



ROSEBURG CITY COUNCIL AGENDA – JUNE 14, 2021

Electronic Meeting

Public Access:

City website at <https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

Facebook Live at www.Facebook.com/CityofRoseburg

Comments on Agenda Items and Audience Participation can be provided in person electronically via Zoom. See next page for instructions on how to participate in virtual meetings.

6:30 p.m. – Special Meeting –Ward 2 City Council Interviews

- A. 6:30 p.m. - Shelley Briggs-Loosley
- B. 6:45 p.m. - Jeffrey Weller

7:00 p.m. Regular Meeting

1. **Call to Order – Mayor Larry Rich**
2. **Pledge of Allegiance**
3. **Roll Call**

Beverly Cole	Bob Cotterell	Alison Eggers	
Sheri Moothart	Brian Prawitz	Patrice Sipos	Andrea Zielinski
4. **Mayor Reports**
 - A. Ward 2 City Council Appointment
5. **Commission Reports/Council Ward Reports**
6. **Audience Participation – In Person via Zoom/See Information on the Reverse**
7. **Consent Agenda**
 - A. Minutes of May 24, 2021 Joint Work Study Session
 - B. Minutes of May 24, 2021 Meeting
 - C. Oregon Community Foundation Grant
 - D. Resolution No. 2021-13 – Authorizing the City Manager to Negotiate and Execute a Grant Agreement with the State of Oregon Accepting a \$1.5 Million Grant to Establish and Operate a Navigation Center
8. **Public Hearing**
 - A. Resolution No. 2021-14 – 2021-2022 Budget Adoption
 - B. Ordinance No. 3560 – Amending a Portion of the City's Zoning Map From C2 (Community Commercial) to C3 (General Commercial), First Reading
 - C. Ordinance No. 3561 – Amending RMC Title 12 Land Use Development Regulations - File No. LUDR-21-002, First Reading
 - D. Ordinance No. 3562 - NE Crescent Street Right-of-Way Vacation, First Reading
 - E. Sale of Real Property – 1054 NE Cedar Street
9. **Ordinances**
 - A. Ordinance No. 3558 – Granting a Telecommunication Franchise to SQF, LLC, Second Reading
 - B. Ordinance No. 3559 – Granting a Small Cell Telecommunication Franchise to USCOC of Oregon RSA #5, Inc. (U.S. Cellular), Second Reading
10. **Council Matters**
 - A. Livestock Permit Revocation Appeal
11. **Items from Mayor, City Council and City Manager**

12. Adjourn

13. Executive Session ORS 192.660(2)

Informational

A. City Manager Activity Report

URBAN RENEWAL AGENCY BOARD MEETING IMMEDIATELY FOLLOWING

AUDIENCE PARTICIPATION INFORMATION

The Roseburg City Council welcomes and encourages participation by citizens at all our meetings, with the exception of Executive Sessions, which, by state law, are closed to the public. To allow Council to deal with business on the agenda in a timely fashion, we ask that anyone wishing to address the Council follow these simple guidelines:

To provide comment during virtual meetings, contact the City Recorder by phone (541-492-6866) or email (info@cityofroseburg.org) by 4:00 p.m. the day of the meeting. Provide your name, address, phone number and which item on the agenda you wish to speak. You will then be provided with a link and phone number to the Council 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 Council 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 City Council. The Council reserves the right to delay any action requested until they are fully informed on the matter.

TIME LIMITATIONS

With the exception of public hearings, each speaker will be allotted a total of 6 minutes. At the 4-minute mark, a warning bell will sound at which point the Mayor will remind the speaker there are only 2 minutes left. All testimony given shall be new and not have been previously presented to Council.

A total of 30 minutes shall be allocated for the "Audience Participation" portion of the meeting.

CITIZEN PARTICIPATION

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

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

PROVIDING COMMENTS

If you join the meeting via Zoom, please select the "raise hand" button when the Mayor 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 City Recorder, you will be brought into the meeting to speak when the Mayor calls for speakers, then moved back to the "waiting room".

If a matter presented to Council is of a complex nature, the Mayor or a majority of Council may:

1. Postpone the public comments to "Items From Mayor, Councilors or City Manager" after completion of the Council's business agenda, or
2. Schedule the matter for continued discussion at a future Council meeting.

The Mayor and City Council reserve the right to respond to audience comments after the audience participation portion of the meeting has been closed.

The City Council meetings are on Facebook Live and available to view on the City website the next day at:

<https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

The full agenda packet is available on the City's website at: <https://www.cityofroseburg.org/your-government/mayor-council/council-agendas>.

SPECIAL MEETING INTERVIEW QUESTIONS
ATTACHMENT #1

QUESTIONS FOR PROSPECTIVE CITY COUNCIL MEMBERS

1. Since everyone may not know you, briefly tell us your name, where you work(ed) and your involvement in the community.

2. What skills and experience do you have that you feel makes you a good fit for City Council?

3. Why did you apply for appointment to the City Council?

4. What role do you see City government playing in the community?

5. What role, if any, do you believe City Councilors should play in the day-to-day operations of City government?

6. How do you deal with conflicts? Talk about a time you had a conflict with a co-worker or fellow citizen and how you dealt with that.

7. List three priorities you feel the Council should concentrate on during 2021-2022.



CITY OF ROSEBURG COMMISSION APPLICATION

Application for Appointment to: **CITY COUNCIL, WARD 2 POSITION 1**

City Council Meetings are held at 7:00 p.m. on the 2nd and 4th Monday of each month in the Council Chambers of City Hall. In addition to the regularly scheduled Council meetings, Council members will generally spend time reviewing material in preparation for the meetings and attend additional meetings as well as talking and corresponding with constituents. As the elected legislative body of the City of Roseburg, the City Council has overall responsibility for the scope, direction and financing of City services.

Name: Briggs Loosley Shelley
Last First

Home Address: 1940 NW Excello Dr., Roseburg, OR 97471
Street Zip Code

Phone Number: _____ Cell Phone: 541-784-6858

Email Address: shelley@shelleybriggs.com

Occupation Retired, Volunteer / _____
Place of Employment

Business Address _____
Phone

1. Do you reside in the Roseburg city limits Ward 2? Yes ☒ No
2. Have you resided within the Roseburg city limits for at least one year immediately preceding this application? Yes ☒ No
3. Are you a registered voter? Yes ☒ No
4. How did you learn about this vacancy?
Newspaper ☐ Social Media ☐ City Website ☐ Word of Mouth ☒
Other ☐ Please Specify: _____
5. At least two meetings a month or more are required plus significant time reading agenda material to prepare for meetings. Do you have flexibility to attend the regular meetings on the 2nd and 4th Mondays at 7:00 p.m.? Yes ☒ No

Please check the times when you would be able to attend additional meetings.

Morning (7:30 or 8:00 a.m.) ☒ Afternoon (4:00-6:00 p.m.) ☒ Evening (7:00 p.m.) ☒

6. What experience/training do you have that qualifies you for this particular appointment and what specific contributions do you hope to make?

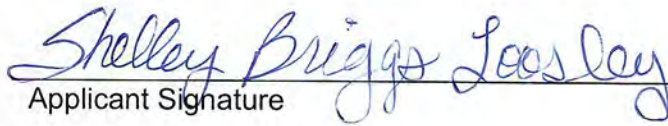
I have served on the board of directors of Adapt, Peace at Home, and Mercy Foundation. Currently, I serve on the Boys and Girls Club board, the Homeless Commission, and I am the board chair of the YMCA, Family Development, and Casa de Belen.

7. Please list community topics of particular concern to you that relate to this appointment.

I'm eager to work on any project to make Roseburg a better place to live. My interests include helping Roseburg become even more family-friendly, business-friendly, and community-friendly. I also want to draw on my eight years of experience as the director of the Roseburg Visitors and Convention Bureau to help Roseburg become more tourist-friendly.

8. Please list your reasons for wishing to be appointed.

I want to serve on the Roseburg City Council to help others. The Council provides an opportunity to have broad influence over the future of our community. I want to leverage my extensive connections and experience to enhance the livability of our community for everyone.


Applicant Signature

May 18, 2021

Date

Return completed application to the City Administration Office, 900 SE Douglas, Roseburg, OR 97470 or e-mail to info@cityofroseburg.org. Applications close 5:00 p.m. on June 8, 2021.

If applicable, you will be advised when the City Council will conduct interviews of the applicants. Plan to be present to discuss your application with the Council. The Council will endeavor to make its selection at that meeting; however, they may wish to take more time to deliberate before making the appointment.

Information on this form is public information.

Thank you for your expression of interest in serving the community.

Note: City of Roseburg employees may not serve on an elected body.



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Name: Weller Jeffrey
Last First

Home Address: 1531 NW Primrose Ct 97471
Street Zip Code

Phone Number: (916) 230-6701 Cell Phone: _____

Email Address: jwellercpa@hotmail.com

Occupation Semi-retired CPA Self-employed
Place of Employment

Business Address P.O. Box 974, Roseburg, OR 97470 (916) 230-6701
Phone

1. Do you reside in the Roseburg city limits Ward 2? Yes ☒ No ☐
2. Have you resided within the Roseburg city limits for at least one year immediately preceding this application? Yes ☒ No ☐
3. Are you a registered voter? Yes ☒ No ☐
4. How did you learn about this vacancy?

Newspaper ☒ Social Media ☐ City Website ☐ Word of Mouth ☐

Other ☐ Please Specify: _____

5. At least two meetings a month or more are required plus significant time reading agenda material to prepare for meetings. Do you have flexibility to attend the regular meetings on the 2nd and 4th Mondays at 7:00 p.m.? Yes ☒ No ☐

Please check the times when you would be able to attend additional meetings.

Morning (7:30 or 8:00 a.m.) ☒ Afternoon (4:00-6:00 p.m.) ☒ Evening (7:00 p.m.) ☒

6. What experience/training do you have that qualifies you for this particular appointment and what specific contributions do you hope to make?

I have almost 50 years of experience in the business world as a CPA. During that time I have learned to listen to people, hearing them out as they express concerns, frustrations, and requests for understanding. Obviously I am familiar with the financial aspects of operational entities, and I also possess analytical, organizational, administrative and management skills necessary for a position of leadership. I am an independent person without political allegiances, a slate clear of preconceived notions, bias, or agendas. I am open and willing to discuss and work with colleagues (and indeed all citizens of Roseburg) to determine the best courses of action overall, and to make available appropriate explanations for suggestions that are not implemented. Although I have not previously held political office, I believe the breadth of my professional experience will bring a different set of views to the group (dare I say “team”?) tasked with the responsibility of guiding the City of Roseburg.

7. Please list community topics of particular concern to you that relate to this appointment.

There are many challenges facing our city. I believe some areas that require significant ongoing attention include the myriad concerns surrounding the COVID-19 pandemic, homelessness, transportation, drug abuse, communication between city officials and the general population, and the overall economy. There are no hard and fast resolutions to any of these, but the suggestions that are consistently presented (by the Council as well as the general populace) warrant consideration and can be incorporated into the ongoing discussions to determine the best courses of action for the community as a whole.

8. Please list your reasons for wishing to be appointed.

I have now lived in Roseburg for about 5 years. I have been part the city Budget Committees that reviewed the 2020-2021 and also the 2021-2022 proposed budgets submitted to the Council. I also currently serve on the Umpqua Actors Community Theater Board of Directors, and a few years ago had the privilege of serving on the Douglas County Grand Jury. I have started giving back to the community, and I believe my professional and life experiences can also be put to good use as a member of the City Council.


Applicant Signature

05/12/2021

Date

Return completed application to the City Administration Office, 900 SE Douglas, Roseburg, OR 97470 or e-mail to info@cityofroseburg.org. Applications close 5:00 p.m. on June 8, 2021.

If applicable, you will be advised when the City Council will conduct interviews of the applicants. Plan to be present to discuss your application with the Council. The Council will endeavor to make its selection at that meeting; however, they may wish to take more time to deliberate before making the appointment.

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ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



WARD 2 CITY COUNCIL INTERVIEWS/APPOINTMENT

Meeting Date: June 14, 2021

Department: Administration

www.cityofroseburg.org

Agenda Section: Mayor Reports

Staff Contact: Amy Sowa, ACM/City Recorder

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

City Councilor Sheila Cox resigned her position as representative of Ward 2. Therefore, there was a vacancy to be filled on the City Council for Ward 2, Position 1.

BACKGROUND

A. Council Action History.

The City Council accepted Sheila Cox's resignation on May 10, 2021. Immediately thereafter, Staff advertised the City Council vacancy through the local news media, social media and the City's website, with a deadline of June 8, 2021 established for application submission.

Two applications were received for this position. The applicants have been invited to attend the meeting for their interviews, which have been scheduled as follows:

6:30 p.m.	Shelley Briggs-Loosley
6:45 p.m.	Jeffrey Weller

B. Analysis.

Roseburg Municipal Code Chapter 2.10 requires the City Council to interview City Council candidates at a public meeting.

To the extent possible, the Council is to act to fill the vacancy at the same meeting in which it interviews candidates. Following the interviews, the Council may make the appointment or solicit additional candidates for consideration at a later meeting before making an appointment.

Anytime during the process, a three-fourths vote of the entire membership of the current Council may terminate the procedure and make an appointment.

C. Financial/Resource Considerations. N/A

D. Timing Considerations.

To ensure appropriate representation for the residents of Ward 2, it is recommended the appointment be made as soon as practical.

COUNCIL OPTIONS

1. Interview the applicants and make an appointment; or
2. Interview the applicants and choose to solicit additional candidates for consideration at a later meeting; or
3. With a minimum of six affirmative votes, vote to discontinue the procedure as outlined in the above analysis and make an appointment.

STAFF RECOMMENDATION

Staff recommends the City Council proceed with interviewing the applicants for the City Council vacancy.

SUGGESTED MOTION

After interviews are completed, if Council is ready to proceed with an appointment, the appropriate motion would be ***"I MOVE TO APPOINT _____ TO FILL THE WARD 2, POSITION 1 VACANCY, THROUGH DECEMBER 31, 2022."***

ATTACHMENTS:

Attachment #1 – Interview Questions

Attachment #2 – Shelley Briggs-Loosley Application

Attachment #3 – Jeffrey Weller Application

**MINUTES OF THE JOINT WORK STUDY SESSION
OF THE CITY COUNCIL
May 24, 2021**

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Mayor Rich called the Joint Work Study Session of the Roseburg City Council to order at 6:04 p.m. on May 24, 2021 electronically via Zoom in Roseburg, Oregon.

ROLL CALL

Present: Councilors Beverly Cole, Bob Cotterell, Alison Eggers, Sheri Moothart, Brian Prawitz, Patrice Sipos and Andrea Zielinski.

Absent: None

Others Present: City Manager Nikki Messenger, Assistant City Manager/City Recorder Amy Sowa, City Attorney Jim Forrester, Public Works Director Brice Perkins, Community Development Director Stuart Cowie, Police Chief Gary Klopfenstein, ODOT Region 3 Planning Manager Mike Baker, Douglas County Commissioner Chris Boice, Douglas County Commissioner Tom Kress, Communications Specialist Suzanne Hurt, and Management Assistant Koree Tate.

Presenters: Kittelson & Associates, Inc. Principle Planner Matt Hughart, Oregon Department of Transportation Senior Transportation Planner/Project Manager Thomas Guevara, Kittelson & Associates Engineering Associate Molly McCormick, Kittelson & Associates Engineer Yi-Min Ha, and Dowl Senior Engineer Stan Petroff.

ODOT PRESENTATION/I-5 BOTTLENECK STUDY

Ms. Messenger introduced ODOT Project Manager Thomas Guevara who had been working on the I-5 bottleneck study for several years. Mr. Guevara said he was tasked to diagnose the bottleneck on Interstate 5 (I-5); Roseburg was reaching near capacity. He had seen higher volumes in Roseburg compared to other areas like Medford. Kittelson & Associates was hired to help further identify concerns regarding congestion and accidents in the area. In response to Mayor Rich, Mr. Guevara explained the bottleneck area in question was from exit 119 to 129.

Matt Hughart, Kittelson & Associates Principle Planner, reported he lead the consultant team for the bottleneck project. He noted a disruption in the planning process due to the COVID-19 pandemic. He was now at a point where he needed to share the process and findings to explain the next steps. When talking about bottlenecks, it was the demand of the freeway caused by vehicles entering and exiting the freeway causing traffic to slow down. An analysis of the traffic flow was conducted, and forecasting of I-5 showed volumes that could potentially be future bottlenecks.

Mr. Hughart reviewed the project goals:

- Perform a thorough inventory of freeway conditions such as existing traffic volumes and infrastructure.
- Identify and assess the location of existing and/or future freeway traffic flow bottlenecks.
- Generate a list of potential measures that could improve mobility such as freeway management policies and physical improvements.
- Be cognizant of environmental constraints, Title VI populations.

When looking ahead to the year 2040, he reviewed:

- Critical time – the weekday pm seemed to be the peak hour.
- Critical direction – southbound was busier than traffic moving north.
- Capacity limitations during summer months.
- Bottlenecks that would intermittently form in the southbound direction.

Mr. Hughart said there was a very clear projected increase on I-5 in the Roseburg area that contributed to the urbanization in the Roseburg and Winston/Green area. There was a prevalent urban population with some unique facets regarding demand. When looking at the two directions of travel, the most significant were people traveling south to the Winston/Green area. The southbound traffic in the afternoon weekday peak period had the highest level of bottlenecking. Traffic fluctuated throughout the year, which showed seasonal significant fluctuations. During certain summer months traffic was most likely heavier than during times in October due to vacationers and travel. He discussed what could happen if the road conditions were not changed for future travel. Traffic would begin to have delays and bottlenecks would consistently slow travel beginning at exit 124 causing buildup and delays.

Mr. Hughart discussed the commuter patterns from Winston/Green to Roseburg. There was a demand that showed on I-5 from those who lived and worked in Roseburg, but also those that commuted from the Winston/Green area. There were more employment opportunities, shopping, schools and retail in Roseburg that could be seen clearly in the existing profiles. When looking at southbound traffic on a weekday, he compared the scenario as if Roseburg was exhaling the people back to the Winston/Green area. There were some topographical and natural feature constraints with limited connections over the South Umpqua River. He noticed many locals used the freeway to go between sections where many other cities had a specified parallel grid pattern elsewhere in town for use. This pattern showed a function of convenience, but caused constraints when looking at demand over time. Geometric conditions were discovered that showed deceleration lengths, acceleration lanes and divergent angles. The Harvard Avenue exit was a hard one because it was squeezed between a river, mountain and school. There was a lack of adequate shoulders for maintenance, incident management and speed enforcement.

Mr. Hughart talked about concepts for review that included:

- Widen I-5 southbound to include an auxiliary lane between Exit 125 and on-ramp and 124 off-ramp.
- Install ramp meters for southbound on-ramps at Exit 125.
- Install ramp meters for northbound and southbound on-ramps at Exit 124.
- Reconfigure southbound on-ramp at Exit 125 to reduce friction with mainline.
- Reconfigure southbound off-ramp at Exit 121 to reduce friction with mainline.
- Reconfigure southbound off-ramp deceleration lane length at Exit 118 to reduce friction with mainline.
- Widen or restripe I-5 to add shoulders where feasible.

The Friction points were not projecting a significant level of bottleneck at this point. The concepts were focused on what could be done on the mainline of I-5 itself. He did not dive into what could be done at Garden Valley or Harvard, but rather he looked at the freeway. He

posed the question of if they could obtain some extra capacity on the freeway itself, lengthen on and off-ramps, and tweak the geometry of certain areas. An auxiliary lane would allow ramp-to-ramp maneuvers that could reduce friction and allow more vehicles to be processed within the extents of the modification, the additional through traffic would interact with merging vehicles at the Exit 124 on-ramp just downstream of the auxiliary lane. He noted there was insufficient width on I-5 to accommodate a southbound auxiliary lane. To accommodate the needed width, the existing bridge structure would need widened. There was an existing share-use path along the west side of I-5 that would need to be relocated and as a major reconstruction project, improvements such as repaving, widening, lighting and signage would need considered. The existing looping on ramp acceleration lane under the NE Garden Valley Boulevard bridge would become the beginning of the southbound auxiliary lane, but the shoulder width was insufficient under the bridge. A design exception for the shoulder width would be necessary to avoid extensive bridge work. The existing Garden Valley on-ramp acceleration lane did not meet current standards. The ramp should be improved to extend the acceleration lane into the new auxiliary lane, which would require road widening. In order to develop the area, he determined another 12-16 feet of width on the road was needed to have a safe and wide shoulder.

