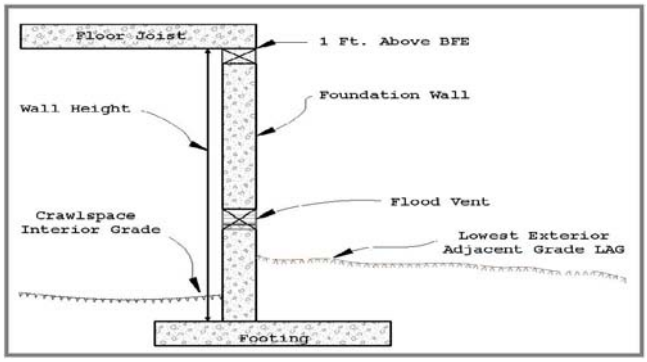
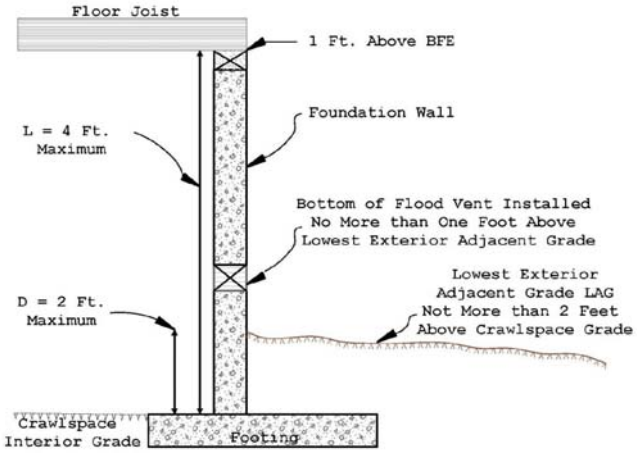


FIGURE 2-8: REQUIREMENTS OF BELOW-GRADE CRAWLSPACE CONSTRUCTION



EE. Floodways. Located within areas of special flood hazard established in Subsection 12.04.090(G) are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed using current nationally accepted hydrologic models meeting the minimum requirement of National Flood Insurance Program that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If Paragraph 12.04.090(EE)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection 12.04.090(T) through 12.04.090(EE).

3. Compensatory Storage Required. Each cubic foot of fill placed within Special Flood Hazard Area (SFHA) requires developer to remove 1½ cubic feet of fill from a hydraulically equivalent site.

FF. Before regulatory floodway designation. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-A30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and

anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. Compensatory Storage Required. Each cubic foot of fill placed within SFHA requires developer to remove 1½ cubic feet of fill from a hydraulically equivalent site.

GG. Critical facility. Construction of new critical facilities shall be located outside the limits of the Special Flood Hazard Area (SFHA), Zone AE (100-year floodplain) and Zone X (500-year floodplain). Construction of new critical facilities shall be permissible within these zones only through the variance process. Access to and from the critical facility shall be protected to the height of the base flood. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. No. 3514 , § 5, 11-26-2018)

12.04.100 - Hillside Development Overlay.

A. Purpose and intent. The intent of this Section is to provide regulations for development in hillsides that relates to topography, geology, hydrology, and fire risks. These regulations relate to the steepness of slopes and geologic conditions. The specific purpose of this Section is to ensure that Hillside Development occurs in a manner that:

1. Ensures public health, safety, and general welfare.
2. Provides for appropriate Hillside Development consistent with the allowed density provided by the zoning classifications.
3. Addresses potential risks that can result from steeply sloped sites and geologic hazard areas.
4. Minimizes potential hazards from fire, water, and unstable soils.
5. Helps ensure stability of steep slopes and protection of environmental resources.
6. Reduces potential risks associated with hillside erosion, sedimentation on lower slopes, and damage from landslides while providing flexible development standards.

B. Definitions. For the purpose of this Section, the following terms and phrases apply. If the general definitions in Section 12.02.100 of this Code conflict, the following definitions take precedence:

"APWA" means American Public Works Association.

"Bench" means a relatively level step excavated into earth materials on which fill is to be placed.

"Benching" means the sidewall cutting in a stair step configuration, which minimizes the height of each vertical surface and reduces the total volume of soil removed.

"Best management practice (BMP)" means a practice used to reduce negative impacts from a particular land use.

"Clearing" means the cutting, mowing on the site, or removal of standing or fallen timber; the removal or moving on a site of stumps; or the cutting and removal of brush, grass, ground cover, or other vegetative matter from a site in a way that exposes the surface of the site.

"Construction area" means the total area of alteration of the naturally occurring ground surface resulting from construction activities.

"DEQ" means Department of Environmental Quality.

"Erosion" means the wearing away of earth's surface as a result of movement of wind, water, or ice.

"Erosion control" means measures that provide for erosion and sediment control for any clearing, grading, excavating, or stockpiling of material, including areas of less than one (1) acre of land and which do not require a DEQ 1200-C NPDES General Permit.

"Excavation (cutting)" means the mechanical removal of earth material.

"Fill material" means a deposit of earth or other natural or manmade material placed by artificial means.

"Filling" means the act of placing fill material, including the temporary stockpiling of fill material.

"Geologist, engineering" means a Geologist, registered with the State of Oregon as provided by ORS 672.505 to 672.705 who applies geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized.

"Geotechnical engineer" means a Professional Engineer, registered with the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education, and experience is qualified in the practice of geotechnical or soils engineering practices.

"Geotechnical report" means a report prepared and stamped by a State of Oregon Registered Geotechnical Engineer or Registered Engineering Geologist evaluating site conditions and recommending design and mitigation measures. This report will include steps necessary to reduce risks associated with development and to facilitate a safe and stable development. A geotechnical report must be prepared in accordance with this Section.

"Grading/ground disturbance" means any excavating and/or filling of the earth's surface or combination thereof that falls within the provisions of Subsection 12.06.010(D) or Chapter 12.12 of this Code.

"Landslide" means abrupt down slope movement of a mass of soil or rock, or imminent slope failure.

"Mitigation" means an action designed to avoid, minimize, or eliminate project-induced impacts.

"NPDES" means National Pollution Discharge Elimination System.

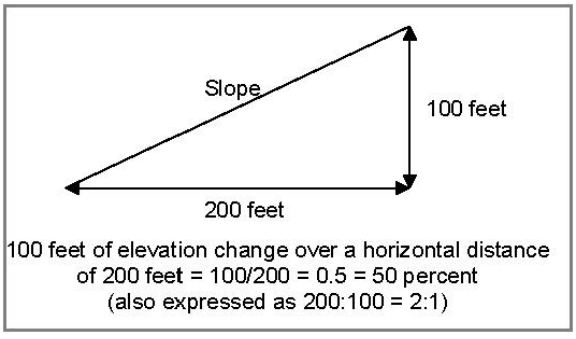
"ODOT" means Oregon Department of Transportation.

"Right-of-way" means an area of land typically extending from the property/lot line of an abutting lot or parcel; intended primarily to be occupied by streets, public utilities, infrastructures, sidewalks, curbs, and gutters.

"Slope setback" means a building's clearance (horizontal distance from an ascending or descending slope). Setbacks are required in most situations where a structure is to be built near a slope.

"Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of a horizontal distance to a vertical distance (e.g., 2:1) or expressed as a percentage. For example, an incline that rises 100 feet in elevation over a distance of 200 feet can be expressed as "2:1" or "50%." Refer to Figure 2-9: Percent/Slope Calculations.

FIGURE 2-9: PERCENT/SLOPE CALCULATION



"Step-backs" means successive stories that recede farther back from the lower story. Step-backs are established to avoid excessive bulk of a structure.

"Terrace" means a relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

C. Applicability. The Hillside Development Overlay applies to areas within and identified on the City of Roseburg Slope Map, which is hereby adopted by reference and incorporated herein, or on lands having slopes greater than 12%.

1. Authority. The Director shall have the authority to review Hillside Development pursuant to Subsection 12.06.010(C).

2. Application and Submittal Requirements. No lands within the Hillside Development Overlay shall hereafter be developed or physically altered until plans have been approved that meet the minimum requirements of this Section.

a. Site Analysis: The following information shall be submitted by a Geotechnical Engineer or Engineering Geologist registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education, and experience is qualified in the practice of geotechnical or soils engineering practices. All Geotechnical reports or plans shall be stamped by the appropriate registered professional.

i. Site Development Submittal Requirements

A. A slopes analysis map with contour intervals of two (2) feet or less and a scale no less than 1 in. = 20 ft. indicating the location and amount of land with slopes greater than 12%. If the project is subject to a Density Transfer all categories shown below must be represented:

•12% or less;

•12.01—25%;

•25.01—35%; or

•Greater than 35%.

B. Proposed finished contours map with contour intervals of two (2) feet or less and a scale no less than 1 in. = 20 ft.;

C. Surface and subsurface hydrological conditions including natural drainage courses, streams, floodplains, wetlands and ponding areas;

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

E. Plan showing location, species, size, and proposed re-vegetation;

F. Stormwater Plan consistent with requirements of the City of Roseburg's Storm Water Management Design Standards;

G. Proposed building envelopes, driveways and their grades, and other vehicular and pedestrian circulation routes;

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

ii. Geotechnical Report Requirements

A. The purpose and scope of the investigation;

B. A description of the geological characteristics of the site;

C. A determination of the nature, distribution, and strength of the existing soils and geologic characteristics of the site relative to their adequacy for the proposed development;

D. A determination of geological hazards that present a risk to life and property or adversely affect the use or stability of a public facility or utility;

E. A determination of appropriate grading techniques (ground preparation, clearing, unsuitable material removal, scarification, fill materials, compaction levels, etc.), and an assessment of the stability of proposed cut and filled slopes;

F. Designs of retaining walls and structures, as well as drainage systems;

G. Appropriate foundation designs and setbacks from toes/crests of slopes relative to the soil characteristics of the specific site;

H. Detailed reports of field investigations that provide: date of work done, investigative methods, sampling methods, locations and logs of borings/test pits, elevations of borings/test pits for reference of materials,

I. Conclusions and mitigation measures, if necessary.

b. Type of Approval: Depending on the type of approval sought, the following information is required in addition to that required by Paragraph 12.04.010(C)(2)(a):

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

ii. Site Plan Approval:

A. If site plan approval is applied for with the purpose of obtaining a building permit, prior to a final building inspection and/or the issuance of a Certificate of Occupancy a written certification shall be submitted from a registered Geotechnical Engineer or Engineering Geologist verifying the recommendations of the Report were carried-out during the construction, or that needed changes in design were made based on the recommendation of and in conformance with the required Report.

B. Dimensions of all buildings and components (height, width, roof height, overhang, etc.).

C. Profile drawings and proposed finished grade of all sides of the building.

D. Location, type and dimensions of all existing and proposed easements (e.g. water, sewer, access, etc.) and utilities

E. If previously submitted Geotechnical Reports were prepared for the site, a Geotechnical Engineer or Engineering Geologist may utilize said reports as supplemental information if said expert determines that the conditions of the site have not changed in such a way to make the report invalid. Referenced reports shall be supplied to the Director by the applicant.

3. Final Plans/As-Builts. Prior to final building inspection, as-builts shall be provided to the Director. As-builts shall provide the dimensions and grades of all required driveways and maneuvering/parking areas, the dimensions and location(s) of any retaining walls, the grades of all slopes exceeding 12% as well as the toe and crest of such slopes, and the location of all property lines and foundations of all structures, in addition to any other elements required upon

Site Plan Review. As-builts shall be drawn at 1 in. = 20 ft. or larger scale with elevation contours at intervals of no more than two (2) feet.

4. Exceptions. If an applicant can meet any or all of the criteria listed below, the Director may waive applicable requirements of this Section.

   a. Submit evidence that slopes in excess of 12% do not exist on the subject property or a written and stamped statement from a Geotechnical Engineer or Engineering Geologist that the area of the property impacted by the proposed work will be sufficiently set back from any slopes exceeding 12% and therefore no geologic hazards are increased.

   b. Demonstrate that the proposed work will comply with a Geotechnical Report that was previously prepared for the site and that all conditions noted in the Report are still present.

   c. Construction proposed is on land that has a grade less than 12% and is set back ten (10) or more feet from slopes that do not exceed a 2:1 slope.

   d. Construction is proposed that does not require a building or grading permit.

D. Development criteria and standards. When a proposal is submitted for land division, Planned Unit Development and/or Site Plan Review, said development shall comply with the following criteria and standards:

1. Density Transfers: The permitted density established by the underlying zoning may be increased for lands in the Hillside Development Overlay by transferring the rights to develop an area of land with qualifying slopes to another location contiguous to said areas. The area to be developed does not need to be within the Overlay. In addition to increasing the density of one portion of land by not developing another portion, the density may be further increased based on the total area of the undeveloped land and the "Level" for which the grade of the slopes qualify (see below). The total acreage of undeveloped slopes may be combined to determine the number of additional dwelling units, however, the number of additional dwelling units shall be based on whole numbers and not portions thereof. For example, if 1.95 acres of Level 2 and 0.5 acre of Level 3 are undeveloped, the total number of dwelling units that may be added to the density transfer is five (5) based on the following calculation: (1.95ac X 2 du) + (0.5ac X 4du) = 5.9 dwelling units.

   a. Level 1 - the density increase for sites with slopes greater than 12% and up to 25% shall be increased by one (1) unit per acre of the qualifying sloped area.

   b. Level 2 - the density increase for sites with slopes greater than 25% and up to 35% shall be increased by two (2) units per acre of the qualifying sloped area.

   c. Level 3 - the density increase for sites with slopes greater than 35% shall be increased by four (4) units per acre of the qualifying sloped area.

   d. For the purposes of calculating density for this section, duplexes shall count as one unit.

In order to verify allowed increases in densities, calculations shall be provided with the application and documented with a topographic map that delineates the land area of each Level that shall be prepared and stamped by a licensed Professional Land Surveyor. As a condition of density transfer, a deed restriction that ensures permanent retention of the undisturbed land area as open space shall be recorded with the Douglas County Clerk within 30 days of the site review approval and delineated as an easement on the recorded plat if a partition, subdivision or PUD is approved as part of the density transfer.

2. Location/Features.

   a. Cluster, zero-lot-line, and other similar development is permitted in the Hillside Development Overlay and is encouraged as a means of preserving the natural hillside, reducing ground disturbances, and limiting vegetation removal. Under this concept, buildings should be grouped to leave steeper slopes undisturbed.

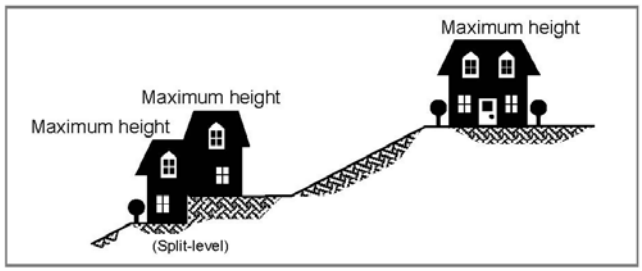
b. Development plans are to indicate slope percentages by shading. If density increases are requested, plans are to include calculations to indicate the amount of area and available density to be applied elsewhere within the development.

3. Building Height Measurement.

a. The maximum allowable building height shall comply with the underlying zoning standards.

b. Building height shall be measured as the vertical distance from the average plane of the exposed foundation to the highest point of the roof exclusive of chimneys, antennas, skylights, and similar features. The average plane of the exposed foundation shall be calculated as follows: assign a numeric value of zero to the lowest corner of the exposed foundation; measure the elevation of all other exposed foundation corners relative to the lowest corner; calculate the average elevation of all exposed foundation corners. For split-level construction, each foundation shall be measured separately (refer to Figure 2-10: Building Height Measurement). Multi-level structures are encouraged to provide step-backs as a way of reducing the mass and bulk of such structures. No more than eight (8) feet of a buildings foundation shall be exposed. For the purposes of this Section, exposed shall be interpreted as not being covered by earth.

FIGURE 2-10: BUILDING HEIGHT MEASUREMENT



4. Lot Size. Minimum lot sizes and dimensions in the Hillside Development Overlay shall be established upon approval of a land division or Planned Unit Development based on the following minimum standards:

a. Minimum lot area may deviate from the standards of this Code based on the adjusted density granted by a Density Transfer, but no lot shall be less than 3,000 square feet for a single-family dwelling or duplex.

b. Lot width and depth may be less than required by Subsection 12.12.010(M) of this Code, but no lot shall have a depth of more than two and one-half (2½) times the average width between the side lines.

c. Except as otherwise permitted for townhouses, each lot shall have frontage of not less than 35 feet upon a street.

d. Adjusted lot sizes shall conform to mitigation measures identified in the Geotechnical Report.

5. Yard Setbacks. Lots shall provide yard setbacks consistent with the underlying zoning those allowed by an approved PUD or those recommended in an approved Geotechnical Report.

6. Pads. Split pad or stepped footings shall be used when possible to allow the structure to more closely follow the slope.

7. Foundations.

a. Foundations shall be in conformance with the requirements of Geotechnical Report and if required designed by a Professional Engineer as provided by ORS 672.002 to 672.325.

b. Split-level foundations are encouraged when appropriate for the site contours.

c. When appropriate, based on recommendations included in the Geotechnical Report, multi-level building footprint shall be used to reduce scarring.

8. Access Standards

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

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

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

d. Driveways used to access onsite parking shall comply with Subsection 12.06.030(J) and the following criteria:

i. 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.

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

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

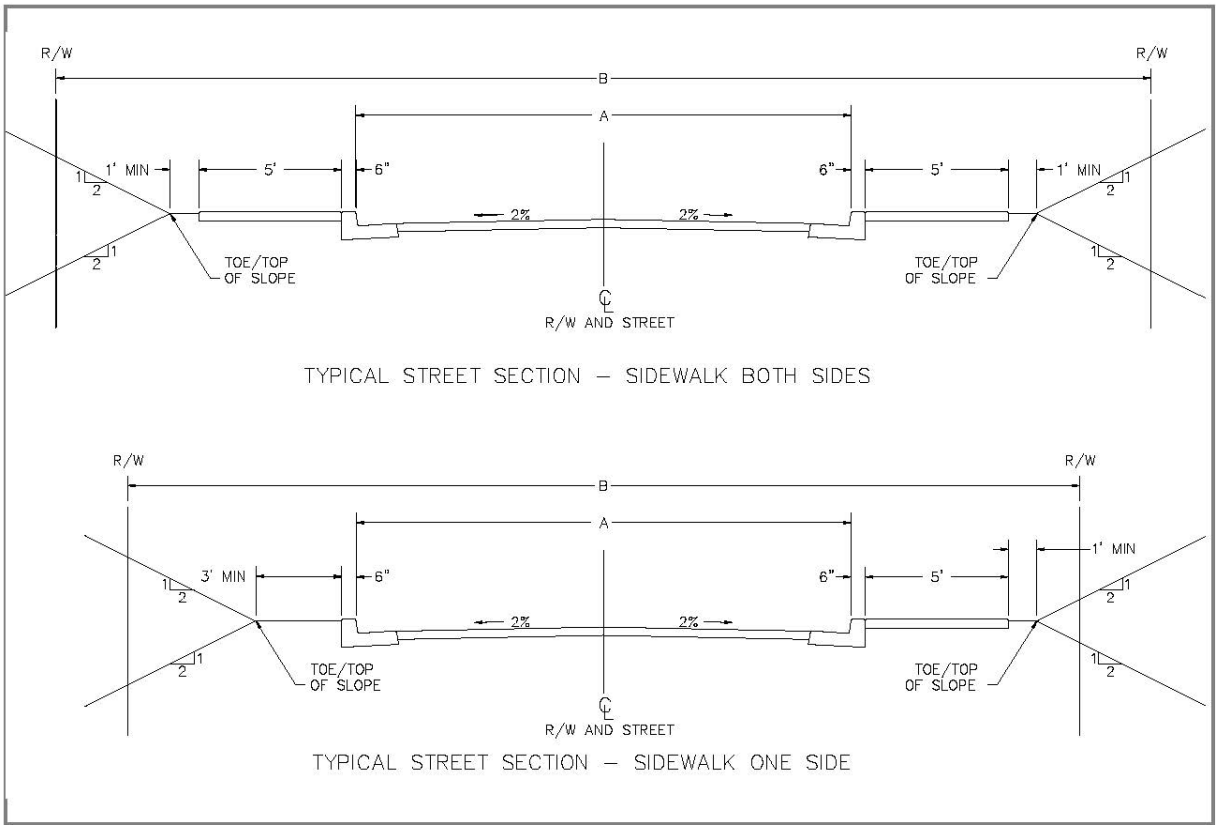
ii. Travel widths, turnouts, and level pad areas are provided as determined necessary for fire protection and emergency access purposes.

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

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

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

FIGURE 2-11: HILLSIDE STREET ALTERNATIVES



STREET DESIGNATION	ROW WIDTH "B"*	PAVING WIDTH "A"			SIDEWALKS**
		NO PARKING	PARKING ONE SIDE	PARKING TWO SIDES	
Local hillside residential streets	40 ft.	24 ft.	-	-	1 @ 5 ft.
	40 ft.	-	28 ft.	-	1 @ 5 ft.
	45 ft.	-	-	34 ft.	1 @ 5 ft.
	45 ft.	24 ft.	-	-	2 @ 5 ft.
	45 ft.	-	28 ft.	-	2 @ 5 ft.
	50 ft.	-	-	34 ft.	2 @ 5 ft.
Collector hillside residential streets with shared bike route permitted in place of standard collector subject to the provision below***	40 ft.	28 ft.	-	-	1 @ 5 ft.
	50 ft.	-	36 ft.	-	1 @ 5 ft.

	55 ft.	-	-	42 ft.	1 @ 5 ft.
	45 ft.	28 ft.	-	-	2 @ 5 ft.
	55 ft.	-	36 ft.	-	2 @ 5 ft.
	60 ft.	-	-	42 ft.	2 @ 5 ft.

* Slope easement or additional ROW may be required for cut and fill slopes. Cut and fill slopes necessary for street constructions are not allowed on private property unless a slope easement is obtained. No retaining walls or armoring rock allowed within ROW.

** Sidewalks required on both sides of street unless the natural cross slope exceeds 15 percent or approved by Public Works Director.

*** Allowed where a demonstrated projection of a lack of bike use or where the cost of bike lane improvements would be excessively disproportionate to the need or probable use.

Lanes may have an offset centerline to allow wider uphill lanes to accommodate bicycles.

E. General requirements. 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 Code are being carried out and appropriate mitigations are identified and in place, the Director is authorized to allow for the recommendations contained in said report that may differ from the strict application of the following:

1. Development Time Periods. Grading, drainage improvements, or other ground disturbances on slopes of greater than 12% shall occur from April 15 to October 15; however, nothing in this Code shall preclude immediate action to be taken in cases of emergency.

2. Grading Requirements. Preliminary grading plans shall be consistent with the latest version of the International Building Code (IBC) and shall comply with the provisions of this Chapter.

3. Excavation Requirements. Excavation requirements shall be consistent with the latest version of the IBC.

   a. Cut Requirements. The slope of cut surfaces shall be no steeper than is safe for intended use and shall be no steeper than 2:1 as shown on Figure 2-9: Percent/Slope Calculations, unless approved by a Geotechnical Report.

   b. Fill Requirements. Ground surfaces shall be prepared to receive fill by removing vegetation, topsoil, and other unstable materials, and scarifying the ground to provide a bond with the fill material.

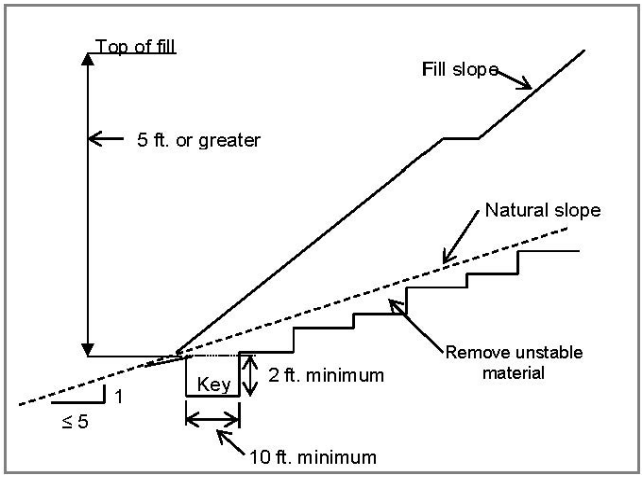
      i. Where existing grade is at a slope steeper than 5:1 (20%) and the depth of the fill exceeds five (5) feet, benching shall be provided in accordance with Figure 2-13: Benching Details.

      ii. Fill material shall not include organic, frozen, or other deleterious material. No rock or similar irreducible material greater than 12 inches in any dimension shall be included in fills.

      iii. All fill materials shall be compacted to a minimum of 95% of maximum density per ASTM D-698 Standard Proctor Test.

iv. The slope of fill surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 2:1 (50%), unless approved by a Geotechnical Report.

FIGURE 2-13: BENCHING DETAILS
SOURCE IBC 2003

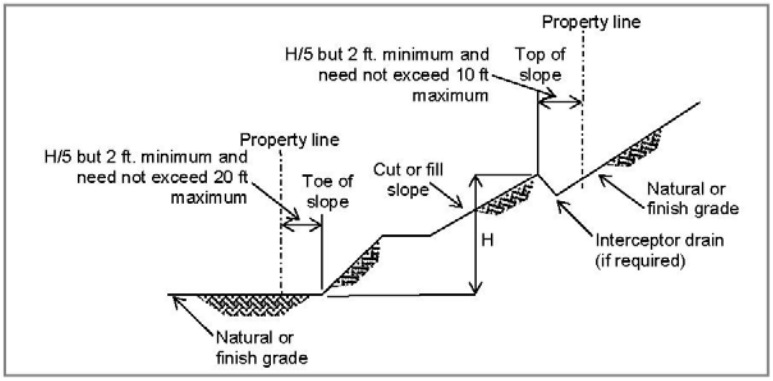


4. Slope Setbacks Requirements for Cut/Fill Slopes. Slope Setback requirements shall be consistent with the latest version of the IBC.

   a. Cut and fill slopes shall be set back from property lines in accordance with this Chapter. Slope setback distances shall be measured perpendicular to the property line and shall be as shown in Figure 2-14: Drainage Dimensions.

   b. The slope setback at the top of a cut slope shall be as shown in Figure 2-14, or what is required to accommodate any required interceptor drains.

FIGURE 2-14: DRAINAGE DIMENSIONS
SOURCE IBC 2003



   c. Where required to protect against adjacent properties at the toe of a slope from adverse effects of the grading, additional protection shall be included. Such protection may include but shall not be limited to:

      i. Setbacks greater than those required by Figure 2-14: Drainage Dimensions.

      ii. Provisions for retaining walls or similar construction.

iii. Erosion protection of the cut and fill slopes.

iv. Provision for the control of surface water.

5. Erosion Control Requirements. Erosion control measures shall meet the latest adopted DEQ Erosion and Sediment Control Manual for erosion control requirements, including but not limited to:

   a. Construction of any building that disturbs one acre or more of land through clearing, grading, excavating, or stockpiling of fill material requires a DEQ 1200-C NPDES General Permit. This permit requires an Erosion and Sediment Control Plan and Best Management Practices (BMP) to be incorporated into land-disturbing construction work. BMPs are used on the project site to prevent erosion and control sediment runoff from the project site. Erosion control BMPs can be found in DEQ Construction Storm Water Permit Guidance 1200-C NPDES General Permit (2006).

   b. For construction on land of less than one acre, the minimum BMPs to consider include:

   •A responsible agent shall be designated during project construction.

   •Scheduling to avoid earth-disturbing activities during wet weather.

   •Perimeter sediment controls.

   •Storm-drain inlet protection.

   •Site entrance and exit controls.

   •Non-storm Water pollution controls, such as materials use and waste management BMPs.

   •Covering or otherwise protecting stockpiles.

   •Projects that include slopes susceptible to erosion, including runoff and erosion prevention measures (see DEQ Erosion and Sediment Control Manual Sections 4 and 5 respectively).

   •The designated project agent or engineer should inspect BMPs regularly to identify areas in need of maintenance or improvement to minimize pollutant discharges.

   •Provide and maintain check dams in area where a concentration of water runoff may transport sediment.

   c. All man-made slopes four (4) feet or higher are to be planted with plantings suited to hillsides that will aid in erosion control and slope stability. Such plantings are to be appropriately irrigated until established and are self-sufficient.

6. Storm Water Drainage Requirements. Storm Water drainage shall meet the City's current storm water design requirements in the latest version of City of Roseburg Storm Water Management Design Standards.

7. Construction Standards shall meet the requirements in the latest adopted City of Roseburg Public Work's Construction Specifications and Standards Drawings.

8. Encroachment in the public right-of-way shall not be permitted, unless an encroachment permit is granted by the Public Works Department.

9. Terraces and Retaining Structures.

   a. Steep cut or fill slopes greater than 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.

   b. Cut and fill faces on terraced sections shall not exceed a maximum height of 15 feet.

c. Terrace widths shall be a minimum of three (3) feet for vegetation.

d. Total cut slopes are not to exceed a maximum vertical height of 40 feet, provided that there is terracing at least every 15 feet in height to discourage massive slopes and encourage terraced landscape slopes.

Retaining structures four (4) feet or greater 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.

Retaining structures shall follow the natural contours of the slope where feasible, and all materials used to construct retaining structures shall consist of native stone, poured-in-place concrete, pre-cast concrete block, or other approved material determined to be similar to and consistent with the those materials listed herein.

F. Vegetation requirements.

1. When a Geotechnical Report is required, it shall inventory all existing vegetation that contributes to the stability of the slope. The Report shall also provide a site map that accurately documents the type, characteristics and location of vegetation that is recommended to remain for slope stability.

2. The removal of any vegetation from slopes greater than 12%, including trees, shall only be done when the required Geotechnical Report determines specific vegetation is not necessary to maintain the stability of the slopes.

3. Notwithstanding the provision listed above; generally, thinning is preferred over removal of native and specimen trees.

4. 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. Trees that are determined to be essential for slope stability shall be flagged and fencing shall be erected at the edge of each drip line. Any vegetation cited as being essential to slope stability shall be replaced with similar vegetation if said vegetation is damaged or removed.

G. Blasting. Blasting methods shall be consistent with Section 00335 - Blasting Methods and Protection of Excavation Backslopes in ODOT/APWA Oregon Standards Specifications Part 00300 - Roadwork (2002), and be in conformance with the requirements of this Code.

H. Enforcement. The City's enactment and enforcement of this Code shall not be construed for the benefit of any individual person or group of persons other than the general public. As provided herein, the Community Development Director is given the authority to interpret, apply, and enforce this Code to accomplish the stated purpose. The City may withhold, condition, or deny development permits or activity approvals to ensure that the proposed action is consistent with this Code.

The City is authorized to make site inspections and take such actions as necessary to enforce the provisions of this Code. A City representative may enter onto private property with the consent of the owner, occupant, or pursuant to warrant. When a designated hillside area has been altered in violation of this Code, all ongoing development work shall stop and the area shall be restored. The City shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Code. Any development carried out contrary to the provisions in this Code shall constitute a public nuisance and pose a risk to the public health, safety, and welfare.

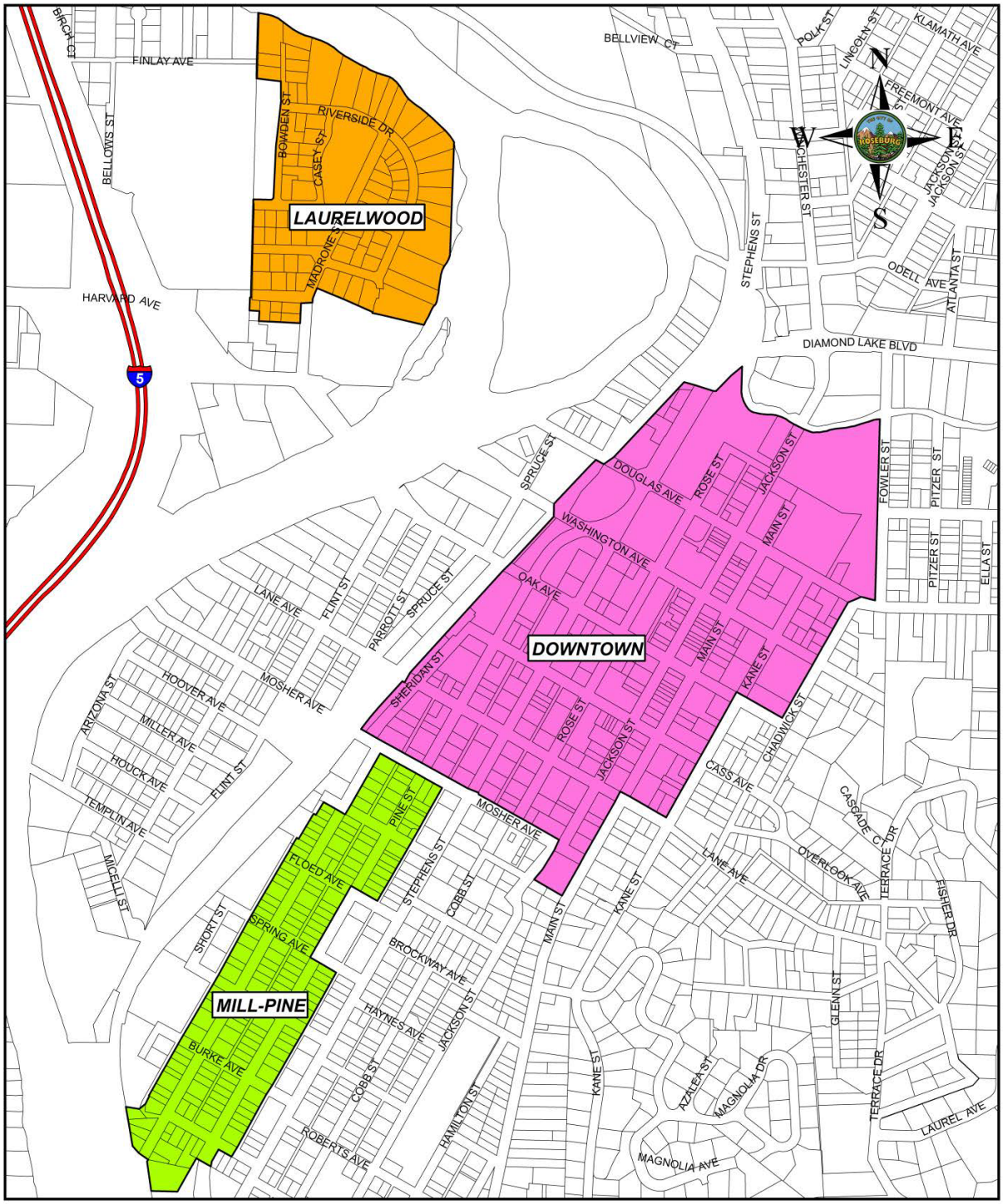
12.04.110 - Historic Districts Overlay.

A. Site review for registered historic resources. The purpose of historic preservation is to preserve, protect, maintain, and enhance those historic resources which represent or reflect elements of the cultural, social, economic, political, and architectural history. Historic resources are the sites, buildings, structures, objects, natural features, or specific districts that relate to events or conditions

of our past. Protected resources will provide educational value, enjoyment, and economic diversification as well as beautification of the City and enhancement of property values. This Section is intended to allow the City to review any changes including alterations, remodel, additions, demolitions, and/or new construction proposals at the time of site review to ensure that registered historic resources are preserved.

B. Historic resources. For the purposes of this Section, historic resources which are defined as sites, buildings, properties, or features within the Roseburg City limits that have been inventoried and/or are located within a designated historic district or otherwise listed on the City of Roseburg Historic Resource Register, the Douglas County Historic Resource Register and/or the National Register of Historic Places. Designated historic districts are shown on the following page in Figure 16: Historic Districts Overlay.

FIGURE 2-16: HISTORIC DISTRICTS OVERLAY



C. Exterior remodeling/alteration procedure. Upon receipt by the Community Development Department of all site plan review requests for exterior alteration of a historic resource, the Community Development Director shall within 15 working days, review the permit application for completeness and refer the request to the Historic Resource Review Commission to review the permit request within 30 working days of the date the complete application was submitted. The Historic Resource Review Commission shall review the permit request and shall:

1. Notify the applicant of the time and place of the review and be encouraged to be present. A failure to initiate review within 30 working days of completeness shall be considered as an approval of the application.

2. Direct the Community Development Director to submit to the Building Department a statement of development approval if the Historic Resource Review Commission finds the proposed alterations to be in compliance with Subsection 12.04.110(G).