Councilor Cotterell asked if the cost to replace the bridge would be shared. Mr. Hughart said it would most likely be funded through State Transportation improvement dollars and could be an agreement between the City and State. Mike Baker, ODOT Region 3 Planning Manager, confirmed funds would come through the State Transportation Improvements dollars and Federal funds. Mr. Guevara said ideally they would look at Federal funding. The purpose was to find the nature of improvements and assume they could get it adopted by the Federal Commission. Mr. Hughart said most of what they were talking about fell into the same bucket.

Molly McCormick, Kittelson & Associate Engineering Associate, explained many of the graphics displayed were from peak traffic projections for summer predictions to show the worst of the worst. Yi-Min Ha, Kittelson & Associates Engineer added little modifications could help to make the issues smaller. Through better management and making some modifications, they could lessen the bottlenecking issues to a smaller percent. Mr. Hughart noted that changing only one segment might change another. Ramp meters could be installed at the Garden Valley Exit 125 to help with the amount of projected traffic flow to better manage the friction. If left unconstrained, current conditions had the ability to slow down mainline traffic. The next area Mr. Hughart discussed was Exit 124. Drivers had to get around the looping exit that was next to Mt. Nebo. Those trying to get on the freeway southbound had problems seeing the traffic with so many drivers getting off the freeway for Harvard Avenue. The issue was entering the freeway at an angle. His suggestion was to merge traffic down the road later to help reduce the friction of people moving south. That was not going to be an easy implementation because of the base of Mt. Nebo. Minor grading and widening at the base of the hillside would be needed which made this a more difficult area for construction.

The landfill exit was strained due to the hillside from which it was carved. The landfill was unique with the traffic flow of people coming in and exiting. He suggested a redesign to have a longer off-ramp and row limitations to implement something new for traffic. Another suggested area for change was Exit 119 to Winston/Green. It was best to lengthen and install a parallel off-ramp to help drivers get off the freeway more quickly to Highway 42. The longer lane exit would allow for a more open capacity. He noted a small residential area in that location that

06/14/2021

might need a sound wall. The last concept was the big picture of it all. Many shoulder width areas were limited. This was a future capital project, so as other capital projects occur, they could consider whether shoulder widening could be added to the project. Implementation may be triggered when funding became available or when needed to address safety issues or long-term traffic growth. Higher priority should be considered for implementing shoulder widening on high-volume segments or segments immediately downstream of high volume segments.

Councilor Cole was concerned about when construction would begin for the ideas presented. Mr. Hughart explained he would first link a copy of the recorded Council meeting to their website for the public to weigh in with comments. This did not mean it would directly lead to implementation. There was a lot of effort, time and money that lead to the project and that needed identified in the plan. At best, this was years away before starting. Councilor Eggers asked if some ideas were prioritized over others because she had concern about the Garden Valley Boulevard area and the current congestion issues noticed. Mr. Hughart suggested ramp meters because they were low cost and could be a temporary fix until future changes occurred. Mr. Guevara added that they were looking at future changes to widen bridges over I-5 and looking at options to better understand widening options for I-5 in the future. Mr. Baker noted it would take a corridor plan to show how it operated with issues on Garden Valley Boulevard and I-5.

Mayor Rich thanked everyone for their time to present and bring forward ideas to deal with traffic issues in the future.

ADJOURNMENT

Mayor Rich adjourned the meeting at 6:53 p.m.



Koree Tate
Management Assistant

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL MEETING
May 24, 2021**



Mayor Rich called the regular meeting of the Roseburg City Council to order at 7:07 p.m. on May 24, 2021 electronically via Zoom in Roseburg, Oregon. Councilor Prawitz led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Beverly Cole, Bob Cotterell, Alison Eggers, Sheri Moothart, Brian Prawitz, Patrice Sipos and Andrea Zielinski.

Absent: None

Others Present: City Manager Nikki Messenger, Assistant City Manager/City Recorder Amy Sowa, City Attorney Jim Forrester, Public Works Director Brice Perkins, Community Development Director Stuart Cowie, Finance Director Ron Harker, Library Director Kris Wiley, Police Chief Gary Klopfenstein, Avista Oregon Regional Business Manager Steve Vincent, Communications Specialist Suzanne Hurt, and Management Assistant Koree Tate.

MAYOR REPORTS

Mayor Rich shared that KMTR 16, Eugene news station, had started a morning news segment that provided an opportunity for City officials and staff to present what was happening in Roseburg. Ms. Hurt was working on the schedule and may call Councilors in the future to participate. Ms. Sowa said the news segment was starting next week to air Wednesday mornings at 6:55 and 7:55 a.m. The first segment would be the Mayor at a special time of 6:25 and 7:25 a.m.

COMMISSION AND WARD REPORTS

Councilor Cole and Patrice Sipos attended a MedCom Board Meeting on May 20, 2021 to discuss monthly financials, FireMed updates, provider reports and distribution, fiscal year budget calendar, and appointed a budget officer and committee members. They indicated the previous week was exceptionally busy and that it was not COVID related. The budgets were distributed in preparation of their June 3, 2021 budget meeting.

Andrea Zielinski had a Library Commission Meeting on May 18, 2021. They did not have a quorum, but those who attended heard about the monthly statistics, summer reading program, renovations and grants. She was excited to announce the library was scheduled to reopen May 25, 2021 with limited hours. Summer reading programs were around the corner and she looked forward to other planned events for the community.

Councilor Cotterell had a Public Works Commission meeting on May 13, 2021 to discuss two project items that were currently on the agenda that were approved by the Commission.

Mayor Rich had a Homeless Commission Meeting on May 24, 2021 and discussed the creation of an Immediate Needs Ad Hoc Committee. Applications were going to be available for 8-12 people to serve on the committee. They will meet on an as needed basis, but not less than once a month. Next, they would focus on creating another committee to review requirements on how to spend the \$1.5 million coming from the state, find a non-profit, or create a non-profit

to continue work to develop a new shelter and navigation center. It was important to continue the momentum to meet requirements and have something in place and working by summer 2022.

WARD REPORTS

Councilor Cotterell received two complaints about graffiti on the train at Stewart Park. By the time he drove by there to take a look, the Parks Department had already cleaned up the graffiti. He wanted to say thank you for the expedient action taken.

Councilor Prawitz shared the Music on the Half Shell was planning to return to Stewart Park in July, and the Umpqua Actors Community Theatre (UACT) held auditions for Lion King Jr. at the Wildlife Safari. It was nice to head into summer with a positive momentum. He also asked that the community be mindful of COVID-19 because it was still prevalent and out there.

AUDIENCE PARTICIPATION

Jasmine Geyer, 640 Strickland Canyon Road and local business owner, provided her opinion on the livestock permit revocation for Ashley Hicks. She did not know Ms. Hicks, but she followed the news stories and felt she was being targeted. She questioned the signature process for revocation, interactions with the Police Chief and City Manager, and the important decision Council faced. She asked Council to consider all information when making their decision to uphold the revocation or not.

CONSENT AGENDA

Councilor Cotterell moved to approve the May 10, 2021 meeting minutes. The motion was seconded by Councilor Sipos and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no.

ANNUAL FEE ADJUSTMENTS – RESOLUTION NO. 2021-09 GENERAL FEES AND RESOLUTION NO. 2021-10 WATER RELATED FEES

Ms. Sowa explained that service fees were to be adjusted annually to account for increased costs to provide those services. Council delayed the increase in 2020 due to the economic impacts related to the Coronavirus pandemic. On May 10, 2021, options were presented to Council for increases in some fees and not in others. Council directed Staff to bring back the proposed increases. In order to implement the fees on a fiscal year basis, the fee amendment resolutions were presented to be adopted to allow Staff sufficient opportunity to prepare for implementation. Fees were to be adopted by two resolutions. Stacey Court fees were being removed from the water fee schedule because they would be paid in full the end of May.

Councilor Cotterell moved to adopt Resolution No. 2021-09, entitled, “A Resolution Amending Resolution No. 92-13 Regarding Fees.” The motion was seconded by Councilor Cole and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no. Mayor Rich declared Resolution 2021-09 as adopted.

Councilor Prawitz said it was important for people to understand fees were frozen and on hold due to the COVID-19 pandemic. Although the changes being proposed were relatively small, they were necessary and for the most part, would not impact everyday citizens. There was good logic behind the process in relation to the fees that were asked to be implemented again.

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Councilor Cotterell moved to adopt Resolution No. 2021-10, entitled, "A Resolution Amending Resolution No. 91-18 Regarding Water Fees." The motion was seconded by Councilor Cole and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no. Mayor Rich declared Resolution No. 2021-10 as adopted.

RESOLUTION NO. 2021-11 – AMENDING THE ROSEBURG PUBLIC LIBRARY COLLECTION POLICY

Ms. Wiley reported that there were two additions to the Collection Policy for Council's review. One was a section on materials preservation that was added to comply with the State Library of Oregon's Public Library Standards, which defined the essential services expected of public libraries. The second was a section on electronic resources that were added in response to the library's five-year strategic plan. The Collection Policy was created in 2018 prior to opening the library. She wanted to make sure they were following state standards in Oregon. The policy would be updated as needed as they continued to provide services and best practices.

Councilor Zielinski moved to adopt Resolution No. 2021-11, entitled, "A Resolution Amending the Roseburg Public Library Collection Policy." The motion was seconded by Councilor Prawitz and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no. Mayor Rich declared Resolution No. 2021-11 as adopted.

RECREATIONAL TRAILS PROGRAM GRANT APPLICATION – RESOLUTION NO. 2021-12

Mr. Perkins stated that the Oregon Parks and Recreation Department had a Recreational Trails Program (RTP) intended to enhance trail opportunities by achieving results that would not otherwise be possible. RTP grants were for projects primarily recreational in nature, rather than serving a more utilitarian transportation function. The proposed project would include the creation of a small but attractive family friendly hiking, trail running, and mountain biking destination at Sunshine Park within the City of Roseburg. Sunshine Park consisted of approximately 93 acres of land, about 50 of which is currently undeveloped. The proposal consisted of three different trail types providing something for everyone. An extension of the existing Universal Access trail would provide a trail experience that complied with the ADA, capable of handling wheelchair use, minimum 5' tread widths, and average overall grades of 5% or less. The addition of Cross Country trails would provide a classic trail experience, and Flow Style Contour trails would provide a more bike and trail running optimized experience, which consisted of frequent grade reversals, in-sloped turns, faster speeds, and slightly steeper overall trail grades.

Mr. Perkins explained this was the same grant that was unsuccessful the previous year. Available funds were more limited this time, so the match for the City would be higher. The RTP grant program required a minimum of 20% match. The maximum grant available was \$150,000. The preliminary estimate of the total project cost was \$230,717.81, which would require a match of \$80,717.81. Matching funds had been budgeted in the FY 21-22 Bike Trail Fund along with in-kind City and volunteer labor/equipment match. The Recreational Trails Program application was due by June 15, 2021. Parks and Recreation Commission voted unanimously to approve the application and present it to the Council. In response to Mayor Rich, Mr. Perkins explained the grant committee did not provide feedback as to why the City

was unsuccessful last year. They had many projects to review and not enough money to fund them all.

Councilor Eggers moved to adopt Resolution No. 2021-12, entitled, "A Resolution Authorizing and Supporting Application for an Oregon Parks and Recreation Department Recreational Trails Program Grant." The motion was seconded by Councilor Cotterell and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no. Mayor Rich declared Resolution No. 2021-12 as adopted.

ORDINANCE NO. 3556 – AMENDING RMC TITLE 8 – TRAFFIC, SECOND READING

Ms. Sowa read Ordinance No. 3556, entitled, "An Ordinance Amending Certain Sections of Title 8 – Traffic, of the Roseburg Municipal Code," for the second time. Councilor Cotterell moved to adopt Ordinance No. 3556. The motion was seconded by Councilor Cole. Roll call vote was taken: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no. Mayor Rich declared Ordinance No. 3556 as adopted.

ORDINANCE NO. 3557 – GRANTING A GAS UTILITY FRANCHISE TO AVISTA CORPORATION DBA AVISTA UTILITIES, SECOND READING

Ms. Sowa read Ordinance No. 3557, entitled, "An Ordinance Granting a Non-Exclusive Gas Utility Franchise to Avista Corporation, DBA Avista Utilities; and Fixing Terms, Conditions and Compensation of such Franchise, Effective July 1, 2021," for the second time. Steve Vincent, Avista Oregon Regional Business Manager, said he recommended approval. This was the first time in twenty years where he was not able to meet in person to negotiate the franchise. He commended Ms. Sowa and Messenger for all their work during the smooth process. In response to Councilor Cotterell, Mr. Vincent explained that in all contracts he would want a non-exclusive clause. The Oregon Public Utility Commission had the authority to grant certificated service territories, so a new company would need to get their approval to work with the city. The non-exclusive language was a different type of clause to have added in a franchise agreement, but he still recommended having it within the agreement.

Councilor Cotterell moved to adopt Ordinance No. 3556. The motion was seconded by Councilor Zielinski. Roll call vote was taken: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no. Mayor Rich declared Ordinance No. 3557 as adopted.

ORDINANCE NO. 3558 – GRANTING A TELECOMMUNICATIONS FRANCHISE TO SQF, LLC – FIRST READING

Ms. Sowa stated that SQF, LLC (SQF) was an infrastructure provider that worked with U.S. Cellular on their network deployment of small wireless facilities in the City of Roseburg (City). SQF proposed to install six new utility poles within the City right-of-way sometime before the end of the year that would have U.S. Cellular antennas and associated equipment. SQF would be required to go through the permitting process with the City's Community Development and Public Works departments before installation of these facilities. Per RMC 9.25 definitions, SQF was considered a non-carrier provider; they would be the infrastructure owner, but would not provide telecommunications service. The franchise fee for a non-carrier provider that occupied the public way but had no customers in the City was an annual fee per linear foot of the public way occupied. The current rate starting July 1, 2021, was \$2.4395/linear foot. That rate was scheduled to increase annually based on the CPI-U West index. For the first year of the

agreement, the fee may be prorated on a monthly basis from the issuance of a permit to construct facilities in the public way, to December 31 of that year.

The Telecommunications Provider Application and application processing fee was received by the City on May 3, 2021. The franchise agreement would be effective upon final approval by Council and acceptance by SQF, LLC. They planned to start building by the end of this year, but still had to go through the Community Development Department and Public Works for permits and plans. She did not know how many linear feet would be used at this point, and therefore did not know the financial impact, but it would be positive since they would be paying the City. Council agreed to proceed with a first reading of the ordinance. Ms. Sowa read Ordinance No. 3558, entitled, "An Ordinance Granting a Telecommunication Franchise to SQF, LLC," for the first time.

ORDINANCE NO. 3559 – GRANTING A SMALL CELL TELECOMMUNICATION FRANCHISE TO USCOC OF OREGON RSA #5, INC. (U.S. CELLULAR), FIRST READING

Ms. Sowa reported that U.S. Cellular would be providing network coverage and capacity via their small wireless facilities initiative. They would collocate their equipment on poles owned by SQF, LLC, Pacific Power, and Century Link at 13 locations throughout the City of Roseburg (City). U.S. Cellular would be required to go through the permitting processes with the City's Community Development and Public Works departments before installation of those facilities. Once installed, service would be available for customers in the City. Effective January 1, 2019, FCC rules came into effect which limited local management of small wireless infrastructure deployment and associated fees for use of the rights-of-way and public property in the rights-of-way. City Staff and the City Attorney worked with representatives for U.S. Cellular to draft the telecommunications franchise agreement that included an annual fee of \$270 per small cell rather than a fee based on percentage of gross revenue, to comply with the FCC rules. In addition, U.S. Cellular was required to complete a Telecommunications Franchise Application and pay the \$200 application fee. The subject application and application processing fee was received by the City on May 3, 2021. Service to customers in the City was expected to begin upon installation and activation of their small cell facilities. The franchise agreement would be effective upon final approval by Council and acceptance by U.S. Cellular.

Council agreed to proceed with a first reading of the ordinance. Ms. Sowa read Ordinance No. 3558, entitled, "An Ordinance Granting a Small Cell Telecommunication Franchise to USCOC of Oregon RSA #5, Inc. (U.S. Cellular)," for the first time.

LINCOLN STREET PAVEMENT IMPROVEMENTS PROJECT BID AWARD RECOMMENDATION

Mr. Perkins explained the pavement rehabilitation work for the Lincoln Street Pavement Improvements project would include an asphalt grind and inlay from Sunset Street to Malheur Avenue, approximately 3,300 feet in length. The project would include road base rehabilitation at the intersections with Rocky Ridge Drive and Junker Avenue as well as utility trench restoration. There were sunken trenches on the road that were like inverted speed bumps. The project was advertised on April 13, 2021, and bids were opened on May 4, 2021. One bid was received from Knife River Materials for \$427,890.50. The project was budgeted in FY 21-22 with the notice to proceed to be issued after July 1, 2021. The Contractor would be allowed 72 calendar days to complete the project.

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In response to Mayor Rich, Mr. Perkins noted the project would begin after the ADA ramp project was complete. They did not want the projects to overlap one another so they still had time to prepare for the project. Councilor Cotterell moved to award the Lincoln Street Pavement Improvements Project to the lowest responsible bidder, Knife River Materials, for \$727,890.50. The motion was seconded by Councilor Cole and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no.

2021 PAVEMENT MANAGEMENT PROGRAM SLURRY SEALS BID AWARD RECOMMENDATION – 21PW02

Mr. Perkins stated that a slurry seal was a very thin layer of aggregate with an asphalt emulsifier applied to the existing pavement. It was like a heavy sand and to think of it as sunscreen for asphalt. Slurry seals were a preventative maintenance treatment used to prolong the life of the paved surface. There were 2.2 miles of streets scheduled for slurry seals as part of the project, which was advertised for bid on April 14, 2021. Three bids were received on May 5, 2021:

#	Bidder	Total Bid Amount
1	Pave Northwest, Inc.	\$ 82,445.35
2	VSS International, Inc.	\$ 92,325.00
3	Intermountain Slurry Seal	\$105,105.00
	<i>Engineer's Estimate</i>	<i>\$ 105,751.85</i>

The project was budgeted in FY 21-22 and the notice to proceed would be issued after July 1, 2021. The contractor would be allowed 60 calendar days to complete the project. Funds had been budgeted and were available to construct the project. The Public Works Commission discussed the project at their May 13, 2021 meeting and unanimously recommended the City Council award the 2021 Pavement Management Program Slurry Seal Project to the lowest responsible bidder, Pave Northwest, Inc. for \$82,445.35. In response to Councilor Eggers, Mr. Perkins said Pave Northwest was from Marcola, Oregon. Councilor Cole asked how the streets were chosen for slurry seals. Mr. Perkins explained the streets were part of a five-year pavement program. They determined street treatment by reviewing the pavement condition index, the score, and how much traffic utilized the area. He would not slurry a heavily used arterial such as Stephens Street. Slurry seals were typically used on residential streets. In response to Councilor Sipos, Mr. Perkins said they would have an overlay project out for bid soon, and if money was available, he may look at chip seals. Chip seals were another tool in the toolbox that involved broken rocks with oil that was rolled over. Pot holes were handled as needed on a case-by-case basis. If Councilors had questions about streets, they could contact him. Public Works did their best to have ongoing maintenance activity.

Councilor Prawitz wanted to know if residents in the proposed slurry seal area had been notified. Mr. Perkins explained their process was to notify residents six months in advance of pavement projects so they had time handle any contractor work for their home. There was a moratorium that went in place after paving so people could not cut into any freshly finished streets. The process cures quickly, but cars would not be able to park on the street until it was ready. In response to Mayor Rich, the curing process could take as little as two hours or up to a full day depending on the weather. Councilor Cotterell moved to award the 2021 Pavement

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Management Program Slurry Seal Project to the lowest responsible bidder, Pave Northwest, Inc. for \$82,445.35. The motion was seconded by Councilor Cole and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no.

LIVESTOCK PERMIT REVOCATION APPEAL

Attorney Forrester explained the Council received a petition to appeal the City Manager's decision on a livestock permit revocation for Ashley Hicks. Ms. Hicks received her permit in June 2020. In March 2021, the Police Chief notified her that her livestock permit was being revoked per RMC 6.04.050. She emailed the City Manager to appeal the Chief's decision regarding her livestock permit and it was received within the required timeline. Council has three options from which to choose on the matter:

1. Decline to review the City Manager's decision; or
2. Review the decision on the written record; or
3. Invite oral argument before rendering a decision on the record.

In response to Mayor Rich, Attorney Forrester agreed Council could receive the City Manager's written response as to her decision for denial prior to the next meeting and make a decision to reverse or affirm the City Manager's decision during the next meeting. Councilor Cole asked if the written material included the history of what took place. Attorney Forrester confirmed the document covered all the history leading to the decision. In response to Councilor Prawitz, Mayor Rich said the document was thirty-five pages total. Attorney Forrester said a digital copy could be sent to them or a printed copy by request.

Councilor Cotterell moved to review the City Manager decision to determine to move forward or dismiss the appeal. The motion was seconded by Councilor Moothart. In response to Councilor Sipos, Attorney Forrester said the City Manager's document provided communication between her and Ms. Hicks, and outlined the basis for the decision to uphold the Police Chief's decision. Councilor Moothart questioned if they would be able to speak with a few people because she heard one person who made an original complaint had retracted it. Ms. Messenger said that information was provided within the paperwork. Attorney Forrester clarified that the Council had the option to take further action such as oral argument, but not to hear additional questions or bring in people to appear before them. Council chose the motion to review the decision. Councilor Eggers added that she wanted it known that no one had taken the livestock from Ms. Hicks during the time that was used to make a final decision. The motion was approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no.

ITEMS FROM MAYOR, CITY COUNCIL AND CITY MANAGER

Ms. Messenger shared that the City was still operating under the declaration of an emergency. She sent in a grant application for the Roseburg Public Library and would submit a written report in the next meeting.

Councilor Zielinski stated there was an open job fair scheduled for June 1, 2021 at Roseburg Rental located at 1239 SE Stephens Street. Many local businesses were struggling to hire people so this was a great opportunity to connect the unemployed with jobs in the community. The event was scheduled from 11:00 a.m. to 3:00 p.m.

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Councilor Eggers thanked Mr. Perkins and the Public Works Department for fixing the graffiti on the train at Stewart Park and for opening the SplashPad on Memorial Day weekend.

Councilor Prawitz said he was on a call with Senator Merkley for a town hall meeting. During the conversation, he put in a plug for assistance and help with the mental health side of homelessness. He felt that might be a good specific item to discuss. He consistently sees a person downtown who refused help and if that person was able to receive the help needed then there was hope for everyone to receive help. He was willing to introduce the senator to the unhoused person if he thought that would help. There needed to be some mental health help on some level. There was a lot of good input on the call and he tried to represent Roseburg in asking for assistance.

ADJOURNMENT

Mayor Rich adjourned the meeting at 8:11 p.m.



Koree Tate
Management Assistant

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



OREGON COMMUNITY FOUNDATION GRANT

Meeting Date: June 14, 2021

Department: Library

www.cityofroseburg.org

Agenda Section: Consent Agenda

Staff Contact: Nikki Messenger, City Manager

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Acting under Resolution No. 2021-01 and Order No. 2021-01, the City Manager authorized Roseburg Public Library to submit an application to the Oregon Community Foundation K-12 Summer Learning Grant Program on May 24, 2021. The amount of the grant would normally exceed the City Manager's authority, but is allowed by state statute during an emergency. As such, this item is informational, and no Council action is required.

BACKGROUND

A. Council Action History.

On January 11, 2021, the Council adopted Resolution No. 2021-01 "Declaring A State Of Emergency Due To The Continuing COVID-19 Pandemic." The resolution was extended by Order No. 2021-01. The resolution and order authorized the City Manager to carry out appropriate functions and duties identified in the RMC during the time of emergency.

B. Analysis.

Oregon Community Foundation is managing a one-time grant program to award \$40 million for school-aged children to participate in community-based learning, enrichment, and recreation programs offered through nonprofits and public agencies across the state during summer 2021. One-time grants ranging from \$15,000 to \$200,000 are being awarded.

Roseburg Public Library's application for \$65,300 would fund the following:

- Purchase of new minivan
- Design and installation of graphic wrap on minivan
- Addition of 1.5 full-time equivalent temporary staff members
- Purchase of swag, craft supplies, prizes, etc.

Library staff would use the vehicle and additional staff to develop a bookmobile-type of program that would focus on providing in-person services at most Lunchbox Express meal sites.

The short-term goal is to connect with more youth, provide more grab-and-go activity kits, and offer in-person youth programs in City of Roseburg parks and on the library grounds during the 2021 Summer Reading Program. Long term, the library would use the vehicle to develop consistent, year-round outreach that complements the learning that takes place in the formal school setting and encourages a lifelong love of reading and learning.

C. Financial/Resource Considerations.

If the grant is awarded, the Finance Department will prepare a supplemental budget for Council's consideration. If the grant is not awarded, there will be no impact on the budget. There are no matching fund requirements for the grant.

D. Timing Considerations.

Oregon Community Foundation approves grants on a rolling basis as they are received, and it was important for the City to apply as soon as practical to be considered for the funding available.

COUNCIL OPTIONS

This report is for informational purposes only.

STAFF RECOMMENDATION

N/A

SUGGESTED MOTION

N/A

ATTACHMENTS:

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



RESOLUTION NO. 2021-13 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A GRANT AGREEMENT WITH THE STATE OF OREGON ACCEPTING A \$1.5 MILLION GRANT TO ESTABLISH AND OPERATE A NAVIGATION CENTER

Meeting Date: June 14, 2021
Department: Administration
www.cityofroseburg.org

Agenda Section: Consent
Staff Contact: Nikki Messenger, City Manager
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

The Oregon Legislature appropriated \$1.5 million to the City to establish and/or operate a navigation center. The issue for the Council is whether to adopt the attached resolution authorizing the City Manager to negotiate and execute a grant agreement to accept the grant.

BACKGROUND

A. Council Action History.

On January 13, 2020, the Council adopted Resolution No. 2020-01, adopting the 2020-2022 Goals. On December 14, 2020, the Council adopted Ordinance No 3544 establishing a Homeless Commission.

B. Analysis.

The Oregon Department of Administrative Services forwarded a draft grant agreement related to the appropriation of \$1.5 million to the City of Roseburg to establish and or operate a navigation center. As defined in HB 2006, a navigation center is "a low-barrier emergency shelter that is open seven days per week and connects individuals and families with health services, permanent housing and public benefits."

While not outlined in the grant agreement, the legislation requires the City to establish a navigation center on or before July 1, 2022. The grant agreement requires a resolution or ordinance authorizing the City Manager to execute the agreement.

C. Financial/Resource Considerations. The FY 2021-22 budget includes \$1.5 million in the Grant Fund to accommodate the revenue and expenditures related to this grant. Resources for ongoing operations will need to be identified as the project moves forward. Providing services to unhoused individuals and families is an eligible expense under the American Rescue Plan Act.

- D. Timing Considerations.** The funding is allocated for distribution in the state's current fiscal year. The grant agreement will expire June 30, 2021. As such, time is of the essence to obtain authorization to execute the agreement.

COUNCIL OPTIONS

Council has the following options:

- Adopt the attached resolution authorizing the City Manager to negotiate and execute the grant agreement with the Oregon Department of Administrative Services; or
- Request additional information; or
- Not adopt the attached resolution and forego the grant funding.

STAFF RECOMMENDATION

Staff recommends adopting the attached resolution.

SUGGESTED MOTION

"I move to adopt Resolution No. 2021-13 authorizing the City Manager to negotiate and execute a grant agreement with the Oregon Department of Administrative Services accepting a \$1.5 million grant to establish and operate a navigation center."

ATTACHMENTS:

Attachment #1 – Resolution No. 2021-13

RESOLUTION NO. 2021-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A GRANT AGREEMENT WITH THE STATE OF OREGON ACCEPTING A \$1.5 MILLION GRANT TO ESTABLISH AND OPERATE A NAVIGATION CENTER

WHEREAS, on January 13, 2020 the Roseburg City Council adopted Resolution No. 2020-01, adopting the Goals and Action Items for the City of Roseburg for 2020-2022; and

WHEREAS, Goal #6 of the adopted Roseburg City Council Goals is “Explore strategies to address issues related to unhoused individuals within the community;” and

WHEREAS, on December 14, 2020 the Roseburg City Council adopted Ordinance No. 3544 adding subsection 2.20 to the Roseburg Municipal Code and establishing a Homeless Commission; and

WHEREAS, the Roseburg Homeless Commission held their first meeting on January 25, 2021 with the intent of pursuing the creation of a low barrier emergency shelter; and

WHEREAS, the Oregon Legislature appropriated \$1,500,000 to the City of Roseburg for the purpose of establishing and/or operating a navigation center to assist individuals and families with access to health services, permanent housing, and public benefits; and

WHEREAS, the City of Roseburg desires to enter into a grant agreement with the State of Oregon through and by its Department of Administrative Services to authorize the City to receive appropriated grant funds.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:

Section 1. The Roseburg City Manager is authorized to negotiate and execute a Grant Agreement with the State of Oregon Department of Administrative Services outlining conditions associated with accepting a \$1.5 million grant to be used to establish and/or operate a navigation center.

Section 2. This resolution shall become effective immediately upon adoption by the Roseburg City Council.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE 14 DAY OF JUNE, 2021**

Amy L. Sowa, Assistant City Manager/City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



RESOLUTION 2021-14 2021-22 BUDGET ADOPTION

Meeting Date: June 14, 2021
Department: Finance
www.cityofroseburg.org

Agenda Section: Public Hearing
Staff Contact: Ron Harker
Contact Telephone Number: 541-492-6710

ISSUE STATEMENT AND SUMMARY

Oregon Local Budget Law requires the City of Roseburg to conduct a public hearing on the 2021-22 budget as approved by the Budget Committee May 11, 2021, and on the proposed uses of State Revenue Sharing funds.

In addition, a resolution is required to adopt the budget, authorize the City to receive State Revenue Sharing funds, make appropriations, and levy and categorize ad valorem property tax for the City of Roseburg for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

BACKGROUND

A. Council Action History.

The budget is adopted before June 30th and effective July 1st of each year.

B. Analysis.

The budget document was distributed to members of the Budget Committee on May 4, 2021. The budget document was made public by posting on the City website and by making available a hard copy at City Hall on May 4, 2021. City Manager Nikki Messenger presented the budget document and message on May 11, 2021, and a public hearing on possible uses of State Revenue Sharing funds was conducted. The Budget Committee deliberated on the proposed budget, sought public input and approved the budget as presented on May 11, 2021, with no modifications from the proposed budget.

Appropriations in the attached resolution and exhibit are based upon the budget approved by the Committee.

C. Financial/Resource Considerations.

Total requirements for 2021-22 are \$80,302,808.

The estimated revenue from State Revenue Sharing is \$290,000. The funds will be used to support General Fund services.

D. Timing Considerations.

Budget adoption is required before the beginning of the new fiscal year on July 1, 2021. A copy of the resolution electing to receive State Revenue Sharing funds must be filed with the Oregon Department of Administrative Services not later than July 31, 2021.

COUNCIL OPTIONS

- 1) Adopt the Approved Budget as submitted; or
- 2) Recommend revisions to the Approved Budget; or
- 3) Schedule budget adoption for another meeting prior to July 1, 2021.

If any changes are necessary after the Budget Committee approves the budget, the governing body must make the revisions when adopting the budget. Revisions that do not increase the total approved budget will not affect the resolution as presented but may change the appropriations as listed on the attached exhibit.

Per ORS 294.456, the governing body is limited to increasing expenditures in a fund by no more than \$5,000 or 10 percent, whichever is greater, of the approved budget. If a larger expenditure increase is desired, the budget summary is required to be republished and a second public hearing is required prior to July 1, 2021.

STAFF RECOMMENDATION

Upon conclusion of the Public Hearing, it is Staff's recommendation that Council adopt the attached resolution with any modifications that Council deems prudent.

SUGGESTED MOTION

"I move to adopt Resolution 2021-14 adopting the 2021-2022 Budget as approved by the Budget Committee."

ATTACHMENTS:

Attachment #1 – Resolution 2021-14

Attachment #2 – Exhibit A

RESOLUTION NO. 2021-14

**A RESOLUTION ADOPTING THE 2021-2022 BUDGET; LEVYING AND
CATEGORIZING TAXES FOR SAID TAX YEAR; ELECTING TO RECEIVE
STATE REVENUE SHARING; AND MAKING APPROPRIATIONS**

WHEREAS, the Budget Committee of the City of Roseburg, Oregon, has approved a proposed budget for the fiscal year commencing July 1, 2021; and

WHEREAS, at a regular meeting of the City Council held on June 14, 2021, a public hearing on said proposed budget was duly held after the giving of notice thereof as provided by statute, proof of which is on file in the Office of the City Recorder of the City; and

WHEREAS, ORS 294.456 requires the adopted budget to be appropriated by fund and requirement category; and

WHEREAS, ORS 294.456 requires local governments to take formal action to declare the ad valorem tax rate or amount to be certified to the assessor and to itemize and categorize the ad valorem property tax amount or rate; and

WHEREAS, ORS 221.770 requires local governments to take formal action to declare their desire to receive state revenue sharing money; and

WHEREAS, the officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following service(s): (1) police protection; (2) fire protection; (3) street construction, maintenance and lighting; (4) sanitary sewer; (5) storm sewers; (6) planning, zoning and subdivision control; and (7) one or more utility services; and city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760; and

WHEREAS, the City of Roseburg certifies that it provides all of the municipal services outlined above, except the provision of sanitary sewer.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:

Section 1. After a public hearing held on June 14, 2021, the Roseburg City Council hereby adopts the budget for the fiscal year 2021-2022 in the sum of \$80,302,808, a copy of which is now on file at City Hall.

Section 2. The City hereby levies the taxes for each fund provided for in the aggregate amount of \$8.4774 per \$1,000, be assessed pro rata upon all taxable property within the City of Roseburg, Oregon.

Section 3. The City hereby declares the following allocation and categorization, subject to the limits of Section 11b, Article XI of the Oregon Constitution, constitute the preceding aggregate levy:

Subject To General Government Limitation
Permanent Rate per Thousand \$8.4774

Section 4. The City hereby elects to receive state revenues for fiscal year 2021-2022 pursuant to ORS 221.770.

Section 5. The amounts designated for the purposes set forth in Exhibit "A" are appropriated for the purposes and in the amount set forth in that Exhibit.

Section 6. The City Recorder shall certify to the County Clerk and County Assessor of Douglas County, Oregon, the tax levies provided for in this Resolution on or before July 15, 2021, and shall file required documents with the County Assessor in accordance with ORS 294.458.

Section 7. This Resolution shall become effective immediately upon adoption by the Roseburg City Council.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING ON THE
14TH DAY OF JUNE, 2021.**

Larry Rich, Mayor

Amy L. Sowa, Assistant City Manager / Recorder

PUBLIC HEARING A
EXHIBIT A

EXHIBIT "A"
2021-2022 BUDGET APPROPRIATIONS

GENERAL FUND

Departments

◆ Administration	\$ 2,851,020	
◆ Community Development	920,277	
◆ Library	534,502	
◆ Public Works	3,939,869	
◆ Parks and Recreation	1,966,949	
◆ Municipal Court	545,122	
◆ Police Department	8,389,148	
◆ Fire Department	7,896,051	
◆ Capital Outlay	75,000	
◆ Transfers	945,000	
◆ Other Requirements	171,000	
◆ Operating Contingency	<u>1,000,000</u>	\$ 29,233,938

SPECIAL REVENUE FUNDS

Grant Special Revenue

◆ Materials and Services	1,069,500	
◆ Capital Outlay	<u>1,000,000</u>	2,069,500

Hotel/Motel Tax

◆ Materials and Services	735,415	
◆ Transfers	<u>519,235</u>	1,254,650

Streetlight/Sidewalk

◆ Materials and Services	88,655	
◆ Capital Outlay	410,000	
◆ Operating Contingency	<u>512,915</u>	1,011,570

Bike Trail

◆ Materials and Services	10,000	
◆ Capital Outlay	147,610	
◆ Operating Contingency	<u>205,640</u>	363,250

Golf

Departments

◆ Maintenance	40,800	
◆ Capital Outlay	25,000	
◆ Operating Contingency	<u>122,586</u>	188,386

Economic Development Fund

◆ Materials and Services	147,459	
◆ Capital Outlay	<u>125,000</u>	272,459

Library Special Revenue Fund

◆ Materials and Services	157,300	
◆ Capital Outlay	20,200	
◆ Transfers	<u>4,000</u>	181,500

Stewart Trust- Special Revenue Fund

◆ Capital Outlay	<u>30,000</u>	30,000
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DEBT SERVICE FUNDS

Pension Bond Debt Service Fund

◆ Debt Service	<u>509,330</u>	509,330
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PUBLIC HEARING A
EXHIBIT A

EXHIBIT "A"
2021-2022 BUDGET APPROPRIATIONS

CAPITAL PROJECTS FUNDS

Transportation			
◆ Materials and Services	1,392,393		
◆ Capital Outlay	1,480,000		
◆ Transfers	10,000		2,882,393
Park Improvement			
◆ Materials and Services	30,000		
◆ Capital Outlay	60,000		90,000
Equipment Replacement			
◆ Materials and Services	35,000		
◆ Capital Outlay	273,500		308,500
Assessment			
◆ Materials and Services	100,000		
◆ Capital Outlay	1,000,000		1,100,000
Facilities Replacement Fund			
◆ Materials and Services	35,829		
◆ Capital Outlay	40,000		75,829

ENTERPRISE FUNDS

Storm Drainage			
◆ Materials and Services	951,039		
◆ Capital Outlay	1,480,000		
◆ Operating Contingency	1,000,000		3,431,039
Off Street Parking			
Departments			
◆ Enforcement	56,479		
◆ Operating Contingency	16,216		72,695
Airport Fund			
Departments			
◆ Airport Operations	242,785		
◆ Capital Outlay	150,000		
◆ Debt Service	112,055		
◆ Operating Contingency	784,059		1,288,899
Water Service Fund			
Departments			
◆ Production	1,301,857		
◆ Transmission and Distribution	1,589,385		
◆ General Overhead	1,910,435		
◆ Capital Outlay	7,142,500		
◆ Operating Contingency	1,000,000		12,944,177

INTERNAL SERVICE FUND

Workers Compensation			
◆ Materials and Services	421,288		
◆ Operating Contingency	738,357		1,159,645

TOTAL BUDGET APPROPRIATIONS \$ 58,467,760

EXHIBIT "A"
2021-2022 BUDGET APPROPRIATIONS

This budget also includes unappropriated ending fund balances and reserves for future expenditures. A supplemental budget must be prepared to spend amounts reserved for future expenditure.

	Reserve	Unappropriated Fund Balance	Total	
General	\$ -	\$ 5,725,656	\$ 5,725,656	
Grant	93,049	-	93,049	
Hotel/Motel Tax	745,996	-	745,996	
Economic Development	143,550	-	143,550	
Library Special Revenue	66,767	-	66,767	
Stewart Trust	63,253	-	63,253	
Pension Bond Debt Service	-	98,283	98,283	
Transportation	1,861,950	-	1,861,950	
Park Improvement	545,774	-	545,774	
Equipment Replacement	1,505,869	-	1,505,869	
Assessment Improvement	610,273	-	610,273	
Facilities Replacement	273,276	-	273,276	
Storm Drain	-	3,525,217	3,525,217	
Water	-	6,576,135	6,576,135	
	<u>\$ 5,909,757</u>	<u>\$ 15,925,291</u>	<u>\$ 21,835,048</u>	<u>21,835,048</u>
TOTAL BUDGET			<u>\$ 80,302,808</u>	

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



AN ORDINANCE AMENDING A PORTION OF THE CITY'S ZONING MAP FROM C2 (COMMUNITY COMMERCIAL) TO C3 (GENERAL COMMERCIAL)

Meeting Date: June 14, 2021
Department: Community Development
www.cityofroseburg.org

Agenda Section: Public Hearing
Staff Contact: Stuart Cowie
Contact Telephone Number: 541-492-6750

ISSUE STATEMENT AND SUMMARY

The proposed zone change would amend the City's official Zoning Map by re-designating approximately 2,526 sq. ft. of property between Chi's Chinese Restaurant, the applicant's property, and their adjacent property to the east from C2 (Community Commercial) to C3 (General Commercial). The property line will then be adjusted through an approved boundary line adjustment (BLA-21-004).

BACKGROUND

A. Council Action History.

None.

B. Analysis.

The applicants, Yit Chan and Qiongci Chi, owners of properties at 770 NE Imbler Avenue and 1023 NE Stephens Street (Chi's Chinese Restaurant) 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.

The purpose of the application is to adjust 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. Having ownership of the hillside through a boundary line adjustment will give the lower property owner the ability to better maintain the hillside.