3. Initiate one of the following if the Commission finds the proposed alterations to be in non-compliance with Subsection 12.04.110(G):

   a. Approve the application subject to compliance with conditions which will bring the application into conformance with Subsection 12.04.110(G), or

   b. Place up to a 60-day delay from the date of the hearing action on issuance of a building permit for the proposed alteration to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or

   c. Provide the applicant with information concerning local, state, and federal preservation programs so that the applicant may gain knowledge of alternatives available to them.

D. Additions to historic resources. Upon receipt by the Community Development Department of a request for construction of an addition on a designated historic property, the Community Development Director shall, within 15 working days, review the application for completeness and refer the request to the Historic Resource Review Commission to review the request within 30 working days of the date the completed permit application was submitted. A failure to initiate review within 30 working days shall be considered as an approval of the application. The Historic Resource Review Commission shall review the request and shall:

1. Notify the applicant of the time and place of the review and be encouraged to be present.

2. Direct the Community Development Director to submit to the Building Department a statement of development approval if the Commission finds the proposed addition to be in compliance with Subsection 12.04.110(G) or 12.04.110(H) as applicable.

3. Initiate one of the following if the Commission finds the proposed construction or addition to a historic resource inventoried as significant, primary, contributing, eligible-contributing, eligible-significant and/or similarly classified to be in noncompliance with Subsection 12.04.110(G) or a historic resource inventoried as non-historic/non-contributing, secondary, non-eligible and/or similarly classified to be in non-compliance with Subsection 12.04.110(H).

   a. Approve the application subject to compliance with conditions which will bring the application into conformance with Subsection 12.04.110(G) or 12.04.110(H) as applicable, or

   b. Place up to a 60-day delay from the date of the hearing action on issuance of a building permit for the proposed addition to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or

   c. Provide the applicant with information concerning local, state, and federal preservation programs so the applicant may gain knowledge of alternatives available to them.

Following review, the Commission may grant or deny the request for issuance of a building permit. The Community Development Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail. The decision of the Commission is final unless a written appeal from the property owner is received by the Community Development Director within 14 days after the date on which the decision was filed.

E. New construction on inventoried property. Upon receipt by the Community Development Department of a request for new construction on a property or in a district inventoried or otherwise designated a historic resource, the Community Development Director shall, within 15 working days, review the application for completeness and refer the request to the Historic Resource Review Commission to review the request within 30 working days of the date the completed permit application was

submitted. A failure to initiate review within 30 working days shall be considered as an approval of the application. The Commission shall review the request and shall:

1. Notify the applicant of the time and place of the review and be encouraged to be present.
2. Direct the Community Development Director to submit to the Building Department a statement of development approval if the Commission finds the proposed addition to be in compliance with Subsection 12.04.110(H).
3. Initiate one of the following if the Commission finds the proposed alterations to be in non-compliance with Subsection 12.04.110(H):
    a. Approve the application subject to compliance with conditions which will bring the application into conformance with Subsection 12.04.110(H), or
    b. Place up to a 60-day delay from the date of the hearing action on issuance of a building permit for the proposed construction to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or
    c. Provide the applicant with information concerning local, state, and federal preservation programs so the applicant may gain knowledge of alternatives available to them.

Following review, the Commission may grant or deny the request for issuance of a building permit. The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail. The decision of the Commission is final unless a written appeal from the property owner is received by the Community Development Director within 14 days after the date on which the decision was filed.

F. Demolition of historic resources. Upon receipt of the Community Development Department for a request for demolition of a historic resource, the Community Development Director shall schedule a hearing before the Historic Resource Review Commission to review the request. However, if the structure for which the demolition permit request has been filed has been damaged in excess of 70% of its assessed value due to fire, flood, wind, or other action of God, a demolition permit may be approved by the Director after ratification by the Historic Resource Review Commission. If the Commission does not ratify a demolition permit, damage does not exceed 70% or there is no documented requirement for demolition, then the Director shall schedule a hearing before the Historic Resource Review Commission to review the demolition request. A failure to initiate review within 30 working days shall be considered as an approval of the application.

The Commission may delay the issuance of the demolition permit or building permit for up to 60 days from the date of the hearings action. The Commission's decision shall be based upon consideration and completion of the following factors:

1. Reasonable efforts shall be made by the Commission to provide the owner of the structure with possible alternatives for demolition, including information concerning local, state, and federal preservation programs;
2. Reasonable effort shall be made by the Commission to maintain the historic structure by an acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project. A demonstrated lack of private and public funding for the above is sufficient cause to allow demolition;
3. Consideration shall be given to the Guidelines listed in Subsection 12.04.110(G); and,
4. The Commission may request the Director and/or applicant to seek assistance through referrals from the appropriate agencies and organizations, which may include: The State Historic Preservation Office, the Douglas County Museum, and the Douglas County Historic Resource Review Committee.

Following review, the Historic Resource Review Commission may grant or deny the request for issuance of a building permit or demolition permit. The Community Development Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a

copy to the applicant by mail. The decision of the Commission is final unless a written appeal from the property owner is received by the Community Development Director within 14 days after the date on which the decision was filed.

G. Exterior alterations/additions to historic resources. This Section applies to all contributing, significant, primary, historic, eligible or similarly classified historic resources. Affirmative findings shall be documented addressing the following guidelines based upon their relative importance.

1. Retention of original construction. All original exterior materials and details shall be preserved to the maximum extent possible.

2. Height. Additional stories may be added to historic building and zoning codes.

   a. The added height complies with requirements of the building and zoning codes.

   b. The added height does not exceed that which was traditional for the style of the building.

   c. The added height does not alter the traditional scale and proportions of the building style.

   d. The added height is visually compatible with adjacent historic resources.

3. Bulk. Horizontal additions may be added to historic buildings provided that:

   a. The bulk of the additions do not exceed that which was traditional for the building style.

   b. The addition maintains the traditional scale and proportion of the building style.

   c. The addition is visually compatible with adjacent historic resources.

4. Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.

5. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solids (window to wall) shall be visually compatible with traditional architectural character of the historic building.

6. Materials and Texture. In-kind materials and textures shall be used in the alteration or addition of historic resources. Exterior alteration or addition shall follow the requirements of the Secretary of Interior's Standards for Historic Preservation Projects and the Historic Preservation League of Oregon's Rehab Oregon Right manual.

7. Signs, lighting, and other appurtenances. Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic resource.

H. New construction/additions to non-historic resources. This Section applies to all non-historic, non-contributing, secondary, ineligible or similarly classified property within Roseburg's Historic Districts. New construction on a vacant lot within a historic district or on a property, lot, parcel or site designated as a non-historic, non-contributing, compatible, secondary and/or not-eligible historic resource can enhance the existing character if the proposed design reflects an understanding of, and is compatible with, the distinctive character of the setting and associated resources. Affirmative findings shall be documented addressing the following guidelines based upon their relative importance:

1. Siting New and Relocated Buildings. New, added or relocated buildings are sited according to features of the surrounding neighborhood and the overall character of the historic area in terms of orientation, distance to adjacent buildings, traditional setback, and retention of important site features per the requirements of the Secretary of Interior's Standards of Historic Preservation Project and the Historic Preservation League of Oregon's Rehab Oregon Right manual and as follows:

   a. Orientation. The new or relocated building is oriented in a manner to maintain the traditional pattern of the block.

b. Distance. The distance between the new or relocated building and the adjacent historic resource is compatible with the spacing between existing resources on the same street.

c. Setback. The setback of the new or relocated building is consistent with the setback of adjacent historic resources on the street.

d. Design. The overall character of the new construction or relocated building is compatible with existing site features (landscaping, garages and driveways, if applicable) and the traditional character of the surrounding area.

2. Height. The proportion of the new or relocated building is compatible with the average height of the traditional character of the surroundings.

3. Bulk and Scale. The bulk and/or proportions (size, mass, and/or volume) of any new or relocated building are compatible with the traditional character of the surrounding. Examine the massing of nearby buildings (whether symmetrical or asymmetrical, central block or L-shape), and design the new building with similar bulk.

4. Materials. The materials are consistent with the predominant materials and finishes found on other resources in the surrounding area. Examine the color, texture, pattern, composition, and scale of neighboring historic resources.

5. Width. The proportion of the new or relocated buildings is compatible with the average width and massing of the neighboring buildings. If a building is wider than other buildings on the block, the facade should be broken up into narrower bays that reflect the common historic widths.

6. Specific Design Elements. Design elements need to be compatible with the existing character of the surroundings with consideration for, but not limited to:

a. Roof Form. Visually, the roof form is the most important element in the overall building form. Keep roof forms consistent with the shapes traditionally used.

b. Windows and Doors. Keep the proportions and pattern of window and door opening similar to neighboring historic buildings. Keep the rhythm of solids (walls) and voids (windows and doors) consistent with the dominant pattern set in the area.

c. Exterior Siding. Select siding material that is compatible with the historic materials used in the neighborhood. Only use substitute siding materials if similar in style to those used historically.

d. Architectural Details. Architectural features are to complement the details and style of the neighboring historic buildings. Architectural elements such as eave details, window trim, water tables, and cornices help new buildings blend in with surrounding resources.

I. Minor project review and approval by the Community Development Director. The Community Development Director may approve projects listed within this Subsection that comply with adopted Design Guidelines cited in this Section. The Director retains the option to refer Minor Projects to the Historic Resource Review Commission for approval.

1. Minor Projects review by the Director shall be limited to:

a. Fences, new or replacement

b. Roof repair and replacement, including gutters and downspouts

c. Foundation repair and replacement

d. Window and/or door repair and replacement

e. Restoration projects to reintroduce original features and/or materials

f. Porch rail repair and replacement

g. Awnings

h. Signs

2. Minor Project consideration by the Director shall require the submittal of the following plans and materials:

   a. Material

   b. Color

   c. Style

   d. Features/Details

   e. Size

   f. Mass/bulk

   g. Ornamentation

3. A Minor Project Evaluation Checklist shall be completed by the Director for each project and a copy of the checklist along with a copy of the plans shall be provided to the Historic Resource Review Commission as an informational item.

12.04.120 - West Avenue Residential Overlay.

A. Purpose. The purpose of the West Avenue Overlay District is to implement the strategies of the West Avenue Redevelopment Plan and recognize and provide for existing dwellings of record located in an area described as south of and adjacent to NE Chestnut Avenue, north of and adjacent to NE West Avenue, east of and adjacent to NE College Street and west of and adjacent to NE Alder Street, as well as the properties at the southeast corner of NE West Avenue and NE Walnut Street. The area is further defined and shown on Exhibit 5 of the West Avenue Redevelopment Plan adopted by the City Council per Ordinance No. 3318 on October 12, 2009.

B. Definitions. The definitions provided in Section 12.02.110 of this Code shall apply except, for the purpose of this Section only, the following definitions are established:

"Existing dwelling of record" means residential dwelling units that were in compliance with the requirements and development standards in place at the time of construction including any applicable zoning regulations and building codes.

"Footprint" means the area within the exterior walls and supporting columns including the dwelling units, garages, covered carports, and accessory structures, but not open or uncovered decks, patio or porches

C. Permitted Use. Within the West Avenue Redevelopment Overlay District, Existing Dwellings of Record established as of the date this Code was adopted shall be Permitted Uses, subject to the general provisions and exceptions set forth by this Section.

D. Development Standards. Existing Dwellings of Record may be continued, replaced, ~~or~~ repaired or converted to a duplex dwelling within the existing footprint. Any proposed alterations, expansion or additions shall be subject to the following:

1. Coverage. Not over 80% of the lot shall be covered by buildings and/or other impervious surface.

2. Setbacks.

   a. Front Yard. No building addition or expansion shall be located closer than 15 feet from the front property line.

   b. Side Yard.

      i. No building addition or expansion shall be located closer than four (4) feet from side property lines for interior lots.

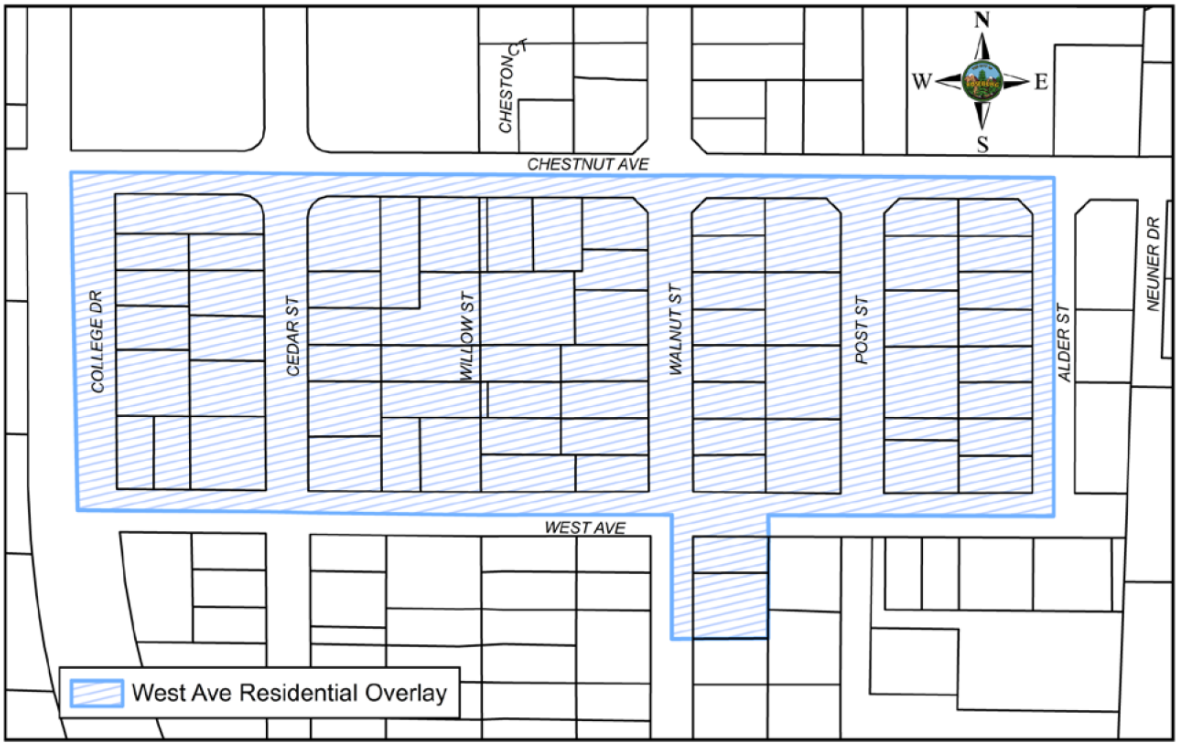
      ii. For exterior side property lines for corner lots the side setback shall be no less than ten (10) feet for any building addition or expansion.

c. Rear Yard. No building addition or expansion shall be located closer than five (5) feet from rear property lines.

3. Height. Maximum height for any structure shall be 35 feet.

4. Off-Street Parking. Paved parking to meet minimum off-street parking standards of Section 12.06.020 of this Code shall be provided.

5. When an Existing Dwelling of Record has been converted to a use permitted by the underlying Mixed Use (MU) Zone or the Existing Dwelling of Record has been demolished and replacement has not commenced and been diligently pursued to completion within 12 consecutive months of the removal, the provisions of the West Avenue Overlay Zone shall no longer apply.



12.04.130 - Riparian Habitat Protection Overlay.

(Not affected by proposed code amendments)

12.04.140 - Pine Street Waterfront Overlay.

(Not affected by proposed code amendments)

Chapter 12.06 - SITE DEVELOPMENT

12.06.010 - Site Plan Review.

A. Purpose. The purpose of this Section is to ensure that the development of property in the Roseburg Urban Area is commensurate with the character and physical limitations of the land; to promote and protect the public health, safety and welfare of the community; to enhance aesthetic values; to establish development which is suitably related to its environment; to prevent both extremes of monotonous uniformity and substantial dissimilarity; and, to conform with the adopted goals, objectives and policies of the Roseburg Urban Area Comprehensive Plan.

B. Site plan review required. No lot or parcel in any District established under the provisions of this Code shall hereafter be developed or physically altered, and no building or structure hereafter shall be erected, enlarged, or structurally altered until site development plans have been approved in accordance with the provisions of this Section. Without limiting the foregoing or any other provision of this Section, no installation of 3,000 square feet or more of asphalt or other impervious surfaces shall be made until site development plans have been approved in accordance with the provisions of this Section.

To the extent possible, site plan review shall be coordinated with any other plan review required by this Code. Where other provisions of this Code require plan review, such other review shall serve to meet the requirements of this Section; provided, however, that when the standards of this Section are more restrictive than comparable standards imposed by other provisions of this Code, the standards of this Section shall govern.

C. Authority. The Community Development Director shall review all site development plans required by this Section. The Director's authority shall be limited to that necessary to accomplish the provisions of this Section and the provisions of this Code.

1. The Director may:

   a. Approve the submitted plans;

   b. Approve the submitted plans with additions, modification, or changes; or

   c. Deny the submitted plans.

2. Application. The applicant for site plan review shall submit to the Director plans consisting of maps, drawings, written descriptions, or other materials necessary and appropriate for the Director to determine that the proposed development will conform to the general requirements of this Section and the specific requirements of this Code.

3. Appeal. Any administrative action by the Director with respect to approval, modification or denial of site plan review may be appealed by the applicant, as provided for in Subsection 12.10.010(Q) of this Code.

D. Criteria and standards. In addition to the other specific requirements of this Code and other applicable ordinances, development plans submitted to the Community Development Director shall comply with the following standards and criteria:

1. Improved Street Access Statement of Policy. Many streets within the Roseburg Urban Area do not conform to minimum design standards. Increases in traffic volume on substandard streets could result in the inefficient and unsafe movement of traffic, and could adversely affect the general health, safety, and welfare of users. The improvement of substandard streets to City design standards is essential for the ultimate development of the Roseburg Urban Area in a safe, orderly, and efficient manner.

   a. Therefore, any development for which parking is required by Subsection 12.06.030(H) of this Code shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of 24 feet along the entire frontage of the property,

and such paved street connects with a collector or arterial street, either directly or via other streets having a minimum paved width of 24 feet.

b. All developments shall provide adequate access for emergency services vehicles, as determined by the Fire Chief.

c. In the case where property fronts on a street that conforms to the requirements of this Section but otherwise is not fully improved to the standards established elsewhere in this Code, either expressly or by reference, or in the case where property abuts a street which does not conform to the standards established elsewhere in this Code, either expressly or by reference, the property owner shall improve the street as required to the standards established elsewhere in this Code or, upon the Community Development Director's determination under Subsection 12.06.010(E) of this Code, shall file with the City a suitable instrument of commitment of the subject property in perpetuity to any Local Improvement District, present or future, which may be created for the purpose of financing improvements of abutting streets to the minimum standards established elsewhere in this Code, either expressly or by reference.

2. Compatibility. Compatibility with the surroundings and the Comprehensive Plan's designation for uses on surrounding property, particularly when the surrounding property is residential in character. In applying this standard and criteria:

a. Odor, dust, smoke, fumes, noise, glare, heat, and vibration from uses which might create a nuisance or be offensive to other uses in the area or be incompatible with such other uses, shall be adequately eliminated or controlled.

b. Due consideration shall be given to the preservation of historical and natural features.

c. Nonconforming uses shall not take precedence over a proposed development which enhances the aesthetics or value of the surrounding property.

d. This standard and criteria shall not take precedence over the need for housing for all income groups in the City.

e. Signs shall be of a scale that is in harmony with the site and surrounding development and may be illuminated if within the lighting and other standards and criteria of this Section.

3. Water for Domestic Use. All structures containing a plumbing fixture shall be required to use the City's water supply system as the sole water source. No development shall be permitted which uses a well as a water source for any structure containing a plumbing fixture.

4. Additional Factors. Additional specific factors as necessary to fulfill concerns raised at the time the property is zoned or rezoned.

E. Dedications and improvement petitions. If an applicant intends to assert that he/she cannot legally be required, as a condition of building permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the building permit or site plan review application shall include a Rough Proportionality Report submitted by the applicant and prepared by a qualified civil or traffic engineer, or qualified professional in the field of the issue in question as appropriate, showing:

1. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or convenience;

2. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;

3. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and

4. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

Where the Community Development Director determines that the public need would be better served by dedication of rights-of-way rather than easement, the site plan shall so indicate, and the land shall be conveyed to public ownership by instrument. Where the Director determines that it is in the public interest to delay construction of any local improvement required by this Section, the Director may require the property owner file with the City a suitable instrument of commitment for the subject property in perpetuity to the formation of a local improvement district, present or future, which may be created for the purpose of constructing and financing the local improvement by special benefit assessment.

F. Documentation of approved plans. Approval of site plan becomes effective on the date of action by the Community Development Director.

G. Limits of approval. If a building permit for a development for which site plan approval has been granted is not obtained within six (6) months of said approval, unless an extension has been requested and granted by the Director within that time period, said approval is deemed automatically revoked, and a new site plan and application must be submitted and approved prior to issuance of a building permit.

H. Modifications. Except for interior structural modifications, changes in use and alterations that are in character with those associated with the original or subsequent approvals and changes deemed minor by the Community Development Director, all modifications subsequent to site plan approval must be reviewed and approved according to the requirements for original submittals.

I. Compliance. Once approved, the development of the site must conform to approved site plans and all conditions attached thereto. Any departure constitutes a violation of this Code.

12.06.020 - Public Improvement Requirements.

A. Access, parking and loading. Arrangement of parking, loading, internal circulation and driveways shall be reviewed for safety, convenience, and mitigation of potential adverse impacts on neighboring properties, the operation of public facilities, and on the traffic flows of adjacent and nearby streets.

1. Driveway access shall be from adjacent streets of the lowest classification. Driveway access to arterial and collector streets may be permitted if no reasonable alternative street access exists or where heavy use of local streets is inappropriate due to traffic impacts in residential areas.

   a. For a duplex dwelling with frontage on two local streets, access may be permitted on both streets provided that the distance from the intersection complies with Table 3-1: Minimum Driveway Spacing.

2. Where a proposed development abuts an existing or proposed Arterial or Collector Street, the development and off-street improvements shall be designed to minimize traffic conflicts.

3. Bus turn out lanes may be required consistent with an adopted transit plan.

4. Additional improvements or design modifications necessary to resolve identified transportation conflicts may be required by the Public Works Director.

5. Driveways shall be designed to allow safe and efficient vehicular ingress and egress in accordance with City of Roseburg Public Works Standards.

6. Except where specified in an adopted access management plan, minimum separation between a standard driveway (measured from the end of the curb radius at the driveway or the top of the transition) and the nearest intersection curb return (measured at the end of the curb radius at an intersection or the top of the transition) or between two driveways (except driveways for single-family residential and duplex on local street on abutting lots) on the same side of the street shall be as shown in Table 3-1: Minimum Driveway Spacing.

TABLE 3-1: MINIMUM DRIVEWAY SPACING

LAND USE	STREET TYPE		
	ARTERIAL	COLLECTOR	LOCAL
Industrial	500'	200'	150'
Commercial/ Public Land	500'	200'	75'
Multi-family Residential	500'	200'	75'
Single-family Residential and Duplexes	500'	200'	30' [1]

[1] May be reduced to 22 feet between two driveways on the same lot.

7. Distances shown in Table 3-1 may be reduced in the following circumstances:

   a~~i~~. Access is from a one-way street.

   b~~ii~~. The driveway is designed and marked "right turn entrance only."

   c~~iii~~. The driveway is marked "exit only" and is designed to prevent left turns.

   d~~iv~~. Exceptions to this requirement may be granted by the Community Development Director when recommended by the Public Works Director. Evaluations of exceptions shall consider the posted speed for the street on which access is proposed, constraints due to lot patterns, and effects on the safety and capacity of the adjacent Public Street, bicycle, and pedestrian facilities.

B. Access permission. The following shall apply to all public and private streets within the City and to all properties that abut these streets:

1. Permission to access City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Section, Public Works Standards, any access management plans, and any access management agreements between ODOT and the City. Access will be evaluated and determined as a component of the land use decision process. Construction shall be as detailed in the review and decision of the land use.

2. Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City. In that case, the City shall determine whether access is granted based on ODOT and City adopted standards.

3. Nonconforming Access. Legal accesses in place as of March 12, 2008 that do not conform with the standards herein are considered nonconforming and shall be brought into compliance with standards when new access is requested, or with a change in use or when improvements are proposed that would increase the trip generation.

C. Traffic impact study.

1. A Traffic Impact Study (TIS) shall be required based on anticipated negative significant traffic and safety impacts projected to be caused by the proposed development as determined by the Community Development Director after a recommendation from the Public Works Director.

Negative significant traffic and safety impacts may include, but not be limited to:

a. An anticipated increase of at least five percent (5%) of the current traffic volume during the peak hour and at least 100 trips per day.

b. Additional traffic and turn movement projected to result from the proposed development is projected to exceed the applicable volume to capacity ratio and/or level of service:

Volume to Capacity Ratio:

Arterial: 0.85

Collector: 0.90

Local: 0.95

Level of Service Standard:

Signalized intersection: LOS D

Non-signalized intersection: LOS E

Downtown Intersection: 0.95 and LOS E

c. A significant capacity and/or safety problem is likely to be caused by, or increased by the development.

2. When required, the TIS shall, at a minimum:

a. Utilize a Scope of Work and an Analysis Methodology approved or accepted by the Community Development Director.

b. Consider cumulative impacts of existing and proposed development in the study area.

c. Include long-term impact (20-year) of the development in the context of the projected traffic environment at five-year increments.

d. Consider circulation and safety needs for pedestrians, bicyclists, and transit in addition to motor vehicles.

e. Extend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%).

D. Intersections. Intersections shall be designed and constructed in accordance with the following requirements:

1. In order to minimize traffic conflicts and provide for efficient traffic signalization, intersections involving curb return driveways and streets, whether public or private, shall be directly opposed, unless a Traffic Impact Study indicates that an offset intersection benefits public safety to a greater degree.

2. Streets shall intersect one another at an angle as near to a right angle as is practicable, considering topography of the area and previous adjacent layout, but in no case at an angle less than 60 degrees. The right-of-way and street paving within the acute angle shall have a minimum of 30 feet centerline radius. At intersections, each collector or arterial street shall be straight or shall have a radius greater than 600 feet for a distance of 100 feet from each intersection.

3. Intersections shall be so designed that no offset dangerous to the traveling public is created as a result of staggering intersections. The minimum offset between two local streets that do not have left turn storage needs shall be 200 feet. The minimum offset between two streets other than local streets shall be determined by the Community Development Director after a recommendation from the Public Works Director. In all cases, the minimum distances shall be the offset of the centerlines of side streets or driveways. These minimums may be increased based on traffic safety considerations.

E. Sidewalks, curbs, gutters, storm drainage.

1. When Construction Required. It shall be a condition of the issuance of a development permit for all property being newly developed, or developed to the extent that structural alteration will increase the size of the total gross floor area on the property, that sidewalks, curbs, gutters, and storm drainage facilities, conforming to the standards and guidelines established by the Public Works Director, shall be installed along the entire frontage of the property at the sole cost of the permittee prior to the issuance of an occupancy permit, except as provided for in Paragraphs 12.06.020(E)(3) and 12.06.020(E)(4) as outlined below.

2. Zone Change, Subdivision Plats, Planned Unit Development, and Street Construction.

   a. As a condition of approval of final plats for subdivisions and final plans for planned unit developments, the applicant shall be required to provide for installation of the permanent improvements described in Paragraph 12.06.020(E)(1) above.

   b. Subject to the limitations and exceptions set forth in Paragraph 12.06.020(E)(4) below, the construction of curbs, gutters, sidewalks, and storm drainage facilities conforming to standards and guidelines of the Public Works Director shall be completed prior to issuance of an occupancy permit for all property where there is a change in zoning and actual use from a residential district to any other zone and use.

   c. Where the construction of a public street is to take place, whether through assessment proceedings, developer construction, or a government sponsored or funded project, said street shall be constructed with the improvements specified in Paragraph 12.06.020(E)(1) above.

3. Financing For Single Property Improvements. The improvements specified in Paragraph 12.06.020(E)(1) above may be constructed by the City and paid for by the property owner via an assessment against the property in accordance with financing alternatives, if any, provided in this Code, and subject to approval by the Public Works Director.

4. Limitations and Exceptions. The improvements specified in Paragraph 12.06.020(E)(1) above shall not be required at the time of issuance of a development permit for new construction or development adjacent to public streets, or at the time of a zoning and actual use change from a residential district when:

   a. An existing single family dwelling, duplex and/or its accessory structure(s) is replaced without increasing the size of the floor area or altered by one or more increases in the size of the floor area adding up to a total increase of less than fifteen percent of the total gross floor area of all structures [1] on the property during a fifteen-year period, and

   No public sidewalks exist within 250 feet of the front property line on the same side of the street of any of the frontages. A corner lot or parcel has two or more front property lines and frontages.

   b. No final profile grade elevation for the street can be established by the Public Works Director based on then existing knowledge of planned street widening or improvements or where in residential zones, topographical features or existing public utilities or similar obstructions prevent construction to standards set by this code as determined by the Public Works Director; or

   c. When unsolved problems relating to drainage or other street construction factors prevent or make impracticable final sidewalk construction on said street at a time prior to the expected completion date of the construction for which the permit is sought. However, the property owner, or the permittee, prior to issuance of a certificate of occupancy, shall be required to grade, either by cutting or filling or a combination thereof, the public right-of-way from the nearest edge of the existing traveled way to the right-of-way margin of the street adjacent to the property to provide for drainage in accordance with standards and as directed by the Public Works Director.

d. When the property is located in an RO, R10, R7.5, or R6 District and has been exempted by street, block or neighborhood under this Paragraph 12.06.010(E)(4).

e. When improvements are not constructed at the time of issuance of a development permit, pursuant to "a," "b," , "c" or "d" above, the applicant or property owner shall also agree in a signed written and subsequently recorded agreement to install permanent sidewalk improvements at his/her sole cost, or in accordance with other agreed financing alternatives, at such time, if any, as the street is improved and conditions permit said construction, all as directed by the Public Works Director.

5. Relief and Appeal. The jurisdiction may from time to time establish, revise, delete, or otherwise determine what streets, blocks, or neighborhoods may be exempted from these standards due to terrain, physical restrictions, available right-of-way width, or other substantial reason. The City Council shall have authority to grant relief from the application of provisions of Subsection 12.06.020(E) upon due notice and hearing, and upon a finding by the City Council that, due to physical conditions beyond the control of the applicant, application of these requirements would result in unworkable or unsafe conditions, including adverse effects on use or access to the premises.

6. Standards to be Developed by the Public Works Director. Standards and guidelines shall be developed by the Public Works Director for sidewalk improvements and associated construction.

7. Conditions to Issuance of Permit to be in Writing. The applicable conditions to issuance of a development permit which are imposed by this Section shall be written upon the permit or embodied in a separate written agreement and attached to the permit, which shall be made a part of the permanent records of the Building Official.

(Ord. No. 3540 , § 1, 7-13-2020)

[1] Only structures that would require a building permit to be constructed are included in the calculation of gross square footage of structure(s) on the property.

12.06.030 - Site Improvement Requirements.

A. Purpose. The objective of this Section is to set minimum development standards for private property which promote and protect the public health, safety and welfare of the community; to enhance aesthetic values; and to conform with the adopted goals, objectives and policies of the Roseburg Urban Area Comprehensive Plan.

B. Site development—Excavation and fill placement.

1. Excavation, fill placement, or removal of trees or ground cover shall require a permit from the Community Development Department if any of the following conditions apply.

a. The volume of fill placement or excavation exceeds five (5) cubic yards for any 1,000 square feet of area.

b. The proposed fill placement or excavation will result in disturbing 3,000 or more square feet.

c. The property contains all or portions of a river, stream, wetland, spring, or other source where the continuous presence of water is indicated and which would be disturbed.

d. Lands within and identified on the City of Roseburg Slope Map or having slopes of greater than 12% shall comply with the requirements identified in Section 12.04.100 of this Code.

e. Exceptions. A site development permit shall not be required for the following activities:

i. Projects or developments which have received Site Plan Review approval.

ii. The installation and maintenance of public utilities and infrastructure such as water lines, water meters, pump stations, sewer lines, and streets by the City, Roseburg Urban Sanitary Authority, other utilities or their contractors.

iii. Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.

iv. Removal of trees, ground cover, or obnoxious vegetation on partially developed property for purposes of general property and utility maintenance, fire hazard removal, landscaping, or gardening without the use of a bulldozer or similar mechanical equipment.

2. Application and Submittal Requirements. The application shall include, at a minimum, the following information.

a. Map/Plan. The submitted map/plan shall include the date, north arrow, location of adjoining streets, structures and property, existing utilities, scale, and contours at no more than two-foot intervals.

b. Property description(s). Legal description including accurate property lines and boundaries.

c. Planned Improvements. Proposed location of all improvements, including but not limited to structures, utilities, roads, storm drainage, and retaining walls.

d. Topography. Natural features, tree groupings, rivers, streams, wetlands, or other geographical features.

e. Stabilization/Erosion Control Method(s). Proposed methods for bank stabilization, erosion control plan and measures (DEQ requirements), and land restoration.

f. Vegetation/soils. General description and notation of trees and ground cover; general description of soils and characteristics. Subject to review, certain development projects may require a geo-technical report.

g. Grading Plan. Plan including cut and fill areas, existing and finish grades and slope height.

h. Drainage. Drainage plan complying with the Storm Drainage Master Plan.

i. Supplementary Information. Name and address of property owner.

j. Written Information.

i. Project Description. General description of the proposed project.

ii. Schedule. Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control, and future development.

iii. Additional Permit(s). Permit approvals or applications from other agencies such as the Oregon Division of State Lands, Oregon Department of Environmental Quality, or The U.S. Army Corps of Engineers shall be provided at the time of application submittal.

iv. Other. Other information as deemed necessary by the Community Development Department in order to adequately review and approve the application.

3. Minimum Requirements.

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.

4. 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.

C. Surface water drainage.

1. 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).

2. If a development is or will be periodically subject to accumulation of surface water or is traversed by a water course, drainage way, channel, stream, creek, or river, the applicant may be required to dedicate to the public storm drain easements approved as adequate by the Public Works Director to provide for present and future drainage needs of the area, including access for maintenance. Storm drainage facilities shall conform to the standards established by the Public Works Director.

D. Underground utilities.

1. All new major development shall be served by underground utilities, including, but not limited to, electrical, telephone, cable television, and street lighting lines.

   a. For the purpose of this Chapter, new major development is any new development containing more than 5,000 square feet of gross floor area, either in a single structure or in the sum of all structures constructed on a single lot or parcel, or any enlargement or structural alteration exceeding 5,000 square feet of gross floor area, for which site plan review is required by this Chapter, and any development subject to the requirements of Chapter 12.12 of this Code and/or any development where underground utilities are available and accessible.

   b. The Director may vary the requirements of this Section upon finding that such strict application is impractical due to the location of existing overhead utilities, unusual and special utility requirements of the development, or other conditions beyond the control of the developer.

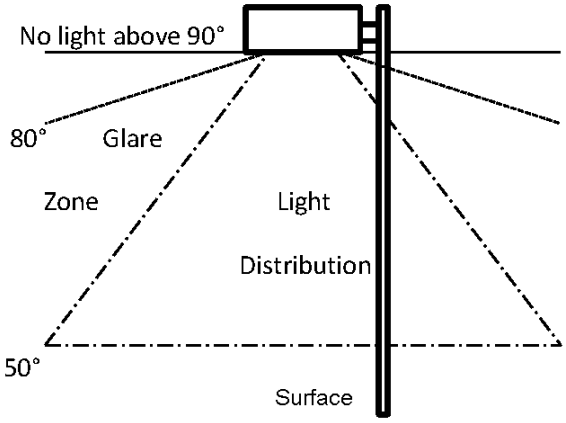
   c. Whenever overhead utilities are utilized in a development, the Director shall review the proposed location of such overhead utilities, and may require their arrangement and location in such a manner to better carry out the purpose of the Chapter.

E. Lighting. Adequate exterior lighting shall be provided to promote public safety and shall be directed onto and confined to the property from which it is generated. All outdoor light fixtures used for general illumination or advertisement are subject to the standards in the following Paragraph 12.06.030(E)(1)—(2) unless exempted by the following Paragraph 12.06.030(E)(3).