The Roseburg Municipal Code (RMC) prohibits a boundary line adjustment when adjacent properties have differing zoning designations. RMC Section

12.12.010(U)(2)(b)(iv) states that all boundary line adjustments shall be within a given zone and not among differing zones. The purpose of this regulation is to eliminate problems that can occur when having multiple zones located on one property. 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.

The boundary line adjustment application has been processed concurrently with this zone change application. As a condition of the boundary line adjustment approval, the zone change must first be officially approved.

The proposal went before the Planning Commission at a public hearing on May 3, 2021. At that meeting, the Planning Commission approved a motion to adopt the attached Findings of Fact and Order and refer the request to City Council recommending that Council approve the proposed zone change.

C. Financial/Resource Considerations.

None.

D. Timing Considerations.

Land use application decisions are required to be issued within 120 days from the time an application is submitted and deemed complete. This application was submitted February 10, 2021 and deemed complete March 12, 2021.

COUNCIL OPTIONS

1. Adopt the Planning Commission's Findings of Fact and Order for File No. ZC-21-001 followed by first reading of Ordinance 3560; or
2. Modify the proposed action or continue the matter for further consideration; or
3. Decline to proceed with the proposed action.

STAFF RECOMMENDATION

Staff recommends the Council adopt the Planning Commission's Findings of Fact and Order for File No. ZC-21-001 and proceed with the first reading of Ordinance 3560.

SUGGESTED MOTION

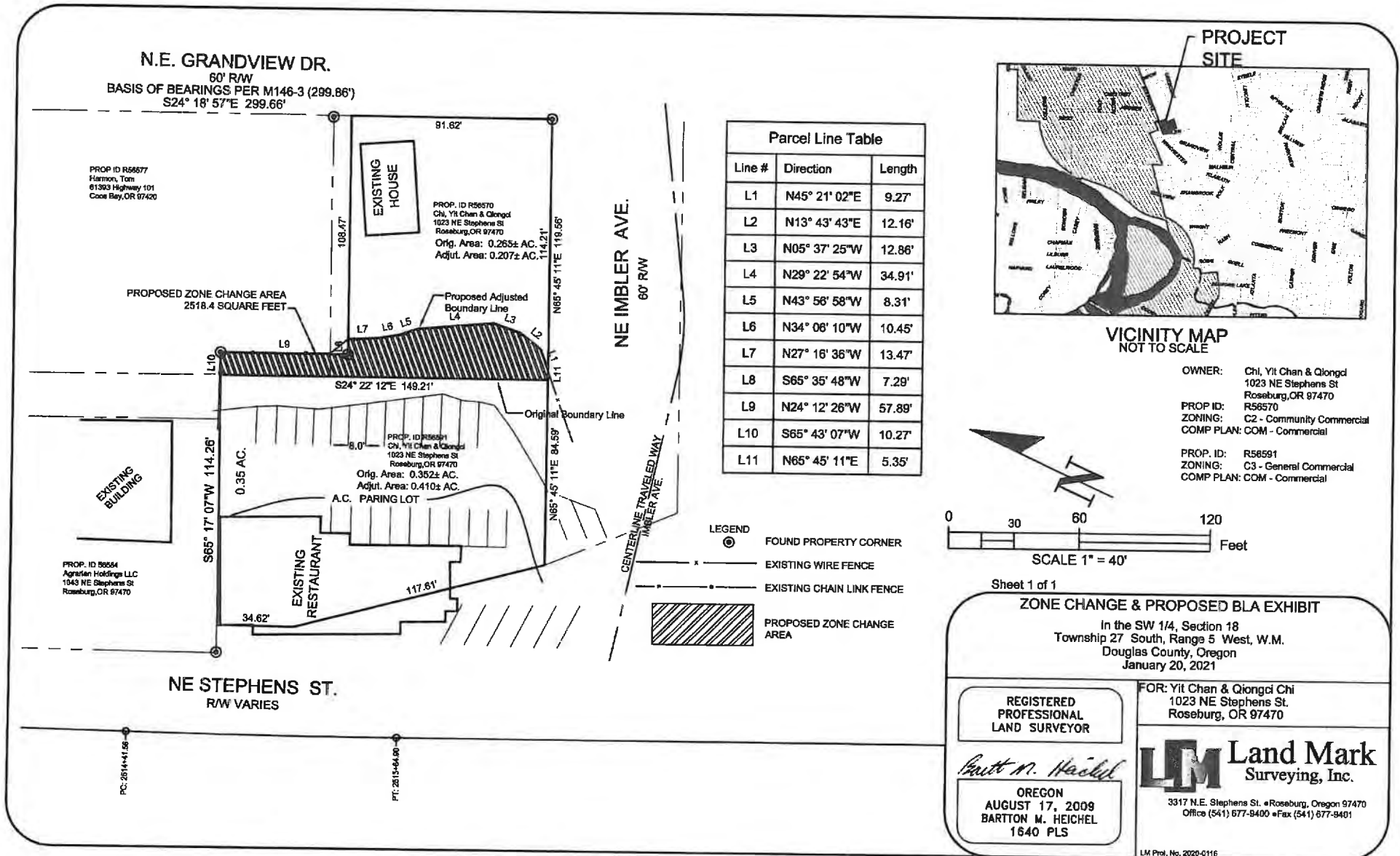
"I MOVE TO ADOPT THE FINDINGS OF FACT AND ORDER APPROVED BY THE PLANNING COMMISSION FOR FILE NO. ZC-21-001."

Proceed with first reading of the Ordinance. No motion is needed, only consensus to proceed by the Council.

ATTACHMENTS:

Attachment #1 Planning Commission Findings of Fact and Order File No. ZC-21-001

Attachment #2 Ordinance No. 3560



ORDINANCE NO. 3560

**AN ORDINANCE AMENDING A PORTION OF THE CITY'S ZONING MAP FROM C2
(COMMUNITY COMMERCIAL) TO C3 (GENERAL COMMERCIAL).**

WHEREAS, a land use application (ZC-21-001) was submitted to the Community Development Department February 10, 2021, by Yit Chan and Qiongci Chi, owners of properties identified as 770 NE Imbler Ave. and 1023 NE Stephens St. to re-zone approximately 2,526 sq. ft. of land between their two properties from C-2 to C3; and

WHEREAS, the zone change approval is necessary to obtain a subsequent boundary line adjustment (BLA-21-004) upon adoption of this ordinance; and

WHEREAS, the Planning Commission held a Public Hearing on File No. ZC-21-001 after duly and timely notice on May 3, 2021; and

WHEREAS, the Planning Commission adopted Findings of Fact and Order supporting a recommendation to approve the Zone Change;

NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1: The City Council hereby takes official notice of the Planning Commission's Findings of Fact dated May 3, 2021, recommending approval of the proposed Zone Change.

SECTION 2: The City Council hereby adopts the Findings of Fact and Order regarding the proposed Zone Change.

SECTION 3: Based on the evaluation detailed in the Planning Commission's Findings of Fact and Order, it has been determined that the proposal complies with the standards identified within Roseburg Municipal Code Section 12.10.040 (Zone Change).

SECTION 4: The City Council hereby approves the Zone Change from C2 (Community Commercial) to C3 (General Commercial) as indicated on the map on attached Exhibit "A".

ADOPTED BY THE CITY COUNCIL THIS 28TH DAY OF JUNE 2021.

APPROVED BY THE MAYOR THIS 28TH DAY OF JUNE 2021.

LARRY RICH, MAYOR

ATTEST:

AMY L. SOWA, ACM/CITY RECORDER

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



AN ORDINANCE AMENDING RMC TITLE 12 LAND USE DEVELOPMENT REGULATIONS – FILE NO. LUDR-21-002

Meeting Date: June 14, 2021
Department: Community Development
www.cityofroseburg.org

Agenda Section: Public Hearing
Staff Contact: Stuart Cowie
Contact Telephone Number: 541-492-6750

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

A. Council Action History.

None

B. Analysis.

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 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, our population will most likely 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 within draft Ordinance 3561.

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 remove 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.
- Make 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: Update definitions including focus on “manufactured homes” which are code-compliant units constructed after 1976. Clarify that ADUs, single-family dwellings, and duplex dwellings can either be site-built or manufactured homes.
 - RMC 12.04.030(D): Move development standards for individual manufactured homes used as single-family dwellings out of the definitions into the residential standards, and specify which standards apply when used as single-family dwellings, ADUs and duplexes.
- Change 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:
 - Add definition in RMC 12.02 of flag lot including differentiating the “flag” and the “pole.”
 - Allow 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).
 - Add standards for the minimum width of the easement or “pole” (20 feet easement, 12 feet paved).
 - Limit 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 proposed amendments went before the Planning Commission on May 3, 2021. The Planning Commission moved to recommend City Council adopt the proposed amendments.

The attached Findings of Fact and Order provides justification for the text amendments.

C. Financial/Resource Considerations.

None

D. Timing Considerations.

These proposed amendments are based on requirements identified in HB 2001 passed by the Oregon Legislature in 2019. These new changes to state law will become effective July 1, 2021. First reading by Council this evening and adoption on June 28, 2021, will make Roseburg’s zoning code consistent with this new state law.

COUNCIL OPTIONS

The Council has the following options:

1. Adopt the Planning Commission’s findings of fact and order for File No. LUDR-21-002, and proceed with first reading of the ordinance;
2. Modify the proposed action, or continue the matter for further consideration;
3. Decline to proceed with the proposed action.

STAFF RECOMMENDATION

Staff recommends Council adopt the Planning Commission's Findings of Fact and Order for File No. LUDR-21-002, and proceed with the first reading of the ordinance to amend RMC Title 12, Land Use and Development Regulations.

SUGGESTED MOTIONS

"I MOVE TO ADOPT THE FINDINGS OF FACT AND ORDER APPROVED BY THE PLANNING COMMISSION FOR FILE NO. LUDR-21-002."

Proceed with first reading of Ordinance No. 3561. No motion is needed, only consensus to proceed by the Council.

ATTACHMENTS

Attachment #1 - Ordinance No. 3561

Attachment #2 - Planning Commission Findings of Fact and Order File No. LUDR-21-002

ORDINANCE NO. 3561

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 12 OF THE
ROSEBURG MUNICIPAL CODE REGARDING LAND USE AND DEVELOPMENT
REGULATIONS AS SET FORTH HEREIN.**

WHEREAS, after reviewing the recommendation of the Planning Commission after conducting a public hearing on May 3, 2021.

NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1. Section 12.02.090 entitled "Definitions" is hereby amended to read as follows:

"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.

"Duplex." See "Dwelling, Duplex Two Family" definition.

"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 parcela 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."

"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.~~

"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 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 "flagpole" of flag lots is not included when computing lot width.

"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.

"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.~~

SECTION 2. Section 12.04.030 entitled “Residential Districts” is hereby amended as follows:

TABLE 2-4: RESIDENTIAL—ALLOWED USES

USE CATEGORY	R10	R7.5	R6	MR14	MR18	MR29	MR40	STANDARDS
Specific Use								
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	
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^[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.

TABLE 2-5. RESIDENTIAL PARCEL AND BUILDING STANDARDS

DISTRICTS	R10	R7.5	R6	MR14	MR18	MR29	MR40
Minimum Lot Area (sq. ft.)							
Single-Family <u>and Duplex</u> Dwelling	10,000	7,500	6,000	6,000	6,000	6,000	-
<u>Two-Family Dwelling</u>	<u>11,000</u>	<u>8,250</u>	<u>6,600</u>	<u>6,600</u>	<u>6,000</u>	<u>6,000</u>	<u>-</u>
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
<u>Minimum Lot Width</u> (feet) ^[1]	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>=</u>
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

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 sStreet 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.

ED. Screening.

FE. Townhouses.

GF. Multiple-family dwellings.

SECTION 3. Section 12.04.100(D) entitled "Hillside Development Overlay – Development criteria and standards" is hereby amended as follows:

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: $(1.95\text{ac} \times 2 \text{ du}) + (0.5\text{ac} \times 4\text{du}) = 5.9$ 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.
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.

SECTION 4. Section 12.04.120(D) entitled “West Avenue Residential Overlay – Development Standards” is hereby amended as follows:

- 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:

SECTION 5. Section 12.06.020(A) entitled “Public Improvement Requirements – Access, Parking and Loading” is hereby amended as follows:

- 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. Access is from a one-way street.
 - b. The driveway is designed and marked "right turn entrance only."
 - c. The driveway is marked "exit only" and is designed to prevent left turns.
 - d. 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.

SECTION 6. Section 12.06.030 entitled "Site Improvement Requirements" is hereby amended as follows:

- 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 ($\frac{1}{2}$) 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 dwellings	2 per dwelling unit	N/A
b) Duplex dwelling	<u>1 per dwelling unit</u>	<u>N/A</u>
c) Multi-family dwelling		
i) One-bedroom units	1.5 per dwelling unit	1 per unit for developments with 4+ dwelling units
ii) Two-bedroom units	1.75 per dwelling unit	
iii) Three+ bedrooms units	2 per dwelling unit	
d) 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

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.

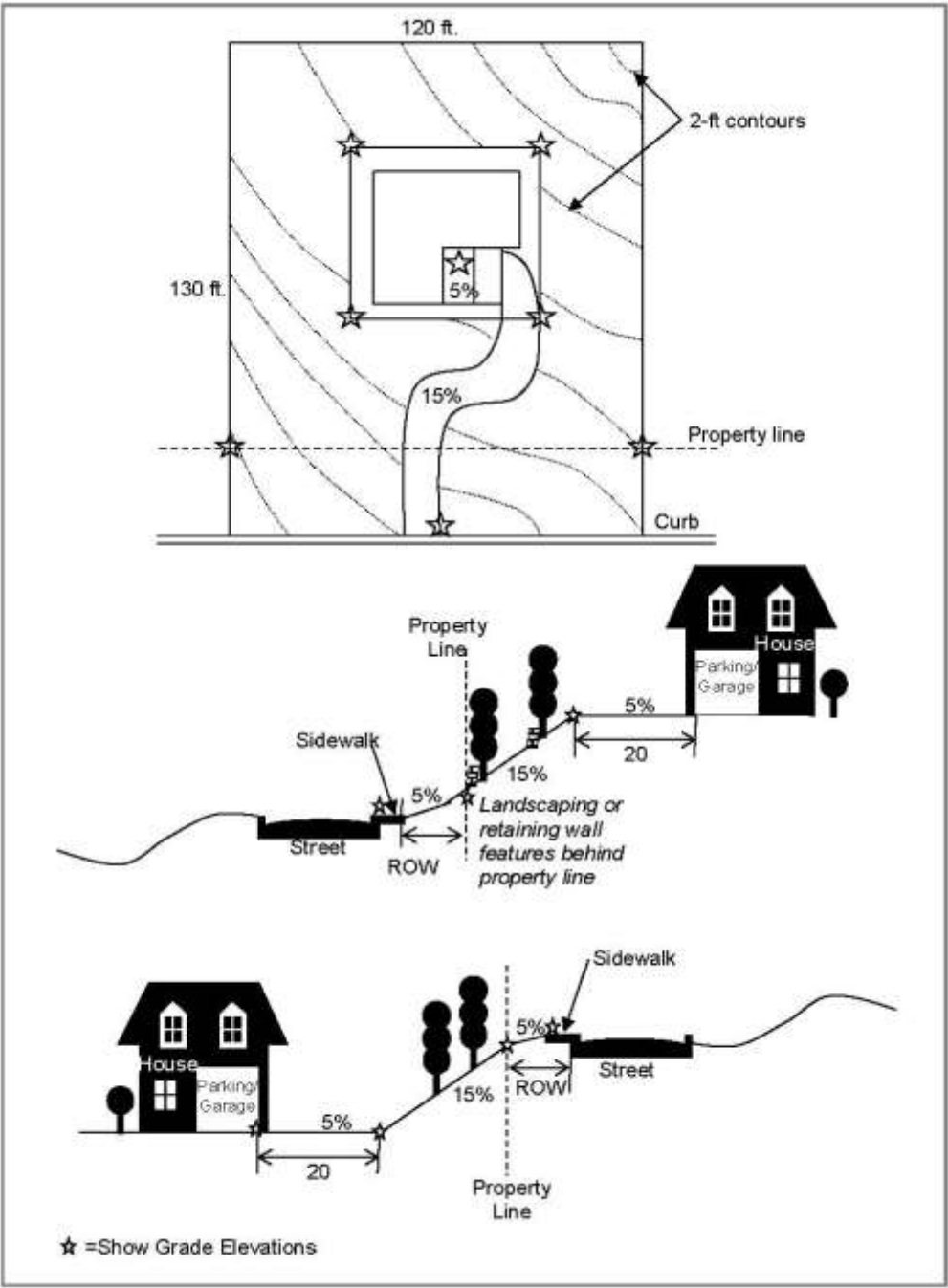
43. Access Grades. Driveways used to access onsite parking and as further defined by Figure 3-2: Driveway Access Grade, shall comply with the following criteria:

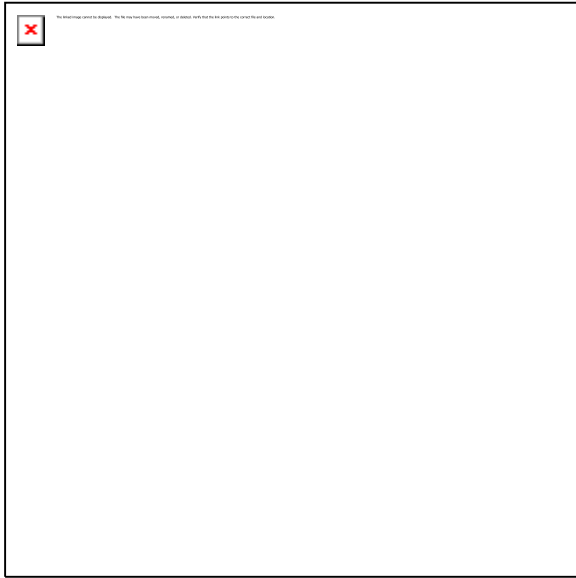
- a. Maximum grade of any portion of a driveway from a property line to the face of a garage shall not exceed 15% at any point and shall be graded to allow clearance to pass an automobile 18 feet in length.
- b. Maximum grade of driveway between the back of curb to the property line, within the right-of-way, 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 townhouses~~ in 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.

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.

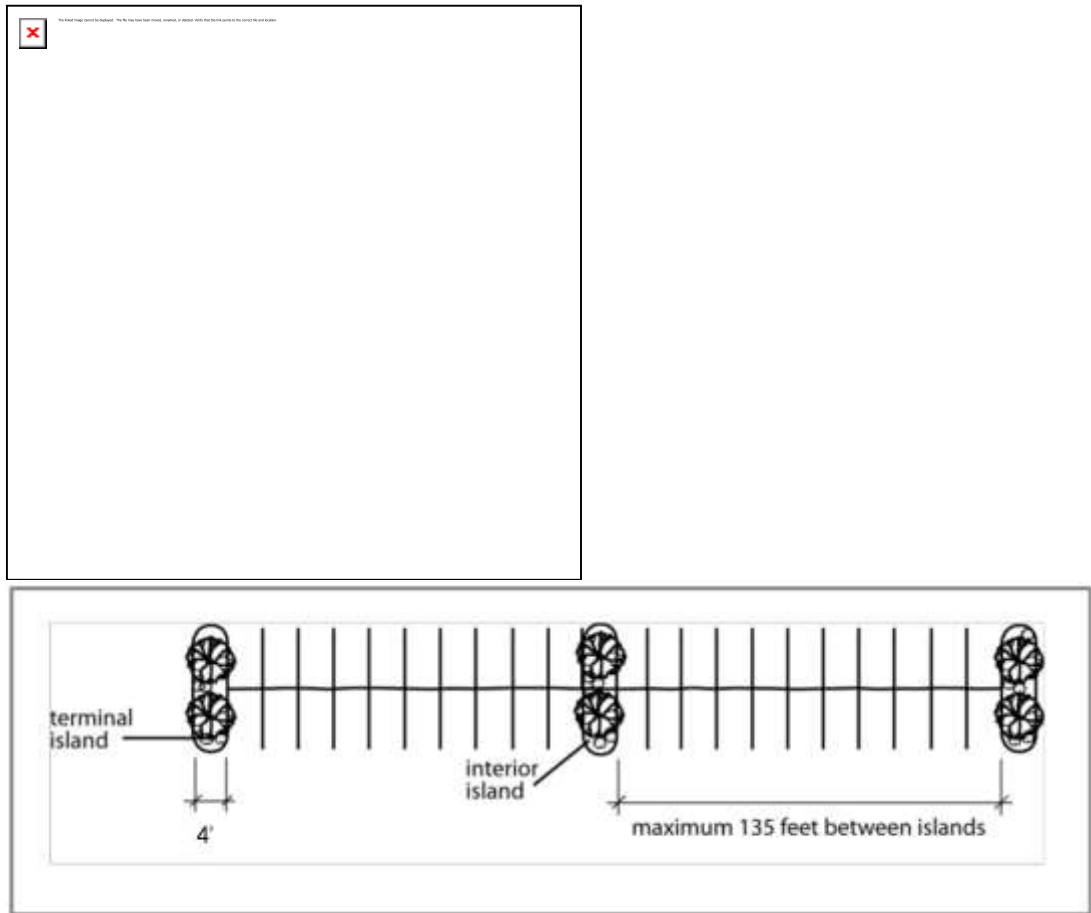
TABLE 3-8 PROHIBITED STREET TREES

COMMON NAME	BOTANICAL NAME
Evergreen Conifers >8' wide; > 8' tall	Numerous species
Poplar and related species	Populus species
Black Locust	Robinia psuedoacacia
Box Elder (except variegated)	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.

SECTION 7. Roseburg Municipal Code Section 12.08.010 entitled “Supplemental Regulations – Nonconforming uses” is hereby amended as follows:

- 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.

SECTION 8. Roseburg Municipal Code Section 12.10.010(J) entitled “General Provisions – Ministerial decisions by the Director” is hereby amended as follows:

- 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).

SECTION 9. Roseburg Municipal Code Section 12.12.010 entitled “Partitions and subdivisions” is hereby amended as follows:

- 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.

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.

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 ~~2035~~ 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 ~~2025~~ 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.

~~iii~~iv. 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.

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(~~I~~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.

SECTION 10. Roseburg Municipal Code Section 12.12.020(F) entitled “Planned Unit Development – PUD standards and criteria in residential districts” is hereby amended as follows:

- 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 dwellings, 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.

SECTION 11. All other Chapters, Sections and Subsections of Title 12 of the Roseburg Municipal Code shall remain in full force & effect as written.

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS 28TH DAY OF JUNE, 2021.

APPROVED BY THE MAYOR THIS 28TH DAY OF JUNE, 2021.

LARRY RICH, MAYOR

ATTEST:

AMY L. SOWA, ASSISTANT CITY MANAGER/CITY RECORDER

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

One written comment was received from the Fair Housing Council of Oregon, dated May 3, 2021. Oral comments from staff were provided in response to the letter during the public 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 through 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 SUBJECT 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 policies 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 of 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

May 3, 2021

Date



Stuart Cowie, Community Development Director

5/3/21

Date

Planning Commission Members:

Ronald Sperry
Shelby Osborn
Dan Onchuck
Victoria Hawks
Stephanie Newman
Jaime Yraguen
Christy Palmini

"Attachment B"

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 ($\frac{1}{2}$) 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 455.040.~~
 - ~~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 "flagpole" 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 are homeless 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	R10	R7.5	R6	MR14	MR18	MR29	MR40	STANDARDS
Specific Use								
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 sStreet 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.
- ED.** 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.

FE. Townhouses.

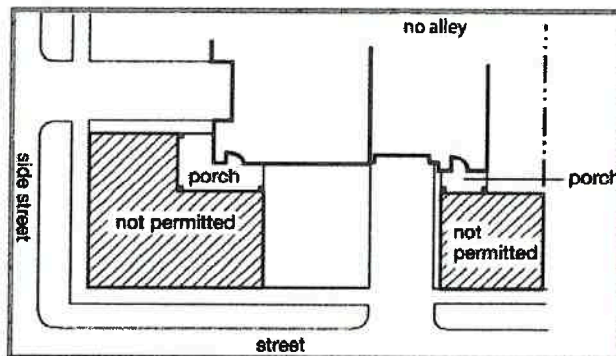
1. Number of Dwelling Units. In zoning districts that allow three+-unit townhouses, buildings may not contain more than eight (8) attached dwelling units.
2. Parcel Standards.

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

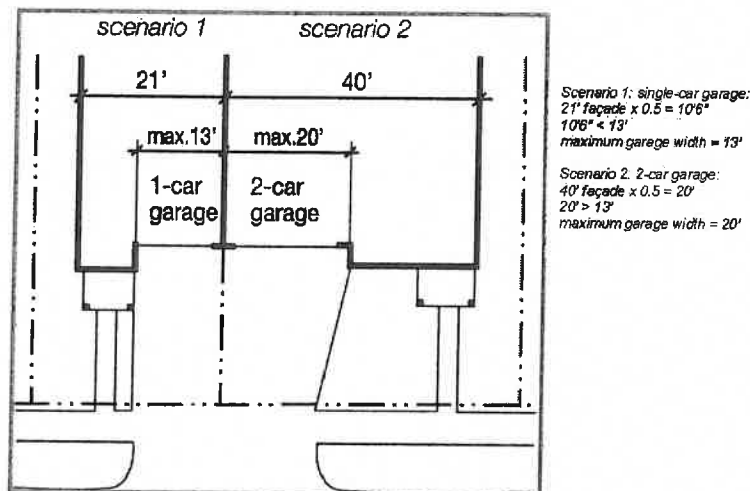
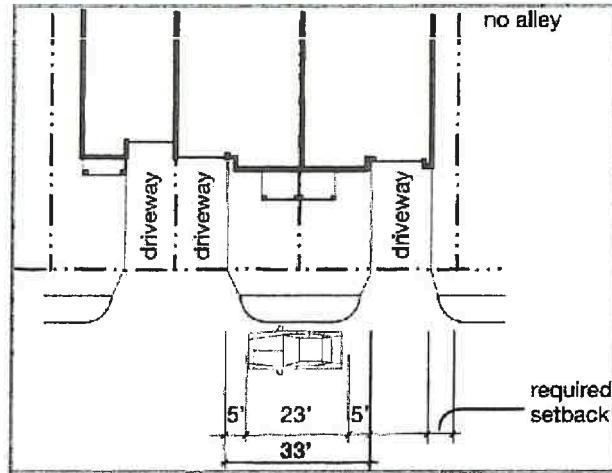


FIGURE 2-3: TOWNHOUSE DRIVEWAY SPACING

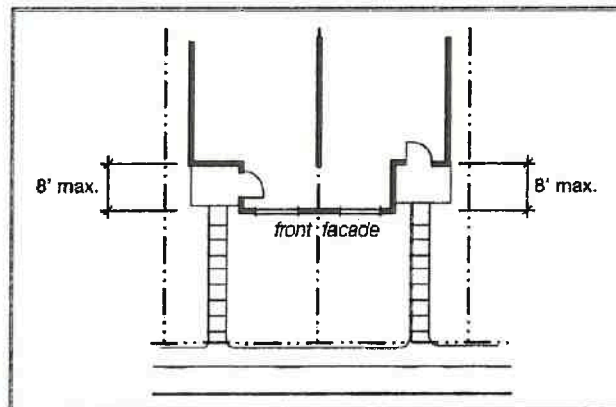


4. Building Design.

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(EF) 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

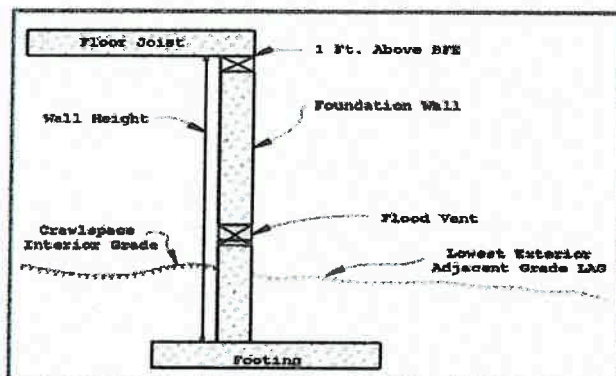
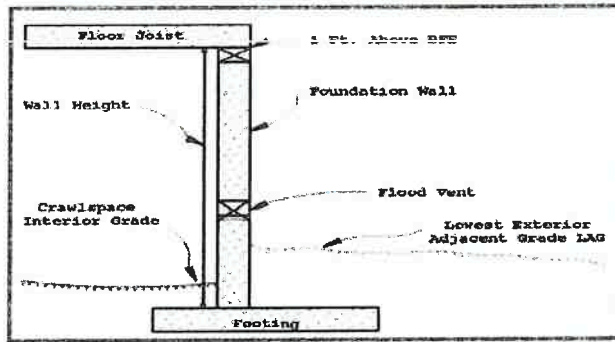
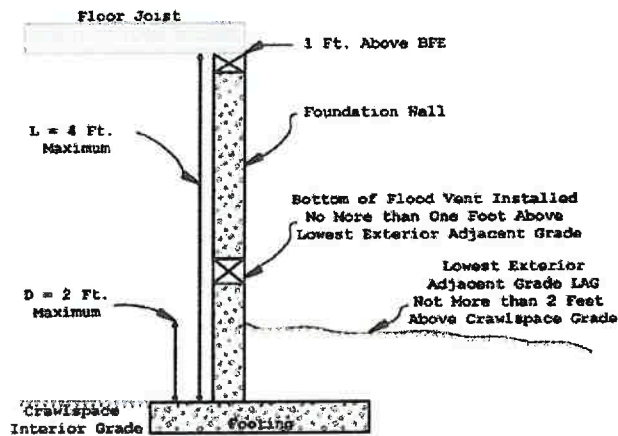


FIGURE 2-7: BELOW-GRADE CRAWLSPACE CONSTRUCTION



**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.

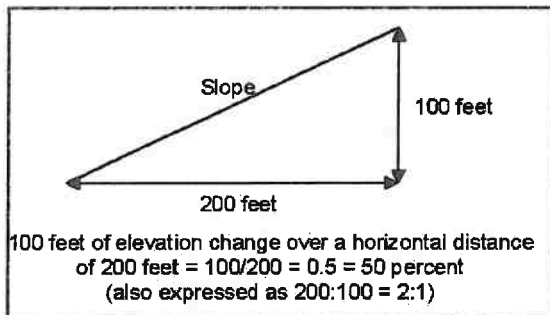
"ODOT" means Oregon Department of Transportation.

"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-Built. 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.

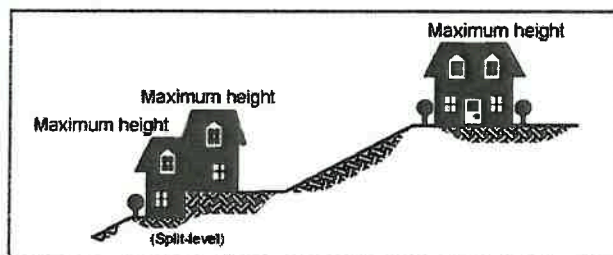
4. Exceptions. If an applicant can meet any or all of the criteria listed below, the Director may waive applicable requirements of this Section.
 - a. Submit evidence that slopes in excess of 12% do not exist on the subject property or a written and stamped statement from a Geotechnical Engineer or Engineering 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: $(1.95\text{ac} \times 2 \text{ du}) + (0.5\text{ac} \times 4\text{du}) = 5.9 \text{ dwelling units}$.
 - 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 building's foundation shall be exposed. For the purposes of this Section, exposed shall be interpreted as not being covered by earth.

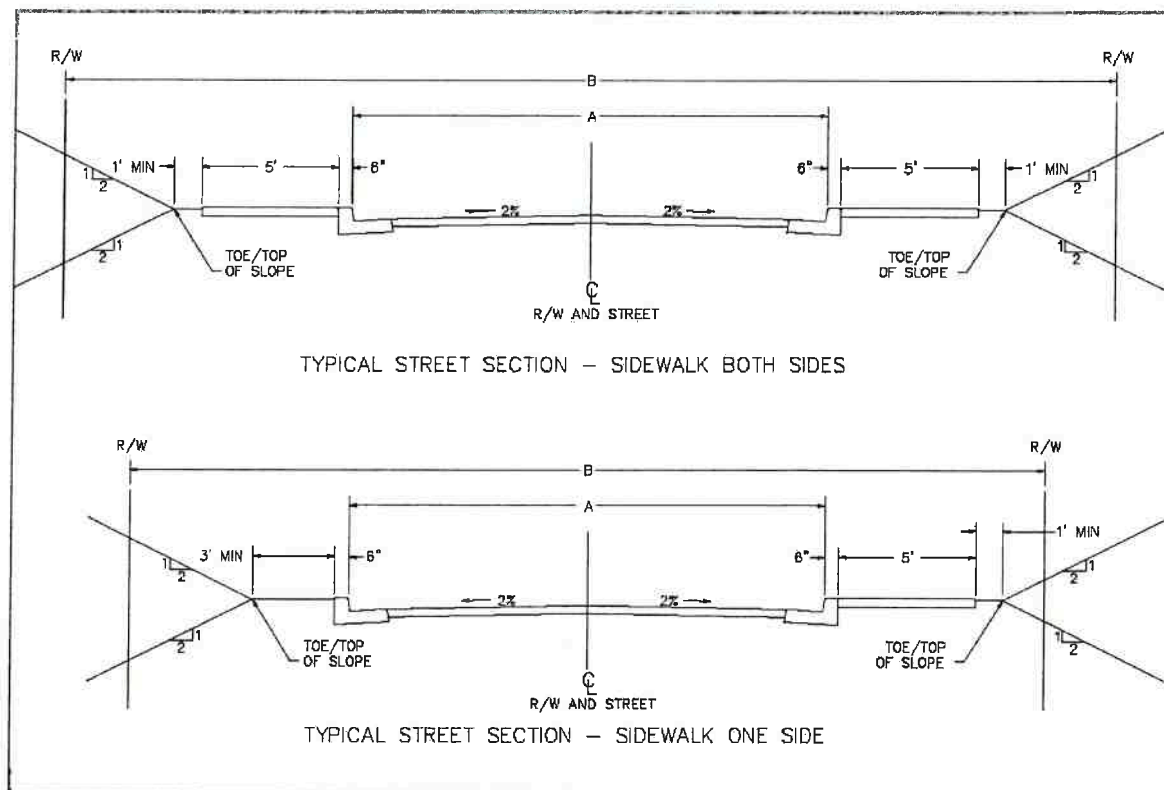
FIGURE 2-10: BUILDING HEIGHT MEASUREMENT



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.

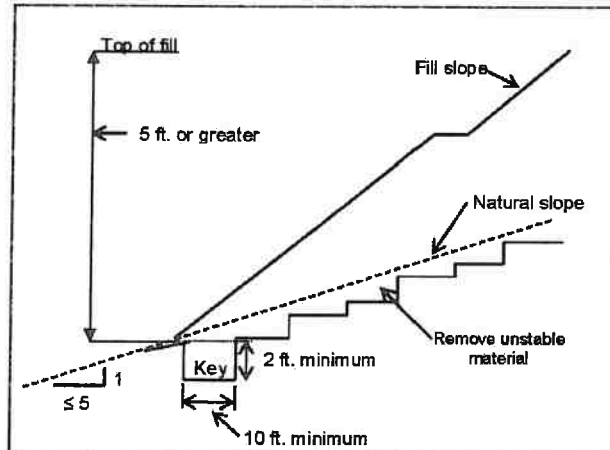
E. General requirements. The following requirements are generally the minimums that apply to lands shown on the City of Roseburg Slope Map or having a slope of greater than 12%; however, based on information provided by an accepted and approved Geotechnical Report verifying that the intent and purpose 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

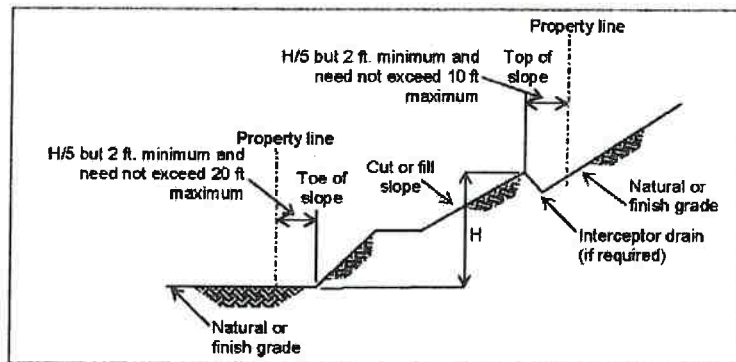
SOURCE IBC 2003



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.

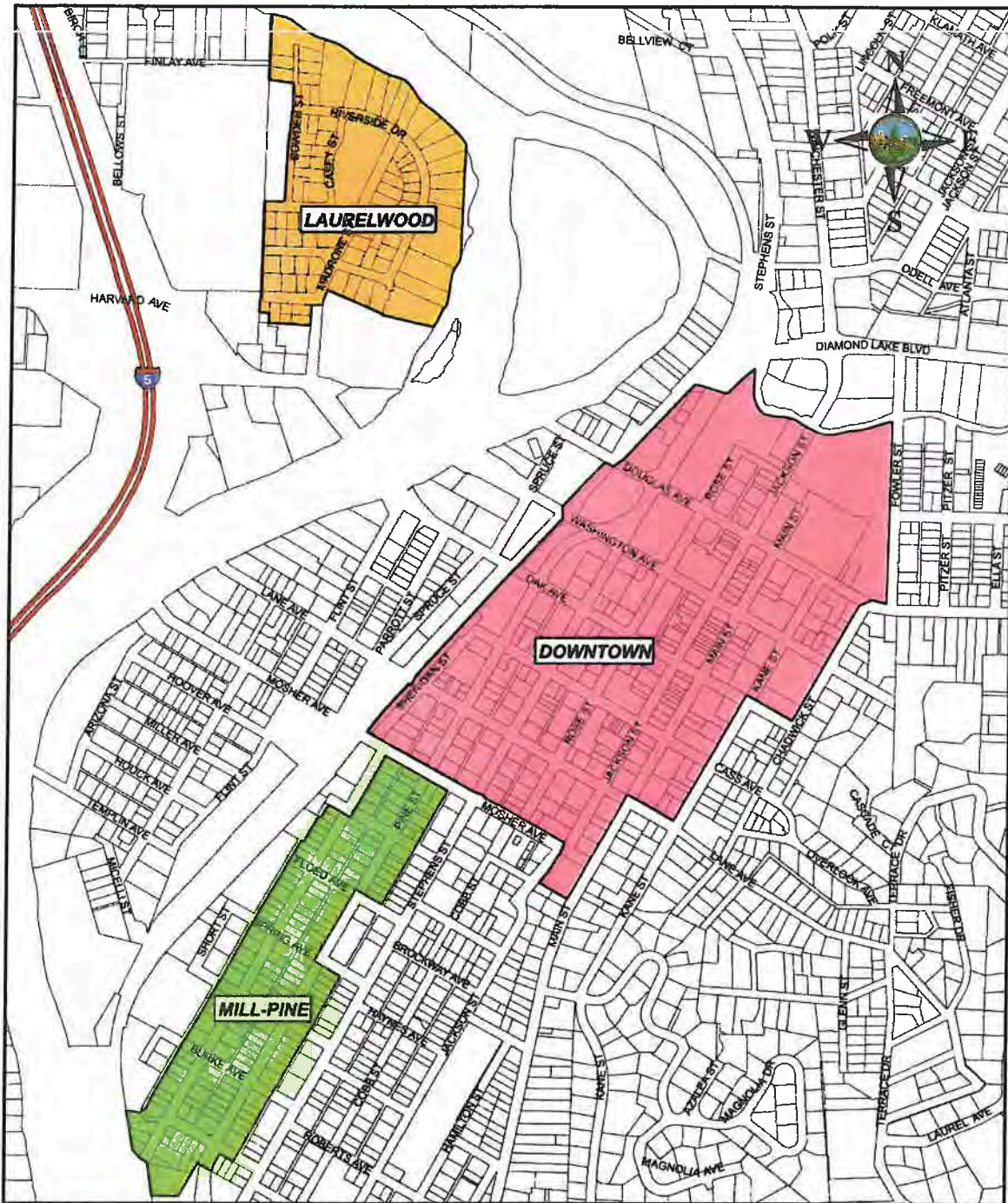
12.04.110 - Historic Districts Overlay.