1. All on-site lighting shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination, glare, or cast a shadow onto adjacent properties or into the public right-of-way.

   a. Full cut-off means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane.

   b. Example:



c. Glare means stray, unshielded light striking the eye that may result in nuisance such as light shining into a window, discomfort causing squinting of the eyes, disabling vision by reducing the ability of the eyes to see into shadows, or reduction of visual performance.

2. The use of laser light, high intensity light, searchlight, or similar upwardly directed lighting is prohibited.

3. Exemptions.

a. Lighting associated with the operation of an airport when said lighting is required to meet Federal Aviation Administration (FAA) standards.

b. Low intensity, upwardly directed lighting intended to highlight part of a building, sign, flag, or landscaping may be permitted, provided that the light distribution from the fixture is effectively constrained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the night sky. Containment elements may include but are not limited to awnings, shrubs, or dense tree canopies that limit illumination of the sky.

F. Screening. Except in the Heavy Industrial District (M3), exposed storage areas, utility buildings, machinery (ground- or roof-mounted), garbage and refuse storage areas, service and truck loading areas, and other accessory uses and structures shall be adequately set back and screened. Screening may consist of fences, walls, berms, and landscaping, or any combination thereof, which effectively obscures sight, is six (6) feet in height and meets the intent of this provision or otherwise conforms to the standards established by this Code. Screening or buffering of parking areas in all districts shall conform to the standards established in Subsection 12.06.030(T). Roof-mounted equipment may be granted an exception to these standards if the equipment is set back at least three (3) feet from the edge(s) of the roof for every one (1) foot of equipment height.

G. Garbage container areas. New Development, except single-family and duplex ~~two-family~~ dwellings, shall provide a Garbage and Recycle Container area that shall be screened per Subsection 12.06.030(F). Multifamily housing complexes shall also provide recycling containers for at least four (4) principal recyclable materials. Garbage and Recycle Container Areas shall meet the following construction design standards:

1. All containers must be placed on a hard level surface.

2. All containers shall have a minimum clear area 65 feet long by 12 feet wide in front with no obstructions.

3. This area must be on the same cross slope as the container (level).

4. The clear area and hard level surface under the container must be flush (No curbs or drops).

5. The unobstructed area must have no more than a two percent (2%) slope front to back.

6. Enclosures shall have a minimum of 18 feet overhead clearance over the entire clear area.

7. Any enclosure shall have a minimum opening of ten (10) feet centered in front of the clear area.

8. Any enclosure gates shall open past 90 degrees.

9. All enclosures shall have a curb or other stop at least four (4) inches high and a minimum of six (6) inches in front of back wall or fence.

10. Developments proposing to deviate from these requirements shall submit written approval from the designated service provider prior to City consideration.

11. Uses having cooking grease contained for recycling purposes shall provide appropriate containment areas within the garbage container area that has curbs and an approved grate trap.

H. Off-street parking. At the time of erection of a new structure, the addition of dwelling units, at the time of enlargement except for enlargement of a ~~one or two family~~ single-family or duplex dwelling, or at the time of a change in the use of an existing structure, off street parking spaces and bicycle parking spaces shall be provided in accordance with this Section and Table 3-3: Minimum Parking Spaces Required, except as otherwise provided. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified, the area measured shall be the gross floor area of the building, excluding restrooms, hallways, mechanical spaces, elevators, stairwells, and space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors. Where the resulting number of spaces is a fraction of a parking space, any fraction under one-half shall be disregarded and any fraction of one-half (½) or more shall count as one (1) space.

TABLE 3-3: MINIMUM PARKING SPACES REQUIRED

LAND USE	MINIMUM VEHICULAR PARKING SPACES	BICYCLE PARKING SPACES
1)RESIDENTIAL		
a) ~~One and two~~Single-family dwelling~~s~~	2 per dwelling unit	N/A
b) Duplex dwelling	1 per dwelling unit	N/A
c~~b~~) Multi-family dwelling		1 per unit for developments with 4+ dwelling units
i) One-bedroom units	1.5 per dwelling unit	
ii) Two-bedroom units	1.75 per dwelling unit	
iii) Three+ bedrooms units	2 per dwelling unit	
d~~c~~) Townhouse	2 per dwelling unit	N/A
~~d) Accessory Residential Unit~~	~~1 per dwelling unit~~	~~N/A~~
e) Residential Home	1 for every 2 rooms	N/A

f) Bed and Breakfast	2 plus 1 space per guest room	N/A
2)COMMERCIAL/RESIDENTIAL		
a) Motel/Hotel	1 per guest room or suite plus required parking for on-site uses	1 per 15 required auto spaces
b) Residential Facility	1 per 5 beds	1 per 15 required auto spaces
3)INSTITUTIONAL		
c) Welfare or Correctional Institution	1 per 5 beds based on maximum capacity	1 per 15 required auto spaces
d) Hospital	2 per bed based on maximum capacity	1 per 15 required auto spaces
4)PLACES OF ASSEMBLY		
a) Religious Institution or other place of assembly	1 per 4 seats in the main auditorium based on maximum capacity, or 1 for each 5 occupants based on maximum capacity as calculated under the provision of the building code.	1 per 20 required auto spaces
b) Library, Reading Room, Museum, Art Gallery	1 per 300 square feet of floor area	1 per 10 required auto spaces
c) Pre-School, Child Care Facility, Kindergarten	2 for the first 16 children plus one additional space for every 12 children thereafter, along with off-street loading and unloading area	1 per classroom
d) Elementary or Junior High School	2 per classroom, plus one for each 5 fixed seats in any area used for auditorium purposes; if no fixed seating, one for each 5 occupants based on building code along with off-street loading and unloading	1 per 2 required auto spaces
e) High School	5 per classroom, plus one for each 5 fixed seats in any area used for auditorium purposes; if no fixed seating, one for each 5 occupants based on building code along with off-street loading and unloading	1 per 10 required auto spaces
f) College; Commercial School	7 per classroom plus one for each 5 fixed seats in any area used for auditorium purposes; if no fixed seating, one for each 5	1 per 5 required auto spaces [1]

	occupants based on building code	
g) Political, Civic, Social or Labor Organization Meeting Halls	1 per 4 seats based on maximum capacity or 1 for each 5 occupants based on maximum calculated in the building code	1 per 25 required auto spaces
h) Other Auditorium, meeting room	1 per 4 seats based on maximum capacity or 1 for each 5 occupants based on maximum as calculated in the building code	1 per 20 required auto spaces
5)RECREATIONAL		
a) Stadium, Arena, Theater	1 per 5 seats based on maximum capacity or 1 for each 5 occupants based on maximum capacity as calculated under the provisions of the building code.	1 per 10 required auto spaces
b) Bowling Alley	3 per lane	1 per 15 required auto spaces
c) Dance Hall	1 per 100 square feet of floor area	1 per 15 required auto spaces
d) Skating Rink	1 per 200 square feet of floor area	1 per 15 required auto spaces
e) Swimming pool facility	1 per 200 square feet of pool surface area	1 per 15 required auto spaces
f) Racquet court, athletic club	1 per court, plus 1 per 100 square feet of exercise area	1 per 15 required auto spaces
g) Other indoor recreation facility	1 per 100 square feet of floor area	1 per 15 required auto spaces
h) Outdoor recreation facility	25 per field or recreation area	1 per 10 required auto spaces
6) COMMERCIAL[2]		
a) Grocery store, retail store, bank, professional office, laboratory, beauty/barber shop or other personal service, and dining establishments with a gross floor area no greater than 2,500 square feet located within a multiple-use building	1 per 300 square feet of floor area	1 per 15 required auto spaces

	b) Furniture, appliance, auto, boat, manufacture or mobile home sales, trailer sales, or other bulk retail	1 per 700 square feet of floor area	N/A
	c) Medical or dental offices, emergency or urgent care clinics	1 per 200 square feet of floor area	N/A
	d) Sit-down and carry-out restaurant, tavern, bar and nightclub	1 per 100 square feet of floor area	1 per 30 required auto spaces
	e) Drive-in restaurant or other drive-in services	1 per 4 seats or one per 200 square feet of floor area, whichever is greater	N/A
	f) Mortuary, Funeral Parlor or Mausoleum	1 per 4 occupants based on maximum capacity as calculated under the provisions of the building code	N/A
	g) Ambulance or Rescue Services	1 per rescue vehicle, plus 1 per employee	N/A
	h) Automobile Repair Garage	At least 4 for each service stall	N/A
	i) Automobile Service Station	1 per 2 gasoline pumps	N/A
	j) Truck, trailer and automobile rental	1 per 300 square feet of building area plus one for every 10 spaces devoted to rental vehicles	N/A
	k) Private Utility (gas, electric, telephone, etc.)	1 per 300 square feet of building area, and in the case of an unstaffed facility, at least 2 spaces	N/A
	l) Laundromat and Dry cleaning Facility	1 per 300 square feet	N/A
	m) Passenger Transportation Terminal	1 for each 5 seats based on maximum capacity for each transporter loading and unloading within any half-hour period	1 per 10 required auto spaces
7)INDUSTRIAL			
	a) Manufacturing Establishments	1 per each 500 square feet floor area	1 per 15 required auto spaces
	b) Storage, Warehouse, Wholesale establishment; rail or trucking freight terminal; truck, trailer or auto storage	1 per each 1,500 square feet floor area	N/A

	c) Building or Specialty Trade Contractor Office or Shop	1 per 500 square feet of floor area	As determined by the Director
8)UNSPECIFIED USE			

The parking requirements for buildings and uses not set forth herein shall be determined by the Director, and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the Director may be appealed to the Commission in accordance with the provisions of Subsection 12.10.010(Q) of this Code.

[1] May be reduced up to 25% where design incorporates features that promote alternative transportation access, such as walking, bicycling, or transit and it is demonstrated that alternative transportation access, such as walking, bicycling, or transit is available and is likely to be used.

[2] Bicycle Parking is not required in the Central Business District (CBD).

I. Bicycle parking standards.

1. Bicycle Parking Facility Design.

a. Bicycle parking facilities shall either be securely anchored lockable enclosures in which the bicycle is stored, or secure anchored stationary rack which support the frame so the bicycle cannot easily be pushed or fall to one side. Racks that require a user-supplied lock shall accommodate locking the frame and both wheels using either a cable or U-shaped lock.

b. Bicycle parking spaces shall be at least six (6) feet long and two-and-one-half (2.5) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet.

c. A five-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.

d. Required bicycle parking shall be located in a well-lighted, secure, and visible location.

2. Locational Standards for Bicycle Parking.

a. All required bicycle parking shall be located on the site. Bicycle parking shall have direct access (i.e., from the street or path to the parking area and from the parking area to the entrance) to both the public right-of-way and to the main entrance of the principal use via a walkway meeting the standards of Subsection 12.06.030(W) of this Code.

b. Public bicycle parking shall be distributed at the various public entrances, while employee parking shall be located at the employee entrance, if appropriate.

c. Bicycle parking shall not be located in the public right-of-way; however, in exceptional circumstances bicycle parking in the public right-of-way may be allowed if approved in writing by the Public Works Director.

d. Bicycle parking may be provided within a building, but the location must be easily accessible for bicyclists.

J. Accessible (ADA) parking standards. All parking areas, except for one and two-family dwellings, accessory residential units, and townhouses, shall provide parking spaces in conformance with the Americans with Disabilities Act (ADA), all Uniform Building Code Standards and based on the ratios shown in Table 3-4: Ratio of Accessible Parking Spaces:

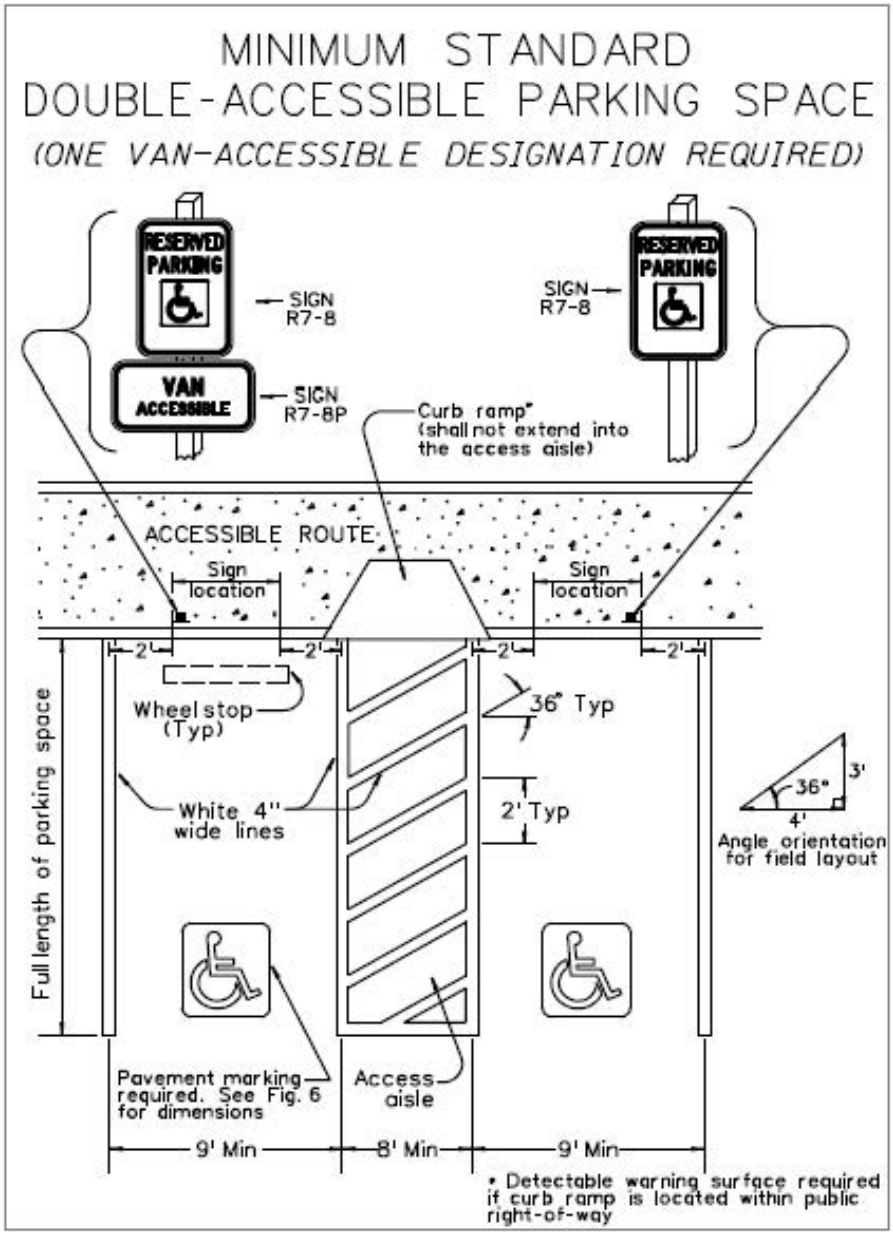
TABLE 3-4: RATIO OF ACCESSIBLE PARKING SPACES

TOTAL PARKING AREA SPACES	REQUIRED ACCESSIBLE SPACES
1—25 spaces	1 space
26—50 spaces	2 spaces
51—75 spaces	3 spaces
76—100 spaces	4 spaces
101—150 spaces	5 spaces
151—200 spaces	6 spaces
201—300 spaces	7 spaces
301 or more	7 plus 1 for each 100 additional spaces

For each accessible parking space provided which conforms to the provisions of this Section, one (1) parking space, otherwise required by Subsection 12.06.030(H) may be eliminated subject to the following limitations:

1. Space Specifications. Each accessible parking space shall be at least nine (9) feet wide and shall have an adjacent access aisle. The adjacent aisle shall be at least six (6) feet wide for standard spaces and eight (8) feet wide for "van-accessible" spaces. If one (1) accessible space is provided, it shall be designated "van-accessible." All other spaces may be either "van-accessible" or standard spaces (refer to Figure 3-1: Accessible Parking Spaces).
2. Access Aisle. The aisle shall be located on the passenger side of the parking space except that two (2) adjacent accessible parking spaces may share an aisle (See Figure 3-1).
3. Signs and Pavement Markings. A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space and marked with the international symbol of accessibility indicating that the spaces are reserved for persons with disabled person parking permits and be designed to standards adopted by the Uniform Building Code. The pavement of each accessible parking space shall be clearly marked with the international symbol of accessibility and be designed to standards adopted by the Uniform Building Code.
4. Space Location. Each accessible parking space and adjacent aisle shall be situated so as to avoid requiring any person using the space from having to cross or traverse within any access driveway, vehicle maneuvering area or other vehicle traffic lane.
5. Ramps. When accessible parking spaces are provided, safe and convenient curb ramps shall be installed to meet Uniform Building Code specifications. Building design and subsequent activities shall not unreasonably impair access by physically challenged persons to the principal use.

FIGURE 3-1: ACCESSIBLE PARKING SPACES



K. Parking stall standards.

1. Table 3-5: Required Stall and Aisle Dimensions, provides the minimum dimensions of public or private parking stalls and maneuvering aisles.

   a. Stalls with angles between 0° and 90° that are served with a two-way aisle shall be angled in opposing directions (Figure 3-2: Parking Design Key, represents stalls served by a one-way aisle).

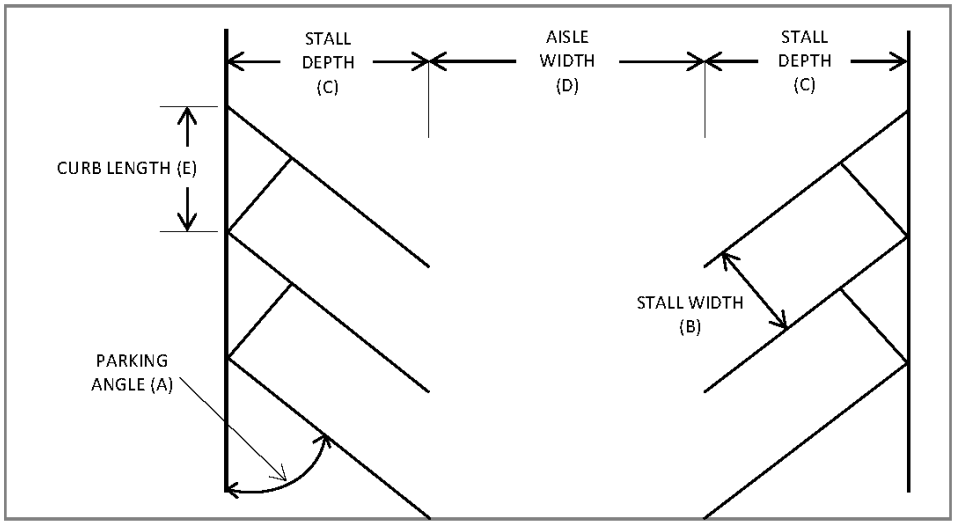
   b. One-way and two-way maneuvering aisles that do not directly serve parking stalls (e.g., provide access to other areas of a parking lot) shall be 12 feet and 20 feet-wide respectively.

TABLE 3-5: REQUIRED STALL AND AISLE DIMENSIONS

PARKING ANGLE (A)	TYPE OF STALL	STALL WIDTH (B)	STALL DEPTH (C)	AISLE WIDTH (D)		CURB LENGTH (E)
				ONE-WAY	TWO-WAY	
0° (parallel)	Standard	9	9	12	24	22
30°	Compact	8	15	12	24	16
	Standard	9	17.3	12	24	18
45°	Compact	8	17	12	24	11.5
	Standard	9	19.8	14	24	12.7
60°	Compact	8	18	18	24	9
	Standard	9	21	18	24	10.4
90°	Compact	8	18	24	24	8
	Standard	9	18	24	24	9

Dimensions are rounded to the nearest 10 th of a foot.

FIGURE 3-2: PARKING DESIGN KEY



2. Compact Car Parking. The Director may authorize the creation of compact car spaces in any public or private parking area which contains a minimum of ten (10) parking spaces. The number of parking spaces established for compact cars shall be based on the ratios shown in Table 3-6: Percent of Permitted Compact Spaces. All compact car parking spaces created under the provisions of this Section shall be clearly identified as compact car spaces.

TABLE 3-6: PERCENT OF PERMITTED COMPACT SPACES

NUMBER OF SPACES REQUIRED	PERCENT OF DESIGNATED COMPACT SPACES
10—25 Spaces	15 Percent
26—50 Spaces	20 Percent
51—100 Spaces	25 Percent
Over 100 Spaces	30 Percent

3. Motorcycle Parking. Motorcycle parking spaces may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less.

   a. For every 4 motorcycle spaces provided, the automobile parking requirement is reduced by one space.

   b. Each motorcycle space shall measure 4 feet by 8 feet, or 50 percent of the required stall and aisle dimension standards for a compact space (Table 3-5), whichever is less. Each space shall be clearly striped or signed to indicate motorcycle parking only.

   c. Existing parking may be converted to take advantage of this provision.

L. Parking reduction. The following provisions offer reductions for required off-street parking and may be combined, however, the maximum reduction from all reductions in parking spaces shall be no more than 25% of the required number of parking spaces.

1. Public Transit. In order to encourage and facilitate the use of public transit or car/vanpooling, a maximum of 15% of the required number of off-street parking spaces for employees may be eliminated in lieu of car/vanpooling facilities or public transit service areas and facilities provided by the developer, including off street transit loading and unloading areas and passenger shelters. The provisions of this Section may be negotiated in conjunction with the requirements of Section 12.06.010: Site Plan Review.

2. Available On-street Parking. For any development requiring at least ten off-street parking spaces, the number of required off-street parking spaces may be reduced by the number of on-street parking spaces on the street frontage of the property, up to a maximum reduction of 20%, provided:

   a. Such on-street parking is accessible from the buildings being developed via convenient walkways; and,

b. Such walkways are constructed with permanent hard-surfaced material, such as concrete, stone, brick or tile which is all-weather, non-skid; and,

c. The location of the on-street parking is no more than 150 feet from the entrance of the development requiring the parking.

d. Such on-street parking shall not be used or reserved exclusively for the development but shall be available at all times to the general public.

e. Each 25 feet of uninterrupted curb designed for on-street parking constitutes one parking space.

3. Additional Landscaping. For commercial and industrial development requiring at least 50 off-street parking spaces, a reduction of up to a maximum five percent (5%) in the number required parking spaces may be allowed if there is an increase in landscaped area which exceeds by at least 25% the minimum landscaping amount, and incorporates landscaping exceeding minimum standards. The landscaped area must be located between the public street and the parking area. The reduction is allowed at a maximum rate of one (1) parking space per 200 square feet of landscaped area in excess of the minimum.

4. Change of Use.

a. Unless otherwise expressly stated, when the use of property changes, additional off-street (vehicle and bicycle) parking spaces must be provided to serve the new use only when the number of parking spaces required for the new use exceeds by more than 10% the number of spaces required for the lawful use that most recently occupied the building, based on the standards of this Code. In other words, 110% "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Code, regardless of whether such spaces are actually provided. Any new parking spaces required must comply with all applicable parking area design and layout standards.

b. When the number of parking spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the property by more than 10%, additional parking spaces are required only to make up the difference between the amount of parking required for the previous use and the amount of parking required for the new use, based on the standards of this Code.

c. The relief from parking requirements attributed to a change of use shall not relieve the applicant from providing ADA parking spaces determined by the total number of normally required parking spaces and Subsection 12.06.030(J).

5. Landmarks and Historic Districts. The Director is authorized to approve exceptions and waivers to minimum off-street parking ratios for the following:

a. Rehabilitation or reuse of buildings on the National Register of Historic Places;

b. Buildings designated as local cultural resources;

c. Contributing buildings in National Register Historic Districts; or

d. Buildings in locally designated historic districts.

M. Central business district parking requirements.

1. CBD Joint-Use Parking. Joint-use parking standards are based on the assumption that patrons will use a single parking space for more than one destination in Downtown Roseburg and that one parking space will be open and available for short-term parking to serve many different uses which may have different peak hours.

a. Eligible Development. The following categories of development shall be eligible to use joint-use parking standards to meet parking requirements:

i. Nonresidential new construction on sites of less than 20,000 square feet in size;

ii. New construction on sites greater than 20,000 square feet in size for retail commercial, restaurants, and movie theaters; and

iii. Additions to existing buildings, rehabilitation of existing buildings, or changes in use or occupancy in existing buildings.

b. Ineligible Development. The following types of uses are not eligible to use joint-use parking standards:

i. New or existing residential uses; and

ii. New construction of hotel or office uses on sites greater than 20,000 square feet in size.

c. Alternative Joint-Use Parking Standards. Subsection 12.06.030(H) of this Code shall determine circumstances in which parking shall be required. Once it has been established that parking is required, eligible projects within the CBD Zone may choose to provide required parking by using the Alternative Joint-Use Parking Standards (Table 3-7).

d. Joint-Use Parking Agreement. All parking developed under joint-use parking standards shall be required to enter into an agreement with the City and recorded County Clerk, requiring the parking to be operated on a non-exclusive basis, to be open and available to the public for joint-use short-term public parking during normal business hours.

2. CBD In-Lieu Parking Fee. The existence of small parcels within the Downtown often makes it difficult to provide on-site parking. As an alternative to onsite parking, the City may establish an in-lieu parking fee as part of a transportation system development charge. The fees would be "banked" by the City to provide funds to develop and maintain centralized public parking facilities.

3. Use of Alleys within CBD. For existing structures, a public alley may be used as part of the required maneuvering aisle for onsite parking that is immediately adjacent to the alley.

4. Structured Parking within CBD. For any proposed project in the CBD District, up to a maximum twenty percent (20%) reduction in required parking spaces may be allowed for the development if structured parking can be provided and a finding can be made that adequate parking will be available to serve the subject project.

5. On-Street Parking within CBD. The number of on-street parking spaces within 100 feet of a parcel in the CBD District, or the number that will be within 100 feet upon completion of planned street/parking improvements, whichever is greater, may be counted toward the required number of non-employee parking spaces.

6. Parking Reductions within CBD. For new and existing development within the CBD area, required parking may be reduced on a case-by-case basis in compliance with Subsection 12.06.030(V) of this Code.

TABLE 3-7: ALTERNATIVE JOINT-USE PARKING STANDARDS

LAND USE	MINIMUM PARKING RATIOS
OFFICE	
1) Banks, Savings and Loans, Other Financial Institutions	3.0 Spaces/1,000 SF of gross usable area
2) Medical or Dental Office	

3) Professional or Unspecified Office	
COMMERCIAL RETAIL	5.0 Spaces/1,000 SF of gross usable area
PUBLIC ASSEMBLY	
1) Movie Theater	1.0 Space/4 seats 3.3 Spaces/1,000 SF of gross usable area
2) Museum	
RESTAURANT	
1) Restaurant/Coffee House/Juice Bar under 1,000 square feet of gross usable area	3.0 Spaces/1,000 SF of gross usable area
2) Restaurant over 1,000 square feet of gross usable area	5.0 Spaces/1,000 SF of gross usable area
3) Outdoor dining areas associated with a restaurant	0 Spaces
RESIDENTIAL	Excluded from use of joint-use parking standards.
NEW CONSTRUCTION OF OFFICE OR HOTEL USES ON LOTS GREATER THAN 20,000 SQUARE FEET	Excluded from use of joint-use parking standards.
OTHER	Any category not listed above may be reviewed by the City on a case-by-case basis, taking into consideration the impact on peak-hour parking usage and the established parking standards contained in Subsection 12.06.030(H) of this Code.

N. Off-street loading and drive-up uses.

1. Schools. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

2. Merchandise, Materials or Supplies. Buildings or structures to be built or substantially altered to receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Code shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

3. Drive-up Uses. Drive-up uses shall provide a minimum stacking area (a lane in which vehicles temporarily idle while awaiting service), clear of the public right-of-way and parking lot aisle, for the window serving the vehicles. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. Stacking areas shall not contribute to the minimum dimensions necessary for parking spaces or maneuvering aisles as determined by Subsection 12.06.030(K) of this Code. The following shall apply to drive-up uses:

   a. Stacking areas shall not interfere with walkways.

   b. Stacking areas shall be delineated with painted lines, curb, or other methods acceptable by the Director. The direction of flow shall be clearly marked with pavement markings, and the entrance and exit shall be indicated with Directional Signs.

   c. The length of the stacking area shall be measured at a point six feet beyond the center of the forward most drive-up window and provide for the following number of vehicles based on the use:

      i. Restaurants. Minimum capacity for eight (8) automobiles.

      ii. Banks. Minimum capacity for five (5) automobiles.

      iii. Espresso Stands. Minimum capacity for four (4) automobiles.

      iv. Other Drive-up uses. Minimum capacity for two (2) to eight (8) automobiles, as determined by the Director.

      v. For purposes of this Section, an automobile shall be considered no less than 18 feet in length. The lane shall be at least 12 feet wide.

O. General provisions—Off-street parking and loading. The provisions and maintenance of off street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain committed to exclusive use of required off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Code. Use of property in violation hereof shall be a violation of this Code. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Code to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

P. Parking area location. Parking areas required by this Section shall be located on the same lot as the building they are required to serve, or may be located in the immediate vicinity if the nearest point of the parking facility is no more than 200 feet from the nearest point of the building that such facility is required to serve.

Q. Parking area and driveway design. All public or private parking areas, parking garages and public spaces, shall be designed, laid out and constructed in accordance with the provisions of this Section.

1. Driveway Specifications. Groups of three or more parking spaces, except those in conjunction with a single-family dwelling, a ~~two-family~~ duplex dwelling, or a townhouse on a single lot, shall be served by a driveway that does not require backward movement or other maneuvering of a vehicle within a street, other than an alley. Driveways shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site. Two-way and one-way driveways for commercial and multi-family development shall not be less than 20 feet and 12 feet wide, respectively, nor shall any driveway have a width in excess of 40 feet.

   a. Driveways for commercial and industrial sites, as well as residential developments that require 10 or more off-street parking stalls, shall have at least 20 feet of uninterrupted travel length as measured from the nearest curb return where access to a Collector, or lower classified, street is provided, and at least 40 feet from an Arterial street. For the purposes of this Section, "uninterrupted" shall refer to the lack of parking stalls, access

aisles, ingress or egress of stacking areas, and other features that have the potential to create situations of conflicting travel paths for vehicles entering a site.

2. Driveway Specifications – Residential. For a single-family dwelling, a duplex dwelling or a townhouse on a single lot, the minimum driveway width shall be 10 feet with a maximum width of 24 feet.

32. Driveways and Maneuvering Aisles. Driveways shall be aligned with maneuvering aisles so as to facilitate safe and convenient ingress and egress.

43. Access Grades. Driveways used to access onsite parking and as further defined by Figure 3-2: Driveway Access Grade, shall comply with the following criteria:

a. Maximum grade of any portion of a driveway from a property line to the face of a garage shall not exceed 15% at any point and shall be graded to allow clearance to pass an automobile 18 feet in length.

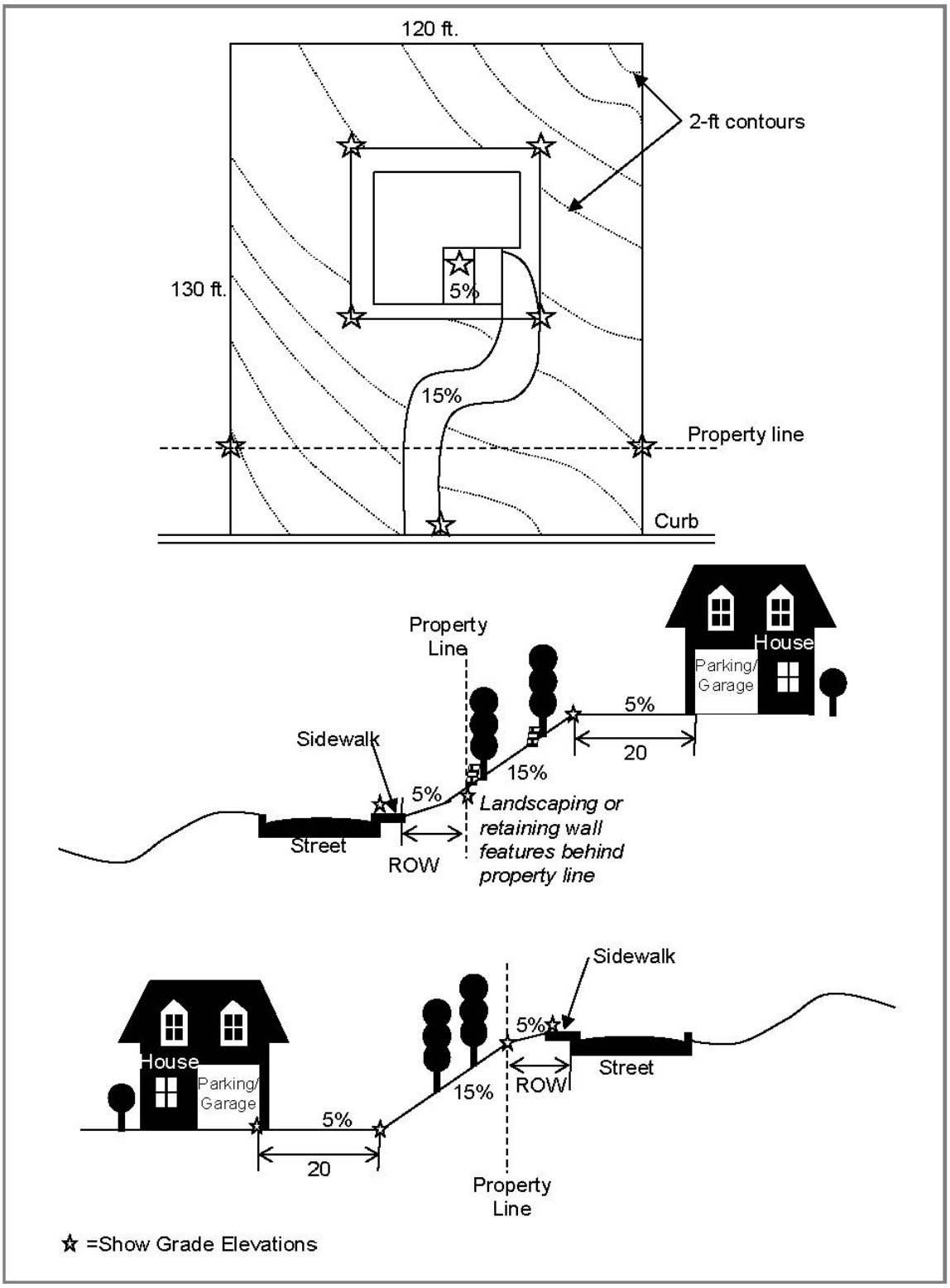
b. Maximum grade of driveway between the back of curb to the property line, within the right-of-way, shall not exceed five percent (5%) and shall be graded to allow for clearance to pass an automobile 18 feet in length.

c. 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 paved area that is a minimum 20 feet wide and 20 feet long from the face of the garage or at the end of the driveway not exceeding five percent (5%) grade.

54. Driveway Location in relation to Intersections. Except– for single-family dwellings, duplex dwellings and townhousesin relation to single-family districts, the minimum distance between driveways and intersections shall be as provided in Subsection 12.06.020(A) of this Code.

If the subject property is not of sufficient width to allow for separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while maintaining the five (5) foot setback between the driveway and property line as required.

FIGURE 3-3: DRIVEWAY ACCESS GRADE



65. Driveway Location in Relation to Intersections - Single-Family, ~~Two-Family~~ Duplex Dwellings and Townhouses. The minimum distance between driveways and intersections shall be 30 feet.

76. Driveway Location in relation to Lot Lines. Access driveways shall not be located closer than five (5) feet to an interior side lot line, except that common access driveways (not exceeding 40

feet in width) to two (2) adjacent properties may be provided at the common lot line when a common driveway agreement is executed on a form provided by the Director and recorded with the County Clerk.

Driveways serving residential garages shall have a minimum depth of 20 feet from the property line from which access is provided, unless zoning district setbacks are five (5) feet or less, but in no case shall the length of driveways serving residential garages be between five (5) and 20 feet.

87. Number of Accesses Permitted. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe traffic circulation and carrying capacity of the street. The location, width, and number of accesses to a public street may be limited for developments that are subject to site plan review provisions of this Code.

a. Duplex dwellings are allowed two access points provided they meet the location standards of this section and the minimum driveway spacing standards in Table 3-1.

98. Common Access Points. Common access points at a property line are encouraged and, in some instances, may be required in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.

109. Parking Area Marking. Access driveways to parking areas having 10 or more spaces shall be clearly marked to indicate one way or two way access. Two-way driveways shall have a painted centerline at least four (4) inches in width and at least 10 feet in length beginning at the interior edge of the sidewalk; or, where sidewalks are not present, at a point five (5) feet from the curb line; or, where neither sidewalks or curbs are present, at a point five (5) feet from the edge of the paved street surface.