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. Access is from a one-way street.
- b. The driveway is designed and marked "right turn entrance only."
- c. The driveway is marked "exit only" and is designed to prevent left turns.
- d. 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)

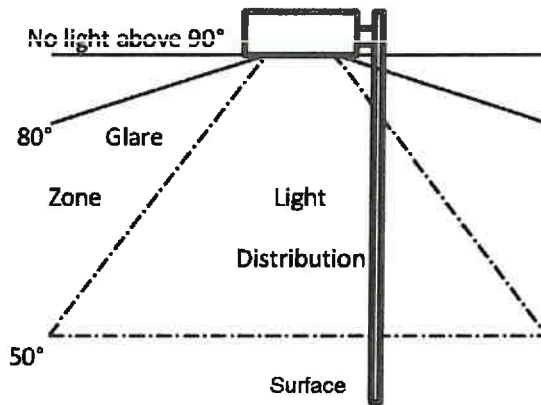
¹ Only structures that would require a building permit to be constructed are included in the calculation of gross square footage of structure(s) on the property.

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 ($\frac{1}{2}$) 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 <u>Single-family dwellings</u>	2 per dwelling unit	N/A
b) <u>Duplex dwelling</u>	<u>1 per dwelling unit</u>	<u>N/A</u>
c) Multi-family dwelling		
i) One-bedroom units	1.5 per dwelling unit	1 per unit for developments with 4+ dwelling units
ii) Two-bedroom units	1.75 per dwelling unit	
iii) Three+ bedrooms units	2 per dwelling unit	
d) Townhouse	2 per dwelling unit	N/A
e) Accessory Residential Unit	<u>1 per dwelling unit</u>	<u>N/A</u>
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:

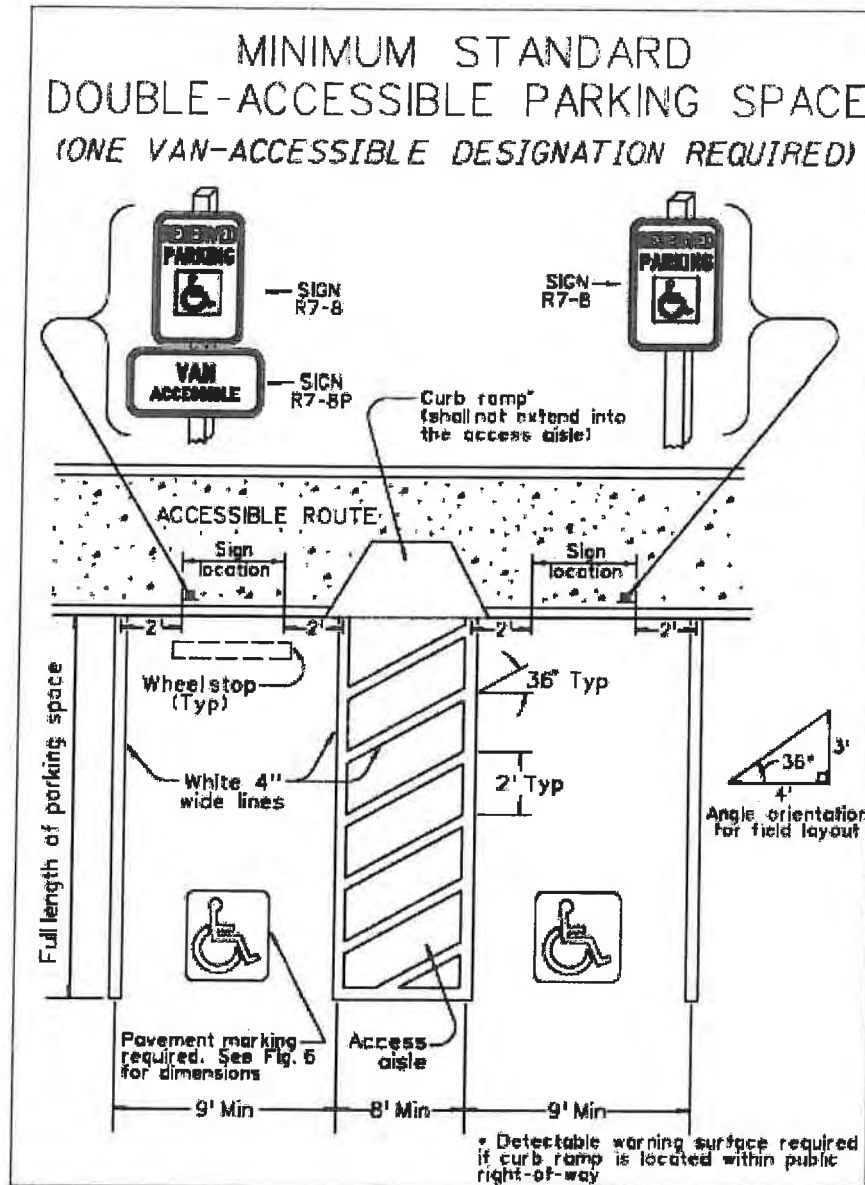
**TABLE 3-4: RATIO OF ACCESSIBLE
PARKING SPACES**

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.

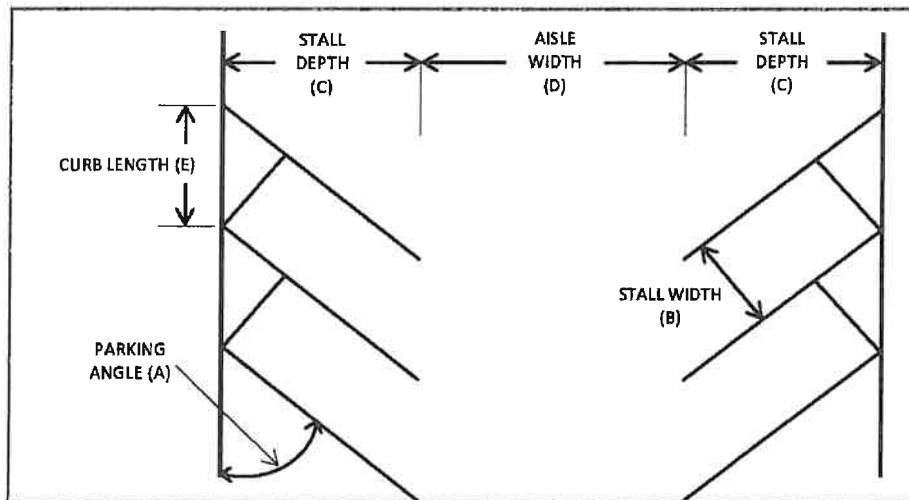
1. Table 3-5: Required Stall and Aisle Dimensions, provides the minimum dimensions of public or private parking stalls and maneuvering aisles.
 - a. Stalls with angles between 0° and 90° that are served with a two-way aisle shall be angled in opposing directions (Figure 3-2: Parking Design Key, represents 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 10th 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.

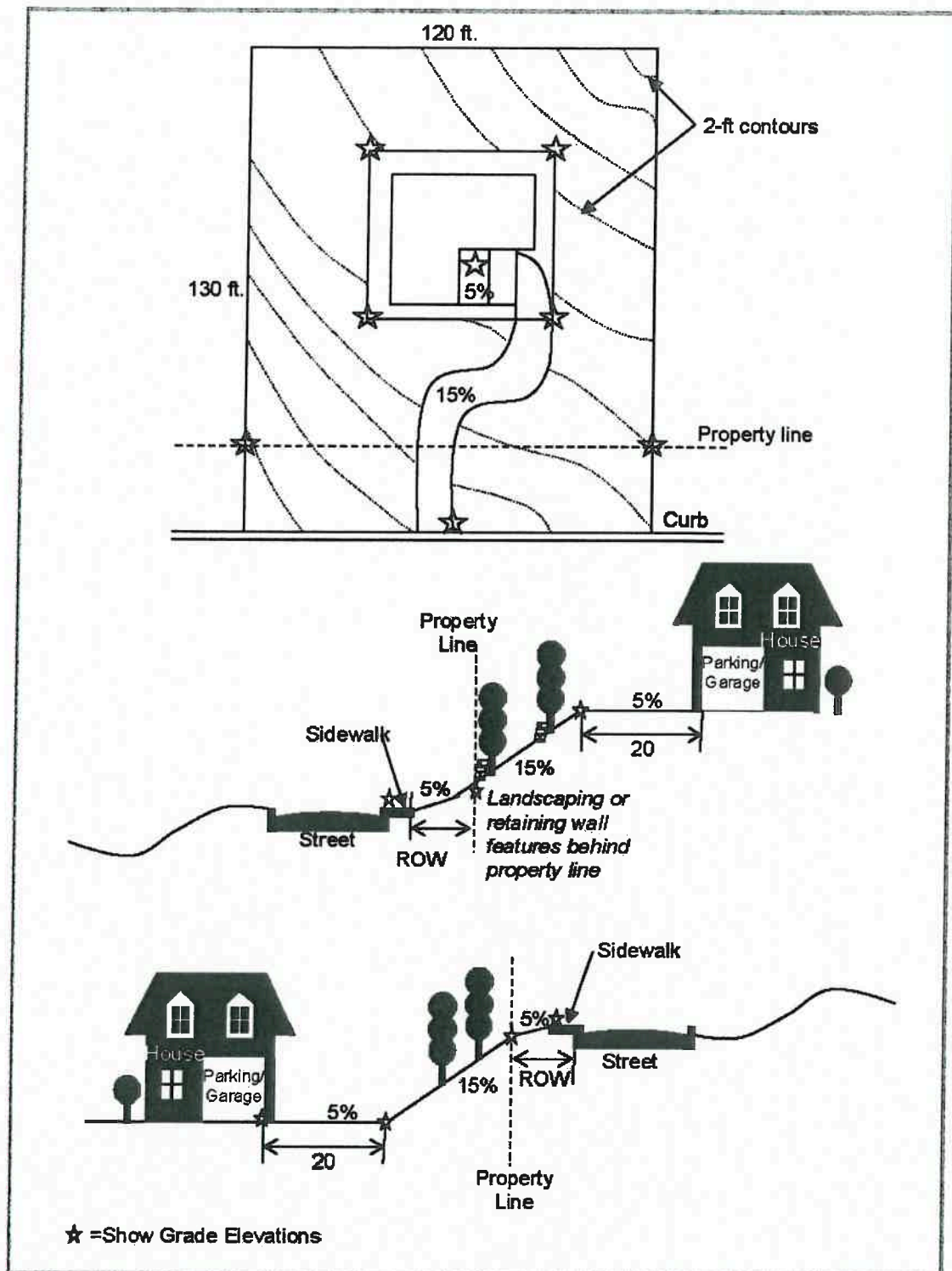
43. Access Grades. Driveways used to access onsite parking and as further defined by Figure 3-2: Driveway Access Grade, shall comply with the following criteria:

- 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 townhouses in 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

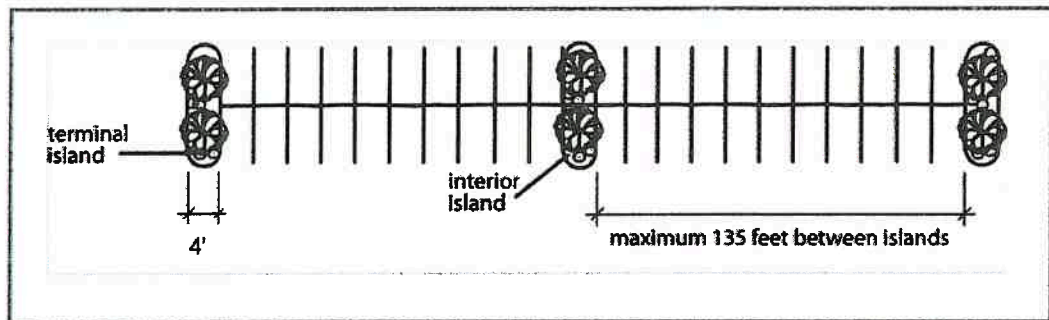
COMMON NAME	BOTANICAL NAME

Evergreen Conifers >8' wide; > 8' tall	Numerous species
Poplar and related species	Populus 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 Policies 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 Policies 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.

- I. 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 impartiality. 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.

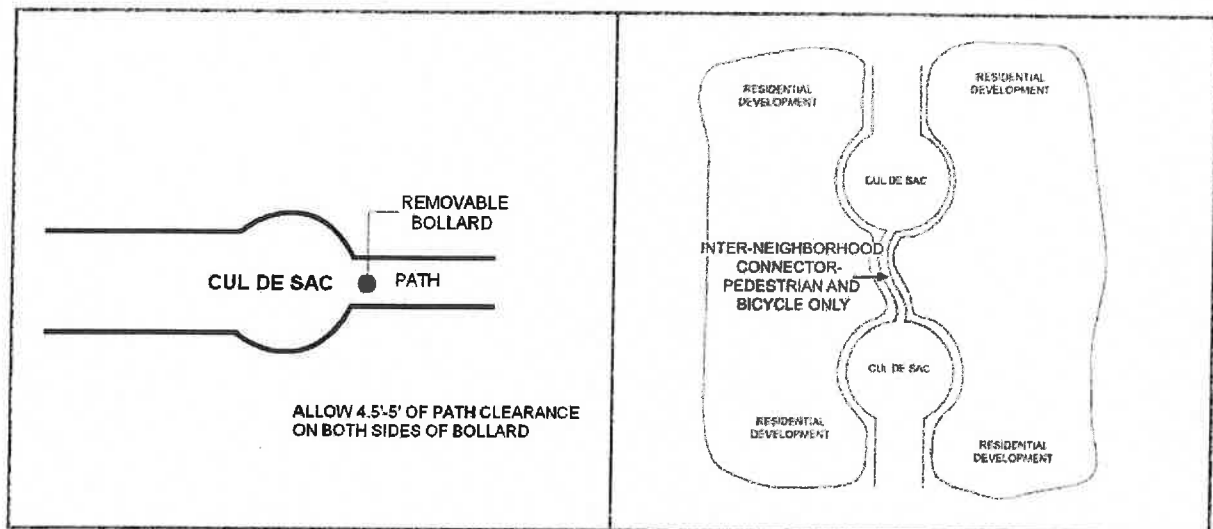
7. Culs-de-Sac. Culs-de-Sac and other permanent dead-end streets shall be prohibited unless the Approving Authority finds:

- 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.~~ meet the minimum lot width stipulated in the Zoning District where located. ~~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 ~~2036~~ 2025 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 2025 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(~~IF~~) 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 dwellings, 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 CITY COUNCIL AGENDA ITEM SUMMARY



NE CRESCENT STREET RIGHT-OF-WAY VACATION ORDINANCE 3562

Meeting Date: June 14, 2021

Department: Community Development

www.cityofroseburg.org

Agenda Section: Public Hearing

Staff Contact: Stuart Cowie, Director

Contact Telephone Number: 541-492-6750

ISSUE STATEMENT AND SUMMARY

On April 7, 2020, Alex Palm, with i.e. Engineering, Inc., on behalf of Guy Kennerly submitted a right-of-way (ROW) vacation application for portions of NE Crescent St., which is unimproved ROW south of NE Garden Valley Blvd. between the businesses TerraFirma (761 NE Garden Valley Blvd.), Express Employment Professionals (741 NE Garden Valley Blvd.), and Roseburg Urban Sanitary Authority (RUSA) (1297 NE Grandview Dr.).

The proposed ROW vacation will vacate .54 acres or 23,630 square feet of property. Attachment #1, is a map with an aerial photo identifying the portion of ROW to be vacated.

BACKGROUND

A. Council Action History.

None

B. Analysis.

When the application was submitted on April 7, 2020, Guy Kennerly was the owner of the property and was leasing it to Ryan Beckley, owner of TerraFirma Foundation Systems. On November 2, 2020, the property was sold to Mr. Jay Mason. Mr. Beckley, continues to lease the property from the new owner with plans to purchase it from Mr. Mason in the near future. Although initially i.e. Engineering submitted the application on behalf of the previous owner Mr. Kennerly, they are now acting on behalf of the new owner, Mr. Mason. However, Council should be aware that Mr. Beckley is the driving force behind the proposed ROW vacation. As indicated further within this report, Mr. Beckley plans to utilize the vacant ROW to expand his current TerraFirma business.

Chapter 4.06 (Vacation of a Public Way) of the Roseburg Municipal Code (RMC) contains the requirements necessary for Council to authorize a vacation of the ROW. As outlined within RMC Section 4.06.020, an application must be accompanied by a map and legal description depicting the public way to be vacated, and notarized written consent from all adjacent property owners who would lose access to their property via the public way, if

the vacation were to be approved. Written consent has been provided for each of the three adjacent property owners, including written consent from Mr. Mason, the new property owner of the TerraFirma parcel. In addition, the applicant must also identify the intended use of the public way proposed to be vacated, including location of future structures. The applicant submitted a preliminary site plan (Attachment #2) identifying the use of the ROW as an expanded parking lot, area for truck circulation and possible footprint for a portion of a future building.

RMC Section 4.06.070, requires the applicant to submit an appraisal of the public way proposed to be vacated prepared by an appraiser licensed in the State of Oregon. Attachment #3 is a copy of an appraisal submitted by the applicant completed by Cascade Charter Company, LLC. The report was completed August 17, 2020. Section 4.06.110, indicates that prior to granting any vacation of public way, City Council shall determine what amount, if any, should be assessed for the value of the public way based on the appraisal presented by the applicant.

Based upon the studies and examinations made within the appraisal by Cascade Charter Company, they have indicated the "as is" market value of the subject property as of May 21, 2020 to be \$80,000. This value was determined utilizing the "Across the Fence Valuation" method. According to the Dictionary of Real Estate Appraisal, the "across-the-fence" method is a land valuation method often used in the appraisal of corridors. The "across the fence" method is used to develop a value opinion based on comparisons to abutting lands. Given that vacated ROW typically lacks little utility as a standalone parcel, the "across the fence" method is utilized determining value of adjacent properties without regard for size and shape. The premise being that the best indication of value for ROW property is the value of similar adjacent or nearby land.

Since the appraisal was completed, the applicant has re-adjusted the proposed amount of ROW requested to be vacated. This adjustment was made to the southern end of the ROW in an effort to not impact an additional property owner. This means that the appraisal was completed with the understanding that the valuation would be based on 24,269 square feet of vacated ROW. However now, as a result of the adjustment, only 23,630 square feet of ROW is being requested to be vacated. Based on the way in which the valuation was determined by the appraiser this decrease in the square footage being proposed will not change the overall valuation of the entirety of the ROW.

Based on information provided by i.e Engineering to the appraiser, the southerly portion of the ROW has a slope of greater than 25 percent making it extremely difficult to develop. The area greater than 25 percent slope represents approximately 7,653 square feet of the proposed ROW to be vacated, as originally submitted by the applicant. This area was not assigned a dollar value by the appraiser, as it is assumed because of the slope that it will not be developed. Thus, decreasing the amount of ROW to be vacated on the southern end of the property does not decrease the overall value of the property based on the appraiser's methodology within the report. The value of the property was determined by the appraiser based upon the usable portion of ROW with a slope less than 25 percent located on the northern half of the public way.

Information provided by i.e. Engineering shows this useable area to be 16,616 square feet in size. The appraisal indicates that it is only reasonable to project that a knowledgeable and prudent buyer would only be willing to pay for the useable portion of the proposed vacated ROW, although the entire proposed vacated ROW would have to be purchased.

Based upon comparison values of property sales both locally and regionally the appraiser determined a market price of \$4.75 per square foot to be applied to only the useable 16,616 square feet of property within the proposed ROW vacation. The calculation provided by the appraisal is as follows:

16,616 Useable Sq. Ft. @ \$4.75/Sq. Ft.	<u>\$78,926</u>
	Rounded to, <u>\$80,000</u>

Based upon the submitted appraisal and Section 4.06.110, which states that Council shall determine what amount, if any, should be assessed based on the appraisal presented by the applicant, staff recommends that Council value the entirety of vacated ROW at \$80,000.

RMC Section 4.06.110, also indicates that Council may assess such value to the person(s) who shall benefit from the proposed vacation. Typical ROW vacations, mean that the property on either side of the proposed vacation obtain half of the vacated ROW as outlined in RMC Section 4.06.120. In this situation, the two organizations that stand to benefit directly from the ROW vacation are Terra Firma (TL 3500) and RUSA (TL 4100) (See Attachment #4 Division Map).

The other adjacent property owner, Express Employment (TL 3700) will not obtain a portion of the vacated ROW due to a previous ROW vacation and re-alignment of the public way completed in 1975 (See Attachment #5 ROW/Fee Title Map). This previous ROW vacation negates Express Employment's legal right to obtain a portion of the new proposed ROW vacation.

(Attachment #5 ROW/Fee Title Map) identifies the public way subject to the vacation highlighted in blue. The portion highlighted in red within the same attachment indicates the re-alignment of the ROW in 1975, which was conveyed to the City through fee title per two Warranty Deeds transferring property to the City for street purposes. As this property was to be used for street purposes this portion of property will be transferred via the ROW vacation process.