R. Common parking facilities (shared parking). In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing required parking spaces for any other use, except as provided below:

1. Joint Use of Parking Facilities. The Director may authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

a. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.

b. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have parking facilities.

c. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the Director as to form and content. Such instrument, when approved as conforming to the provisions of this Code, shall be recorded in the office of the County Clerk, and copies thereof filed with the Director.

S. Parking area improvements.

1. Surfacing. All parking areas, vehicle maneuvering areas and access driveways shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, brick, or concrete paver blocks. In all residential districts, a minimum of two and one-half (2½) inches asphalt over four (4) inches of aggregate base will be provided or four (4) inches of Portland cement concrete. In all other districts, either three (3) inches asphalt over four (4) inches aggregate base or a single pavement of five (5) inches of Portland cement concrete is required. All parking areas, except those in conjunction with a single-family or two-family dwelling on a single lot, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

2. Perimeter Curb. All parking areas except those required in conjunction with a single- or two-family dwelling shall provide a curb of not less than four (4) inches in height located at the edge of the paved surface.

3. Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area shall comply with Subsection 12.06.030(E) of this Code.

4. CBD Off-Street Parking Lighting. Lights shall comply with Subsection 12.06.030(E) and shall be a maximum of 20 feet in height. The height of the light standards shall be measured from the elevation of the adjacent pavement of the parking area.

5. Striping. All parking spaces, except those in conjunction with a single- ~~or two-~~family or duplex dwelling, shall be sufficiently marked with painted stripes four (4) inches in width or other permanent markings acceptable to the Director and otherwise comply with Subsection 12.06.030(K) of this Code.

6. Wheel Bumper. All parking stalls fronting a sidewalk, alleyway, street, property line, or building, shall provide a secured wheel bumper not less than four (4) inches in height, nor less than six (6) feet in length, and shall be centered and set back a minimum of two and one-half (2½) feet from the front of the stall.

7. Drainage Facilities. All parking areas shall provide drainage facilities in conformance with City of Roseburg Public Works Standards.

T. Landscaping and buffering. The purpose of this Section is to enhance the appearance of land development, reduce noise, glare and urban heat island effects, improve air quality, filter and minimize stormwater runoff, mitigate possible adverse effects of higher intensity land uses and foster quality land development. The design of the parking area landscaping shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

1. Application. Parking area landscaping and buffering standards shall apply to all public and private outdoor parking areas that provide for four (4) or more spaces or to any paved vehicular use area 3,000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use, excluding single ~~and two~~-family and duplex dwellings. Parking areas include all surfaces acceptable per Subsection 12.06.030(S) of this Code that facilitate vehicle parking including, but not limited to, parking spaces, driveways and maneuvering aisles. Parking area landscaping and buffering will be required when any of the following occur:

   a. New development occurs;

   b. Existing development is expanded or modified that results in a 20% increase or greater in building gross floor area;

   c. Existing development is expanded, modified or the use is changed in any way that results in at least a 10% increase in required off-street parking spaces. Landscaping requirements shall be based on the expanded parking area, not the entire parking area that existed prior to the expansion or modification.

   d. An existing parking lot containing at least four (4) parking spaces or 3,000 square feet of parking area is excavated and reconstructed, or an existing gravel or dirt parking lot is converted to a surface in conformance with Subsection 12.06.030(S) of this Code.

   e. Exemptions. Any paved vehicular area which provides fewer than 10 total spaces shall be exempt from the interior lot line buffering and interior parking area landscaping requirements. Areas used specifically as a utility storage lot or a truck loading area shall also be exempt from interior parking area landscaping requirements.

2. Specifications for Trees and Plant Materials. The following standards apply to all landscaping areas specified in this Section:

a. Deciduous Trees. Deciduous shade or ornamental trees shall be a minimum of six (6) feet in height above ground, one and one-half (1½) inch caliper measured six (6) inches above ground.

b. Conifer or Evergreen Trees. Coniferous or evergreen trees shall be a minimum of six (6) feet in height above ground.

c. Acceptable and Prohibited Trees. Trees selected shall be varieties that avoid root damage to pavement and utilities. Medium and large mature stature trees shall require approval from the City. Trees listed in Table 3-8: Prohibited Street Trees, are strictly prohibited. Trees listed in Table 3-8 are prohibited for use as street trees as their roots cause damage to sewers, pavements, and sidewalks. Furthermore, these trees are prohibited for planting in a parking lot buffer area adjacent to a street or right-of-way.

d. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size.

e. Living ground cover. Living ground cover consists of small drought-tolerant plants that shall be fully rooted and shall be well branched or leafed.

f. Non-living ground cover. Non-living ground cover shall consist of a decorative treatment of bark, rock, or other attractive ground cover that does not create an impervious surface.

g. Lawns. Lawns shall consist of grasses, including sod, or seeds. Lawns shall provide 100% coverage and be weed free.

3. Parking Area Buffering. Parking areas shall be buffered from the required areas listed below with a minimum five (5) foot wide strip of landscaping materials.

a. Required Buffer Areas. The parking area (including stacking areas for drive-through uses) shall be buffered from the following areas:

b. Street frontage. The parking area shall be buffered from adjacent linear street frontage, exclusive of driveway entrances, pedestrian entrances, and exits, with the designated landscaping strip.

c. Interior Lot Lines. The parking area shall be buffered from the interior lot line when abutting residential zones with the designated landscaping strip. Where screening is required in Paragraph 12.06.030(U)(5), the screening area shall be incorporated into the landscaping strip. This requirement shall not in any way prohibit joint access driveways between two (2) or more adjacent parking areas.

d. Buffer Area Landscaping Standards. Minimum landscaping acceptable per 50 linear feet of required buffer area is as follows:

i. One (1) tree at least six (6) feet in height;

ii. Five (5) five-gallon or eight (8) one-gallon shrubs;

iii. The remaining area shall be treated with ground cover, or lawn;

iv. Trees shall be installed at locations that allow at least two (2) feet of space between the trunk and any curb or paved surface. Additionally, trees shall be evenly spaced throughout the landscaping strip, except that they shall not be located within 10 feet of a fire hydrant or utility pole. Shrubs may be installed anywhere within the landscaping strip without regard for uniformity, however, shrubs shall not be installed within four (4) feet of a tree trunk nor within three (3) feet of a fire hydrant.

TABLE 3-8 PROHIBITED STREET TREES

COMMON NAME	BOTANICAL NAME

Evergreen Conifers >8' wide; > 8' tall	Numerous species
Poplar and related species	Populas species
Black Locust	Robinia psuedoacacia
Box Elder (except varigated)	Acer negundo
Sycamore	Platanus species
Siberian Elm	Ulmus pumila
American Elm	Ulmus americana
Walnut	Juglans species
Weeping Willow	Salix babylonica
Commercial Fruit Trees	Numerous species
Catalpa	Caltalpa speciosa
Tree of Heaven	Ailanthus altissima
English Hawthorn	Crataegus monogyna
Royal Empress Tree	Paulownia tomentosa
Big Leaf Maple	Acer macrophyllum
Horse Chestnut/Buckeye	Aesculus species
Fruiting Mulberry	Morus alba
Osage Orange	Maclura pomifera
Weeping varieties of trees: (e.g., cherry, mulberry, crabapple)	Numerous species
Female Ginkgo	Ginkgo biloba

4. Interior Parking Area Landscaping. Area landscaped to meet minimum interior parking area landscaping requirements shall be located within or adjoining the paved parking lot area, not in

required buffering or screening areas. The minimum amount of landscaping required shall be based on all paved areas within a parking lot (e.g., parking spaces, maneuvering aisles, driveways). This requirement shall not in any way prohibit a developer from grouping the required interior landscaping area in one or more sections of the parking lot.

a. No less than five percent (5%) of the total area within the paved parking area shall be landscaped. For every 160 square feet of the minimum five percent (5%), one (1) tree at least six (6) feet high and five (5) one-gallon shrubs or two (2) five-gallon shrubs shall be planted with the remaining area treated with ground cover. Trees shall be situated properly to ensure the tree trunk is at least two (2) feet from any curb or paved area.

b. Landscaped Islands. Landscaped islands must be provided to define maneuvering aisles and break up long rows of parking spaces by providing at least one landscaped (interior) island every 135 feet or 15 parking spaces, whichever is less. Any parking stall row that ends adjacent to a maneuvering aisle, regardless of the aisle's length, must have a landscaped (terminal) island at that end of the parking row. Islands shall be:

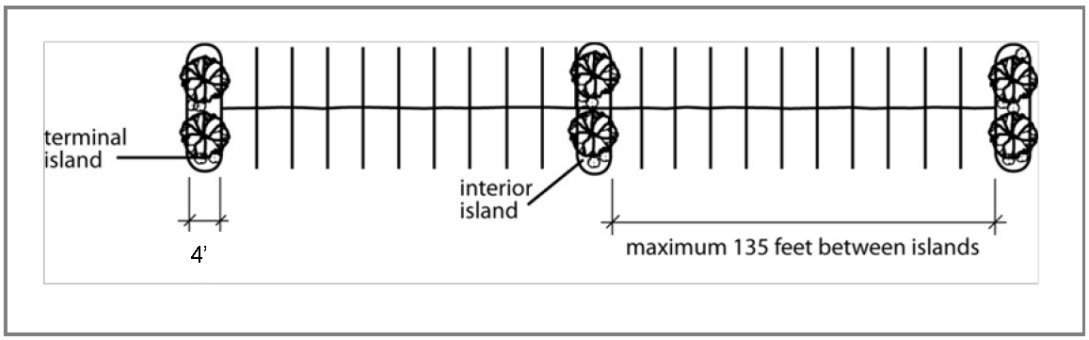
i. Bordered by a paved surface on at least two sides;

ii. Surrounded by a perimeter curb not less than four (4) inches high;

iii. At least four (4) feet wide (as measured from the outside of curb to the outside of curb) and equal the length of adjoining parking spaces, as measured from the outside edge of the curb;

iv. Planted with at least one (1) tree and five (5) one-gallon shrubs or two (2) five-gallon shrubs per 100 square feet of island area with the remaining area treated with ground cover;

v. Situate trees properly to ensure the tree trunk is at least one and one-half (1.5) feet from any curb or paved area.



5. Parking Area Screening. All public and private parking areas, including service and access driveways, which abut residentially zoned properties shall be screened along and immediately adjacent to any interior property line in order to mitigate possible adverse effects (e.g. noise, lighting, and other site-related and operational impacts). Parking area screening is supplemental to other landscaping standards and does not exclude other screening or landscaping provisions contained within this Code. The screening standard shall apply to all parking areas and service drives or to any paved vehicular use area 3,000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use, except those in conjunction with single-family dwellings, duplex ~~two-family~~ dwellings and townhouses. The placement of screening materials shall adhere to the Clear Vision Standards in Subsection 12.08.040(F) of this Code. Screening shall be located at a distance not more than five (5) feet from the subject property line.

a. Minimum Screening Area Requirements. The minimum improvements within a screening area shall consist of the following:

Screening shall consist of either one (1) row of evergreen shrubs at least six (6) feet in height at the time of planting an earth berm combined with specified evergreen plantings that forms a sight and noise buffer at least six (6) feet in height at the time of installation. The slopes of the earth berm shall not exceed 2:1 and both faces of the slope shall be planted with ground cover and shrubs. Bark mulch or other non-living materials shall not be used as the ground cover for an earthen berm. Evergreen plantings shall include at least five (5) five-gallon shrubs or ten (10) one-gallon shrubs for each 100 linear feet of required screening area.

6. Irrigation of Required Landscaping. All required landscaped areas must be provided with a piped underground water supply irrigation system, unless a licensed landscape professional submits written verification that the proposed plant materials do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit from Public Works.

7. Landscape Plan Submittal Requirements. A Landscape Plan, drawn to scale, must accompany Site Plan Review applications. The plan must show the following elements, drawn to scale, in conjunction with the requirements of this Code:

    a. Type of landscaping, or other screening materials, including name of plant species. Heights of landscaping materials shall also be noted.

    b. Location and size of landscaped areas on the development site.

    c. Abutting land uses and/or zones.

    d. If existing trees and plant materials are proposed to be preserved, methods for the protection of the plant material shall be noted. This shall include the drip line measurements for trees (see Subparagraph (11) below for information on Landscape Area Credit for the Preservation of Existing Trees).

    e. Plan for underground irrigation system.

8. Performance Guarantees. Certificates of Occupancy may be issued prior to the complete installation of all required landscaping if an adequate bond or other security is submitted to the Director for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed within nine months of the issuance of a Certificate of Occupancy. The form of such written authorization and the security shall be submitted to the City Attorney for review and approval.

9. Clear Vision. All buffering and landscaping material shall not encroach into the Clear Vision areas at the intersections of streets or at the intersection of a street and driveway, as defined in Subsection 12.08.040(F) of this Code.

10. Installation and Maintenance of Landscaped Areas. Plant materials shall be installed, staked and maintained to current industry standards. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner, free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.

11. Landscape Area Credit for Preservation of Existing Trees. A system of landscape area credits has been established as an incentive for property owners and developers to preserve existing trees and to include them in the landscape plan for proposed developments.

    a. Criteria for Landscape Credit. Tree(s) preserved on the development site may reduce the total landscaped area required for interior parking lots. Credit shall be considered for approval if a qualified arborist or landscape professional submits the following information to the Director:

        i. A statement confirming that the size, health, and physical appearance of the tree(s) warrant landscape credit. Trees of 25 inches or greater in circumference measured at a height of four (4) feet above grade are considered significant.

ii. A protection plan for the trees' health during construction. This shall include verification of the radius of the drip line area or an area recommended by a licensed landscape professional. The drip line area shall be defined as the ground area and vegetation measured from the outermost branches to the trunk of the tree. Existing trees may be considered preserved if no cutting, compacting, or grading of the soil takes place between the trunk of the tree and the area five (5) feet outside of the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located five (5) feet outside the drip line.

iii. A plan for future maintenance of the tree(s).

b. Landscape Credit System. The Director shall grant landscape credit based on the total area of the preserved tree drip line. The area of the drip line shall be directly credited toward the required landscaping area for interior parking lots. In order to secure credit, the entire area within the drip line of the preserved tree must be protected from encroachment unless an alternative is otherwise approved by the Director.

c. Limits to Landscape Area Credit. Landscape credits for preserved trees shall not eliminate or reduce the parking area screening and buffering requirements. Landscape credit shall be applied only to the required interior parking area landscaping. Credit for preserved trees shall be limited to 60% of the total interior parking area landscaping requirement. The remaining 40% shall be provided according to Paragraph 12.06.030(T)(4). Landscape credit shall not be granted for trees preserved within a required Riparian Habitat Protection Area.

U. Central business district (CBD) parking lot landscaping.

1. Adjacent to Streets. Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area.

a. The landscaping strip shall be at least five (5) feet wide.

b. For every 25 feet, five (5) five-gallon or eight (8) one-gallon shrubs shall be planted. The remaining area shall be treated with ground cover.

c. The landscaping shall be designed and maintained to screen cars from view from the street and shall be approximately 36 inches tall.

d. Screening materials may include a combination of plant materials, solid masonry walls, raised planters, or other screening devices that meet the intent of this requirement and have been approved by the Director.

e. Plant materials, walls, or structures within a clear vision area shall not exceed 36 inches in height.

2. Interior Parking Lot Landscaping.

a. A minimum of two percent (2%) of the parking lot interior area shall be landscaped. For every 100 square feet of the minimum two percent (2%), one (1) tree at least six (6) feet high and five (5) one-gallon shrubs or two (2) five-gallon shrubs shall be planted with the remaining area treated with ground cover.

b. Parking lots with more than 100 spaces shall provide appropriate entry features consisting of a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.

V. Variance for parking/landscaping standards. The Director may reduce the number of parking spaces and landscape area through an Administrative Variance procedure pursuant to Subsection 12.10.010(F) of this Code for lots 10,000 square feet or less, or lots developed prior to the adoption of this Code. The Director may grant reductions only if, on the basis of investigation and evidence submitted that a lot is 10,000 square feet or less, or existing developments are unable to meet the parking and landscaping provisions due to existing lot and building configurations. The application for variance shall be reviewed according to the following criteria:

1. The proposed development will not conflict with the purposes of this Code and adopted policies of the Comprehensive Plan and any other plans or policies adopted by the approving authority;

2. The proposed development will not adversely affect existing traffic or the eventual development of abutting properties any more than if the development were to occur according to the standards of the Code.

3. The proposal is compatible with existing development and character of adjoining properties.

W. Internal walkways.

1. Purpose. The objective of this Section is to accomplish the construction of an efficient, connected, and safe system of pedestrian circulation, coordinated within and between various urban developments, by providing walkways and sidewalks for pedestrian access from and within urban developments and via extensions to street sidewalks.

2. Exceptions. The requirements of this Section shall not apply to single-family and ~~two-family~~ duplex dwellings.

3. Locations. Each property in all Zoning Districts being newly developed or redeveloped in accordance with Subsection 12.06.010(D) shall provide internal sidewalks and walkways, subject to the requirements and exceptions set forth in this Section.

   a. Each property subject to the provisions of this Section shall provide pedestrian walks at or around the building of sufficient extent to provide safe and convenient pedestrian passage commensurate with the character of the development and the nature of the intended use of the building.

   b. Each such property shall provide pedestrian walkways, crosswalks and other pedestrian facilities to allow safe and convenient pedestrian access throughout the site, particularly to routes between main building entrances and adjacent pedestrian destinations, including uses on adjoining properties, public sidewalks, and transit stops. Where the nature of the development is such that several buildings utilize a common internal pedestrian walkway system, such internal walkway system shall extend to the street sidewalk and shall serve to meet the requirements of this Section.

The ends of all raised walkways, where the walkway intersects a drive, parking aisle or street shall provide ADA accessible ramps.

4. Design Standards.

   a. Surface. Pedestrian walks and accessway surfaces shall provide a minimum three (3) foot wide paved with permanent hard-surfaced material, such as concrete, stone, brick, or tile. Only all-weather, non-skid paving shall be used in walk construction.

   b. Stairs. Where stairs are employed, the riser to tread proportion shall be designed to normal stair standards. Handrails shall be provided where the number of risers of adjoining grade difference requires the protection afforded by rails, as determined by the Uniform Building Code of the State of Oregon. Any flight of stairs, if it be on a pedestrian route, shall have the same riser to tread dimension. Stairs shall be constructed of concrete, metal or approved walkway material.

   c. Lighting. Night lighting sufficient to ensure safe pedestrian use shall be provided where stairs, curbs, ramps, or other potential hazards occur.

   d. Curbs. Pedestrian walks adjoining automobile circulation lanes or parking areas shall be raised six (6) inches, or curbed, painted or constructed of different (contrasting) materials to define the pedestrian walk.

   e. Markings. Where pedestrian walks must cross parking areas or automobile circulation lanes, the pedestrian walk shall be defined by use of a contrasting paving, such as white concrete in an asphalt area, visually obvious paint stripes, or other clearly defined pattern.

f. Crosswalks. Where a walkway crosses a parking area containing more than ten (10) parking spaces, a driveway, or a street, the walkway shall be clearly marked with contrasting paving materials, which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

5. Review of Plans by Community Development Director. Before a development permit is issued, plans for pedestrian walks shall be reviewed by the Community Development Director to determine that the provisions and objectives of this Section are to be accomplished. To the extent practicable, such review shall be in conjunction with all other development plan reviews required by this Code, and may be incorporated into the general site plan review process as provided for in Section 12.06.010: Site Plan Review.

Chapter 12.08 - SUPPLEMENTAL REGULATIONS

12.08.010 - Nonconforming uses.

A. Nonconforming uses. Except as is hereinafter provided by this Code, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Code or at the time of a change in the official zoning map may be continued, although such use does not conform with the provisions of this Code.

B. Changes in nonconforming uses. A nonconforming use may be changed only to a use conforming to the zone in which it is located. Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use.

C. Increase of nonconforming uses. A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this Code may be granted by administrative action subject to the provisions of this Code. Conversion of a lawfully established nonconforming single-family dwelling to a duplex dwelling shall be permitted, provided that it does not increase the nonconformity of the structure and otherwise meets the development standards of the Zoning District in which it is located.

D. Vested right. Nothing contained in this Code shall require any change in the plans, construction, alteration, or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Code, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time construction was commenced.

E. Discontinuance of nonconforming use. When a nonconforming use of a structure or property is discontinued for a period in excess of one (1) year, the structure or property shall not thereafter be used except in conformance with the zone in which it is located.

F. Unlawful use not a nonconforming use. No unlawful use of property existing at the time of passage of this Code shall be deemed a nonconforming use.

G. Restoration of a nonconforming building or structure.

1. A nonconforming building or structure which is damaged by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to an extent that the cost of repair or restoration of the building or structure, conforming to current building codes, would exceed 80% of the market value contained in the records of the Douglas County Assessor, shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Building Official. If the building or structure and use thereof is not terminated, it may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed, provided that the restoration is commenced within a period of one (1) year and is diligently prosecuted to completion.

2. The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.

H. Conveyance of nonconforming use. Nothing in this Code shall be construed to limit the sale, transfer, or other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this Code.

I. Restoration of conforming use on nonconforming lot. Nothing in this Code shall be construed to prevent the reconstruction or replacement of a pre-existing building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this Code.

J. Special status of dwelling units. Notwithstanding the restrictions of any other Section of this Code, all dwellings existing in commercial districts (PO, CBD, C1, C2, C3) and built before the date of this provision (September 24, 2008) are considered conforming to the base district. If any building on said properties is destroyed by acts described in Subsection 12.08.010(G) (i.e., not intentionally destroyed), it may be rebuilt to the standards of the MR29 zoning district provided that the number of dwelling units is not increased except that a single-family dwelling may be rebuilt as a duplex, subject to the regulation of any applicable Overlay District. A Building Permit for the replacement dwelling must be obtained within 12 months after the date the dwelling unit was destroyed. If said permit expires prior to completion of the replacement dwelling, the special status of the dwelling unit provided by this Section is revoked and only uses allowed by the applicable zoning district will be permitted. If an existing dwelling is converted to a permitted commercial use, the special status granted herein is rescinded and the use of the property must thereafter conform to the requirements of the applicable zoning district.

K. Application for alterations or repairs. Alterations or repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to the provisions of Subsection 12.08.010(F) of this Code. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.

L. Conditions of approval. In order to assure compatibility of the proposed development with the surrounding area, conditions may be imposed as conditions of approval of alteration or repair of a nonconforming use. Such conditions may include, but are not limited to, the following:

1. Special yards and spaces.
2. Fences and walls.
3. Special parking and/or loading provisions.
4. Street dedication and improvements or bonds in lieu of improvements.
5. Control of points of vehicular ingress and egress.
6. Special provisions for signs.
7. Landscaping and the maintenance of grounds.
8. Control of noise, vibration, odors, or other similar nuisances.
9. Limitation of time for certain activities.
10. A time period in which a proposed use shall be developed.
11. A limit of total duration of use.
12. Transportation improvements to mitigate the impact of increased transportation and to protect transportation facilities.

M. General exceptions to lot size requirements. If a lot of record or series of contiguous units of land existing in a single ownership were created in compliance with all applicable laws and ordinances in effect at the time of their creation and have an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holding(s) may be occupied by a use permitted in the zone subject to other requirements of this Code. Nothing in this Code shall be interpreted to limit the sale, transfer, or other conveyance of any such single lot of record or unit of land.

N. General exception for approved subdivision. Nothing in this Code shall be deemed to prohibit construction of conforming uses on nonconforming lots or the sale of said lots within subdivisions or land partitions approved prior to the adoption of this Code, subject to other requirements of this Code.

12.08.020 - Signs.

(Not affected by proposed code amendments)

12.08.030 - Telecommunication facilities.

(Not affected by proposed code amendments)

12.08.040 - Supplemental provisions.

(Not affected by proposed code amendments)

12.08.050 - Surface mining operations and reclamation.

(Not affected by proposed code amendments)

12.08.060 - Severe Event Shelters

(Not affected by proposed code amendments)

Chapter 12.10 - DEVELOPMENT APPROVAL PROCEDURES

12.10.010 - General provisions.

A. Purpose. The purpose of this Chapter is to establish procedures for approval of development required by this Code, appeals from aggrieved persons and parties, and review of any decision by a higher authority.

B. Review process. An application for development approval required by this Code shall be processed by quasi-judicial public hearing or administrative action, pursuant to applicable provisions of this Code. Quasi-judicial hearings shall be held on all applications, except that hearings shall not be held in those matters the Director has authority to act upon, unless appealed or referred pursuant to the provisions of this Chapter. Notwithstanding anything required by this Code, when requested by the applicant, an application for development approval which is an "expedited land division" as defined by state law shall be processed according to the procedures set forth in state law and shall not be subject to this Chapter.

C. Coordination of development approval.

1. The Community Development Director shall be responsible for the coordination of a development application and decision-making procedures, and shall approve or recommend that the Approving Authority approve developments when proper application is made and the proposed development is in compliance with the provisions of this Code and the Roseburg Urban Area Comprehensive Plan. Before approving or recommending approval of any development, the Director shall be provided with information by the applicant sufficient to establish full compliance with the requirements of this Code and the Plan. Before approving any development, the Director shall consider comments received from other public agencies during the comment and public hearing period.

2. After an application has been submitted, no building or occupancy permit for the proposed use shall be issued until final action has been taken.

D. Who may apply. Applications for development approval may be initiated by one or more of the following:

1. The owner of the property which is the subject of the application; or

2. The purchaser of such property who submits a duly executed written contract or copy thereof; or

3. A lessee in possession of such property who submits written consent of the owner to make such application; or

4. Resolution of the City Council.

Any of the above may be represented by an agent who submits written authorization by his/her principal to make such application.

E. Pre-application conference. An applicant may request a pre-application conference prior to submitting a request for development approval. The purpose(s) of the conference may include: to acquaint the applicant with the substantive and procedural requirements of this Code, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The requirements of this Section may be waived at the discretion of the Community Development Director.

F. Application. Application for development approval shall be made pursuant to applicable provisions of this Code on forms provided by the Community Development Director. An application shall be complete, contain the information required by this Code, and address the appropriate criteria for review and approval of the request. All documents or evidence relied upon by the applicant shall be

submitted to the Director and be made available to the public. All applications shall be accompanied by the required fee.

An applicant may apply at one time for all development approvals required by this Code for a specific single development or use. Notice of such option for a consolidated procedure shall be given to the applicant, and upon the applicant's request such a procedure shall be utilized. If the applicant elects to use such consolidated procedure, all required development approvals and the respective public hearings, public notices, and Approving Authority actions therefore shall be consolidated into a single public hearing process, a single public notice, and a single written findings, and decision. Such consolidated procedure shall be subject to the time limitations set out in ORS 227.178. Where the applicant chooses such consolidated procedure, and is applying for actions listed in Subsections 12.10.010(I), 12.10.010(L) and 12.10.010(R) of this Code all such matters shall be heard by the Planning Commission.

G. General provisions regarding notice.

1. The records of the Douglas County Assessor's Office shall be used for notice required by this Code. Persons whose names and addresses are not on file with the Assessor at the time of the filing of the application need not be notified of the action. 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.

2. Any person who requests, in writing, and pays a fee established by the Community Development Director, shall be entitled to receive copies of notices for applications for development approvals, either on an urban area wide or site-specific basis, as specified by such person.

3. Public agencies providing transportation facilities and services shall be notified of the following:

   a. Land use applications that require a public hearing;

   b. Subdivision and partition applications;

   c. Applications that involve major private access to public streets and roads, such as private streets, and large commercial and multi-family developments;

   d. Applications within the Airport Impact Overlay Section 12.04.080 of this Code.

H. Establishment of party status.

1. In order to have standing under this Section, a person shall be recognized as a party by the Approving Authority. Party status, when recognized by the Approving Authority, establishes the right of the person to be heard, whether orally or in writing, and to pursue a review or appeal under this Chapter.

2. Party status may be established by a written request for establishment of party status made at least eight (8) days before the date set for a quasi-judicial public hearing or administrative decision of the Community Development Director by a person filing with the Community Development Department a written statement regarding the application being considered. Such statement shall include:

   a. The name, address, and telephone number of the person filing the statement;

   b. How the person qualifies as a party, as defined in Chapter 12.02 of this Code;

   c. Comments which the party wishes to make with respect to the application under consideration; and

   d. Whether the person desires to appear and be heard at the hearing.

3. Seven (7) or more days before the date set for a public hearing, the Community Development Director shall mail the applicant any statements that have been filed to date.

4. Party status may also be established by a person or entity providing testimony at the hearing of the Approving Authority before the close of the evidentiary portion thereof, and providing sufficient basis for qualifying as a party, as defined in Chapter 12.02 of this Code.

I. Limited land use decisions by the Director. The Community Development Director shall have the authority to review the following applications for administrative action, as limited land use decisions, and shall follow the procedure provided by this Code and by state law to accomplish such review:

1. Partitions (Section 12.12.010 of this Code);

2. Subdivisions (Section 12.12.010 of this Code).

J. Ministerial decisions by the Director. The Community Development Director shall have the authority to review the following applications as ministerial decisions and shall follow the procedures provided by this Code and by state law to accomplish such review:

1. Approval of final plat map (Subsection 12.12.010(S) of this Code);

2. Common Boundary Line Adjustments (Subsection 12.12.010(U) of this Code);

3. Signs Permit (Section 12.08.02 of this Code);

4. Home Occupations;

5. Residential Site Plan Review (Section 12.06.010 of this Code).

K. Comprehensive plan standards and limited land use decisions.

1. The following comprehensive plan standards are applicable to partitions (Chapter 12.12) and are fully incorporated herein by this reference:

a. Natural Resources Policies 6, 7, 8, 11, 12, 13, 14, 17, and 18;

b. Economic Growth Policy 7;

c. Transportation Polices 1, 4, 5, 6, 7, 10, 11, 14, and 15;

d. Energy Conservation Policies 2 and 3;

e. Facilities and Services Policies 2, 3, 5, 7, 8, 9, 10, and 11;

f. Housing Policies 1, 2, 3, 4, 5, 6, 7, 8, and 10;

g. Urbanization, Land Use, and Growth Management (Urban Growth) Policies 3, 5, 6, 7, 8, 10, 11, 12, and 13;

h. Residential Development (Urban Growth) Policy 1;

i. Commercial Development (Urban Growth) Policies 6, 7, 8, 9, and 12;

j. Industrial Development (Urban Growth) Policies 1, 2, and 4;

k. Transportation Development (Urban Growth) Policies 1, 2, 3, and 4;

l. Resource Area and Hazardous Area Development (Urban Growth) Policies 2, 3, and 4.

2. The following Comprehensive Plan standards are applicable to Subdivision preliminary plat (Chapter 12.12) and are fully incorporated herein by this reference:

a. Natural Resources Policies 6, 7, 8, 11, 12, 13, 14, 17, and 18;

b. Economic Growth Policy 7;

c. Transportation Polices 1, 4, 5, 6, 7, 10, 11, 14, and 15;

d. Energy Conservation Policies 2 and 3;

e. Facilities and Services Policies 2, 3, 5, 7, 8, 9, 10, and 11;

f. Housing Policies 1, 2, 3, 4, 5, 6, 7, 8, and 10;

g. Urbanization, Land Use, and Growth Management (Urban Growth) Policies 3, 5, 6, 7, 8, 10, 11, 12, and 13;

h. Residential Development (Urban Growth) Policy 1;

i. Commercial Development (Urban Growth) Policies 6, 7, 8, 9, and 12;

j. Industrial Development (Urban Growth) Policies 1, 2, and 4;

k. Transportation Development (Urban Growth) Policies 1, 2, 3, and 4;

l. Resource Area and Hazardous Area Development (Urban Growth) Policies 2, 3, and 4.

L. Other administrative actions. The Community Development Director shall have the authority to review the following applications for administrative action, as well as all other reviews and other actions required by other provisions of this Code constituting land use decisions and not specifically listed elsewhere in this Chapter:

1. Administrative variance, except where Planning Commission review is required by Section 12.10.060 of this Code;

2. Temporary Use Permit (Section 12.10.090 of this Code);

3. Alteration or Repair of a Nonconforming Use (Section 12.08.010 of this Code);

4. Private Road Approval (Chapter 12.12 of this Code);

5. Conditional Use Permit (Section 12.10.080 of this Code);

6. Variances (Section 12.10.050 of this Code).

M. Notice of administrative action.

1. Notice of applications for administrative actions pursuant to Subsections 12.10.010(I) and 12.10.010(L) shall be sent by the Community Development Director to all property owners within 100 feet of the property subject to the application at least 15 days prior to the decision.

2. Notice shall also be posted by the applicant in at least three (3) conspicuous places in the immediate vicinity of the property which is the subject of the application at least ten (10) days prior to the date of the action. An affidavit of posting shall be filed by the applicant or his/her authorized representative on a form to be provided by the Director.

3. The notice shall:

a. Include the location, file number, and title of the file containing the request and the date such notice was sent.

b. Include a description of the subject property, reasonably calculated to give notice as to its actual location and for the purpose of this Section, shall include, but not be limited to, metes and bounds descriptions or the tax map designations of the Douglas County Assessor's Office.

c. Include the deadline established for rendering a final decision.

d. Include the deadline for filing comments on the request.

e. Explain the nature of the application and the proposed use or uses which could be authorized.

f. List the applicable criteria from this Code and the plan that apply to the application at issue.

g. Set forth the street address or other easily understood geographical reference to the subject property.

h. State that failure of an issue to be raised or failure to provide statements or evidence sufficient to afford the Approving Authority an opportunity to respond to the issue precludes appeal based on that issue.

i. Include the name of a City representative to contact and the telephone number where additional information may be obtained.

j. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

N. Administrative action procedure.

1. Within 45 days after accepting a completed application for administrative action pursuant to Subsection 12.10.010(I) or 12.10.010(L) of this Code, the Community Development Director shall act on the application or refer it to the Planning Commission, unless such time limitation is extended with the consent of the applicant.

2. Within such 45-day period, the Director shall:

a. Give notice pursuant to Subsection 12.10.010(M) of this Code;

b. Prepare a decision to approve or deny the request including findings of fact and conclusions of law or refer the application to the Planning Commission. Approvals may include conditions considered necessary to assure conformance with the purpose and intent of this Code.

3. If the application does not meet the criteria, or if written objections are received, or if the applicant or the Community Development Director so desire for any reason, the Director may schedule any application for public hearing before the Planning Commission, as if on appeal pursuant to Subsection 12.10.010(Q) and the Commission shall hear and decide the matter as if the matter were listed in Subsection 12.10.010(R).

4. The Community Development Director shall provide for a register of all applications for administrative action which have been filed, all such applications which have been acted upon initially and are awaiting final decision, and all such applications which are the subject of administrative review or appeal.

O. Decision of the Director.

1. In making a decision on an administrative action under Subsection 12.10.010(I) or 12.10.010(L), the Community Development Director shall consider the following:

a. The burden of proof is placed upon the applicant seeking an action pursuant to the provisions of this Chapter. Unless otherwise provided for in this Section, such burden shall be to prove:

i. The proposed action fully complies with the applicable land use map element of the Comprehensive Plan, and also the written policies of the Comprehensive Plan.

ii. The proposed action is in accordance with the applicable criteria of this Code.

b. Written comments from parties.

2. In all cases, the Director shall prepare findings and conclusions to justify his/her decision.

3. If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least 12 months from the date of the prior application.

P. Notice of a decision by the Director.

1. Notice of a decision by the Community Development Director shall be filed in the records of the Director, and mailed to the applicant and all parties. Notice shall also be forwarded to the Planning Commission and the City Council.

2. Notice of a decision shall contain:

a. Identification of the application;

b. Where the findings of fact and decision may be found;

c. Other information pertinent to the application, if any;

d. The date of the decision of the Director;

e. Notice that any party may appeal the decision within 14 days from the date of the decision by filing a timely statement with the Director.

3. The decision of the Director shall be final unless an appeal from a party or a person or entity aggrieved by the decision is received by the Director within the 14 days after the date of a decision on an administrative action, or unless any two (2) members of the Commission or City Council request review within 14 days after the date of the proposed decision.

Q. Appeal from decision of the Director.

1. Any action taken by the Community Development Director in the interpretation, administration, or enforcement of this Code shall be subject to review by the Commission.

2. Any party or any person or entity aggrieved by the decision may appeal a decision of the Director relative to an administrative action.

3. The Planning Commission may review the action of the Director upon written notice from two (2) members of the Commission filed within 14 days of the Director's decision, or upon receipt of a notice of appeal as prescribed herein. For the purposes of this Section, an appeal shall be filed with the Director no later than 14 days following the date of the decision or action of the Director.

4. Every notice of appeal shall contain:

a. A reference to the application sought to be appealed.

b. A statement as to how the petitioner qualifies as a party.

c. The specific grounds relied upon in the petition request for review.

d. The date of the final decision on the action.

5. The appeal shall be accompanied by the required fee. The maximum fee shall be the cost to the City of preparing for and conducting the appeal, or $500.00, whichever is less.

6. At least 15 days prior to the date of the Commission hearing, the Director shall give notice as provided by Subsection 12.10.010(S) of the time and place of the hearing to all parties.

7. Appeal of an action of the Community Development Director to the Planning Commission shall be de novo and shall be conducted in accordance with Subsection 12.10.010(T).

R. Land use decisions of the Commission. The following applications for development approval shall be heard by the Planning Commission, pursuant to Subsection 12.10.010(T) of this Code:

1. Planned Unit Development (Section 12.12.020 of this Code).

2. Comprehensive Plan Map Amendment recommendations to the City Council (Subsection 12.10.130(G) of this Code).

3. Revocation hearing (Section 12.10.130 of this Code).

4. Reviews and appeals of actions and interpretations by the Community Development Director (Subsection 12.10.010(Q) of this Code).

5. Appeals of decisions of the Community Development Director (Subsection 12.10.010(Q) of this Code).

6. Interpretations of Title 12 of this Code as outlined in Section 12.02.070.

7. Matters referred to the Commission by the Director pursuant to Subsection 12.10.010(N) of this Code.

8. Administrative Variance as required by Section 12.10.060 of this Code.

9. Family Hardship Permit (Section 12.10.100 of this Code).

10. Zone Change recommendations to the City Council (Section 12.10.040 of this Code).

S. Notice of commission hearings.

1. At least 20 days prior to the date of a quasi-judicial public hearing under Subsection 12.10.010(R) of this Code, notice shall be sent by mail to: the applicant and all owners or contract purchasers of record of the property which is the subject of the application; all owners of property within 300 feet of the property; and any affected governmental agency which has entered into an agreement with the City to coordinate planning efforts and to receive notices of such hearings.

2. Notice shall also be posted by the applicant in three (3) conspicuous places in the immediate vicinity of the property which is the subject of the application at least 15 days prior to the date of the hearing.

3. Notice shall also be given by publication in a newspaper of general circulation in the area affected at least 20 days prior to the date of the hearing. An affidavit of publication shall be made part of the record.

4. If an application would change the zone of property which includes all or part of a mobile home park, written notice shall also be given by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application. The Director may require the applicant for such a zone change to pay the cost of such notice.

5. The notice shall:

   a. Include the location, file number, and title of the file containing the request and the date such notice was sent.

   b. Include a description of the subject property, reasonably calculated to give notice as to its actual location, and for the purpose of this Section, shall include, but not be limited to, metes and bounds descriptions or the tax map designations of the Douglas County Assessor's Office.

   c. Include the deadline for filing comments on the request.

   d. Explain the nature of the application and the proposed use or uses which could be authorized.

   e. List the applicable criteria from this Code and the plan that apply to the application at issue.

   f. Set forth the street address or other easily understood geographical reference to the subject property.

   g. State the date, time, and location of the hearing.

   h. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Approving Authority an opportunity to respond to the issue precludes appeal based on that issue.

   i. Include the name of a City representative to contact and the telephone number where additional information may be obtained.

   j. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

   k. State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.

l. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

T. Hearing procedure.

1. Any staff report used at the hearing shall be available at least seven (7) days prior to the hearing. If additional documents or evidence are provided by any party, the Approving Authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 227.178.

2. Any and all issues which may be the basis for an appeal shall be raised and accompanied by statements or evidence sufficient to afford the Approving Authority and the parties an adequate opportunity to respond to each issue.

3. In the conduct of a public hearing, the Approving Authority shall have the authority, pursuant to the provisions of this Code, to:

a. Dispose of procedural requirements or similar matters.

b. Rule on offers of proof and relevancy of evidence and testimony.

c. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, cross-examination of witnesses, and rebuttal of testimony.

d. Take such other action appropriate for conduct commensurate with the nature of the hearing.

e. Grant, deny, or, in appropriate cases, attach conditions to the matter being heard.

4. The applicant or any party wishing to subpoena witnesses to a hearing may do so by application to the Community Development Director. Such subpoenas shall be enforceable upon proper completion and inclusion of those fees applicable to civil cases in the Douglas County Circuit Court. Payment of fees and services shall be the responsibility of the party desiring such service.

5. Order of Procedure. Unless otherwise specified, the Approving Authority, in the conduct of a hearing, shall:

a. At the commencement of the hearing, read a statement to those in attendance that:

i. Lists the applicable substantive criteria;

ii. States that testimony and evidence must be directed toward the criteria described in Subparagraph (5)(a)(i) above of Subsection 12.10.010(T) or other criteria in the plan or this Code which the person believes to apply to the decision; and

iii. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the Approving Authority and the parties an opportunity to respond to the issue precludes appeal based on that issue.

b. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing;

c. Recognize parties;

d. Request the Community Development Director to present the introductory report of the Director and explain any graphic or pictorial displays which are a part of the report. Request the Director to read findings and recommendations, if any, and provide such other information as may be requested by the Approving Authority;

e. Allow the applicant to be heard first, on his/her own behalf, or by representative;

f. Allow parties or witnesses in favor of the applicant's proposal to be heard;

g. Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.

6. Questions may be asked at any time by the Approving Authority. Questions by the parties or Director may be allowed by the Approving Authority upon request. Upon recognition by the Approving Authority, questions may be submitted directly to the witnesses or parties. The witnesses or parties shall be given a reasonable amount of time to respond solely to the questions.

7. Prior to the conclusion of the hearing, any party may request an opportunity to present additional evidence or testimony regarding the application. The Approving Authority shall grant such requests by continuing the hearing pursuant to the following Subparagraph (7)(a) of Subsection 12.10.010(T) or leaving the record open for additional written evidence or testimony pursuant to the following Subparagraph (7)(b) of Subsection 12.10.010(T).

   a. If the Approving Authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven (7) days later. An opportunity shall be provided at the continued hearing for parties to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any party may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.

   b. If the Approving Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any party may file a written request with the Approving Authority for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Approving Authority shall reopen the record pursuant to the following Paragraph 12.10.010(T)(8) of this Section.

   c. A continuance or extension granted pursuant to this Subsection shall be subject to the limitations of ORS 227.178, unless the continuance or extension is requested or agreed to by the applicant.

   d. Unless waived by the applicant, the Approving Authority shall allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

8. When the Approving Authority reopens the record to admit new evidence or testimony, any party may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.

9. For purposes of this Section:

   a. "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed by the proponent relevant to the decision. "Argument" does not include facts.

   b. "Evidence" means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

10. At the conclusion of the hearing, the Approving Authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Community Development Director, or may take the matter under advisement. The Approving Authority may request proposed findings and conclusions from any party to the hearing. The Approving Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the Approving Authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision and findings and conclusions which support the decision of the Approving Authority shall not be final until

reduced to writing and signed by the Approving Authority. The Approving Authority shall grant, deny, or, in appropriate cases, attach conditions to the proposal being heard, and the Director shall notify by mail the parties of the decision.

11. General Conduct of Hearing. The following rules apply to the general conduct of the hearing:

    a. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.

    b. No person shall testify without first receiving recognition from the Approving Authority and stating his/her full name and address.

    c. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.

    d. Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing, shall not be permitted. Any such conduct may be cause for immediate suspension of the hearing.

U. Quasi-judicial hearings—Challenges to impartiality.

1. Any party to a matter to be heard under this Section and any member of the Approving Authority may challenge the qualification of any other member of that Approving Authority to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger as the basis for the challenge.

    a. Except for good cause shown, the challenge shall be delivered by personal service to the City Recorder and the person whose qualification is challenged, not less than 48 hours preceding the time set for the hearing.

    b. The challenge shall be made a part of the record of the hearing.

2. No member of the Approving Authority may discuss or vote on a matter when:

    a. Any of the following has a direct or substantial pecuniary interest in the matter: the member of his or her spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any organization in which the member is then serving as an officer or director or has so served within the previous two (2) years; or any business with which the member is negotiating for or has an arrangement or understanding concerning a prospective partnership, employment, or other business affiliation.

    b. The member owns all or a portion of the property that is the subject of the matter before the Approving Authority or owns abutting or adjacent property.

    c. The member has a direct personal interest in the matter or for any other reason cannot participate in the hearing and decision impartially. This includes matters where by past conduct or statements the member: has a bias which in the exercise of sound judgment the member cannot vote upon the matter impartially and without prejudice to the substantial rights of the challenging party; owes a present or future fiduciary duty to one of the parties; shares the member's residence with a party which has a pecuniary interest in the matter; or has a personal bias or prejudice against a party.

3. Because of the importance of preserving public confidence in decisions made by the Approving Authority, a member of that authority or body may elect to abstain from a particular hearing when in fact the member is not disqualified but simply desires to avoid the mere appearance of partiality. Abstention in such an instance shall be solely a matter of the member's own judgment. A member who feels that abstention may be necessary or desirable under this Section shall seek the advice of the Approving Authority and then state the member's decision and the reasons therefore.

4. No other officer or employee of the City who has a financial or other private interest in a matter before the Approving Authority may participate in discussion of the matter with, or give an

official opinion on the matter to the Approving Authority without first declaring for the record the nature and extent of that interest.

5. At the commencement of the hearing on a matter, members of the Approving Authority shall reveal all significant pre-hearing and ex parte contacts they have had about the matter. If the contacts have not impaired the member's impartiality, the member shall so state that fact and participate or abstain in accordance with the above Paragraph 12.10.010(U)(4) and with the member's own judgment.

6. Notwithstanding any other rule, an abstaining or disqualified member shall constitute part of a quorum and may represent the member's interest at a hearing, provided the member joins the audience, makes full disclosure of the member's status and position when addressing the Approving Authority and abstains from discussion and from voting on the matter as a member of the Approving Authority.

7. Whenever the qualifications of a member of the Approving Authority are challenged, the presiding officer of the Approving Authority shall give precedence to the challenge by first giving the challenged member an opportunity to respond and then, if necessary, putting the challenge to the Approving Authority for decision.

8. Disqualification for reasons set forth in the above Paragraphs 12.10.010 (U)(1), (2), (3), or (5) of this Section may be ordered by a majority of the Approving Authority. The member who is the subject of the motion for disqualification may not vote on the motion.

9. If all members of the Approving Authority abstain or are disqualified and consequently cannot reach a decision while so abstaining or disqualified, all members present, after stating their reasons for abstention or disqualification, shall by so doing be re-qualified and proceed to resolve the issues.

10. A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless he or she has reviewed the evidence received.

V. Official notice.

1. The Approving Authority may take official notice of the following:

a. All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.

b. The Comprehensive Plan and other officially adopted plans, ordinances, rules and regulations.

2. Matters officially noticed need not be established by evidence, and may be considered by the Approving Authority in the determination of the application.

W. Record of proceeding.

1. A verbatim record of the proceeding shall be made by stenographic or mechanical means. It shall not be necessary to transcribe testimony except as provided for in Subsection 12.10.010(X). In all cases, the tape, transcript of testimony, or other evidence of the proceedings shall be part of the record.

2. All exhibits received shall be marked so as to provide identification upon review.

X. Review of decisions of commission. Fifteen (15) days from the date of a written decision of the Planning Commission, the decision shall become effective, unless review is sought pursuant to this Section.

1. Review of the decision of the Commission.

a. Shall be made by the City Council upon any party filing a Notice of Review with the Director within 14 days of the date of the written decision sought to be reviewed. Review by the City Council shall be conducted pursuant to Subsection 12.10.010(Y).

b. May be made by the City Council on any two (2) members of the City Council giving written notice to the City Manager within 14 days of the date of the written decision sought to be reviewed. Review by the City Council shall be conducted pursuant to Subsection 12.10.010(Y).

2. Notice of the time and place of the review, together with any Notice of Review filed, shall be mailed to parties at least ten (10) days prior to the date of review.

3. A record of the review shall be the same as that required at the hearing before the Commission, pursuant to Subsection 12.010(W).

4. Every Notice of Review shall contain:

   a. A reference to the decision sought to be reviewed;

   b. A statement as to how the petitioner qualifies as a party;

   c. The specific grounds relied upon in the petition request for review;

   d. The date of the decision sought to be reviewed.

5. Except when filed by members of the City Council, a Notice of Review shall be accompanied by a fee established by the City Council.

   a. If the reviewing body does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it in the manner provided in this Section. The estimated cost of the transcript shall be specified by the Community Development Director. Within five (5) days of such estimate, the person making the request for a transcript shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person.

   b. Failure to comply with this Subsection shall be a jurisdictional defect.

   c. If a transcript is desired by the City Council, the costs shall be borne by the City Council.

Y. Review by City Council.

1. Except upon the election of the City Council to take additional evidence, the review of a decision of the Planning Commission by the City Council shall be confined to the record of the proceeding, which will include the following:

   a. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered by the Commission as evidence;

   b. All materials in the record submitted by the Director with respect to the application;

   c. The transcript of the hearing, if required by the City Council or otherwise provided, or the tape recording or other evidence of the proceeding of the hearing and review by the Commission;

   d. The findings and conclusions of the Commission;

   e. Argument by the applicant or parties or their legal representatives upon the record at the time of review by the City Council.

2. Except upon the election of the City Council communicated to the parties with reasonable time to prepare, review by the City Council upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.

3. The City Council may affirm, reverse, modify, or remand the action of the Planning Commission, and may approve or deny the request, or grant approval subject to conditions necessary to carry out the purpose and intent of this Code.

   a. For all cases, the City Council shall make findings and conclusions, and make a decision based on the record before it as justification for its final action.

b. The City Council shall enter such findings, conclusions, and final orders upon the close of its hearings or upon continuance of the matter to a time certain.

c. The City Council shall cause copies of a final order to be sent to all parties participating in the review before it.

4. The City Council may remand the matter to the Planning Commission if it is satisfied that testimony or other evidence essential to the City Council's decision was not presented at the initial hearing.

5. Only those members of the City Council reviewing the entire record may act on the matter reviewed. The agreement of a majority of those reviewing is necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of a majority of those reviewing to agree, the decision of the Commission shall stand.

12.10.020 - Legislative action procedures.

(Not affected by proposed amendments)

12.10.030 - Quasi-judicial plan amendment.

(Not affected by proposed amendments)

12.10.040 - Zone change.

(Not affected by proposed amendments)

12.10.050 - Variances.

(Not affected by proposed amendments)

12.10.060 - Administrative Variances.

(Not affected by proposed amendments)

12.10.070 - Occupancy permits.

(Not affected by proposed amendments)

12.10.080 - Conditional use permits.

(Not affected by proposed amendments)

12.10.090 - Temporary use permits.

(Not affected by proposed amendments)

12.10.100 - Family hardship permits.

(Not affected by proposed amendments)

12.10.110 - Mobile home subdivisions—General provisions.

(Not affected by proposed amendments)

12.10.120 - Mobile home parks.

(Not affected by proposed amendments)

12.10.130 - Administration and enforcement.

(Not affected by proposed amendments)

Chapter 12.12 - LAND DIVISIONS

12.12.010 - Partitions and subdivisions.

A. Land divisions. As authorized by law, including ORS Chapters 92, 197, and 227, subdivisions, partitions and streets created for the purpose of partitioning land and lot line adjustments shall be approved in accordance with this Chapter. This Chapter applies to all incorporated land within the City of Roseburg. A person desiring to subdivide land, to partition land, to accomplish a common boundary line adjustment, or to create a street or road shall submit preliminary plans and final documents for approval as provided in this Chapter and State statutes. Licensed engineers and surveyors shall be engaged to perform appropriate services as set forth in applicable State statutes.

B. Purpose. Any person desiring to divide land or accomplish a common boundary line adjustment within the City of Roseburg shall submit preliminary plans and final plats or maps for such subdivisions and partitions and common boundary line adjustments to the Community Development Director for review. Such review of proposed subdivisions and partitions and common boundary line adjustments is necessary in order that the City provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the Comprehensive Plan regarding patterns for the development and improvement of the City; for recreation, safety, and health; provide for the orderly development of centers of population; and promote the public health, safety, and general welfare, as defined in ORS Chapters 92, 197 and 227. Land divisions shall be designed to help improve the health of the City's citizens and encourage the availability of a variety of transportation choices for moving people with a balanced transportation system that supports walking, bicycling and transit, that avoids principal reliance upon any one mode of transportation, and that encourages residents to achieve recommended levels of exercise.

C. Definitions. The definitions set forth in Section 12.02.100 of this Code shall be utilized for the purpose of this Chapter.

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

E. Requirements and standards for preliminary plans. The following are the requirements and standards to which the preliminary plan and improvement plan of a subdivision or partition or common boundary line adjustment must conform:

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

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

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

   a. Physical or topographic conditions make it impractical to satisfy the street or walkway connection requirements of this Section. These conditions include, but are not limited to,

controlled access streets, steep slopes, wetlands, floodplains, or water bodies where a connection could not reasonably be provided. Grades too steep for streets may provide an accessway.

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

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

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

4. Relation to Adjoining Street System and Bicycle System. A subdivision or partition shall provide for the continuation of major and secondary streets existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. The connecting street network shall have capacity to support the proposed land uses. Connections shall also be made for pedestrian, bicycle, and vehicle access to schools, parks, employment, and recreation areas. Where the Approving Authority finds that topographic conditions make such continuation or conformity impractical, appropriate exceptions to this requirement shall be made.

5. Conform with requirements of Subsection 12.04.090(X) of this Code (Subdivision and Partitioning Proposals).

6. Future Subdivision or Partition of Lots or Parcels. Where the subdivision or partition will result in a lot or parcel which in the judgment of the Approving Authority is likely to be further divided in the future, the Approving Authority may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this Code and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record by having a deed restriction filed with the County Clerk.

   a. If a subdivision or partition is created which contains lots or parcels of sufficient size to otherwise qualify for future re-division, and the Approving Authority does not require special provisions for future re-division as specified in this Subsection, the Approving Authority may attach a condition to such subdivision or partition preventing any future re-division of the lots or parcels. Such condition shall be a special deed restriction and shall be filed with the County Clerk.

7. Access.

   a. Every lot or parcel created by partition or subdivision or common boundary adjustment shall have direct access to a public street or road except as provided in this Section.

A lot or parcel shall be considered to have direct access to a public street or road if:

   i. The lot or parcel abuts a public street or road; and

   ii. The public street or road abutting the lot or parcel provides actual, practical and usable physical access to the lot or parcel.

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

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

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

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

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

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

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

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

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

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

vi. Commercial uses establish common access points in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.

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

F. Platting and mapping standards—Streets and roads.

1. General.

a. Dedication. The Approving Authority may require right-of-way for adequate and proper streets, including arterials, collector streets, local streets, and other streets, and any necessary open space for recreation to be dedicated to the public by the applicant of such design and in such location as are necessary to facilitate provision for the transportation, access and open space needs of the community and the subject area in accordance with the purpose of this Code. The street system and public open space shall accommodate bicycle and pedestrian facilities within the public right-of-way.

b. Special Safety Requirements. Where necessary to ensure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subject area, the Approving Authority may require that local streets be so designed as to discourage their use by non-local traffic.

Traffic-calming features such as traffic circles, roundabouts, curb extensions, speed humps on residential streets, chicanes and other special paving treatments may be required by the Approving Authority to slow traffic and discourage use of local streets by non-local traffic.

c. Transportation System Plan. Any such adopted plan and amendments thereto shall be considered as the correct designation of the transportation, access and safety needs of the Roseburg Urban Area or sub-areas included with respect to the streets designated thereon, for the purpose of determining design and location of streets to be required under Paragraphs 12.12.010(F)(a) and (b) above, unless convincing evidence to the contrary is presented to the Approving Authority.

2. Width.

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

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

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

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

3. Reserve Strips. The Approving Authority may require the land divider to create a reserve strip controlling the access to a street, said strip to be deeded to the City when the Approving Authority determines that a strip is necessary:

   a. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street (also known as a "street plug").

   b. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in Table 6-1: Standard Street Widths, above.

   c. To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself.

TABLE 6-1: STANDARD STREET WIDTHS

(Streets in Hillside areas may use Street Standards shown in Subsection 12.04.100(D))

TYPE OF STREET	MINIMUM RIGHT-OF-WAY WIDTH		
Arterials [3][4][5]	70'—120' [1]		
Collector Streets and All Business Streets Other than Arterials [3][4][5]	60'—70' [2]		
Local Streets in Single-Family Density Areas [3]	60'		
Circular Ends of Cul-de-Sacs where allowed under Paragraph 12.12.010(F)(7)	96' Diameter		
All Streets Not Specifically Provided for Above	60'		
STANDARD STREET PAVEMENT WIDTH AND DESIGN FEATURES			
TYPE OF STREET	**PARKING BOTH SIDES**	**PARKING ONE SIDE**	**NO PARKING**

Local [3]	34-36'	26-28'*	20'*
Collector [3]	48-50'	40-42'	32-34'
Arterial [4][5][6]	N/A	N/A	
3 lane			48-50'
5 lane			70-74'

* Where allowed

[1] The Approving Authority may require a width within the limits shown, based upon adjacent physical conditions, safety of the public and the traffic needs of the community, sidewalk width, and in accordance with other specifications of this Code.

[2] Right-of-way to 70 feet may be required with wider sidewalks; where other design features are included, additional right-of-way may be required.

[3] Pavement width in excess of that shown may be required for other road configurations, such as for turn lanes, etc.

[4] Collector and arterial streets require bike lanes. Local streets utilize shared lanes.

[5] Freight route shall have minimum lane width of 12 feet.

[6] Bus route shall have minimum lane width of 11 feet.

4. Intersections of Streets.

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

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

5. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of Subsection 12.12.010(B) of this Code.

6. Future Extension of Streets. Where the subdivision or partition is adjacent to land likely to be divided in the future, streets shall continue through to the boundary lines of the area under the same ownership of which the subdivision or partition is a part, where the Approving Authority determines that such continuation is necessary to provide for the orderly division of such adjacent land, or the transportation and access needs of the community. A temporary all weather turn-around of asphalt concrete shall be provided at the end of any such street, together with any necessary easements. It shall be the responsibility of the developer extending the street in the future to remove the turn-around and construct necessary pavement, curbs and gutters, and sidewalks.

7. Culs-de-Sac. Culs-de-Sac and other permanent dead-end streets shall be prohibited unless the Approving Authority finds:

   a. The configuration with the cul-de-sac is the minimum necessary to address the constraint;

b. The application of the standard is impractical due to one or more of the following circumstances:

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

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

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

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

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

8. Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the Director, and shall not unnecessarily duplicate or resemble the name of any existing platted street in the greater Roseburg area.

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

10. Subdivision Adjacent to Arterial and Collector Street. Where a subdivision abuts or contains an existing or proposed collector or arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

11. Traffic Impact Study. A Traffic Impact Study shall be submitted as required by Paragraph 12.06.010(D)(4) of this Code.

G. Platting and mapping standards—Alleys.

1. Dedication. The Approving Authority may require in other than the RO, R10, R7.5, and R6 zones adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of Section 12.12.010(13).

2. Width. Width of right-of-way and paving design for alleys shall be no greater than 20 feet, except that for an alley abutting land not in the subdivision or partition, a lesser width may be allowed in the discretion of the Approving Authority where the land divider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required.

3. Corner Radius. Where two (2) alleys intersect, right-of-way corners shall have a radius of not less than twelve (12) feet.

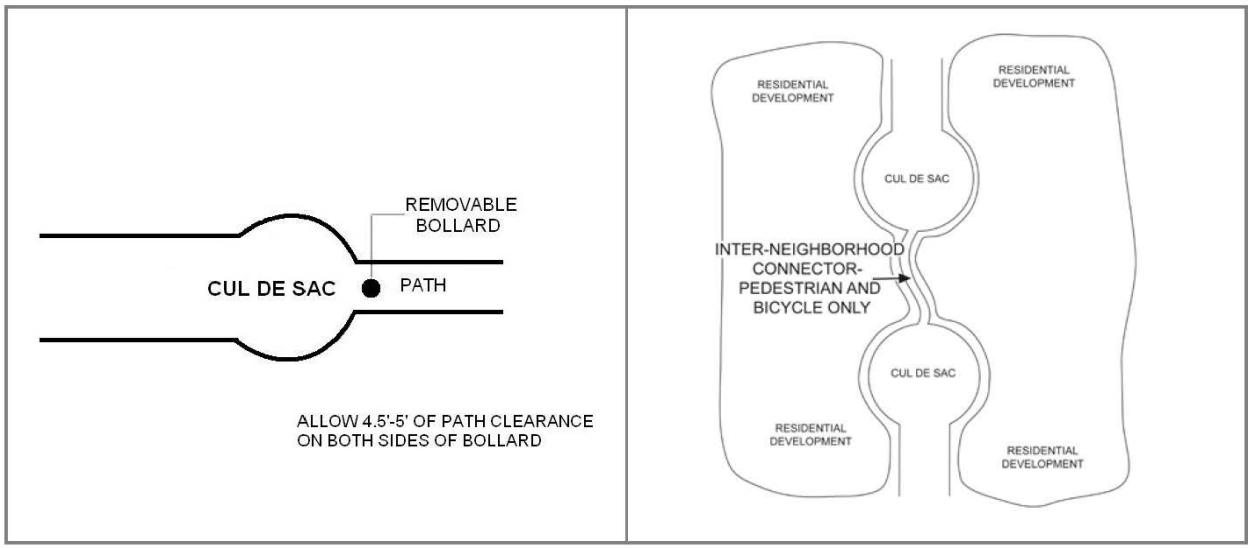
4. Grades and Curves. Unless otherwise approved by the Approving Authority where topographical conditions will not reasonably permit, grades shall not exceed 12% on alleys, and centerline radii on curves shall be not less than 100 feet.

5. Other Requirements. All provisions and requirements with respect to streets in Paragraphs 12.12.010(F)(3)(4)(5) and (6) shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys," respectively.

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

I. Walkways and public accessways. Pathways (i.e., for both bicycles and/or pedestrians) shall be provided at or near mid-block where the block length exceeds 500 feet (the maximum length allowable under Section 12.12.010(L)). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned that would exceed the maximum length allowable under Section 12.12.010(L). Pathways shall connect the ends of the streets together, connect to other streets, and/or connect to other developments, as shown below in Figure 6-1: Pathways.

FIGURE 6-1: PATHWAYS



Pathways used to comply with this Section shall meet all of the following criteria:

1. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface. The paved width of pathways shall be no less than six (6) feet wide, and shall conform to ADA requirements. Multi-use pathways shall be no less than ten (10) feet wide.

2. If the streets within a subdivision or neighborhood are lighted, the pathways shall also be lighted.

3. Stairs or switchbacks in a narrower paved width may be required in lieu of a multi-use pathway where grades are steep. Troughs for bicycle tires shall be provided where stairs are used.

4. Landscaping or fencing is required along the pathway to protect the privacy of adjoining properties.

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

K. Easements.

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

Easements shall be shown on the preliminary map or plat and on the final plat or map with proper language for dedication included in the narrative, and with proper notation on the map as to the purpose (e.g., Public Utility Easement, Public Access Easement, etc.). Temporary easements shall be so noted. Dimensioning of easement boundaries on the map shall be sufficient to allow proper field location from survey monuments.

If a subdivision or partition is or will be periodically subject to accumulation of surface water or is traversed by a water course, drainage way, channel stream, creek or river, there shall be dedicated to the public storm drain easements approved as adequate by the Approving Authority to provide for present and future drainage needs of the area, including access for maintenance. Where the Approving Authority determines that the public need would be better served by dedication of rights-of-way rather than easement, the map/plat shall so indicate, and the land shall be conveyed to public ownership by instrument. In the layout of the subdivision or partition, streets or parkways or walkways parallel and adjacent to water courses may be required.

In addition to being shown and dedicated on the map, all public easements shall be conveyed to the City by properly executed and recorded standard grant of easement instruments with purpose of the easement and agency rights clearly described. No building, structure, retaining wall, or fill in excess of three (3) feet shall be placed or located on or in the public easement. The time of recording may precede or accompany the map or plat recording, but all easement instruments shall be prepared and approved for recording before the Approving Authority acts to approve a final map or plat.

2. Private Easements. Easements may be required on the map or plat to provide for private drainage, sewer, or other private utility purposes, or for private access purposes. Such easements shall be shown, dimensioned, and adequately labeled and described to show clearly the private purpose and to whose benefit the easement is being granted (e.g., a Storm Drain Easement to serve Lot 1, Block 1).

L. Platting and mapping standards—Blocks.

1. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width, and shall recognize the limitations of the topography.

2. Size. For local streets, no blocks shall be more than 500 feet in length between street corner lines unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along a collector street is 1,000 feet. The recommended minimum length of blocks along an arterial street is 1,800 feet.

M. Platting and mapping standards—Lots and parcels.

1. General Size and Frontage Requirements

a. Width. Each lot and parcel shall meet the minimum lot width ~~have an average width between the side lot lines of not less than 60 feet, or as otherwise~~ stipulated in the Zoning District where located as specified in Section 12.04.030 of this Code. ~~Each corner lot and parcel shall have an average width between the side lot lines of not less than 65 feet.~~

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

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

d. Area. Each lot shall ~~comprise a minimum of 6,000 square feet, or as otherwise~~ meet the minimum lot area stipulated in the Zoning District where located. Except, however, the Approving Authority shall allow a maximum of 30% of the lots in a subdivision to contain less than the minimum lot area otherwise required in the applicable zoning district, provided that the average area of all lots in the subdivision must be at least the minimum specified in the applicable Zoning District, but in no case shall any lot contain less than 85% of the minimum area specified for the applicable Zoning District.

NOTE: The minimum areas required in this and other Sections of this Code are intended to be ultimate minimums which may often be impractical and impossible in terrain which presents development difficulties, such as steep slopes. In such cases, the requirements of suitability of access and buildability of each lot, which must be adequately demonstrated in the review process, will often rule out the possibility of approval of lots at the absolute minimum, and as a result, a larger lot size may be required.

e. Frontage. Except as otherwise permitted for townhouses, each lot and parcel shall have frontage of not less than 40 ~~60~~ feet upon a street having a proposed right-of-way width of at least 50 feet, except that a lot or parcel on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 20~~35~~ feet upon a street, measured on the arc. In the case of flag lots or partitioning of odd-shaped lots with narrow frontages, the minimum lot frontage shall be 20~~25~~ feet~~, provided minimum average lot width is maintained~~.

f. Exceptions.

i. Subdivisions Developed as a Planned Unit. The Approving Authority may use discretion to authorize the relaxation of lot and parcel size and frontage requirements as specified herein where the applicant presents a plan satisfactory to the Approving Authority whereby the entire subdivision will be designed and developed in accordance with the provisions of Section 12.12.020 of this Code.

~~ii. Designated Duplex Lots. In Zoning Districts within which duplexes are permitted conditionally, the Approving Authority may allow up to a maximum of 25% of the lots in a subdivision to be designated as Duplex Lots. Such Duplex Lots shall contain at least ten percent (10%) more lot area than the minimum specified by the applicable zoning district. Designated Duplex Lots shall allow duplex or single family dwellings, and the lot designations shall be reviewed by the Approving Authority concurrently with review of the tentative plat. After final subdivision approval, designated Duplex Lots will be considered fixed, and shall be identified on the final plat.~~

iii. Land Zoned for Commercial Use. The Approving Authority may use discretion to authorize relaxation of the lot or parcel size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this Code.

iiiv. Lot or Parcel Retained for Future Subdivision or Partition. The Approving Authority may use discretion to waive frontage requirements where a lot or parcel will be retained by the applicant, and future subdivision or partition of such lot or parcel will be the highest and best use thereof, and such use will be best protected by the creation of a reserve strip separating such lot or parcel from any street.

iv. Open Space in a Subdivision. The Approving Authority may use discretion to waive the minimum lot size requirement for any lot that is created for the dedication of a public park or open space where the total net area equal to at least 10% of the land affected by the subdivision equals less than the minimum lot size for the underlying zone. Such lots so designated shall be protected from future development by either a deed restriction or a conservation easement and plainly indicated as such on the final plat.

2. Lot and Parcel Side Lines. As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lots or parcels face, except that on curved streets, they shall be radial to the curve.

3. Suitability for Intended Use. All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision or partition, or of such lot or parcel, as determined by the Approving Authority in accordance with the purpose of this Code.

4. Open Space.

a. Open space shall be provided and dedicated to the City when a need is identified in the Comprehensive Parks Master Plan. All open space to be dedicated to the City shall be deemed suitable, conveniently situated, and shall conform as nearly as possible to the recommendations in the Comprehensive Parks Master Plan prior to being accepted by the City.

i. Except as hereinafter provided, in subdivisions; such open space shall have a total net area equal to at least 10% of the land affected by the subdivision. Such areas so designated shall be protected from future development by either a deed restriction or a conservation easement.

A. Open space areas shall abut a public street or have direct access to a public property through a right-of-way.

B. The open space shall be accessible to all residents by sidewalks and/or pedestrian walkways.

C. The developer shall submit a separate landscape plan for the proposed open space areas which clearly displays the type of signs, fencing, play apparatus, trails, and outdoor furniture;

b. Where a proposed park or playground, school or other public use shown on the Parks Master Plan, or an existing school site is located in whole or in part in a subdivision, then in such case the open space shall be located within the designated area or immediately adjacent to the existing public use.

N. Platting and mapping standards—Railroads.

1. Crossings. Special requirements may be imposed by the Approving Authority, including, but not limited to, provisions for separation of street and railroad grades, in connection with any railroad

crossing which will immediately affect the safety of the residents of the subdivision or partition, for the protection of such residents and the safety of the general public in accordance with the purpose of this Code. The distance from the railroad to intersection on the cross street shall be determined to provide minimum distance required for approach grades to grade separation. Crossing street rights-of-way and setbacks to buildings shall allow for the grade separation.

2. Streets Parallel to Railroad. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way to be set back at a distance suitable for the appropriate use of the land between the streets and the railroad, including sufficient lot depth to allow screen planting along the railroad right-of-way.

O. Platting and mapping standards—Master development plans. Where the subdivision or partition includes only part of the area owned by the applicant, the Approving Authority shall determine the remaining area for which a Master Development Plan of future development shall be submitted by the sub-divider or developer showing streets, tentative uses, and lots, drainage, major utilities, and other features that will have a bearing on and guide future development of the property in question and surrounding areas. The property may be proposed for development in phases, and the limits of each phase shall be shown on the Master Development Plan. The approved Master Development Plan may be revised by the sub-divider or developer from time to time, or with each phase, but it shall serve the purpose of providing comprehensive guidance to the overall development of the property to facilitate and achieve optimum street design and traffic circulation, proper storm drainage, integrated utilities, etc.

The Master Development Plan shall be reviewed by the Approving Authority and with necessary and appropriate revisions and conditions shall be approved as the plan to which future development of the subject property shall conform. The adopted Master Development Plan shall apply to development of the subject property, regardless of change in applicant. Changes desired by a new applicant must be approved by the Approving Authority, and in no case shall a subdivision or partition be approved that is not in conformance to the latest approved Master Development Plan.

P. Improvement procedures.

1. The sub-divider shall engage the services of properly licensed professional engineers and surveyors to perform the work of designing, supervising construction of and surveying the improvements. The engineer shall be responsible for subdivision planning and design, preparation of plans and specifications, and, in the event of bonding, cost estimates.

2. The applicant shall have a contact person who shall have authority to control the work of the engineer, surveyor and contractor constructing the improvements, and who shall be responsible for coordination with agency representatives through the project. The applicant or his/her engineer(s) are in the best position to perform this role.

3. The developer's engineer shall design the improvements according to the standards and specifications of the Approving Authority. Full plans and specifications shall be prepared and submitted for the Approving Authority's review, comment, and approval, and for approval by any other agency having authority over the work. Plans shall be prepared on stable base polyester film to generally accepted engineering standards. All revisions and changes resulting from review and comments shall be made on the original plans before prints are made for construction. The City Engineer shall stamp five (5) sets of approved plans before any construction is undertaken.