(Attachment #4 Division Map), conveys the square footage that each property stands to obtain through the proposed ROW vacation as determined by the Douglas County Assessor- Cartography Department. RUSA (TL 4100) will acquire 8,834 square feet of property. TerraFirma (TL 3500) will acquire 14,796 square feet.

Utilizing Douglas County Assessor's records staff has calculated the assessed value associated with each portion of the vacated ROW for both TerraFirma and RUSA, utilizing the same method as outlined in the appraisal. Staff has applied the same dollar figure of \$4.75 per square foot and has only valued property under 25 percent slope. See Attachment #6.

At an overall value of \$4.75 per square foot, the total value of the vacated ROW is \$79,496.00.

TerraFirma;	10,537 Sq. Ft. @ \$4.75/Sq. Ft.	<u>\$50,050.75</u>
RUSA;	6,199 Sq. Ft @ \$4.75/Sq. Ft.	<u>\$29,445.25</u>
	Total	<u>\$79,496.00</u>

Staff recommends that Council assess \$50,050.75 to TerraFirma for the 14,796 square feet of vacated ROW they will obtain as part of the vacation process and \$29,445.25 to RUSA for the 8,834 square feet they will obtain.

Please note that since the ROW application was submitted April 7, 2020, Mr. Beckley has obtained Site Review (SR-20-089) authorization to excavate, grade, and shotcrete a significant portion of the property he is currently leasing, including neighboring property he has obtained to the east. As part of the excavation project Mr. Beckley obtained a Public Works permit (Pmt. #40-20) to stock pile the excavation material from the grading job on the ROW proposed to be vacated. As a condition of the permit, if the ROW vacation is not completed Mr. Beckley will be required to remove all stock piled material and restore the ROW to pre-existing conditions.

If Council determines a value should be assessed to the property owners who will benefit from the vacation, then each owner will be sent notification of the assessed value and will be required to make payment of the specified amount within 30 days of the public hearing. All assessments must be paid in full before the ordinance finalizing the ROW vacation can be completed. If a property owner does not want the vacated ROW, the neighboring property owner can make the payment in order to initiate the process of them acquiring the unwanted ROW. A subsequent boundary line adjustment will be necessary if this occurs in order to transfer ownership of the vacated ROW from one property owner to the other once payment is made.

If a property owner objects to the assessment Council may assign to the ROW, the public hearing can be continued until the next scheduled meeting to allow the affected property owners an opportunity to prepare an argument against the assessment set by Council.

If no objections are made during the course of the public hearing, first reading of Ordinance 3562, may occur, recognizing that second reading will not happen, until the assessed value Council may assign to the vacated ROW is paid in full.

C. Financial/Resource Considerations.

RMC Section 4.06.110, provides Council with the ability to determine the value of the ROW to be vacated based upon the appraisal submitted by the applicant. This section also indicates that Council may assess such value to the person(s) who shall benefit from the proposed vacation. Based on the analysis provided above staff recommends Council assess \$79,496.00 for the entirety of the vacated ROW: \$50,050.75 should be assigned to TerraFirma and \$29,445.25 should be assigned to RUSA.

D. Timing Considerations.

If a value is assigned to the proposed ROW vacation by Council, then it is proposed that the property owners have 30 days to make payment of the specified amount, prior to Ordinance 3562 being adopted.

COUNCIL OPTIONS

After hearing all matters regarding the proposed vacation, Council may:

1. Grant the vacation with conditions, including an assessment of the value;
2. Grant the vacation as proposed without an assessment of the value;
3. Grant the vacation in part and deny it in part;
4. Deny the vacation, as it appears to best serve the public.

STAFF RECOMMENDATION

Staff recommends Council grant the ROW vacation as proposed, assessing \$79,496.00 for the entirety of the vacated ROW: \$50,050.75 assigned to TerraFirma and \$29,445.25 assigned to RUSA. Upon full payment Council should adopt Ordinance 3562.

SUGGESTED MOTION

"I move to approve the proposed NE Crescent St. Right-of-Way vacation, assessing \$79,496.00 for the entirety of the vacated Right-of-Way. \$50,050.75 assigned to TerraFirma and \$29,445.25 assigned to Roseburg Urban Sanitary Authority. Second reading and adoption will not occur until full payment is received."

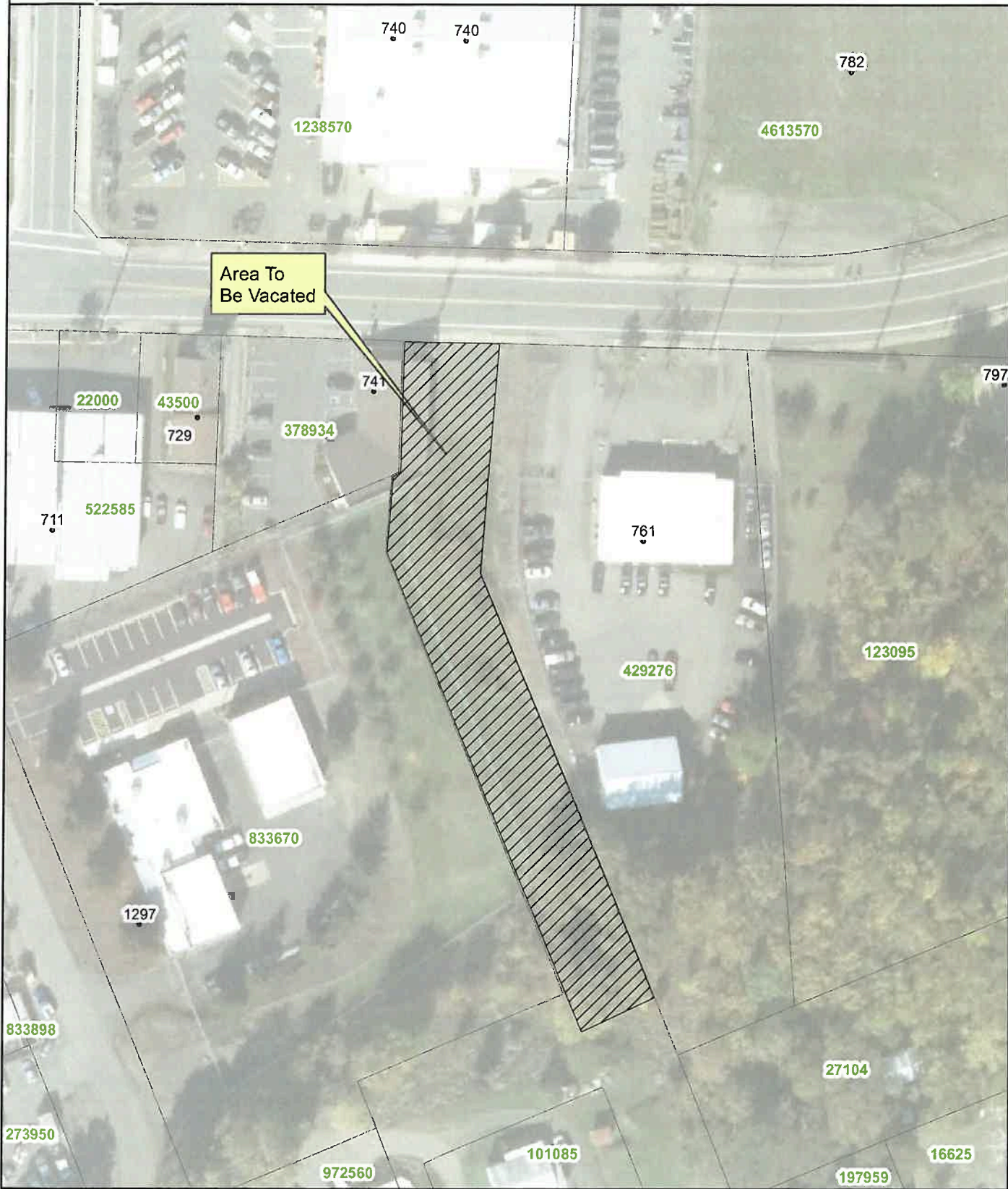
ATTACHMENTS:

- Attachment #1 – Map of Proposed NE Crescent St ROW Vacation
- Attachment #2 – Site Plan (TerraFirma) Future use of Vacated ROW
- Attachment #3 – Appraisal
- Attachment #4 – Division Map
- Attachment #5 – ROW/Fee Title Map
- Attachment #6 – Assessment Distribution
- Attachment #7 – Ordinance No. 3562
- Attachment #8 – Exhibit A to Ordinance No. 3562



Notice of Proposed Vacation of a portion of NE Crescent Street

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



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

TERRA FIRMA

ROSEBURG OFFICE EXPANSION PRELIMINARY SITE PLAN

PROPERTY INFORMATION:

TAX ID: R57018
MAP ID: 270518BB03500
TAX LOT: 3500
ZONE: GENERAL COMMERCIAL (C3)

BUILDING AREA:

PROPOSED BUILDING PHASE 1: 9,000 SQ FT
PROPOSED OFFICE PHASE 2: 3,000 SQ FT

ROSEBURG LUDO REQUIREMENTS:

PARKING REQUIREMENTS: 1/300 SQ FT OF BUILDING FLOOR AREA
PARKING PROVIDED: 52 STALLS INCLUDING 2 ADA STALLS



Z:\JOBS\2584-TerraFirma\2584-08 Roseburg Office Expansion\2584-08 T2 Conceptual Site Plan\Terra Firma Site Plan KLV.dwg Kristi Woodman 01. 2021

APPRAISAL OF:

**0.56 Acre Street Vacation
West of 761 NE Garden Valley
Boulevard
Roseburg, Oregon**

**Prepared For:
Terraforma Foundation Systems**

**Report Date:
August 17, 2020**

**Date of Value:
May 21, 2020**



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Addenda

- Subject Photographs
- Sale Photographs

Qualifications



CASCADE CHARTER COMPANY, LLC

REAL ESTATE APPRAISALS - CONSULTING

LAWRENCE E. BROWN, MAI CRE (1942 - 1990)
GREGORY S. SCHULER
DAVID M. MATLOCK
MARGARET NELSON-QUIN
BROOKE LEVISON
DEB CHRISTOPHERSON

August 17, 2020

Ryan Beckley
Terraforma Foundation Systems
761 NE Garden Valley Boulevard
Roseburg, Oregon, 97470

Reference: Appraisal of a 0.56 acre proposed street vacation adjacent to the west of the Terraforma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. Our File No. 4732.

Dear Mr. Beckley:

In response to your request, we have personally examined and appraised a 0.56 acre proposed street vacation adjacent to the west of the Terraforma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. The purpose of this appraisal report is to set forth our opinion relative to the "as is" market value of the fee simple interest in the subject land to be vacated. It is our understanding that the appraisal report will be utilized by the client for internal decision making purposes. No other purpose, use, or users of the appraisal report are authorized or intended.

This appraisal report is prepared in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP); the Financial Institution's Reform, Recovery, and Enforcement Act of 1989 (FIRREA); and Chapter 12 Code of Federal Regulation Part 34 (12CFR34) of the Office of the Comptroller of the Currency titled, "Real Estate Appraisals." This report is also prepared within the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, the Interagency Appraisal and Evaluation Guidelines (effective December 10, 2010). This appraisal assignment is not based upon a requested minimum valuation, a specific valuation, or the approval of a loan

CASCADE CHARTER COMPANY, LLC

Reference is made to the **extraordinary assumptions** presented in The Land section of this report. If any of the extraordinary assumptions as stated herein are found to be false, the opinion of market value as specified in this appraisal report could be impacted.

Based upon the studies and examinations made, the opinion is formed subject to the limiting conditions and assumptions stated herein, that the "as is" market value of the **fee simple interest** in the subject property based upon economic and market conditions effective as of May 21, 2020 is as follows:

**"As Is" Market Value of the
Proposed Acquisition Land (May 21, 2020)**

EIGHTY THOUSAND DOLLARS

\$80,000

The following is a real property appraisal which details the property description, market data, and value analyses which form the primary basis for the opinion of market value as stated in this report.

Respectfully submitted,

CASCADE CHARTER COMPANY, LLC



GREGORY S. SCHULER
Oregon State Certified General Appraiser
License No. C000268
Expiration Date: May 31, 2021



DAVID M. MATLOCK
Oregon State Certified General Appraiser
License No. C001357
Expiration Date: February 28, 2022

CASCADE CHARTER COMPANY, LLC

APPRAISAL PROBLEMS AND ISSUES

The subject is a portion of a public right-of-way totaling 0.56 acre or 24,269 square feet located adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. The purpose of this appraisal is to provide an "as is" market value of the **fee simple interest** of the subject property using techniques typical for right-of-way vacation appraisals. Given a right-of-way, such as the subject street vacation, typically lacks much utility as a standalone parcel, the "across-the-fence" appraisal method is utilized. The "across-the-fence" methodology is the best indication of value of a corridor or right-of-way property is based on the value of similar adjacent or nearby land. In this case, we have concluded the price per square foot of the fee simple interest in the adjacent 1.31 acre Terrafirma site utilizing the land sales by comparison approach. The concluded price per square foot for the adjacent Terrafirma site is then applied to the subject easement area.

CASCADE CHARTER COMPANY, LLC

SUMMARY OF SALIENT DATA

Identification

0.56 acre proposed street vacation adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon.

Subject Street Vacation Area

The subject land totals 0.56 acre, or 24,269 square feet according to a survey map provided.

Adjacent Terrafirma Site

The adjacent Terrafirma site totals 1.35 acres, or 58,806 square feet according to Douglas County records.

Effective Date of Value

May 21, 2020

**Final Value Conclusion of
the Proposed Street Vacation**

\$80,000

CASCADE CHARTER COMPANY, LLC

PURPOSE OF APPRAISAL

The purpose of this appraisal report is to set forth our opinion relative to the "as is" market value of the **fee simple interest** in the 0.56 acre proposed street vacation adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon.

CLIENT/INTENDED USE/USERS OF THE APPRAISAL

The client of this appraisal assignment is Terrafirma Foundation Systems. It is our understanding that the intended use of this appraisal is for internal decision making purposes. The intended users of the appraisal document are representatives of the client. No other purpose, use, or users of this appraisal report are authorized or intended.

DATE OF VALUE

The opinion of "as is" market value expressed in this appraisal report is stated effective as of May 21, 2020 assuming economic and market conditions as existing on that date.

DATE OF INSPECTION

The subject property was physically inspected on May 21, 2020.

PROPERTY RIGHTS APPRAISED

The property rights appraised herein pertain to the **fee simple interest** in the real estate which represents the subject of this appraisal.

CASCADE CHARTER COMPANY, LLC

DEFINITIONS

Fee Simple Interest

"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015.

Extraordinary Assumption

"An assumption, directly related to a specific assignment, as of the effective date of the appraisal results, which, if found to be false, could alter the appraiser's opinions or conclusions. Comment: Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015 and USPAP, 2016-2017 Edition.

Across the Fence Method

"A land valuation method often used in the appraisal of corridors. The across the fence method is used to develop a value opinion based on comparison to abutting land."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015.

Market Value

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

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1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and,
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

Source: 12 C.F.R. Part 34.42(g); 55 *Federal Register* 34696, August 24, 1990, as amended at 57 *Federal Register* 12202, April 9, 1992; 59 *Federal Register* 29499, June 7, 1994. USPAP 2016-2017 Advisory Opinion 22, Lines 58-70.

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SCOPE OF APPRAISAL

The scope of this appraisal has the primary function of researching pertinent information and developing an opinion relative to the "as is" market value of the 0.56 acre proposed street vacation adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon using techniques typical for right-of-way vacation appraisals. Given a right-of-way, such as the subject street vacation, typically lacks much utility as a standalone parcel, the "across-the-fence" appraisal method is utilized. The "across-the-fence" methodology is a land value concept wherein the subject land is estimated by sales of other land properties without regard for size and shape. Essentially, the premise of this methodology is that the best indication of value of a corridor or right-of-way property is the value of similar adjacent or nearby land. Therefore, we estimated the market value of the fee simple interest of the subject property utilizing the land sales by comparison approach to conclude a price per square foot for the adjacent Terrafirma site and applied the same price per square foot to the subject right-of-way land area. Reference is made to the definition of the "across the fence" valuation presented in the prior section.

The scope of the process involved in the research, analysis, and presentation of the appraisal conclusion is inclusive of the following:

1. Discussions in order to accurately identify the nature and objective of the assignment;
2. A preliminary study is conducted in order to determine what information is required and the sources of the information; i.e., development consultants, title companies, real estate agencies, planning representatives, etc.;
3. General information relating to the subject region and specific information relating to the immediate subject area and the property itself is then assembled;
4. An analysis of demographic and economic trends in the subject region is conducted;
5. Based on the information reviewed, determinations are made in regard to the highest and best use of the property;

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6. Information is assembled pertaining to market data for use in the various valuation approaches prepared for the subject. The sources of the market data primarily include the following:
 - Real estate database
 - County records
 - Representatives of local real estate agencies
 - Real estate appraisers
 - Property managers and ownership representatives
7. Unless stated otherwise, the market data presented in the sales comparison section of this report are verified with a buyer, seller, agent, or other representative involved in or knowledgeable of the transactions;
8. The subject property as well as the market data are reviewed with pertinent differences noted. In addition, the neighborhood boundaries of the subject are defined and the land use characteristics of the market area identified;
9. Summary information pertaining to the market data is presented in this report. The usefulness and applicability of the data collected are reviewed with comparisons applied where appropriate in relation to the subject property;
10. The results of the valuation approach utilized are thoroughly examined and a reconciliation or correlation of final value concluded;
11. An appraisal is presented with supporting information categorized and placed into the appraisal work file;
12. The competency of the appraisers in terms of providing reasonable and supportable conclusions of value is based upon experience in valuing properties having utility similar to the subject. This experience includes the appraisal of property types similar to the subject which are located within the local and regional market area which encompasses the subject community.

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LEGAL DESCRIPTION

The complete 0.56 acre metes and bounds legal description identifying the subject property was not submitted for our review.

PROPERTY OWNERSHIP AND HISTORY

Fee title to the subject proposed right-of-way is presently vested in the City of Roseburg. To our knowledge, there have been no listings or market transfers of the subject property in the three year period prior to the effective date of this appraisal.

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EXPOSURE AND MARKETING TIME

Exposure time may be defined as follows:

"The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale of market value on the effective date of the appraisal; Comment: Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015 and USPAP, 2016-2017 Edition.

Marketing time may be defined as follows:

"An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015.

It is noted that exposure time is presumed to precede the achievement of the market value conclusion as stated herein. The overall concept of reasonable exposure noted in the previous Definition of Market Value also assumes an adequate, sufficient, and reasonable effort in marketing. Additionally, marketing and exposure periods specifically associated with commercial land similar to the subject parcel are not directly identified by nationally recognized investor surveys such as PwC or Real Estate Research Corporation (RERC). As a result, research through Regional Multiple Listing Service (RMLS) of commercial land sale transactions within the Roseburg market was conducted. The marketing time for the commercial land sold in the direct market area ranged between one to 1,297 days with an average of 452 days, or 14.86 months over the past eight quarters.