4. Advance notice shall be provided to the affected agency that work to be approved and inspected by that agency is to begin. Initial notice shall be 48 hours in advance of work, and if work that has been discontinued is to resume, a 24-hour advance notice shall be provided. Notice shall be considered to have been made when it is confirmed by the agency person responsible for construction inspection.

5. All work to construct improvements in conformance with approved plans shall be inspected and approved by the agency person responsible for such construction inspection within two (2)

working days of a written request for such inspection. The Approving Authority may refuse to accept and allow occupancy of any part of the subdivision if improvements have not been inspected, or if they do not conform in all respects to the standards and specifications of the affected agency as to workmanship, materials, equipment, etc. It is the responsibility of the developer to see that all phases of the work are inspected before proceeding to the next phase. Weather conditions, change in work schedules, and other circumstances beyond the control of the affected agency do not excuse the developer from necessary inspections.

6. Underground utilities, sanitary sewers, and storm drains installed in streets by the sub-divider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will obviate the necessity for disturbing street improvements when service connections are made.

7. In the event unusual or changed conditions occur during construction which in the opinion of the Public Works Director differ from original design assumptions and conclusions such that they will result in a project not in conformance with the development standards in effect at the time of initial preliminary plat approval, or be in the public interest, the Public Works Director may require changes in the design, layout, details, materials, or any applicable part of the work to accommodate the changed conditions. Where such changes require revision of the design and plans prepared by the developer's engineer, such revisions shall be accomplished by that engineer.

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

9. The developer and his/her contractor may be required to submit specific plans or outline measures to be taken to deal with and carry out solutions to problems. If construction activity is to take place in the winter months October through April, or if any part of the uncompleted work is to "winter over" before completion and acceptance by the City, the developer may be required to receive approval for and carry out a plan to control erosion and damage, both onsite and off-site, until the work is complete, including reconstruction of damaged areas. Exposed earth slopes may be required to be seeded if native grasses will not develop before erosion can occur.

10. A complete set of "as-built" plans on stable base polyester film shall be filed with the Public Works Director and with other affected agencies upon completion of the improvements.

Q. Improvement requirements. Improvements to be installed at the expense of the sub-divider shall be as follows and shall comply with Floodplain requirements in Subsection 12.04.090(X) of this Code:

1. Streets. Streets within or partially within the subdivision, and the extension of such streets to a point of conformance with existing streets with which such streets intersect, shall be improved to the following minimum standards:

   a. The street shall be brought to proper grade, including portions outside the roadway where necessary to serve pedestrians, to protect the roadway, or to serve abutting property.

   b. Standard concrete curbs and gutters shall be constructed along the edge of the roadway.

   c. Roadway base and concrete or asphaltic concrete surfacing of sufficient width to meet local street design shall be installed to adopted design standards.

   d. Sidewalks and walkways shall be constructed to adopted design standards required by Subsection 12.06.020(E) and 12.06.030(W).

2. Monuments.

a. Permanent iron pipe monuments shall be set at each boundary corner of the subdivision, along exterior boundaries at intervals of not over 500 feet, and at other points as may be required by the Approving Authority.

b. Concrete monuments depressed below street grade shall be set at intersections of street centerline tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the centerline curve or offsets therefrom. The exact location of all monuments shall be shown on the final map before approval is requested.

c. A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level, NAVD 88. The location of such monument shall be shown on the final partition map or subdivision plat.

d. Any monument required by this Code that is disturbed or destroyed before acceptance of all improvements shall be replaced by the sub-divider.

3. Storm Drains. Excepting as is hereinafter provided, storm drains shall be constructed in the easement or drainage right-of-way areas specified in Subsection 12.12.010(L) or in dedicated streets. Storm drain design shall conform to the standards of design set by the Public Works Director, but in no case shall facilities provide for carrying less than the ten-year storm runoff with one-and-a-quarter (1.25) feet of freeboard to the top of curb or top of channel. Requirements for major storm drains (trunk mains) may be increased commensurate with their importance and function in providing for public safety. Offsite drainage shall be provided for, and each lot shall be capable of being drained in a reasonably practical manner. Drainage easements shall be dedicated or granted where necessary to provide for present or future needs.

4. Sewers. Sanitary sewer lines to serve the subdivision or partition and to connect the subdivision or partition to existing mains shall be designed and installed according to requirements of the sewer utility serving the area and the State Department of Environmental Quality. All systems shall be gravity, except in special circumstances reviewed and approved by the Approving Authority and the affected agency. Pumping of sewage where facilities are to be privately owned and maintained may be approved, provided the owner is clearly aware of his/her responsibilities. Provisions for maintenance must be assured, and ownership clearly defined. Pumping of sewage where facilities are to be publicly owned and maintained may be approved if it is clear that the area can never be served by a gravity system that would be extended to the area over time as development occurs pursuant to the adopted Comprehensive Plan. Long-term costs and maintenance shall be among factors considered in establishing the minimum size of pump facility which the affected agency would accept for ownership and maintenance.

5. Water System. Water lines with valves and fire hydrants to serve the subdivision or partition and to connect the subdivision or partition to existing mains shall be designed and installed according to requirements of the water utility serving the area.

6. Deposit Required for Improvements and Services. The developer shall deposit with the affected agencies a sum of money determined to be sufficient to cover the cost of construction inspection services, street sign installation, barricades and other miscellaneous items provided or installed by the affected agencies as part of completing the subdivision. The balance of the deposit that is unexpended after completion of the work shall be returned to the developer. The developer shall pay any amounts exceeding the deposit before approval of the plat or acceptance of the improvements, whichever occurs last.

7. Underground Utilities.

a. All permanent utility service to lots shall be provided from underground facilities, and no overhead utility facilities in connection with permanent utility service to a subdivision shall be permitted, except that in the case of a partition in an area where underground utility service is not presently provided, permanent service may be supplied by means of overhead wires or cables.

b. The developer's engineer shall prepare a utility plan showing the coordinated location of all new and existing utilities, and shall have the responsibility to coordinate utility location. The plan shall be the product of a coordinated effort among the affected agencies, so as to allow conflicts to be resolved and locations to be settled before construction begins. Copies of the plan shall be submitted with improvement plans for approval, and shall be given to all affected agencies and the Public Works Director before construction begins.

c. The applicant shall be responsible for complying with the requirements of this Section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Oregon.

8. Street Lights. The sub-divider shall enter into an agreement with the electric utility for the installation of street lights at such locations as determined by the Public Works Director.

9. Open Space. Signs, fencing, play apparatus, walkways, outdoor furniture, and other improvements within dedicated park space shall be installed at the expense of the sub-divider prior to the recording of the Final Plat.

R. Preliminary subdivision plan approval. The approval of a preliminary subdivision plan is an administrative action subject to the provisions of Subsection 12.10.010(~~F~~) of this Code.

1. Application for Preliminary Subdivision Plan Approval.

a. An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 12.10 of this Code.

b. The applicant shall file with the Director a preliminary subdivision plan and five (5) additional copies, together with such other data and plans as may be required by other Sections of this Code, or the Approving Authority, and together with other supplementary information required by below Paragraph 12.12.010(R)(2) of this Code to demonstrate the design and objectives of the subdivision.

c. The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals 100 feet, or one (1) inch equals 50 feet.

d. The Community Development Director shall notify the applicant within 30 working days if it is found that the application for preliminary subdivision plan approval is incomplete or if additional information is needed.

2. Information Required in the Preliminary Subdivision Plan.

a. The proposed name of the subdivision.

b. North point, scale, and date of the drawing.

c. Appropriate identification clearly stating the map is a preliminary plan.

d. Names and addresses of the landowners, sub-divider, and the engineer, surveyor, land planner, or landscape architect responsible for designing the subdivision.

e. The tract designation or other description according to the real estate records of Douglas County (Township, Range, Section, Tax Lot Number, Assessor's Tax Account Number, Lot Number, Block Number, and Subdivision or metes and bounds description).

f. The boundary line (accurate in scale) of the tract to be subdivided and approximate acreage of the property.

g. Contour lines based upon USGS data having the following intervals:

i. One-foot contour intervals for ground slopes up to five percent (5%).

ii. Two-foot contour intervals for ground slopes between five percent (5%) and ten percent (10%).

iii. Five-foot contour intervals for ground slopes exceeding ten percent (10%).

h. 100-year flood elevation data shall be provided and shown on the preliminary partition and subdivision plats. Applicant shall show boundaries of the 100-year flood and floodway on preliminary and final partition and subdivision plats.

i. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of un-subdivided land.

j. The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features, such as section lines, political subdivision boundary lines, and school district boundaries.

k. Existing sewers, water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.

l. Location, acreage, and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations, if any.

m. Proposed plan for draining surface water from the development and accepting offsite runoff water, and a description of any effects on adjacent properties.

n. The proposed street pattern or layout showing the name and widths of proposed streets and alleys, and curve radii of centerline and rights-of-way.

o. Private streets and all restrictions or reservations relating to such private streets.

p. Easements, together with their dimensions, purpose, and restrictions on use.

q. List proposed suppliers of utility services and show locations of proposed facilities for sanitary sewer, storm drain, water lines, electric/telephone, fire hydrants, street lights, etc.

r. Proposed blocks, numbered in consecutive order.

s. Proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.

t. ~~Sites, if any, for residences other than single-family dwellings.~~ Proposed dwelling types.

u. Parks, playgrounds, recreation areas, parkways, walkways, bikeways, signs, landscaping, and open space for public use, and any other special features that are proposed to be part of the subdivision.

v. Zoning classification of the land and Comprehensive Plan Map designation.

w. Draft of proposed restrictions and covenants affecting the plat.

x. Predominant natural features such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards.

y. Show minimum setback lines if more restrictive than provided for in this Code.

3. Development Phasing.

a. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.

b. Time limitations for the various phases must meet the following requirements:

i. Phase 1 final plat shall be approved within 24 months of preliminary approval.

ii. Phase 2 final plat shall be approved within 24 months of final approval of Phase 1.

iii. Phase 3 final plat shall be approved within 24 months of final approval of Phase 2.

iv. In no case shall the preliminary approval of any phase last longer than ten (10) years beyond the preliminary approval in compliance with ORS.

4. Criteria for Approval of Preliminary Subdivision Plan.

a. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in Chapter 12.10 of this Code, within 180 days of filing a complete application.

b. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:

i. The information required by this Section has been provided;

ii. The design and development standards of this Section have been met; and;

iii. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

c. Should the Approving Authority find that conditions of approval are necessary to ensure that the preliminary plan will meet all applicable standards, it shall approve the plan with conditions in cases where the necessary conditions of approval can be applied with sufficient specificity.

d. Should the Approving Authority find that the preliminary plan submitted cannot be reasonably approved with conditions of sufficient specificity so as to ensure that the plan will meet all applicable standards, it shall deny the submitted plan with a statement indicating the areas of deficiency.

5. Duration of Preliminary Subdivision Plan Approval.

a. Approval of a preliminary subdivision plan shall be valid for 36 months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Paragraph 12.12.010(R)(3) of this Code.

b. If any time limitation is exceeded, approval of the preliminary subdivision plan, or of the phase of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require new administrative action.

6. Granting of Extensions.

a. An applicant may request an extension of a preliminary subdivision plan approval, or, if the preliminary plan provides for phased development, an extension of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered a limited land use decision, and shall be submitted to the Approving Authority in writing, stating the reason why an extension should be granted.

b. The Approving Authority may grant an extension of up to 36 months of a preliminary subdivision plan approval, or if the preliminary plan provides for phased development, an extension of up to 12 months of a preliminary subdivision plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation. Further extensions of up to one (1) year each may be granted by the Approving Authority if extraordinary circumstances are shown by

the applicant. However, in no case shall the preliminary approval extend beyond ten (10) years in compliance with ORS.

S. Final subdivision plat approval. Action upon a final subdivision plat by the Approving Authority is a ministerial action, and must be undertaken within 30 days of receipt of the final plat.

1. Application for Final Subdivision Plat Approval.

a. Before expiration of the preliminary subdivision plan approval obtained pursuant to Subsection 12.12.010(R) of this Code, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.

b. The applicant shall initiate a request for final plat approval by filing with the Approving Authority a final plat, other supporting documents as described in Paragraphs 12.12.010(S)(2-6) of this Code, and the appropriate fees as established by the City Council.

2. Final Subdivision Plat Requirements.

a. A preliminary subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interests in the premises, shall be submitted with the final subdivision plat prior to final approval.

b. Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision, and their mortgagees, or by their authorized representatives or any titleholder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with permanent black ink, not ball point.

c. A certificate by the Public Works Director certifying that the sub-divider has installed improvements in accordance with the requirements of these regulations, other required standards, and with the action of the Approving Authority giving conditional approval of the preliminary plat; or a certificate by the County Clerk that an agreement has been recorded as provided in Paragraph 12.12.010(S)(5) to ensure completion of required improvements.

d. A copy of the covenants, if any, that will be placed on the subdivision.

e. A copy of all documents relating to establishment and maintenance of private facilities, common areas, and easements, including the volume and page of recording with the Douglas County Clerk.

f. A copy of all documents relating to additional requirements or restrictions required by the Approving Authority as a condition of approval.

g. Declaration. A notarized certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.

h. Dedication. A notarized certificate, signed, and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including, but not limited to, streets, roads, parks, sewage disposal, and water supply systems, the dedication of which was made a condition of approval of the preliminary plan.

i. Certification line by the Douglas County Tax Collector certifying that taxes and assessments on the tract are paid to date.

3. Information Required on the Final Subdivision Plat. The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with ORS 209.250:

a. Name of subdivision.

b. North arrow, scale, and date the plat was prepared.

c. Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by Quarter Section, Township, and Range.

d. Names and addresses of the sub-divider, owner, mortgagee, if any, and the person preparing the plat.

e. Subdivision block and lot boundary lines and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings.

f. Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated.

g. Easements denoted by fine dotted lines, clearly identified, and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

h. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets and along the edge of partial width streets on the boundary of the subdivision.

i. Ties to any City, County, condominium, or adjacent subdivision boundary lines, and geodetic control monuments as required by ORS 92.050.

j. Numbering of blocks and lots, as follows:

   i. Any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters.

   ii. Block numbers continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as to not obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.

   iii. Lot numbers beginning with the number "1" and numbered consecutively or consecutively within each block.

k. Zoning classification of the property within the subdivision.

l. The course of all lines traced or established, giving the basis of bearing and the distance and course to a Section Corner, Quarter Corner, Sixteenth Corner, or Donation Land Claim Corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a recorded condominium, or a parcel corner of a recorded partition.

m. 100-year flood elevation data shall be provided and shown on final subdivision plats. Applicant must also show boundaries of the 100-year flood and floodway on final subdivision plat.

n. Space for date and signature of the officials specified in Paragraph 12.12.010(S)(10) of this Code.

o. Any conditions specified by the Approving Authority upon granting preliminary approval.

p. A narrative pursuant to the provisions of ORS 209.250(2).

q. Dedications and/or declarations shall be notarized.

r. A copy of the covenants, if any, that will be placed on the partition, including the volume and page of recording with the Douglas County Clerk.

s. Community Development Department File Number.

t. The plat shall conform to the requirements of ORS 92 and ORS 209.250.

4. Survey Requirements for Final Plat.

a. Format. All plats shall be drawn with a good quality black ink, approved by the County Surveyor, on .003 inch thick polyester based transparent drafting film, or an equivalent, matted on both sides, 18 inches by 24 inches in size, with a three (3) inch extension at the left end (overall size shall be 18" x 27") that is suitable for binding and copying purposes. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one (1) inch and no nearer the left or binding edge than four (4) inches.

b. Scale. The plat shall be drawn to a scale of 1" = 100'. Any deviation from this scale shall be allowed only with the approval of the County Surveyor.

c. Survey Accuracy.

i. Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within 1/5,000 of the distance shown on the subdivision plat, whichever is greater.

ii. The survey for the plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 5,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.

iii. The dimensions shown on the plat shall be of such accuracy that the error of closure of any portion shall not exceed 1 foot in 10,000 feet.

d. Measurements. The plat shall contain the following measurements:

i. The boundary lines with distances, bearings, and the exact location and width of existing or recorded streets intersecting the boundary. Distances shall be to the nearest 1/100th of a foot and bearings or angles to the nearest second.

ii. The lengths of arcs, radii, internal angles, lengths, and bearings of tangents and lengths and bearings of chords and the central angle.

iii. Block indications, lot numbers, and lot lines with dimensions and bearings and/or angles to street and alley lines.

iv. The area of each lot in either acres to the nearest 1/100th of an acre, or square feet.

v. All bearings or measured angles and distances separately indicated from those of record.

vi. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included, and all monuments set shall be separately indicated from those found.

vii. Any additional information shall be typed or printed in narrative form.

e. Monuments

i. The plat shall contain the location, material, and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval. Interior monuments need

not be set prior to the approval of the plat. Special symbols shall be used to designate and describe points where such interior monuments will be set.

ii. Monuments shall meet the specifications of the County Surveyor, and shall be no less than those required by ORS 92.060.

iii. If the interior monuments are not set prior to the approval of the plat:

A. The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by them, such a date not to exceed one year from the date of submission of the plat for approval. The County Surveyor may extend the one-year period, and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Approving Authority.

B. The sub-divider shall furnish to the Douglas County Surveyor's Office a bond, cash deposit, or other security at the option of the Douglas County Surveyor's Office, in an amount equal to not more than 120% of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.

C. Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.

D. Upon completion of the interior monumentation, the person performing the survey shall notify the County Surveyor within five (5) days.

E. The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the subdivision plat in the County Clerk's Office on the exact copy filed in the County Surveyor's Office.

F. Upon approval of the work by the County Surveyor, the person performing the work shall reference the monuments on the subdivision plat in the County Clerk's Office and the exact copy filed in the County Surveyor's Office.

G. The person performing the survey work shall certify by affidavit on the plat that he has correctly surveyed and marked with proper monuments the land as represented.

iv. Floodplain Monumentation for Subdivisions and Partitions. For subdivisions and partitions involving land in a floodplain, the following specifications shall apply:

A. A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level, NAVD 88. The location of such monument shall be shown on the final partition map or subdivision plat.

B. A standard Bench Mark shall be a minimum of 36 inches in depth and eight (8) inches in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least 30 inches in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be third order or higher.

C. The Bench Mark location shall be indicated on the face of the plat or final survey map, along with its name and elevation and the name, year and elevation of the Bench Mark upon which the elevation is based.

D. The level notes or a copy thereof shall be filed with the final map.

Any exceptions shall be allowed only with the approval of the County Surveyor.

f. Field Notes and Closure Copies to County Surveyor.

i. Copies of all lot closures, block closures, and plat closures of the subdivision shall be furnished to the County Surveyor upon his/her request.

ii. If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his/her request.

g. County Surveyor Fees. The sub-divider shall pay a fee to the County Surveyor as provided in ORS 92.100(2). If the interior monuments are not set prior to the approval of the plat, the sub-divider shall pay an additional fee to the County Surveyor equal to 50% of that fee provided in ORS 92.100(2) to cover the second field check as provided in most monumentation. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his/her discretion, charge a second fee or partial fee.

5. Agreement for Improvements.

a. Before approval of the final subdivision plat, the applicant shall install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision. The developer may execute an agreement between the property owner and the City for deferring the construction of sidewalks for a period not to exceed five (5) years from the time the final plat is recorded within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the property owner.

b. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for them to fulfill the agreement within the original time limits.

6. Performance Bond.

a. To assure full performance of the improvement agreement, an applicant shall provide one of the following:

i. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the City; or

ii. Cash deposit with the City.

b. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plat, including related engineering, administration, inspection, utilities, fees, and other incidental expenses to obtain finished streets and saleable lots, and may include an additional percentage as determined by the Public Works Director to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.

c. If the applicant fails to carry out provisions of the improvement agreement, and the City has reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the City.

d. The sub-divider and his/her contractor shall provide a guarantee of one (1) year extending from the date of final plat approval, or certification by the engineer that improvements are complete and the bond can be released. The guarantee shall cover workmanship and materials, during which time the sub-divider and his/her contractor are responsible for and

must make good any defects through faulty, improper or inferior workmanship or materials, arising from or discovered in any part of his/her work during this time.

e. Upon completion of the improvements, the Public Works Director shall inspect the work and all other requirements and conditions for conformity with the preliminary plan, and if complete and acceptable and all accounts are settled or satisfactory provisions are made for settlement, he shall certify the work complete and ready for acceptance by the Approving Authority, after which the final plat may be approved, or the bond on improvements released.

7. Development Phasing. If the preliminary subdivision plan approval pursuant to Subsection 12.12.010(R) of this Code provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in Subparagraphs 12.12.010(S)(1-6) of this Subsection, for that phase only.

8. Review of Final Plat. The official plat for final approval shall be delivered to the Director for final review and approval. The Director shall cause the final map and other data to be reviewed by appropriate agencies and officials, who shall examine them to determine that the subdivision as shown substantially conforms to the approved preliminary plan as conditionally approved.

If the Director determines that substantial conformity to the preliminary plat with conditions has not been made, he shall advise the sub-divider and shall afford them an opportunity to make such changes or additions necessary to comply with the preliminary plat as conditionally approved.

9. Standards for Final Subdivision Plat Approval.

a. The Director shall grant final subdivision plat approval if he determines that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined in Subparagraph 12.12.010(V)(1)(a) of this Code.

b. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.

10. Filing and Recording of Final Plat.

a. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following officials, in the order listed:

i. Planning Commission Chairman;

ii. Community Development Director;

iii. Public Works Director;

iv. Surveyor, in accordance with the provisions of ORS 92.100;

v. Assessor;

vi. Board of County Commissioners;

vii. County Clerk.

b. At least two (2) members of the Board of County Commissioners shall sign the plat prior to its submission to the County Clerk.

c. The final plat shall be recorded within 30 days of the date that signatures and approvals required by the above Subparagraphs 12.12.010(8) and (9) of this Code were obtained, or the approval shall be null and void.

d. Upon filing the final plat, the applicant shall submit to the Director three (3) prints of the final plat as filed.

T. Land partitioning approval.

1. Approval of Preliminary Partition Plans. Approval of a preliminary partition plan is an administrative action subject to the provisions of Subsection 12.10.010(F) of this Code.

a. An application for preliminary partition plan approval shall be initiated as provided in Chapter 12.10 of this Code. Applicants shall file with the Director five (5) copies of the preliminary plan. The Director shall notify the applicant within 30 working days if it is found that the application for preliminary partition plan approval is incomplete or if additional information is needed.

b. A preliminary partition plan and supporting documents shall include the following:

i. An identifying name or title of the partition;

ii. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and other land parcels;

iii. North arrow, scale, and date;

iv. A plan of the proposed partitioning, showing tract dimensions, bearings of all lines, area of each tract, and the names of existing and proposed streets or roads and walkways;

v. Existing or proposed private streets or roads and walkways and all restrictions or reservations relating to such private streets roads, and walkways;

vi. Easements to be conveyed or dedicated, indicating width, location, purpose, affected agencies, etc.;

vii. Name and address of the landowners, the applicant and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved;

viii. Names of adjacent owners and property identification;

ix. Proposed means and location of water supply and sewage disposal for each tract;

x. Proposed drainage plan;

xi. Zoning classification of the land and Comprehensive Plan Map designation;

xii. Predominant natural features, such as water courses and their flows, marshes, rock outcroppings and areas subject to flooding, sliding, or other natural hazards;

xiii. Existing structures and distances from all existing and proposed property lines;

xiv. Contours as called for on preliminary subdivision plats;

xv. Draft of any proposed restrictions and covenants affecting the partitioned land.

c. Standards for approval of a preliminary partition plan:

i. A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in Chapter 12.10 of this Code.

ii. The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this Subsection has been provided, and if the design and development standards of this Chapter and the Comprehensive Plan have been met.

d. The Approving Authority may require dedication or reservation of land and utility or drainage easements, and may impose conditions promoting redevelopment of the parcels, if, in view of the zoning and Comprehensive Plan Map designation, the acreage of the parcel or parcels in contiguous ownership makes additional partitioning of the subject property feasible.

2. Land Partition Plat Requirements.

a. Conformance to Tentative Plan. The plat shall substantially conform to the tentative plan as approved.

b. Conformance to State Law. In addition to the requirements of this Subsection, the plat shall conform to all requirements of state law.

c. Preparation. All plats shall be prepared by a professional land surveyor registered with the State of Oregon and shall otherwise comply with ORS 209.250.

d. Format. All plats shall be drawn with good quality black ink approved by the County Surveyor, on .003 inch thick polyester based transparent drafting film, or an equivalent, matted on both sides, 18 inches by 24 inches in size with a three (3) inch extension at the left end (overall size shall be 18 inches by 27 inches) that is suitable for binding and copying purposes. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one (1) inch and no nearer the left or binding edge than four (4) inches.

e. Scale. The partition plat shall be drawn to a scale of 1"=100' or to such other scale, approved by the County Surveyor.

f. Survey Accuracy.

i. Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot to within 1/5,000 of the distance shown on the partition plat, whichever is greater.

ii. The survey for the plat shall be of such accuracy that the error of closure shall not exceed one (1) foot in 10,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.

iii. The dimensions shown on the plat shall be of such accuracy that the error of closure on any portion shall not exceed one (1) foot in 10,000 feet.

g. Measurements. The plat shall contain the following measurements:

i. The boundary lines with distance bearings, and the exact location and width of existing or recorded streets intersecting the boundary of the parcel. Distances shall be to the nearest 1/100th of a foot and bearings or angles to the nearest second.

ii. The lengths of arcs, radii, internal angles, lengths and bearings of the tangents and lengths and bearings of chords and the central angle.

iii. The area of each parcel in either acres to the nearest 1/100th of an acre, or square feet.

iv. All bearings or measured angles and distances separately indicated from those of record.

v. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

h. Monuments.

i. The plat shall contain the location, material, and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments shall be set and referenced on the plat before the plat is offered for approval.

ii. Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by ORS 92.060.

iii. For partitions involving land in a floodplain, the provisions of Subparagraph 12.10.010(S)(4)(e) of this Code shall apply.

iv. A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level, NAVD 88, The location of such monument shall be shown on the final partition map or subdivision plat.

i. General Information. The plat shall comply with ORS 209.250, and shall contain the following information:

i. Location of the parcel by Quarter Section, Township, and Range;

ii. Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat;

iii. North arrow, scale, and date submitted;

iv. The names of any streets intersecting or within the parcels. In the event any streets are created or dedicated, data as required in Subparagraphs 12.10.010(S)(3)(e)—(f) of this Code shall be provided;

v. Easements provided for public services or utilities and any limitations of the easements, as required in Subparagraph 12.10.010(S)(3)(g) of this Code;

vi. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets and along the edge of partial width streets on the boundary of the partition;

vii. 100-year flood elevation data shall be provided and shown on final partition plats. Applicant must also show boundaries of the 100-year flood and floodway on final partition plat;

viii. A copy of the covenants, if any, that will be placed on the partition, including the volume and page of recording with the Douglas County Clerk;

ix. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page of recording with the Douglas County Clerk;

x. Declaration. A notarized certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the partition;

xi. Dedication. A notarized certificate, signed and acknowledged by all parties having any record title interest in the land, dedicating all land intended for public use and common improvements, including, but not limited to streets, roads, parks, sewage disposal, and water supply systems the donation of which was made a condition of the approval of the preliminary partition;

xii. Zoning classification;

xiii. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one sixteenth corner or Donation Land Claim corner in Township and Range, a lot corner of a recorded subdivision, boundary corner of a condominium or a parcel corner of a recorded partition;

xiv. Space for date and signatures of the following officials for plats of partitions:

A. Community Development Director;

B. Public Works Director;

C. County Surveyor.

xv. Narrative per ORS 209.250;

xvi. Any additional information made a condition of approval of the tentative plan;

xvii. A surveyor's certificate per ORS 92.070 and written legal description of the boundary of all land contained in the land partition. Each parcel shall be identified with a parcel designation;

xviii. When parcels are not required to be monumented or surveyed, a schematic diagram shall be included on the face of the final partition plat showing the exterior boundaries of all parcels and their relationship with the parcel(s) requiring monumentation and surveying;

xix. Tie to geodetic control monument as required by ORS 92.050 and ORS 209.250;

xx. Community Development Department File number;

xxi. The partitioner shall pay a fee to the County Surveyor for checking partition plats and such fee shall be established by the County Surveyor;

xxii. Certification line for the Douglas County Tax Collector certifying that taxes and assessments on the tract are paid to date.

3. Approval of Final Partition Plat.

a. The applicant shall initiate a request for final partition plat approval by filing with the Director a final plat prepared in accordance with those standards specified in Subparagraph 12.10.010(S)(3) of this Code.

b. If the parcel of land to be partitioned exceeds five (5) acres, and within a year is being partitioned into more than two (2) parcels any one of which is less than one (1) acre, full compliance with all requirements for subdivision may be required if the Approving Authority should determine, in its judgment, that the entire parcel being partitioned is in the process of being divided into small parcels.

c. The approval of a final partition plat by the Director is a ministerial action. The Director shall grant final approval within 180 days if he determines that:

i. The final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;

ii. Any conditions imposed by the Approving Authority have been met.

iii. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined in Subparagraph 12.12.010(T)(1)(a) of this Code.

d. Every lot or parcel created by a partition shall conform to the access requirements specified in Subparagraph 12.12.010(E)(6) of this Code.

e. The granting of final plat approval shall not be affected by a change in the zone or plan plat designation of the subject property made after approval of the preliminary partition plan.

f. After approval of the final partition plat, the Director and the County Surveyor shall endorse their approval on the plat. The plat shall be recorded with the County Clerk.

g. Upon filing the final partition plat, the applicant shall submit to the Director three (3) prints of the final partition plat.

U. Common boundary line adjustments.

1. Application for Approval of Common Boundary Line Adjustments. Approval of a common boundary line adjustment is an administrative action subject to the provisions of Subsection 12.10.010(I) of this Code.

    a. An application for common boundary line adjustment approval shall be initiated as provided in Chapter 12.10 of this Code.

    b. An application for common boundary line adjustment approval shall include the following:

        i. An identifying name or title of the common boundary line adjustment;

        ii. A vicinity map locating the proposed common boundary line adjustment in relation to adjacent land parcels and roadways;

        iii. North arrow, scale and date.

        iv. A plan of the proposed common boundary line adjustment, showing all affected lots, boundaries to be adjusted, parcel dimensions, areas of each parcel, all streets or roads both public and private, existing structures with dimensions and distances from all existing and proposed property lines, driveways, and location of utilities (gas, sewer, water, electricity, and any others) with appropriate dimensions;

        v. Easements to be conveyed or dedicated, indicating width, location, purpose, affected agencies, etc.;

        vi. Name and address of landowners, the applicant, and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved;

        vii. Names of adjacent owners and property identification;

        viii. A notarized certificate signed and acknowledged by all parties having any record title interest in any affected units of land, consenting to the preparation and recording of the common boundary line adjustment. The certificate shall include legal descriptions of all adjusted lots prepared at the applicant's expense;

        ix. Space for date and signature of the Director;

        x. Any additional information made a condition of approval;

        xi. A non-refundable filing fee in an amount determined by ordinance or resolution of the City Council;

        xii. Map and Monuments Required:

            A. For any resulting lot or parcel ten (10) acres or less, a survey map that complies with ORS 209.250 shall be prepared.

            B. The survey map shall show all structures within ten (10) feet of the adjusted line.

            C. The survey shall establish monuments to mark the adjusted line.

2. Standards for Approval:

    a. A decision on a common boundary line adjustment application shall be made by the Approving Authority as provided in Chapter 12.10 of this Code.

    b. The common boundary line adjustment shall be approved if the Approving Authority finds that:

        i. The information required by this Section has been provided;

        ii. The design and development standards of this Code and the Comprehensive Plan have been met;

        iii. All adjusted lots will be no more non-conforming than the original lots with respect to minimum lot area, dimensions, and building setback requirements for the given zone;

iv. All adjustments are within a given zone and not among differing zones;

v. No substandard lots shall be created;

vi. The adjustment will not affect or impede the public right-of-way or any recorded easement.

c. After approval of the common boundary line adjustment the Director shall endorse his or her approval on the Plat in the place provided and notify the applicant in writing. The survey plat, if required, shall be filed with the County Surveyor. Deeds of conveyance conforming to the approved common boundary line adjustment shall be recorded with the County Clerk within 30 days after approval is granted.

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

1. Definitions.

a. "Minor amendment" means a change that:

i. Does not increase the number of parcels created by the subdivision or partition or common boundary line adjustment;

ii. Does not enlarge the boundaries of subdivided or partitioned area;

iii. Does not change the general location or amount of land devoted to a specific land use; or

iv. Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, and does not result in conflicts or other conditions unacceptable to the Approving Authority.

b. "Major amendment" means any change which is not a minor amendment.

2. Approval of Minor Amendments. A minor amendment to an approved preliminary subdivision or partition plan or common boundary line adjustment or to an approved final subdivision plat or final partition map may be approved by the Director.

3. Approval of Major Amendments. Approval of a major amendment to an approved preliminary subdivision or preliminary partition plan, or to an approved final subdivision plat or final partition map, shall be an administrative action subject to the provisions of Section 12.10.010(F) of this Code.

W. Prohibition on sale. No person shall sell any lot or adjusted lot or parcel of land before the subdivision or partition or common boundary line adjustment creating the same has been approved by the Approving Authority and the plat or partition has been recorded with the County Clerk.

(Ord. No. 3538 , §§ 6—8, 3-23-2020)

12.12.020 - Planned unit development.

A. Purpose. The purposes of Planned Unit Development are to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards; to encourage the application of new development techniques and technology which will result in superior living or development arrangements; to promote the efficient use of land to facilitate more economic provision of housing, circulation systems, utilities and their maintenance; to promote energy conservation and use of renewable energy resources; to preserve to the greatest extent possible significant landscape features and to utilize such features in a harmonious fashion; and to provide for more usable and suitably located open space and recreation facilities than would otherwise be provided under conventional land development procedures.

The purpose of the Planned Unit Development process is also to provide special site review for development occurring in areas designated in the Comprehensive Plan and Zoning Map by a PUD Overlay.

B. Types of PUD's and general process of consideration. Planned Unit Developments shall fall into two basic categories:

1. PUD's involving land division and/or condominiums, and development of property that requires the application of flexible standards not afforded by strict application of the usual zoning and land division regulations, and/or involving cases where the applicant seeks such flexibility to achieve a desired design. The consideration process in this case is substantively a specialized subdivision proceeding with special site review.

The proceeding shall include a determination of the appropriate development standards to be applied, wherein appropriate regulatory flexibility is granted in specific terms in exchange for development amenities and/or mitigation of potential adverse impacts on significant landscape features, neighboring properties and uses.

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:

a. Clustered or compact development with open space protection and enhancement;

b. Dedications of land to public for public recreational facilities;

c. Increased density;

d. Architectural design regulation;

e. Extraordinary landscaping;

f. Amenities and design for the special needs of children, the elderly, the handicapped or disadvantaged persons;

g. Recreational and cultural amenities;

h. Urban agriculture/silviculture production;

i. Low-cost housing programs;

j. Traffic and parking regulation and provisions;

k. Energy conservation enhancement;

l. Special protection of environmentally sensitive areas and historical and natural resources onsite, and those offsite;

m. Development of uses not normally permitted in the zoning district(s) of the subject property;

n. Structure height, setbacks, and lot coverage;

o. Lot area and dimension.

2. PUD's involving the development without land division or condominium on property whose nature and/or location have been determined by designation in the Comprehensive Plan and/or Zoning Map to be of a sensitive nature with an acknowledged potential for adverse impacts on surrounding properties or uses, either directly adjacent or in the general vicinity, and/or on the community in general. The process in this instance is substantively a special site review with public hearing.

The site plan approval process may provide for the application of conditions to the site plan. Such conditions may consist of development criteria articulated herein or conditions in addition to the standard development criteria.

3. Factors to be applied:

   a. Screening and buffering of sight, access, noise, light, vibration, etc., from neighboring properties, uses and rights-of-way;

   b. Protection of significant landscape features and historic and natural resources;

   c. Traffic and parking regulation;

   d. Enhancement of storm drainage facilities;

   e. Uses not normally permitted by the zoning;

   f. Extraordinary landscaping;

   g. Structure height, setbacks, and lot coverage.

C. Definitions. The following definitions apply only to this Section:

"Essential improvements" means public and/or private streets and other improved vehicular and emergency access provisions, sanitary sewer, storm drainage facilities, water for domestic and fire flows, electricity, and telephone.

"Gross acreage" means the acreage of the entire PUD, less the acreage devoted to public streets, public or semipublic buildings, kindergarten or day care centers, and commercial uses.

"Landscape features" means natural features of the PUD site, including waterways, wetlands, rock outcroppings, forest areas, and significant wildlife habitat areas.

"Net acreage" means the acreage of the PUD devoted to residential use, including residential building sites, private open space and private streets and driveways.

"Open space" means land not covered by buildings or structures, except minor recreational structures. Open space does not include streets, driveways, parking lots, or loading areas. Landscaped roof areas devoted to recreational or leisure-time activities, freely accessible to residents, may be counted as open space at a value of 50% of actual roof area devoted to these uses.

   a. Common Open Space. Open space reserved primarily for the leisure and recreational use of all PUD residents, and owned and maintained in common by them through a homeowners association or other legal arrangement.

   b. Private Open Space. Open space located immediately adjacent to an individual dwelling unit, owned and maintained by the owners of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.

   c. Public Open Space. Open space dedicated in fee to a public agency and maintained by the agency for public use.

D. PUD preliminary development plan approval. Approval of a PUD preliminary development plan is an administrative action subject to the provisions of Subsection 12.10.010(F) of this Code.

1. An application for PUD preliminary development plan approval shall be initiated as provided in Chapter 12.10 of this Code.

2. The PUD preliminary development plan shall consist of the following:

   a. Written Documents.

      i. A legal description of the total site proposed for development, including a statement of present and proposed ownership and present zoning, or any proposed zoning.

      ii. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and adjacent areas, discussion of how the proposed development will relate to the natural environment and significant landscape

features of the site and adjacent areas, and the rationale behind the assumptions and choices made by the applicant.

iii. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.

iv. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, commercial and industrial structures, etc.

v. Information regarding the establishment of a property owners association or other similar entity, if any common space or facilities are contemplated.

vi. Quantitative data for the following: Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate gross and net residential acreages; total amount of open space; amounts of private, common and public open space; total area and types of nonresidential construction; economic feasibility studies or market analysis where necessary to support the objectives of the development.

vii. Proposed covenants, if any.

b. Site Plan and Supporting Maps. A site plan and any maps necessary to show the major details of the proposed PUD, containing the following minimum information:

i. The existing site conditions, including contours at five-foot intervals, water courses, floodplains and other areas subject to natural hazards, significant landscape features, and forest cover.

ii. Proposed lot lines and layout design.

iii. The location and floor area size of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units, and nonresidential structures, including commercial and industrial facilities, and elevation plans of major structures. Major structures do not include single-family and two-family dwellings.

iv. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common or public open spaces or recreational areas, school sites, and similar public and semipublic uses.

v. The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way. Notations of proposed ownership, public or private, should be included where appropriate.

vi. The existing and proposed pedestrian and bicycle circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatment of points of conflict.

vii. The existing and proposed system for providing sewage disposal, water, electricity, gas, fire protection, and telephone services.

viii. A general schematic landscape plan indicating the technique and materials to be used for private, common, and public open spaces.

ix. A preliminary subdivision or partition plan if the land is to be divided, including all information required for the filing of a preliminary subdivision or partition plan as specified in Section 12.12.010 of this Code.

x. Enough information on land areas adjacent to the proposed PUD, including land uses, zoning classifications, densities, circulating systems, public facilities and significant landscape features, to indicate the relationships between the proposed development and the adjacent areas.

xi. The proposed treatment of the perimeter of the PUD, including materials and techniques to be used, such as landscaping, screens, fences, and walls.

3. The Approving Authority shall decide on the PUD preliminary development plan application as provided in Chapter 12.10 of this Code, and shall approve the preliminary development plan if it finds:

a. The proposed PUD is consistent with applicable Comprehensive Plan goals, policies, and map designations, and with the purpose set forth in Subsection 12.12.020(A);

b. The preliminary development plan meets the development standards of Subsections 12.12.020(F) and 12.02.020(H);

c. If the preliminary development plan provides for phased development, pursuant to Subsection 12.12.020(G), that each phase meets the standards of Paragraph 12.12.020(G)(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 Section 12.12.010 of this Code are warranted by amenities and other design features of the PUD furthering the purpose of Subsection 12.12.020(A);

e. Any conditions or modifications imposed by the Approving Authority in the preliminary development plan approval are necessary to meet the requirements of Subsections 12.12.020(F) to 12.12.020(H), to further the purposes of Subsection 12.12.020(A), or to comply with the Comprehensive Plan.

E. PUD standards and criteria in non-residential districts. PUD's in nonresidential districts shall be developed to standards applied by the Approving Authority pursuant to Subsections 12.12.020(A) and 12.12.020(B).

F. PUD standards and criteria in residential districts. A PUD must meet the development standards of this Section and those applied in conditions of approval pursuant to Subsection 12.12.020(B).

1. Minimum Site Size. A parcel to be developed as a PUD in any residential district shall be a minimum of four times the minimum lot size required for a single-family dwelling in ~~of such a size that at least four (4) dwelling units would be permitted by~~ the underlying district.

2. Permitted Uses. The following uses are permitted subject to the general standards of this Section:

a. Residential Uses. Single-family dwellings, duplex dwelling~~e~~s, mobile homes conforming to the standards established in Section 12.10.100 of this Code, multi-family dwellings, including townhouses, apartments and condominiums, and accessory buildings such as garages, storerooms, woodsheds, hobby shops, laundries, playhouses, or similar and related uses may be permitted.

b. Commercial Uses. Retail commercial uses may be permitted in a PUD if the Approving Authority determines that they are designed to serve primarily the residents of the PUD. The Approving Authority may require that the applicant submit a market analysis demonstrating that the amount of land proposed for commercial use is needed for, and realistically can be supported in, commercial use by the residents of the PUD.

c. Other Uses. If designed to serve primarily the residents of a PUD, the following uses may be permitted. If designed to serve residents of adjacent areas, as well, the following uses may be permitted by the Approving Authority if it finds that such use is consistent with the purposes of Subsection 12.12.020(A) and with the surrounding Zoning District:

i. Public and semi-public buildings, including schools, Religious Institutions, libraries, community centers, fire stations, pump stations, and substations.

ii. Park, playground or golf course.

iii. Privately-operated kindergartens or day nurseries.

3. Density Criteria. The number of dwelling units in a PUD shall not exceed the number that would be allowed on the ~~gross~~ net acreage of the site developed at minimum lot sizes in the underlying Zoning District~~by the Comprehensive Plan Land Use Designation~~, except that the Commission may allow an increase of up to 15% if it finds that such increase is compensated by the provision of amenities described in Paragraph 12.12.020(B)(1) and can be reasonably accommodated on the site without adversely affecting public facilities, significant landscape features, or properties and uses in the vicinity.

4. 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.

5. 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.

   c. Yard Requirements—Attached Dwellings. Yard requirements for attached dwellings in a PUD shall be as established by the applicable zoning district, except that two (2) single-family dwellings may be attached along one common lot line and may also have a garage or carport attached along the same common line, provided the conditions of Paragraph 12.12.020(F)(5) are satisfied.

   d. Front Yard Variation. In a PUD, front yards may be varied so as to facilitate a staggered effect to avoid monotony and enhance the aesthetics of the development, provided the following requirements are met:

      i. The average front yard of no more than every three (3) consecutive dwellings along a street shall be no less than the minimum requirement of the applicable zoning district, and in no case shall a front yard be less than ten (10) feet.

      ii. Front and side yards of corner lots shall not be varied under the provisions of this Section if such variation would result in encroachment into the required clear vision area otherwise established by this Code.

   e. Zero-Lot-Line Development.

      i. All lots utilizing zero-lot-line attached development shall be clearly identified on the development plan. Once approved, such specified lots shall be considered fixed and shall not be transferable except as provided for in Subsection 12.12.020(L).

      ii. Zero-lot-line development shall comply with the parcel and building standards of the applicable Zoning District except as modified or supplemented by the following design standards~~ as defined under "Zero Lot Line House" in Section 12.02.100 of this Code~~.

         A. A zero-lot-line house development must consist of at least two contiguous parcels with frontage on the same street.

         B. Zero-lot-line house developments require that the planning for all house locations be done at the same time.

C. The interior side setback on one side of the lot containing a zero-lot-line house may be reduced to as little as zero. The zero or reduced setback side of a zero-lot-line house may not abut a street and may not abut a lot that is not part of the zero-lot-line house development. On the "non-zero" side, a setback must be provided equal to at least two times the minimum side setback requirement of the subject Zoning District.

D. Driveways may not be located in the required side setback.

E. Eaves on the side of a house with a reduced setback may not project over the property line.

F. When the zero-lot-line building's exterior wall or eaves are set back less than two (2) feet from the abutting property line, a perpetual maintenance easement at least five (5) feet in width and of a length equal to the depth of the structure it benefits as measured from the front property line, must be provided on the parcel abutting the zero-lot-line property line, which must be kept clear of structures that would prevent maintenance of the zero-lot-line house. A copy of the recorded easement (unless the dwelling units are joined by a common wall) must be provided prior to site plan approval. This provision is intended to ensure the ability to conduct maintenance on the zero-lot-line house.

G. The side of the house which faces the reduced or zero-lot-line setback of the parcel on which it is situated shall not have windows, doors or other openings that allow for visibility. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

iii. In addition to the declaration of covenants and restrictions otherwise required by this Section, the applicant or developer shall prepare special deed restrictions that run with each lot to be approved for zero-lot-line attached development. Such special deed restrictions shall be acceptable to the Approving Authority, and shall make provision for the following:

A. Assurance that the lots and the dwellings thereon will be used for residential purposes only.

B. Provisions for the repair and maintenance of the lots, the dwellings thereon, and all related facilities, as well as a method of fair payment for such repairs and maintenance.

C. Provisions for mutual consent prior to making structural, paint, or decorative changes to the building exterior, as well as the location, height and design of fencing and major landscape work.

D. Provisions for equitably resolving liens filed against areas of common responsibility or interest.

E. Provisions granting access or easement to each owner for the purpose of maintaining or repairing the lots, the dwellings located thereon, and related facilities and improvements.

F. Provisions for liability and equitable treatment in the event of damage or destruction of the building due to fire or other casualty.

G. Provision for emergency action by one (1) party in the absence of the other where an immediate threat exists to the property of the former.

H. Special deed restrictions, when accepted by the Approving Authority, shall be filed with the County Clerk, and shall become perpetual deed restrictions running with the subject lots. No building permit shall be issued for zero-lot-line

development until the deed restrictions required by this Section have been filed with and recorded by the County Clerk.

I. Special Setbacks. If the Approving Authority finds it necessary to meet the perimeter design standards of Paragraph 12.12.020(F)(9), it may require a special setback from all or a portion of the perimeter of the PUD.

6. Open Space.

a. 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 (i.e., the total land area less that area permitted to be covered, as prescribed in the property development standards of each zone under "Coverage").

b. Open space shall be provided and dedicated to the City when a need is identified in the Comprehensive Parks Master Plan. All open space to be dedicated to the City shall be deemed suitable, conveniently situated, and shall conform as nearly as possible to the recommendations in the Comprehensive Parks Master Plan prior to being accepted by the City.

i. Except as hereinafter provided, in PUD's; such open space shall have a total net area equal to at least 10% of the land affected by the PUD. Such areas so designated shall be protected from future development by either a deed restriction or a conservation easement.

A. Open space areas shall abut a public street or have direct access to a public property through a right of way.

B. The open space shall be accessible to all residents by sidewalks and/or pedestrian walkways.

C. The developer shall submit a separate landscape plan for the proposed open space areas which clearly displays the type of signs, fencing, play apparatus, trails, and outdoor furniture;

c. Where a proposed park or playground, school or other public use shown on the Parks Master Plan, or an existing school site is located in whole or in part in a subdivision, then in such case the open space shall be located within the designated area or immediately adjacent to the existing public use. Locations, shapes, sizes, and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the PUD. Unless the Approving Authority requires otherwise, the environmental design standards of Paragraph 12.12.020(F)(7) of this Code, common or public open space shall be distributed equitably throughout the PUD in relation to the dwelling units of the residents they are intended to serve.

d. Open spaces shall be altered only to the extent necessary for their intended use or as otherwise reasonably necessary to permit development, use and maintenance of the PUD. Open spaces containing significant landscape features shall be left unimproved, or may be improved to assure protection of the features, subject to the requirements imposed by the Approving Authority pursuant to Paragraph 12.12.020(F)(6) of this Code.

e. The development schedule required by Subparagraph 12.12.020(D)(2)(a)(iii) of this Code shall provide for coordination of the improvement of open spaces with the construction of other proposed site improvements.

f. The Approving Authority shall require that the applicant assure the permanent maintenance of the common or public open space in a manner provided for by ORS 94.550 to 94.780.

7. Environmental Design.

a. The preliminary development plan shall provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites and landmarks, and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Approving Authority may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project.

b. Excessive site clearing of topsoil, trees, and natural features before the commencement of construction operations shall be discouraged. The Approving Authority may require the applicant to submit a grading plan detailing proposed excavation, earth-moving procedures, and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space.

c. Sites for residential and nonresidential buildings shall be discouraged in areas of natural hazards, such areas subject to flooding, landslides, and areas with unstable soil formations. The Approving Authority may require that all floodplains be preserved as permanent common or public open space of the proposed development and be left unimproved or improved to assure minimization of the hazard.

d. All slopes shall be planted or otherwise protected from the effects of storm runoff erosion, and shall be of a character to cause the slope to blend with the surrounding terrain and development. The applicant shall provide for maintenance of the planting for a period of time established by the Approving Authority.

e. Preliminary development plans are encouraged to promote the conservation of energy and use of solar or other renewable energy resources through such factors as the location and extent of site improvements, the orientation and exposure of buildings and usable open spaces, the types of buildings, and the selection of building materials.

8. Traffic Circulation. The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, and uses. Design of facilities shall be appropriate to the anticipated usage and shall be approved by the Public Works Director.

9. 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.

G. Development phasing.

1. The applicant may provide in the preliminary development plan for development of the project in up to three (3) phases.

2. In acting to approve the preliminary development plan, the Approving Authority may require that development be completed in up to three (3) specific phases, if it finds that existing public facilities would not otherwise be adequate to serve the entire development.

3. If the preliminary development plan provides for phased development, each phase shall provide a suitable share of the development facilities and amenities, as approved by the Approving Authority.

4. If the preliminary development plan provides for phased development, the Approving Authority shall establish time limitations for the approval of final development plans for each phase, except that the final development plans for the first phase must be approved within 12 months of the date of preliminary approval.

H. Duration of PUD preliminary development plan approval.

1. Approval of the preliminary development plan shall be valid for 12 months from the date of approval, provided that if an approved preliminary development plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the time limitations of Paragraph 12.12.010(G)(4) of this Code.

2. If any time limit for obtaining final development plan approval is exceeded, the approved preliminary development plan, or phase of the preliminary development plan and any subsequent phase, shall be void. Any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new administrative action.

I. Extensions of PUD preliminary development plan approval.

1. An applicant may request an extension of preliminary development plan approval, or, if the preliminary development plan provides for phased development, an extension of preliminary development plan approval with respect to the phase the applicant is then developing.

2. Such request shall be considered an application for administrative action, and shall be submitted to the Director in writing, stating the reasons why an extension should be granted.

3. The Director may grant an extension of up to 12 months of preliminary development plan approval, or, if the preliminary development plan provides for phased development, an extension of up to 12 months of a preliminary development plan approval with respect to the phase then being developed, if he determines that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final development plan approval within the original time limitation.

J. Improvement procedures. The design and installation of improvements to be dedicated to the public shall conform to the standards of Subsection 12.10.010(P).

K. PUD final development plan approval. Approval of a PUD final development plan by the Director shall be considered a ministerial act.

1. Within 12 months of the date of approval of the preliminary development plan, unless otherwise specified pursuant to Subsections 12.12.020(G) and 12.12.020(I) of this Code, the applicant shall submit a final development plan, prepared by an Oregon registered professional engineer, and supporting documents to the Director.

2. The final development plan shall include:

a. The site plan and maps submitted pursuant to Paragraph 12.12.020(D)(2) in their final, detailed form.

b. The documents submitted pursuant to Subparagraph 12.12.020(D)(2)(a) of this Code amended to incorporate any conditions imposed on the preliminary development plan approval.

c. Final subdivision plat or partition map, if the land is to be divided.

d. Declaration of creation of a planned community as required by ORS 94.550 to 94.780.

e. Certification by the Public Works Director that public improvements have been installed in conformance with applicable standards.

3. Acceptance of Improvements.

a. Before approval of the final development plan, the applicant shall install the essential improvements required by the preliminary plan approval and repair existing streets and

other public facilities damaged in the development of the PUD. The applicant may enter into an agreement with the property owners association, if one is incorporated, to construct nonessential improvements after approval of the final development.

b. Such agreement shall specify a period not to exceed five (5) years within which the required improvements will be completed. Such agreement is subject to the approval of the Approving Authority, and shall be accompanied by an assurance as specified in Paragraph 12.12.020(K)(4).

c. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for them to fulfill the agreement within the original time limit(s).

4. Performance Bond for Nonessential Improvements.

a. To assure full performance of the improvement agreement, an applicant shall file one (1) of the following:

i. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the City; or

ii. A cash deposit with the property owners association.

b. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plan, including related engineering, and may include an additional percentage as determined by the Public Works Director to cover any inflationary costs which may be incurred during the construction period to the full and final completion of the project.

5. The Director shall act on the application for final development plan approval within 30 days, and shall approve the final development plan if he finds:

a. The applicant has submitted all information and documents required pursuant to the above Subparagraphs 12.12.020(K) (2-4); and

b. The final development plan is in substantial compliance with the approved preliminary development plan and any conditions imposed by the Approving Authority. Substantial compliance means that any differences between the final and preliminary plans are "minor amendments," as defined in Paragraph 12.12.020(L)(1) of this Code.

6. Filing and Recording of Final Development Plan. After final development plan approval, the applicant shall submit without delay the final development plan for signatures of the following officials, in the order listed:

a. Planning Commission Chairman;

b. Community Development Director;

c. Public Works Director;

d. Surveyor, in accordance with the provisions of ORS 92.100;

e. Assessor;

f. Board of County Commissioners;

g. County Clerk.

7. The approved final development plan shall be recorded in the County Clerk's Office within 30 days of the date of approval.

L. Amendments to approved preliminary and final plans.

1. Definitions

a. "Minor amendment" means a change that:

i. Does not increase residential densities;

ii. Does not enlarge the boundaries of the approved plan;

iii. Does not change any use;

iv. Does not change the general location or amount of land devoted to a specific land use, including open space;

v. Does not eliminate the preservation of a significant landscape feature; and

vi. Includes only minor shifting of the location of buildings, proposed public or private streets, pedestrian ways, utility easements, or common or public open spaces.

b. "Major amendment" is any change which does not meet the definition of a "minor amendment."

2. A minor amendment to an approved preliminary or final development plan may be approved ministerially by the Director.

3. A major amendment to an approved preliminary or final development plan shall be considered an administrative action subject to the provisions of Chapter 12.10 of this Code.

Roseburg Model Code Update Project
Summary of Stakeholder Issues

The following is a summary of the issues raised through stakeholder interviews conducted for the Roseburg Model Code Update Project. The interviews were also an opportunity to discuss the changes necessary to incentivize density and affordable housing in Roseburg. The project team identified a list of six (6) stakeholders. As of December 2020, five (5) stakeholders were interviewed in October and November 2020 to understand the impacts of the zoning code and review requirements on development in Roseburg. The five interviewees were from a mix of both the for-profit and non-profit real estate development field, contractors, and engineers with experience in Roseburg. The below table details stakeholders interviewed thus far.

Table 1. Stakeholders Interviewed

Stakeholder	Affiliation
Ben Tatone	Contractor
Brian Shelton-Kelley	NeighborWorks Umpqua
Janeal Kohler	Housing Authority of Douglas County
John Atkinson	Proper owner and developer
Alex Palm	I.E. Engineering

Issues

- **Housing types.**
  Interviewees identified a variety of housing types they would like to see built within Roseburg that could alleviate rising housing costs and cater to buyer preferences and desires. The range of options to explore in Roseburg includes:
  - Duplexes on small lots
  - Cottage clusters. These are seen as a way to bring middle housing to Roseburg without the "stigma". This housing type can also cater to older adults.
  - ADUS, tiny homes, and container homes
  - Moderately priced single-family detached or attached homes
  - Modern/energy-efficient and accessibly designed (universal design) homes for older adults and people with disabilities

- **Land Supply.** Land availability was referred to as one of the more difficult challenges in Roseburg. Interviewees felt that, any available land was often vacant for a reason, with environmental constraints or legal access as the main factors. Wetlands or slopes, which restrict development opportunity, were cited as development restrictions on many lots.

- **Infrastructure Costs.** While not unique to Roseburg, infrastructure development costs were often cited as a barrier to development. Interviewees noted that developers, especially those of low-income and/or affordable housing, unduly bear the high costs of building or improving right-of-way (ROW) or sewer lines for a project. For most interviewees, the ROW width standards were cited as excessive and costly to development, particularly the requirement for 60-foot-wide local street ROW. Some interviewees noted the inflexibility of extending sewer and water lines in Roseburg. Because the sewer and water lines are not able to cross property lines/serve more than one property, this restricts the development of higher density housing.
- **Review and Permitting Process.** The land use and development process is perceived as siloed between the City and County. The City does not have a building department, which was viewed as cumbersome because it necessitated working with the County. Interviewees noted that concurrent reviews by the City and the County felt unnecessarily repetitive, and sometimes resulted in discrepancies, costing developers time and money. One interviewee noted that, several times, the City or the County missed something in their review and/or had conflicting comments. Some interviewees did note that having both City and County representatives in Pre-Application meetings was useful to streamline this process, but more could be done to decrease duplication and increase coordination between the two jurisdictions. Another interviewee, however, generally felt that both the City and County were great to work with as they were timely and clear.

- **Fee Structure (Impact/Development).** Separate from the high cost of infrastructure development, most interviewees did not feel the SDCs and fees were a large barrier to development in Roseburg, especially given the fee waivers for multifamily development. However, one interviewee was frustrated by the impact fees charged in addition to the road and infrastructure improvements they completed.

- **Dimensional and Design Standards.** The ROW width standards were noted by several interviewees as excessive and a challenge to development. While variances were attainable, the ROW widths made it difficult to meet frontage or setback requirements. Meeting setback standards were especially difficult when presented with environmental constraints on a lot. Interviewees also felt that minimum lot sizes were too large. Many interviewees felt smaller lots would be a better use of the land, and they saw a supportive market for smaller lot development.

  Interviewees also raised issues related to the height restrictions on buildings. One interviewee noted that downtown Roseburg could benefit from increasing the allowed building height to more than 3 stories, and mentioned a vertical tax credit as a solution.

- **Parking.** Parking ratios and driveway standards were noted as one of the biggest challenges for interviewees in Roseburg. Some interviewees cite parking requirements as being too high or too inflexible. One interviewee discussed parking issues in numerous ways. For example, a downtown project was cost-prohibitive to develop because the parking ratio forced parking underground as the only solution. Moreover, certain population-focused developments (senior citizen housing, homeless and/or other special needs populations) have differing vehicle usage, leading some interviewees to suggest a system of alternative parking ratios based on project type.

Similarly, some interviewees cited driveway requirements as limiting, especially when considering the perceived concern over street parking. If the driveway is a majority of the frontage space, then street parking can become limited. Also, a cap on driveway grade was cited as a dealbreaker for some interviewees as the City reduced the grade from 25% to 15% slope.

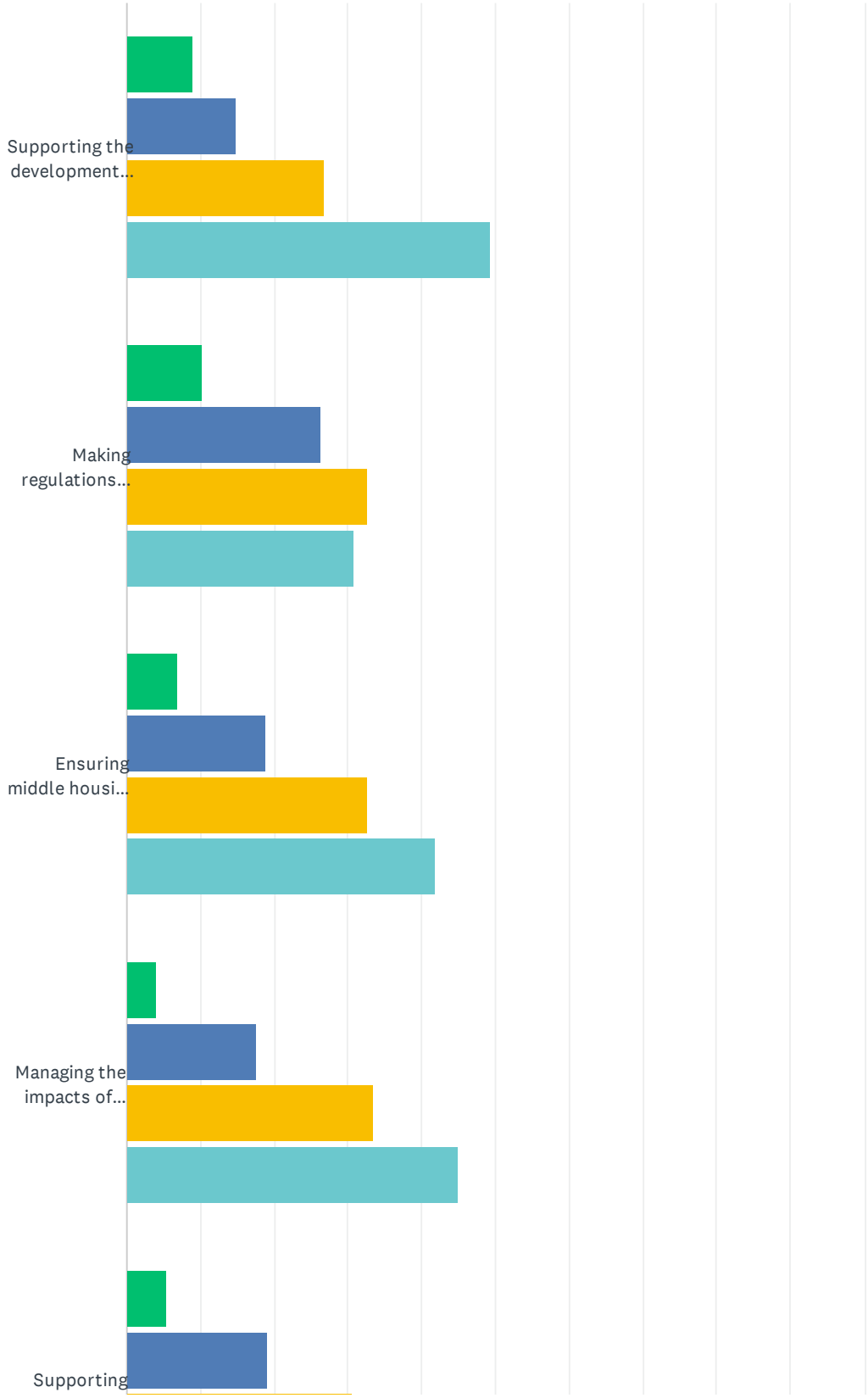
Finally, while there was a desire to push better transportation options and access to transit, many felt that neighborhoods will remain very auto-centric, even with increases in density. One interviewee discussed having to plan for a transit stop for a project but could not point to a Transit Master Plan with any plans for future service to the site.

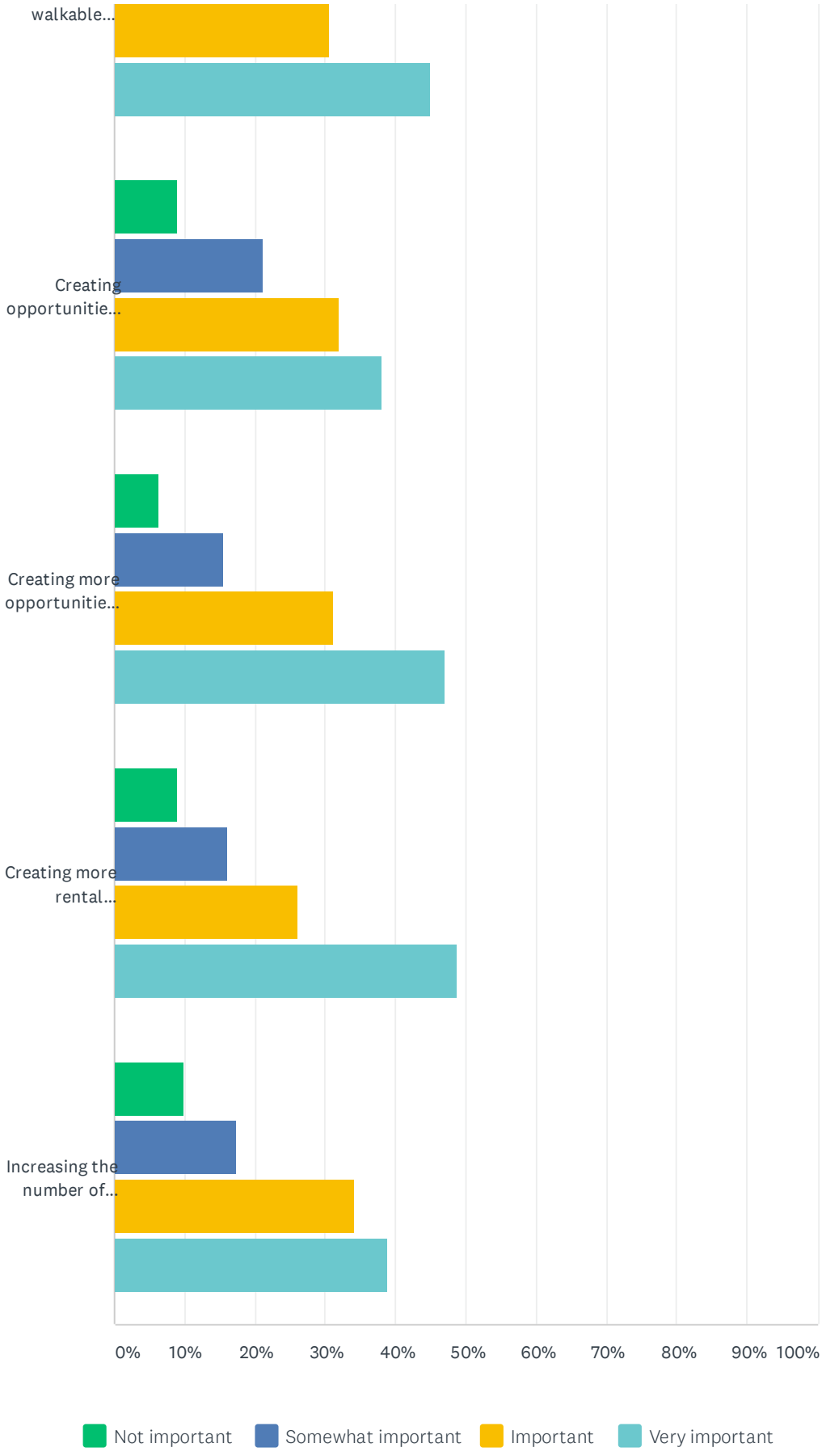
- **Commercial Building Standards and Lending.** Two interviewees noted the additional building standards and restrictive lending issues associated with developing middle housing. One stakeholder noted that commercial building standards and codes may be activated, such as fire sprinklers and ADA standards, with building residential quadplexes. Similarly, the financing for any housing project over 4 attached units triggers commercial lending at a 15-year term (versus residential at 30-year term), which can prohibit some developers from pursuing denser housing projects. These issues steered developers to townhomes, particularly with 4 or fewer attached units, or less dense housing in areas that could be well suited for higher density housing, especially when those opportunities are few and far between.

- **Contractor Availability.** Some interviewees mentioned labor shortages or costs as prohibitive to affordable housing development in Roseburg. One stakeholder looked in neighboring states to find small contractors because it was difficult to find available contractors in the Roseburg area. Another stakeholder found it hard to find contractors willing and able to work with public agencies on dense and affordable housing projects. They cited extra administrative steps, such as the extra overhead associated with prevailing wages payroll, as well as the potential extra time in public education and involvement as too burdensome for some contractors.

Q1 1. What should be the top priorities for introducing middle housing zoning standards?

Answered: 351 Skipped: 2

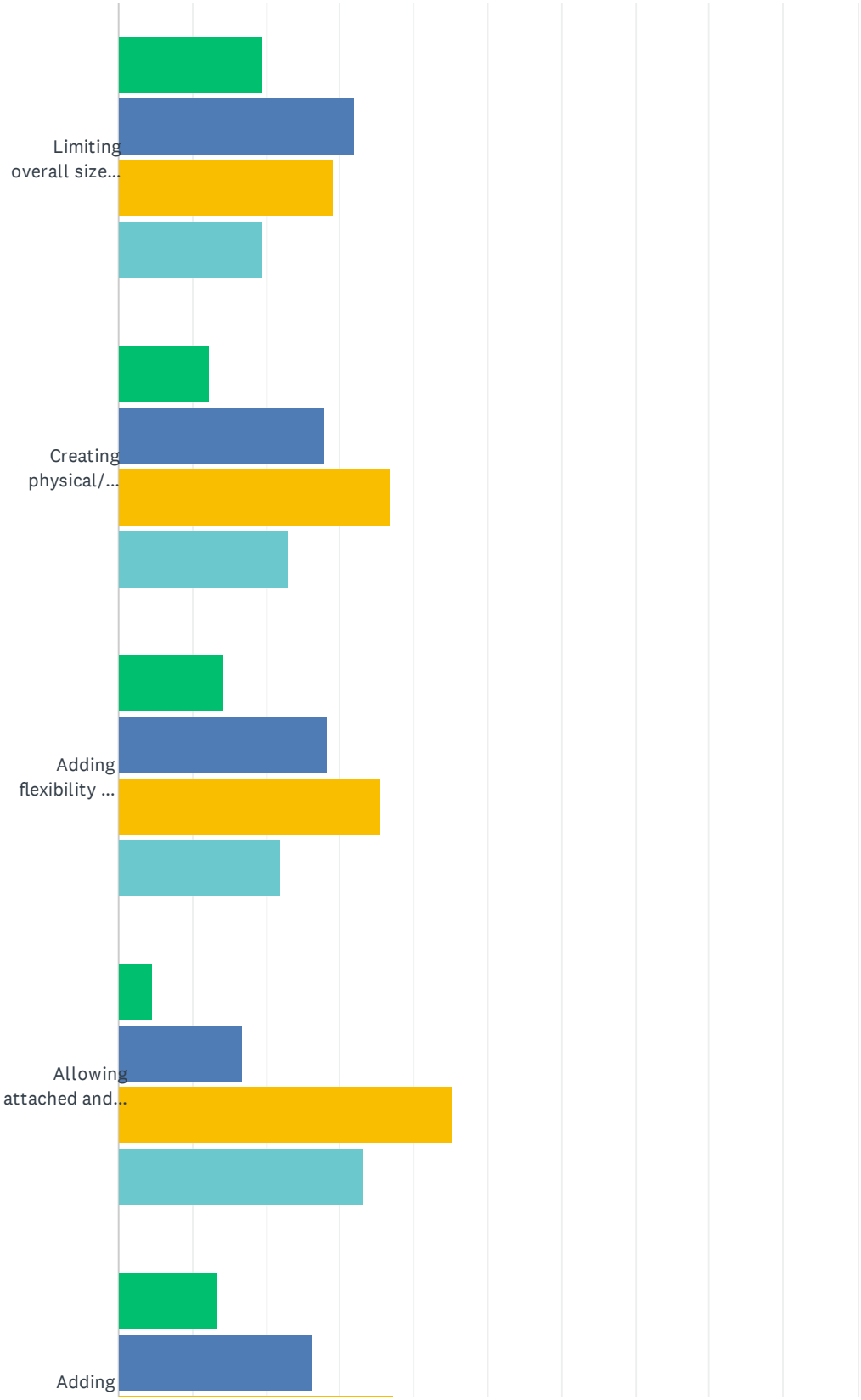


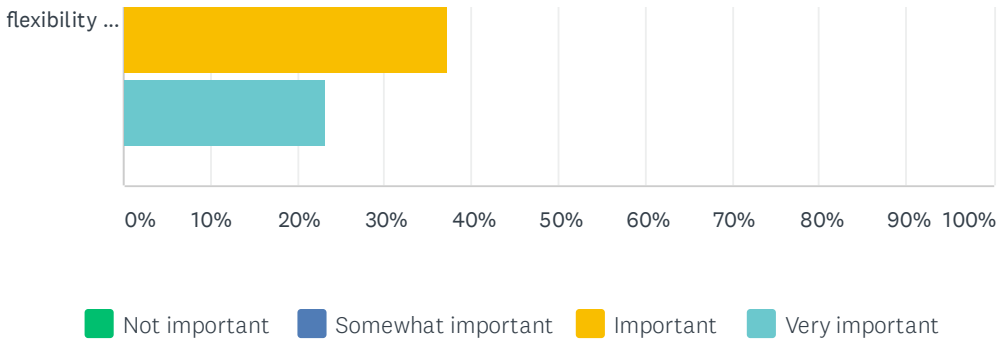

walkable...
Creating opportunitie...
Creating more opportunitie...
Creating more rental...
Increasing the number of...
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Not important
Somewhat important
Important
Very important

	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Supporting the development less expensive housing options	8.91% 31	14.94% 52	26.72% 93	49.43% 172	348	3.17
Making regulations more flexible	10.17% 35	26.45% 91	32.56% 112	30.81% 106	344	2.84
Ensuring middle housing is compatible with existing development	6.92% 24	18.73% 65	32.56% 113	41.79% 145	347	3.09
Managing the impacts of parking within neighborhoods	4.03% 14	17.58% 61	33.43% 116	44.96% 156	347	3.19
Supporting walkable neighborhoods	5.48% 19	19.02% 66	30.55% 106	44.96% 156	347	3.15
Creating opportunities for a broader variety of housing types	8.93% 31	21.04% 73	31.99% 111	38.04% 132	347	2.99
Creating more opportunities for homeownership	6.34% 22	15.56% 54	31.12% 108	46.97% 163	347	3.19
Creating more rental opportunities	8.93% 31	16.14% 56	26.22% 91	48.70% 169	347	3.15
Increasing the number of housing units that can be built	9.80% 34	17.29% 60	34.01% 118	38.90% 135	347	3.02

Q2 2. Knowing that standards must be applied equally to duplexes and SFDDs, how important are the following duplex code standards?

Answered: 325 Skipped: 28

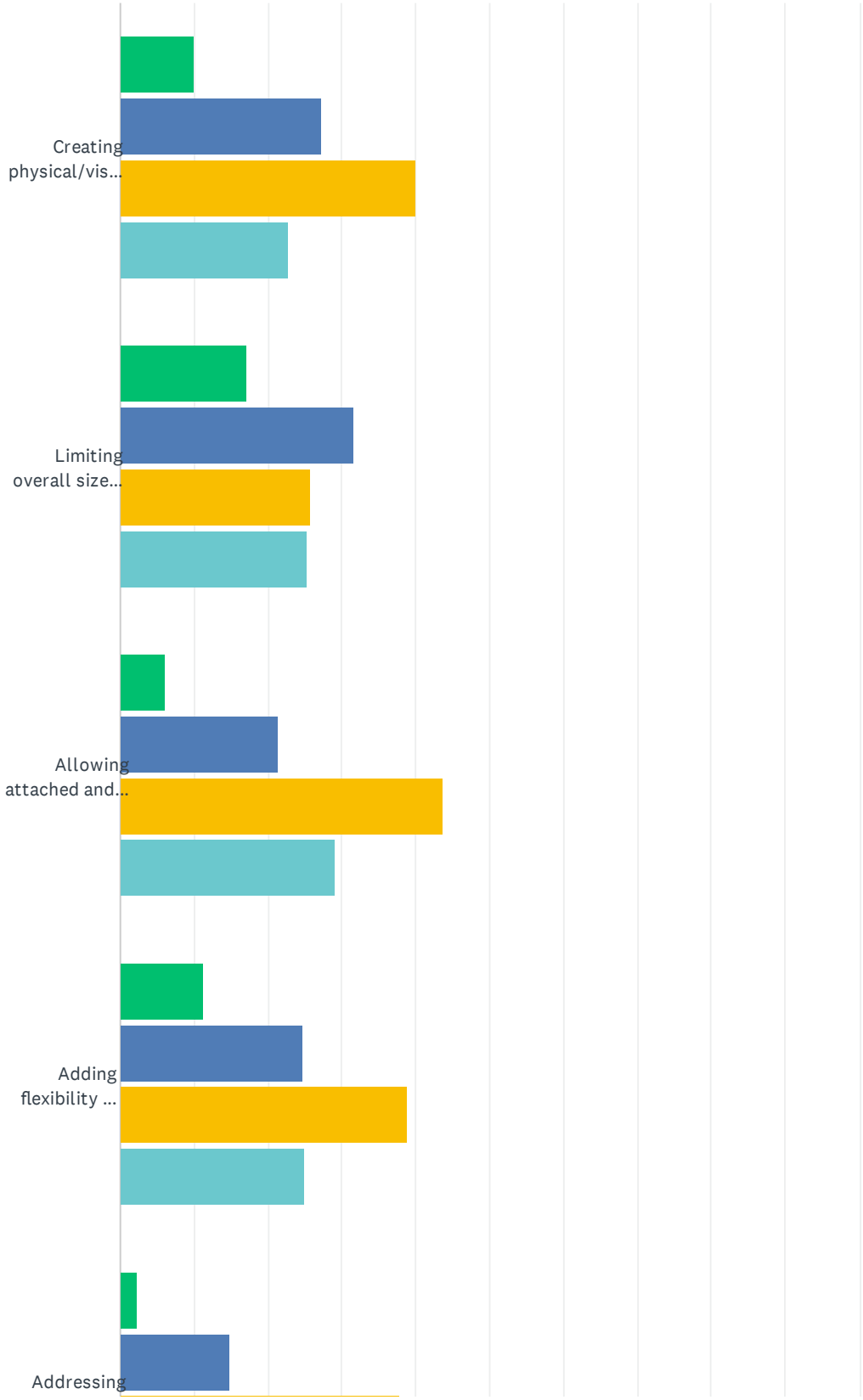


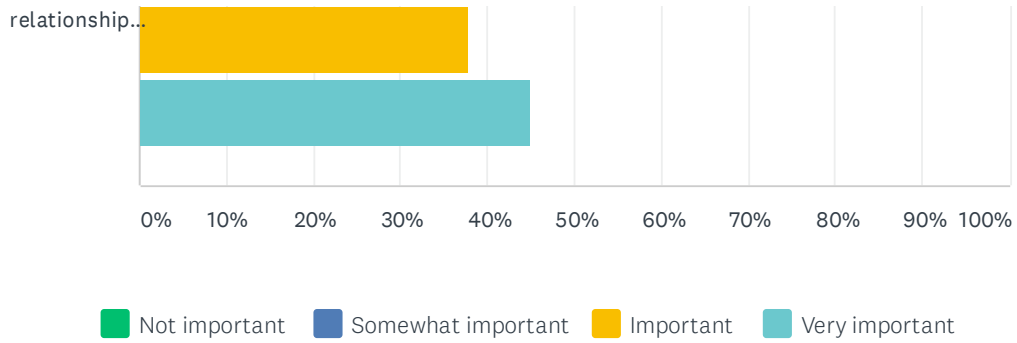


	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Limiting overall size of buildings	19.44% 62	31.97% 102	29.15% 93	19.44% 62	319	2.49
Creating physical/ visual connections between dwellings and the street	12.38% 40	27.86% 90	36.84% 119	22.91% 74	323	2.70
Adding flexibility to reduce minimum lot sizes	14.29% 46	28.26% 91	35.40% 114	22.05% 71	322	2.65
Allowing attached and detached configurations	4.67% 15	16.82% 54	45.17% 145	33.33% 107	321	3.07
Adding flexibility to existing setbacks and lot coverage standards	13.31% 43	26.32% 85	37.15% 120	23.22% 75	323	2.70

Q3 3. How important are the following triplex and quadplex code standards?

Answered: 319 Skipped: 34

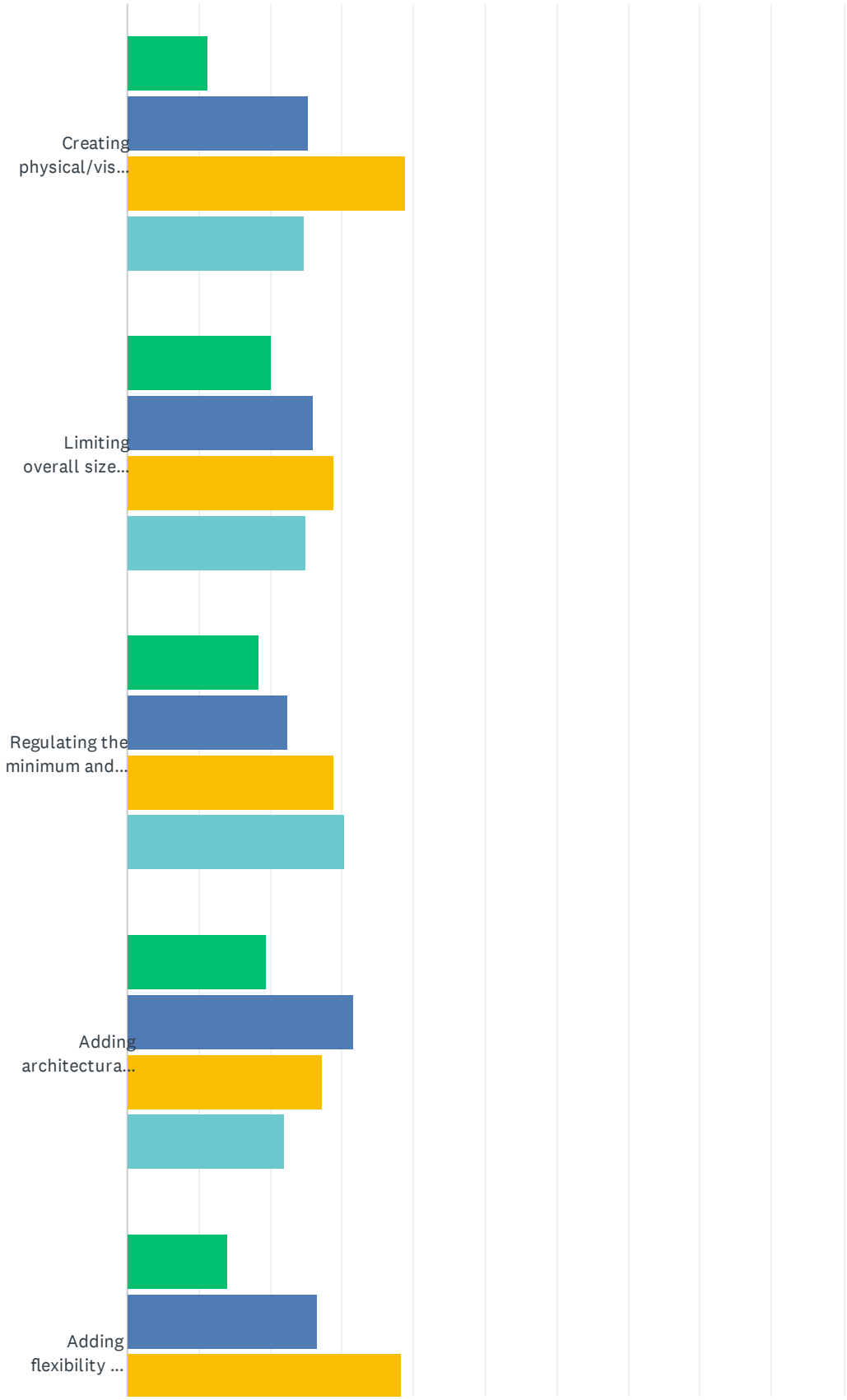


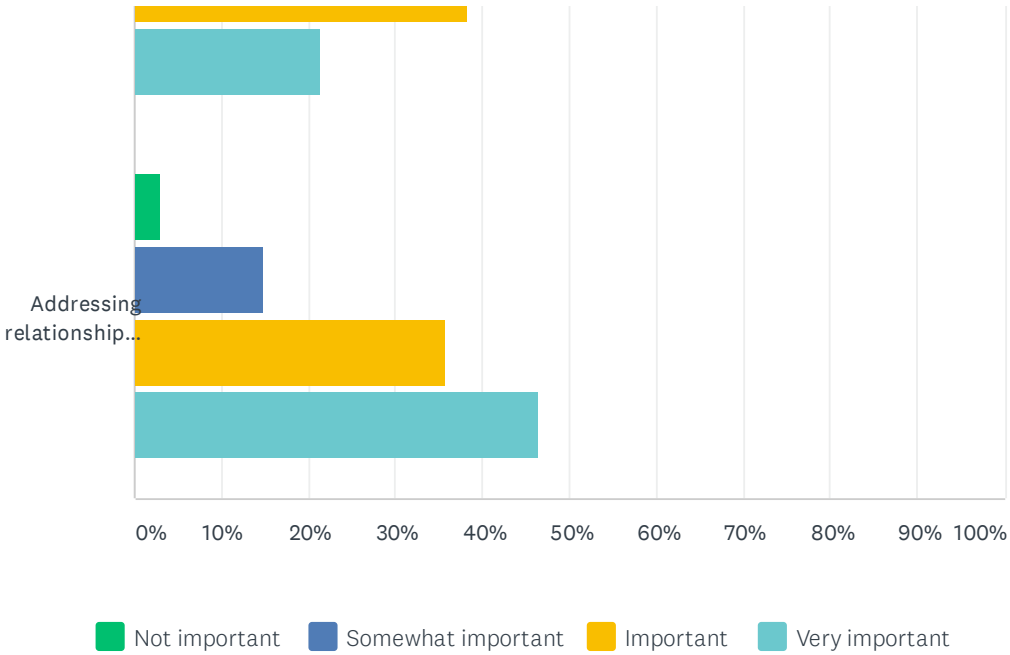


	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Creating physical/visual connections between dwelings and the street	10.13% 32	27.22% 86	39.87% 126	22.78% 72	316	2.75
Limiting overall size of buildings	17.24% 55	31.66% 101	25.71% 82	25.39% 81	319	2.59
Allowing attached and detached configurations	6.05% 19	21.34% 67	43.63% 137	28.98% 91	314	2.96
Adding flexibility to existing setbacks and lot coverage standards	11.39% 36	24.68% 78	38.92% 123	25.00% 79	316	2.78
Addressing relationship of parking areas to the street and dwellings	2.22% 7	14.92% 47	37.78% 119	45.08% 142	315	3.26

Q4 4. How important are the following townhouse code standards?

Answered: 311 Skipped: 42

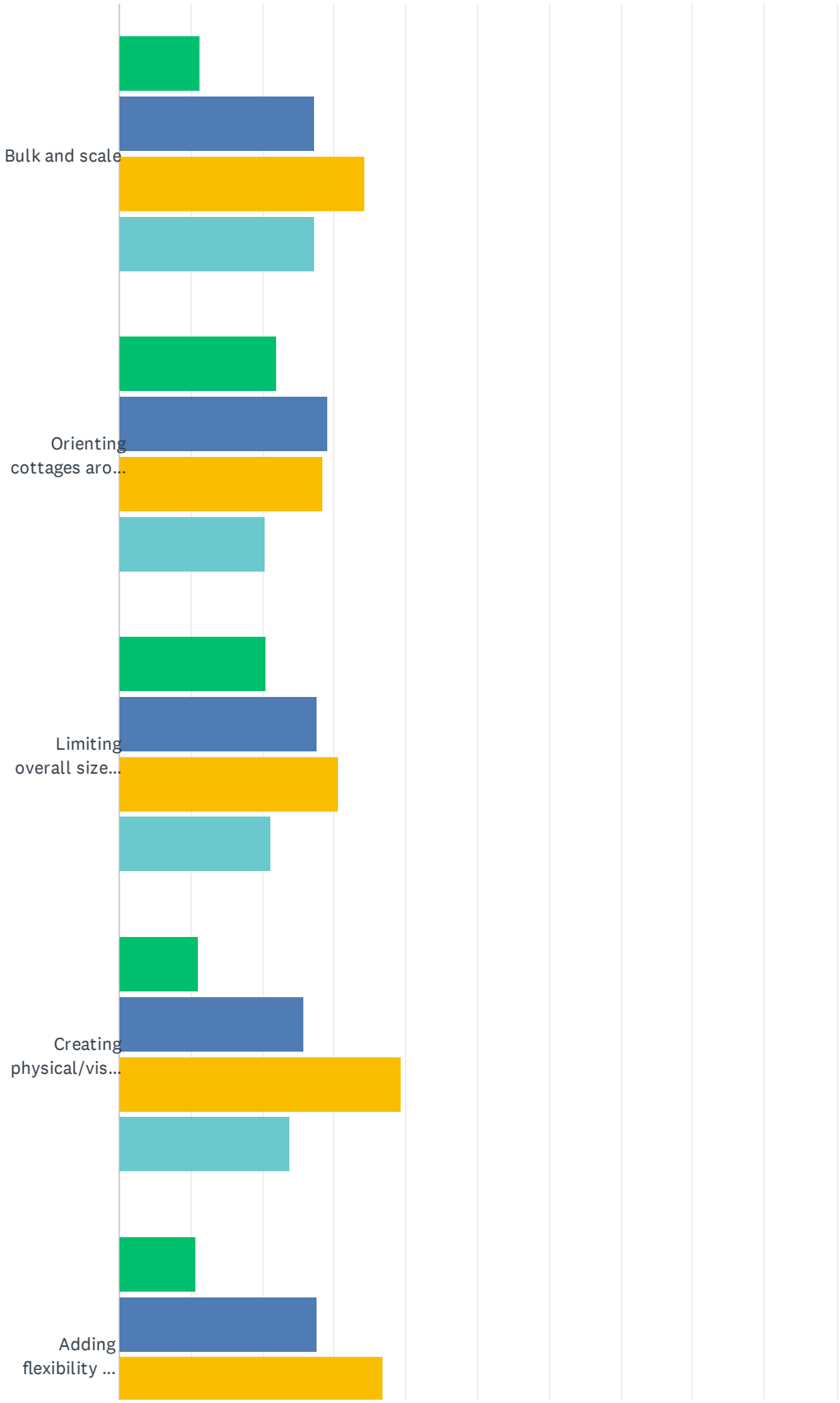


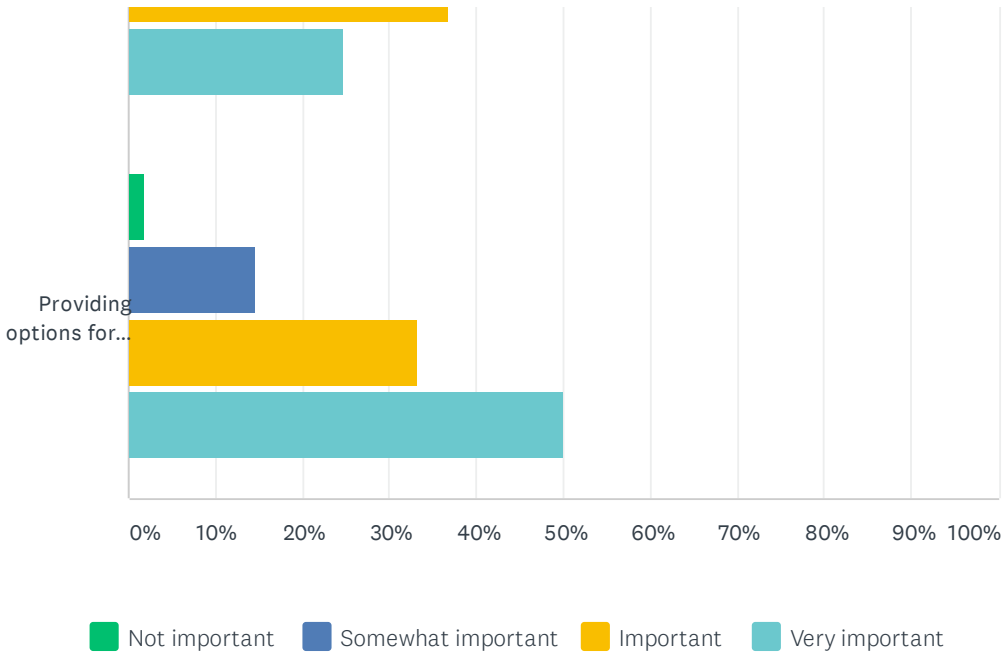


	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Creating physical/visual connections between dwellings and the street	11.33% 35	25.24% 78	38.83% 120	24.60% 76	309	2.77
Limiting overall size of buildings	20.13% 62	25.97% 80	28.90% 89	25.00% 77	308	2.59
Regulating the minimum and maximum number of units in a single building	18.45% 57	22.33% 69	28.80% 89	30.42% 94	309	2.71
Adding architectural detailing standards to differentiate units	19.35% 60	31.61% 98	27.10% 84	21.94% 68	310	2.52
Adding flexibility to existing setbacks and lot coverage standards	13.92% 43	26.54% 82	38.19% 118	21.36% 66	309	2.67
Addressing relationship of parking areas to the street and dwellings	2.90% 9	14.84% 46	35.81% 111	46.45% 144	310	3.26

Q5 5. How important are the following cottage cluster code standards?

Answered: 308 Skipped: 45





	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Bulk and scale	11.34% 33	27.15% 79	34.36% 100	27.15% 79	291	2.77
Orienting cottages around a shared courtyard area	21.97% 67	29.18% 89	28.52% 87	20.33% 62	305	2.47
Limiting overall size of the cottages	20.52% 63	27.69% 85	30.62% 94	21.17% 65	307	2.52
Creating physical/visual connections between dwellings and the street	11.07% 34	25.73% 79	39.41% 121	23.78% 73	307	2.76
Adding flexibility to existing setbacks and lot coverage standards	10.75% 33	27.69% 85	36.81% 113	24.76% 76	307	2.76
Providing options for shared parking or parking proximal to each cottage	1.96% 6	14.71% 45	33.33% 102	50.00% 153	306	3.31

CITY OF ROSEBURG
PLANNING COMMISSION
STAFF REPORT

File No. ZC-21-001 **Meeting Date: May 3, 2021**

To: Planning Commission
From: Stuart Cowie, Community Development Director
Subject: Zone Change No. ZC-21-001

PROJECT SUMMARY & PROCEDURES:

Yit Chan & Qiongci Chi, owners of the properties at 770 NE Imbler Avenue and 1023 NE Stephens Street submitted an application for a zone change to allow a boundary line adjustment of approximately 2,526 sq. ft. of land between their two adjacent properties. The two properties involved in the boundary line adjustment are zoned differently and therefore the zone change is required to be processed concurrently with the proposed boundary line adjustment. The subject property for the zone change is addressed as 770 NE Imbler Ave and described as Township 27 South, Range 05 West, Willamette Meridian, Section 18BC, Tax Lot 03700, R56570 and zoned C2 (Community Commercial). The adjacent property being adjusted is addressed as 1023 NE Stephens and further described as Township 27 South, Range 05 West, Willamette Meridian, Section 18BC, Tax Lot 03600; R56591. This property is zoned C3 (General Commercial and is the home of Chi's Chinese Restaurant. The Zone Change request will be evaluated pursuant to Land Use and Development Regulations Chapter 12.10.040 and all other applicable section of the Roseburg Municipal Code.

The Zone change is a quasi-judicial land use action, as listed within Section 12.10.010(R) of the Roseburg Municipal Code (RMC). Therefore, the Zone Change request shall be heard by the Planning Commission for a recommendation to City Council. The notice requirements prescribed by Section 12.10.010 of the RMC have been provided by City staff in anticipation of the public hearing and the hearing shall follow the procedures outlined within Section 12.10.010(T) of the RMC.

BACKGROUND:

The property owner owns both properties subject to this application and are adjusting the property line so the western parcel with the restaurant will have ownership and maintenance over the steep hillside that separates the two properties. The property to the east is developed with a single family dwelling. The owners have requested this adjustment to occur in the event they need to sell the house. Currently, the boundary runs along the toe of the slope that separates the properties and on occasion, there are erosion or sloughing issues of the hillside. Those hazards affect the restaurant parking lot.

The request requires a zone change be processed concurrently with the boundary line adjustment since they are currently zoned differently. Section 12.12.010(U)(2)(b)(iv) states that

all boundary line adjustment shall be within a given zone and not among differing zones. Therefore, in order for the City to grant approval of the proposed boundary line adjustment, the area being adjusted to the applicant's property is required to simultaneously be changed from the current C2 zoning to C3. This will satisfy the requirements of City's boundary line adjustment criteria and ensure that the final property boundaries for both parcels reflect the same zoning district boundary.

APPLICABLE CRITERIA:

The applicant's request for a zone change application was reviewed by the City, as shown within the attached finding of fact (exhibit A), based on the applicable criteria as follows from the Roseburg Municipal Code:

A) RMC Section 12.10.040 – "Zone Change"

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

OPTIONS:

1) Adopt Findings of Fact referring the request to City Council with a recommendation that City Council approve the zone change request.
2) Continue consideration of the request.
3) Adopt Findings of Fact referring the request to City Council with a recommendation that City Council deny the zone change request.

STAFF RECOMMENDATION:

Staff determines that the zone change request as reviewed within the attached findings of fact satisfies the criteria for approval. Therefore, staff recommends the Planning Commission adopt the following motion.

SUGGESTED MOTION:

I MOVE TO ADOPT THE FINDINGS OF FACT AS PRESENTED, AND REFER THE REQUEST TO CITY COUNCIL, RECOMMENDING APPROVAL OF THE REQUESTED ZONE CHANGE, REFERENCED AS FILE NO. ZC-21-001.

EXHIBITS:

A – Findings of Fact
B – Preliminary Boundary Line Adjustment Map and Legal Description

In the matter of the Zone Change request by Yit Chan & Qiong Chi) ZC-21-001)

BEFORE THE ROSEBURG PLANNING COMMISSION

FINDINGS OF FACT AND ORDER

I. NATURE OF APPLICATION

Yit Chan & Qiongci Chi, owners of the properties at 770 NE Imbler Avenue and 1023 NE Stephens Street submitted an application for a zone change to switch a portion of their property from the C2 (Community Commercial) zone to the C3 (General Commercial) zone. This zone change will enable the completion of a boundary line adjustment of approximately 2,526 sq. ft. of land between their two adjacent properties. Both properties are zoned differently and therefore a zone change is required to be processed concurrently with a proposed boundary line adjustment application, which has also been submitted by the applicant.

The subject property for the zone change is addressed as 770 NE Imbler Ave and described as Township 27 South, Range 05 West, Willamette Meridian, Section 18BC, Tax Lot 03700, R56570 and zoned C2 (Community Commercial). The adjacent property is addressed as 1023 NE Stephens and zoned C3 (General Commercial). This property can be further identified as Township 27 South, Range 05 West, Willamette Meridian, Section 18BC, Tax Lot 03600; R56591.

The Zone Change request will be evaluated pursuant to Land Use and Development Regulations Chapter 12.10.040 and all other applicable section of the Roseburg Municipal Code.

II. FINDINGS OF FACT

A. EXISTING CONDITIONS

1. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of Title 12, Land Use and Development Regulations (LUDR) of the Roseburg Municipal Code (RMC), as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3497 on May 1, 2018.

2. Notice of the public hearing before the Planning Commission 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 before the Planning Commission was mailed to all owners of property within 300 feet of the property 20 days prior to the hearing.

3. The 0.30 acre subject property for the zone change is addressed as 770 NE Imbler Ave and described as Township 27 South, Range 05 West, Willamette Meridian, Section 18BC, Tax Lot 03700, R56570 and zoned C2 (Community Commercial).

4. The portion of subject property being adjusted and subject to the zone change is approximately 2,526 sq. ft. and is designated by the Comprehensive Plan as Commercial.

5. The portion of property subject to the zone change is vacant of structural development.

6. The subject property, which is addressed as 770 NE Imbler Ave, is developed with a single family dwelling.

7. The property to the west and subject to the concurrent property line adjustment is developed as Chi's Garden Restaurant.

B. AGENCY COMMENTS

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

C. PUBLIC COMMENTS

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

D. PUBLIC HEARING

A public hearing was held on the application before the Roseburg Planning Commission on May 2, 2021. The planning Commission reviewed ZC-21-001, an application for a Zone Change, and it was made part of the record.

E. APPLICABLE CRITERIA

The applicable approval criteria for the subject zone change is contained within Roseburg Municipal Code, Section 12.10.040(D):

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

Finding: The parcel is located within the Roseburg Growth Boundary in an area that is designated Commercial in the Comprehensive Plan. The parcel borders other Commercial land to the north and west. The parcel will continue to be accessed via NE Imbler Avenue, a local street. The portion of property subject to the zone change is a steep hillside and is vacant and undeveloped. The proposed C3 zone conforms to the Comprehensive Plan under the Commercial designation, the Zoning Map and applicable written policies.

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

Finding: The property owners of the parcel developed with Chi's Garden Restaurant want to own the hillside portion of the subject property in the event they decide to sell the house so that they can maintain the hillside. The reason they prefer ownership of the hillside is in case there are any erosion issues that might affect the safety of the vehicles parked in their parking lot. The hillside is currently stabilized with shotcrete, however, the property line is at the base of the slope and periodic maintenance might be necessary to keep the shotcrete in a safe condition. The zone change and the property line adjustment are necessary to own and maintain the slope above the parking lot. The subject property contains a single family dwelling to the east of the slope which has existed since 2008 following replacement of the previous home due to a structure fire. This existing use is permitted as a "special status dwelling" which is a pre-existing conforming use pursuant to RMC 12.08.010(J) in the C2 zone. The vacant portions of the southwest facing hillside which are to the west of the dwelling is an unused portion of the property and ownership and maintenance of the hillside will transfer to the adjacent lot to the west through a concurrent boundary line adjustment. There is no development proposed on the adjusted portion. The existing uses of the surrounding neighborhood relative to the current mix of the adjacent commercial properties, it is found that the site is suitable for the proposed zone with respect to the public health, safety and welfare of the surrounding area.

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

Finding: The applicant's request does not generate any additional traffic to the subject property nor is the existing access point being altered. Therefore, the zone change request will have no impact on traffic safety nor any other aspects of the transportation system.

IV. CONCLUSION

Upon review of the application, staff report, and other materials referenced as File ZC-21-001 and after conclusion of the Public Hearing and all testimony provided herein, the Planning Commission concludes that the application satisfies the approval criteria, therefore warranting the approval of the Zone Change as requested.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission refers the zone change request to the City Council recommending **APPROVAL** of the Zone Change, as contained within file ZC-20-001 and subject to conditions as follows:

1. The approval is for the property shown on map submitted with the application.

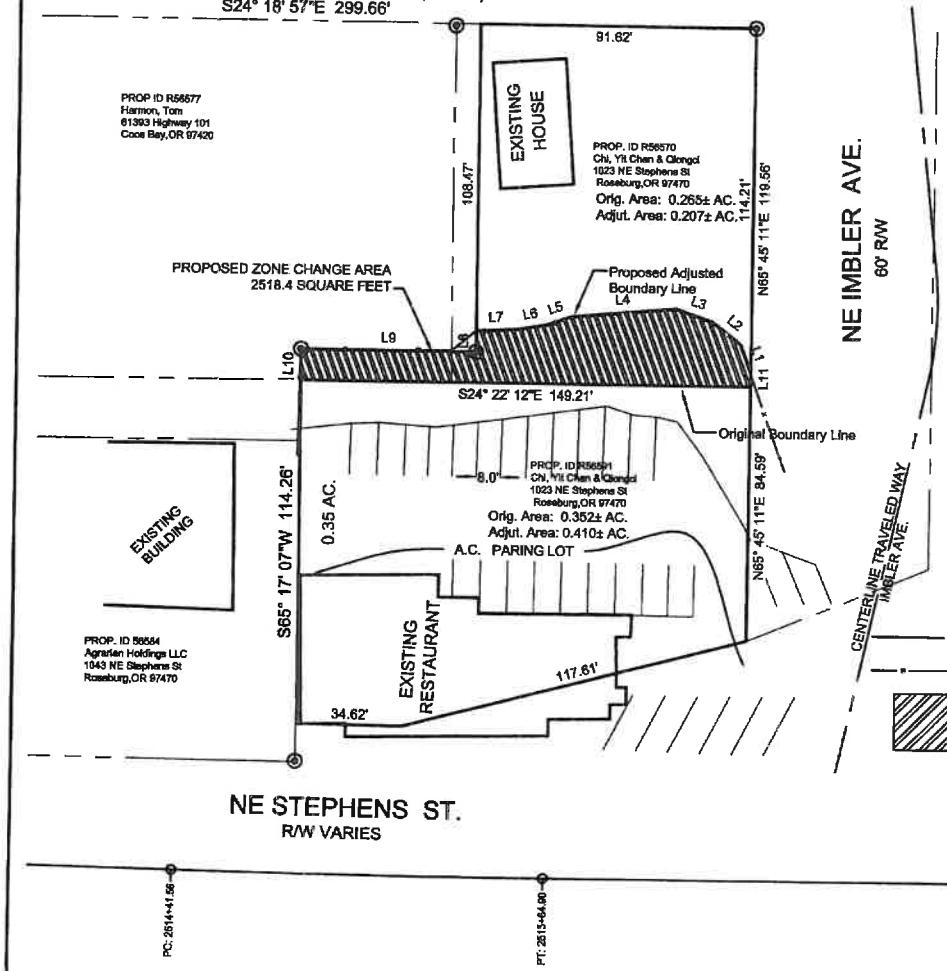
2. Any future development of the property shall fully conform to all the applicable standards and requirement of the Roseburg Municipal Code.

3. The boundary line adjustment that is being processed concurrent with the zone change shall comply with all the applicable standards of Section 12.12.010(U) of the Roseburg Municipal Code.

Ronald Sperry, Planning Commission Chair — Date

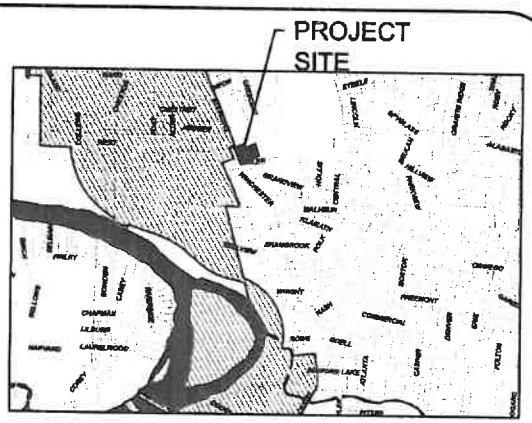
Stuart Cowie, Community Development Director — Date

Planning Commission Members:
Ronald Sperry, Chair
Dan Onchuck, Vice Chair
Shelby Osborn
Stephanie Newman
Victoria Hawks
Jamie Yraguen
Christy Palmini



Parcel Line Table		
Line #	Direction	Length
L1	N45° 21' 02"E	9.27'
L2	N13° 43' 43"E	12.16'
L3	N05° 37' 25"W	12.86'
L4	N29° 22' 54"W	34.91'
L5	N43° 56' 58"W	8.31'
L6	N34° 06' 10"W	10.45'
L7	N27° 16' 36"W	13.47'
L8	S65° 35' 48"W	7.29'
L9	N24° 12' 26"W	57.89'
L10	S65° 43' 07"W	10.27'
L11	N65° 45' 11"E	5.35'

LEGEND
- FOUND PROPERTY CORNER
- EXISTING WIRE FENCE
- EXISTING CHAIN LINK FENCE
- PROPOSED ZONE CHANGE AREA



VICINITY MAP
NOT TO SCALE

OWNER: Chi, Yit Chan & Qiongci
1023 NE Stephens St
Roseburg,OR 97470
PROP ID: R56570
ZONING: C2 - Community Commercial
COMP PLAN: COM - Commercial

PROP. ID: R56591
ZONING: C3 - General Commercial
COMP PLAN: COM - Commercial

0 30 60 120 Feet
SCALE 1" = 40'

Sheet 1 of 1

ZONE CHANGE & PROPOSED BLA EXHIBIT

In the SW 1/4, Section 18
Township 27 South, Range 5 West, W.M.
Douglas County, Oregon
January 20, 2021

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
AUGUST 17, 2009
BARTTON M. HEICHEL
1640 PLS

FOR: Yit Chan & Qiongci Chi
1023 NE Stephens St.
Roseburg, OR 97470

Land Mark Surveying, Inc.
3317 N.E. Stephens St. •Roseburg, Oregon 97470
Office (541) 677-9400 •Fax (541) 677-9401

LM Proj. No. 2020-0116