Based upon the nature of the subject property, an appropriate exposure and marketing period is estimated at 12 to 18 months. This estimated period is representative of the overall nature of the property, is based upon the opinion of market value concluded in this report and represents a reasonable time period for adequate exposure to the open market. This timeframe is deemed appropriate considering the

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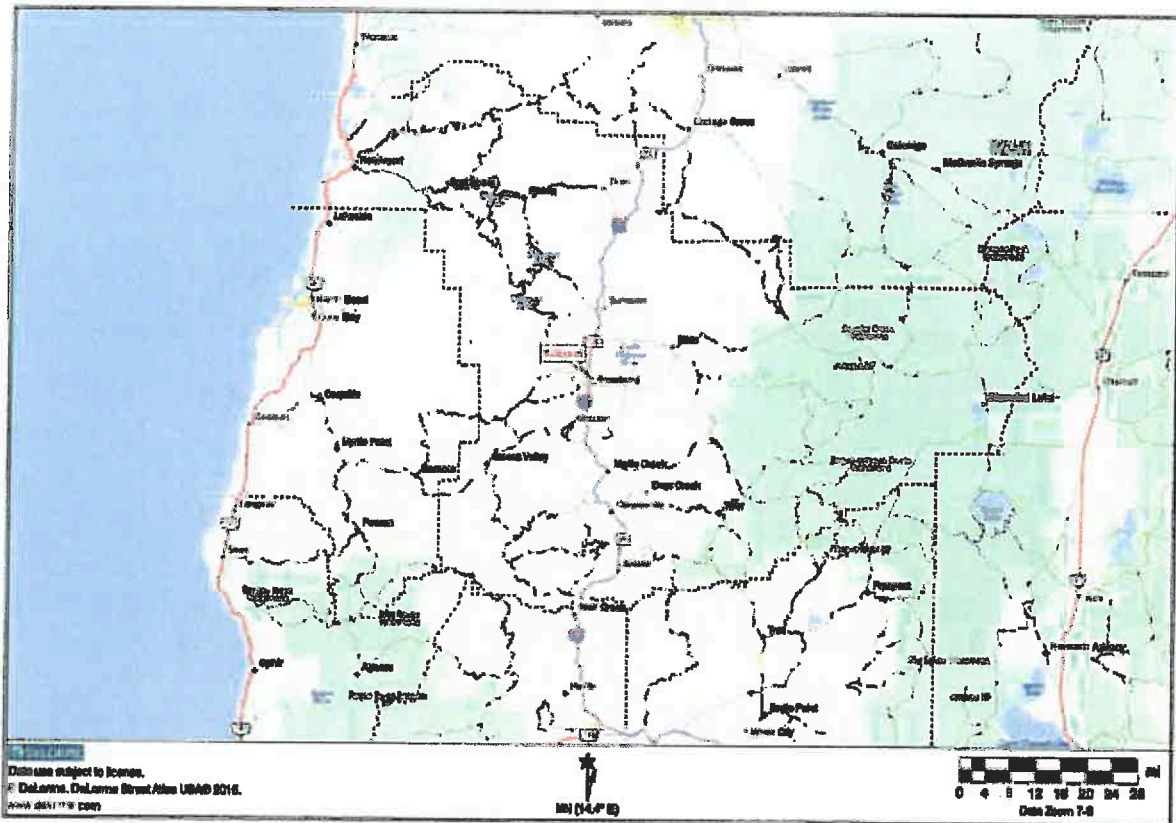
subjects' positioning within the local real estate market. In this particular instance, the projected exposure and marketing periods estimated are considered to be the same length of time for the subject.

We are not able to project how the COVID-19 pandemic will affect the exposure and marketing time for the real estate market. Therefore, the recent national property trends and market sale transactions provide the primary indicators for our marketing and exposure time estimates at this time.

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LOCATION ANALYSIS

The subject property is located adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. Following is a description of Douglas County and a discussion of demographic and economic factors as well as a description of the subject's immediate surroundings. Reference is made to the following map which depicts the location of the subject relative to the surrounding region.



Roseburg and Douglas County

Roseburg is located within the central portion of Douglas County in southwestern Oregon. The city is situated along both sides of Interstate 5 approximately 125 miles north of the California border. Roseburg serves as the county seat and is the largest city in the area. Other major communities within Douglas County include Sutherlin, Reedsport, Winston, Myrtle Creek, and Canyonville. Distances from Roseburg to notable cities are as follows:

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Eugene.....	72 miles north
Portland.....	180 miles north
Seattle.....	352 miles north
Medford.....	97 miles south
Sacramento.....	404 miles south
San Francisco	460 miles south

From a geographic standpoint, one of the most positive features of the Roseburg area is its central location along Interstate 5 within southwestern Oregon's scenic Douglas County. The Pacific Coast is located only 80 miles to the west with Diamond Lake (79 miles) and Crater Lake National Park (99 miles) located to the east.

Douglas County exhibits a temperate climate. Extremes of any weather condition in this area are very rare. Low and high temperatures generally range between 34 and 48 degrees in January and 53 and 84 degrees in July. Snowfall is rare on the valley floor and summer humidity is low. Average annual rainfall is approximately 33 inches. The mild climate combined with the close proximity to ocean beaches, skiing, fishing, and other recreational opportunities, has resulted in many seasonal tourists becoming full-time residents.

Population

Douglas County has generally experienced a steady increase in population from 1990 to 2019. The primary reason for population growth throughout Douglas County in the 1990s was in-migration. The popularity of the area as a retirement location, in addition to the desirable quality of life available in a more rural setting, are positive factors that continue today. Reference is made to the following table which provides a population summary for Roseburg, Douglas County, and the unincorporated areas of the county.

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Historic Population

Year	Roseburg	Unincorporated Areas	Douglas County	Oregon
2019	24,890	58,430	112,250	4,236,400
2018	24,820	58,250	111,735	4,195,300
2017	24,015	58,685	111,180	4,141,100
2016	22,820	59,140	110,395	4,076,350
2015	22,500	59,065	109,910	4,013,845
2010	21,660	57,945	107,690	3,844,195
2005	20,790	54,833	102,905	3,628,700
2000	20,125	54,967	100,900	3,436,750
1990	17,069	54,838	94,700	2,842,321

Source: Population Research Center, Portland State University.

Population within Roseburg as well as other communities within the county is expected to remain relatively stable over the next few years. This is due primarily to the following:

- Over the last decade, the natural resource driven economy of has undergone significant change within the commercial fishing and wood product manufacturing sectors.
- An out migration of the younger workforce in search of higher paying jobs.
- Overall industry modernization cutbacks and downsizing have left many communities with an older workforce.

Economy**Lumber and Wood Products**

The lumber and wood products industry has historically provided the base for the Douglas County economy. Several non-manufacturing industries such as transportation and wholesale trade are also closely related to lumber and wood products production. Approximately 15 percent of total employment in Douglas County is related to manufacturing.

Analysts predicted a significant decline in lumber and wood products employment levels due to the restrictions of logging on Bureau of Land Management

CASCADE CHARTER COMPANY, LLC

and national forest lands. Forecasts in late 1992 called for over 4,000 jobs to be lost statewide by the end of 1994. However, a national housing boom created a demand for wood products from local manufacturers. At the same time, private landholders increased their timber harvest adding to the supply of raw logs. The increased supply provided by these trends helped local wood products manufacturers maintain their staffing levels. Actual job losses in the wood products industry statewide were much lower than expected between 1992 and 1994. Due to the dominant role played by the lumber and wood products industry in Douglas County, the better-than-expected performance within this industry has benefited the local economy. However, it is acknowledged that a further diversification of the local economy would help offset the effects of future declines in the potentially volatile timber market.

Agriculture

In addition to lumber and wood products, the agricultural industry benefits from the mild climate of the area and contributes close to \$90 million to the local economy. Major crops include berries, nuts, apples, and melons. The climate boasts an average 217-day growing season. The Douglas County area has been compared geographically and climatologically with Italy and southern France which could account for the recent growth in vineyards and vintners in the area. Douglas County is also a major supplier of sheep, cattle, and a variety of other livestock and exotic animals.

Manufacturing

As mentioned previously, a further diversification of the economic base in the region would benefit the larger surrounding Douglas County area. Indicative of this trend, several major employers have relocated to the area in order to take advantage of the favorable business climate and quality of life issues.

Healthcare

Residents of Roseburg and the entire Douglas County area have access to a number of good quality medical facilities. Comprehensive prevention, education, diagnosis, and treatment services are available through the following:

- Mercy Medical Center
- Columbia-Douglas Hospital
- Roseburg Veterans Affairs Medical Center

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In addition, a wide range of specialized care is available at centers devoted to cancer care, dialysis, outpatient surgery, and other medical needs.

Employment

The following table details the employment figures for Douglas County by category for May 2020 with comparisons to the prior year.

Douglas County Nonfarm Payroll and Employment

	May 2020	May 2019	Change
Total NonFarm	34,480	38,510	-4,030
Total Private	27,720	30,630	-2,910
Mining, Logging, Construction	2,700	2,760	-60
Manufacturing	4,290	4,870	-580
Trade, Trans. & Utilities	6,640	6,900	-260
Information	230	270	-40
Financial Activities	1,370	1,490	-120
Professional/Business Services	3,270	3,630	-360
Education/Health Services	5,520	5,830	-310
Leisure & Hospitality	2,650	3,530	-880
Other Services	1,050	1,350	-300
Government	6,760	7,880	-1,120

Source: Oregon Employment Department, July 2020.

Employment Trends

From May 2020 to May 2019, all of the employment sectors experienced declines in job growth in Douglas County over the one year period with the leisure and hospitality reporting the largest decrease. These decreases are due in part to the Covid-19 pandemic. .

Unemployment

As of May 2020, the unemployment rate in Douglas County was 14.7 percent reflecting an increase from the May 2019 rate of 4.4 percent. The following table summarizes civilian labor force statistics for Douglas County.

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**Douglas County
Employment/Unemployment**

	<u>May 2020</u>	<u>May 2019</u>	<u>Change</u>
Civilian Labor Force	47,183	45,903	1,280
Employed	40,226	43,868	-3,642
Unemployed	6,957	2,035	4,922
Unemployment Rate	14.7%	4.4%	---

Source: Oregon Employment Department, July 2020.

In an attempt to diversify the economy, efforts are being made to attract new industry to the area. The Coos-Curry-Douglas County Development Board has played an integral part in a tri-county effort. The addition of the Cow Creek Gaming Center has succeeded in attracting tourists and recreation seekers as well as adding needed employment opportunity. In addition, wholesale and retail trades have been given a boost by the addition of Ingram Books and WinCo Foods distribution centers. Additionally, Costco opened a 148,000 square foot store in Roseburg. The big box complex also provides a 16-pump gas station. It is expected that the region will also see continued growth in both social and health care services.

Transportation/Linkage

The larger surrounding Douglas County area is well served by public transportation. The Interstate 5 freeway extends in a north/south direction through the center of Roseburg, with the Pacific Ocean accessible to the west via State Highways 42 and 138. State Highway 138 also extends eastward to State Highway 97 on the east side of the Cascade Mountains and represents a major access route within the central portion of the state. Air transportation for the area is provided by the following:

- Roseburg Regional Airport along the east side of Interstate 5 which accommodates private charters and air freight.
- The Eugene Airport located approximately 75 minutes north is served by major carriers such as United, Delta, Allegiant, and Alaska/Horizon.

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- The Rogue Valley International Medford Airport in Medford located 95 miles south is served by United, Delta, Allegiant, and Alaska/Horizon.

Rail service for the Douglas County area is provided by the Central Oregon and Pacific Railroad which accommodates freight service only. Passenger service is available through Amtrak in Eugene. In addition, Greyhound bus lines provide passenger bus service throughout the area.

Education

Within Roseburg, School District No. 4 includes a four-year high school, two three-year middle schools, and nine elementary schools. Total enrollment is approximately 6,700 students. There are also several private schools, nursery and day care facilities, as well as a non-profit alternative school for grades seven to 12.

Umpqua Community College (UCC) is a two-year public institution located on campus which is seven miles north of Roseburg. UCC offers educational programs and adult basic instruction, technical and vocational training, liberal arts studies, and professional transfer courses. Approximately 15,000 students attend one or more classes at UCC each year.

Conclusions

Douglas County offers a quality living environment that will continue to attract new residents to the area. The relatively low cost of living and rural atmosphere are attractive and long-term growth potential appears optimistic. With ever increasing importance being placed upon quality of life issues, Douglas County's long-term growth potential appears optimistic.

The Douglas County economy which was largely dependent upon lumber and timber-related industries has diversified with new growth sectors emerging. Continued diversification of the local economy is expected to create new employment opportunities for the area over the long term.

Immediate Surroundings

The subject property is located adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. A graphic

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depiction of the immediate area surrounding the subject property is presented as follows.



Trend

The overall trend of development within the immediate area surrounding the subject property represents a combination of commercial and residential properties. The subject is located in a transitional area with near exclusively commercial uses located to the west and residential uses to the east. NE Stephens Street (Highway 99) is located a short distance to the west and is representative of a primary thoroughfare extending north and south with commercial development along both sides of the roadway. The Interstate 5 Interchange is located in the distance to the west.

Conclusion

Due to the nature of the surroundings, no distinct foreseeable change in the land use characteristics for the immediate area is anticipated.

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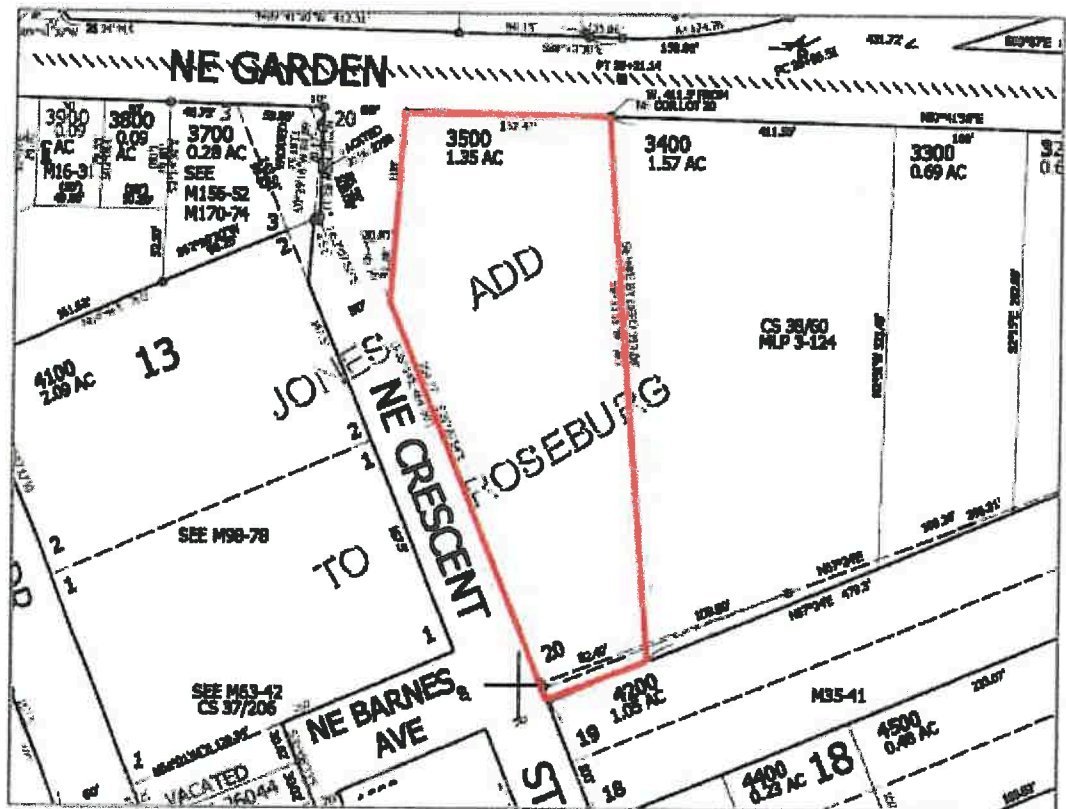
THE LAND

Location

The subject property is located adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon.

Shape and Size

The adjacent Terrafirma site is irregular in shape and totals 1.35 acres or 58,806 square feet based upon Douglas County records. The following plat map and aerial provide a graphic depiction of the site.



Subject Street Vacation Area

The subject street vacation area totals 0.56 acre or 24,269 square feet based upon a survey map provided. The following survey map and aerial provide a graphic depiction of the street vacation site.



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Topography

The subject parcel has sloping topography from east to west.

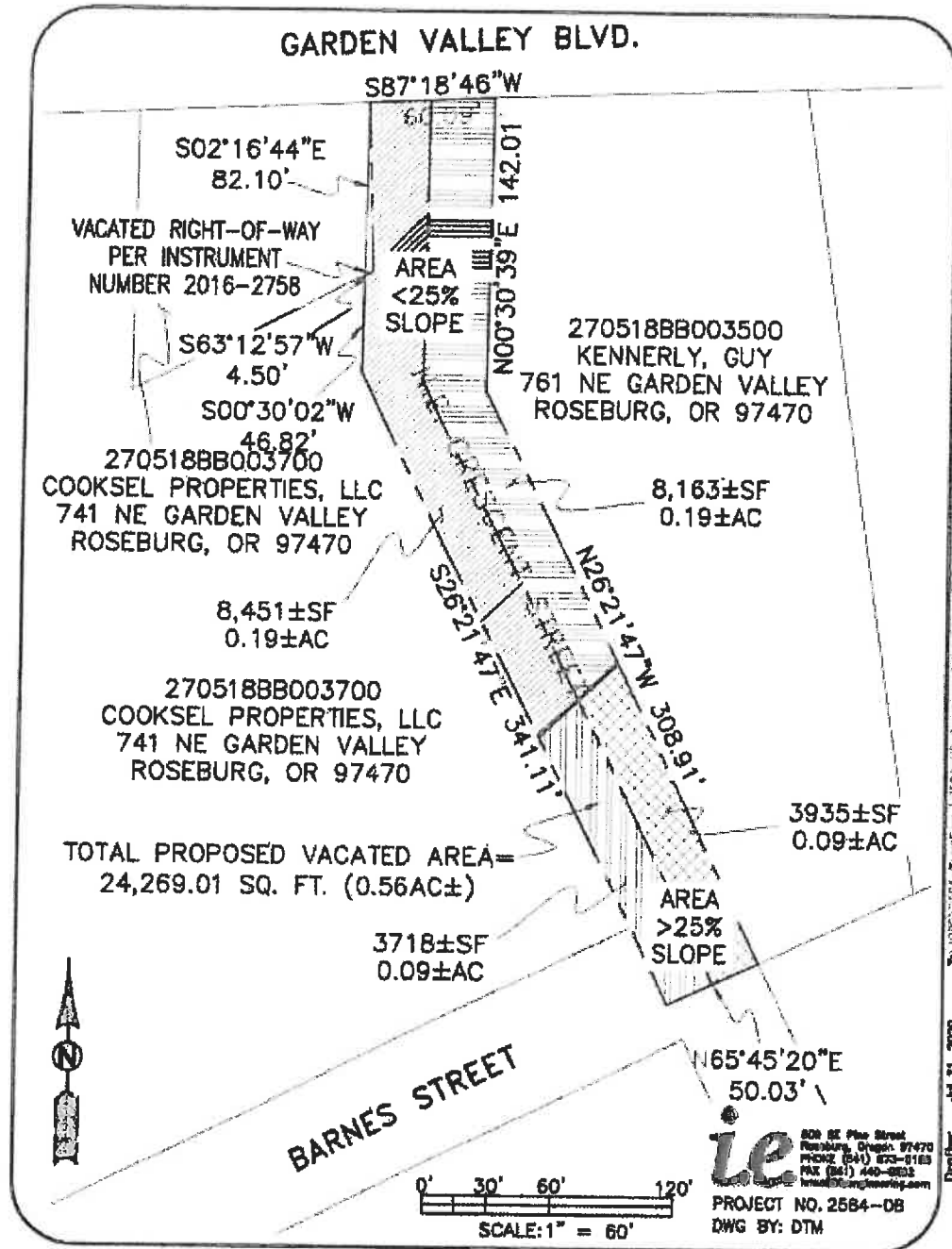
Useable Area

According to i.e. Engineering in Roseburg, the southerly portion of the right-of-way has slope greater than 25 percent. i.e. Engineering indicates that, in the Roseburg area, trying to develop on a slope greater than 25 percent is next to impossible. The area of greater than 25 percent slope represents 7,653 square feet of the proposed street vacation right-of-way. Thus, the useable portion of the right-of-way is reduced to 16,616 square feet. Our calculation follows:

Total Right-of-Way Vacation	24,269 Sq. Ft.
Less: Unusable Area	<u>7,653 Sq. Ft.</u>
Useable Area Remaining	<u>16,616 Sq. Ft.</u>

Reference is made to the slope calculation as prepared by i.e. Engineering on the following page.

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Soils

No soils report has been provided for our review. This appraisal is subject to an **extraordinary assumption** that the soil is of sufficient load-bearing capacity to support future building improvements on-site. This opinion is supported by the historic existence of improvements on the subject site as well as on nearby parcels.

No adverse environmental hazards or contaminants pertaining to solids, liquids, or gases were observed at the property during our personal examination. This

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appraisal is subject to the **extraordinary assumption** that no toxic waste, groundwater contamination, or environmental problems exist at the property. In the event such problems did exist, the ultimate impact of such conditions could adversely influence the opinion of market value as stated herein. The identification of the absence or existence of any potential environmental problems is best determined by qualified engineers and is not within the scope of our expertise as real estate appraisers.

Utilities

According to the property owner, all the usual and necessary public utilities are available to the adjacent Terrafirma site; however, this was not independently verified by the appraisers.

Zoning

The subject is located within the C3 (General Commercial) zoning district as administered by the City of Roseburg.

The General Commercial classification is intended to provide areas within which a variety of retail and wholesale business occurs. These areas serve general community-wide and regional commercial needs.

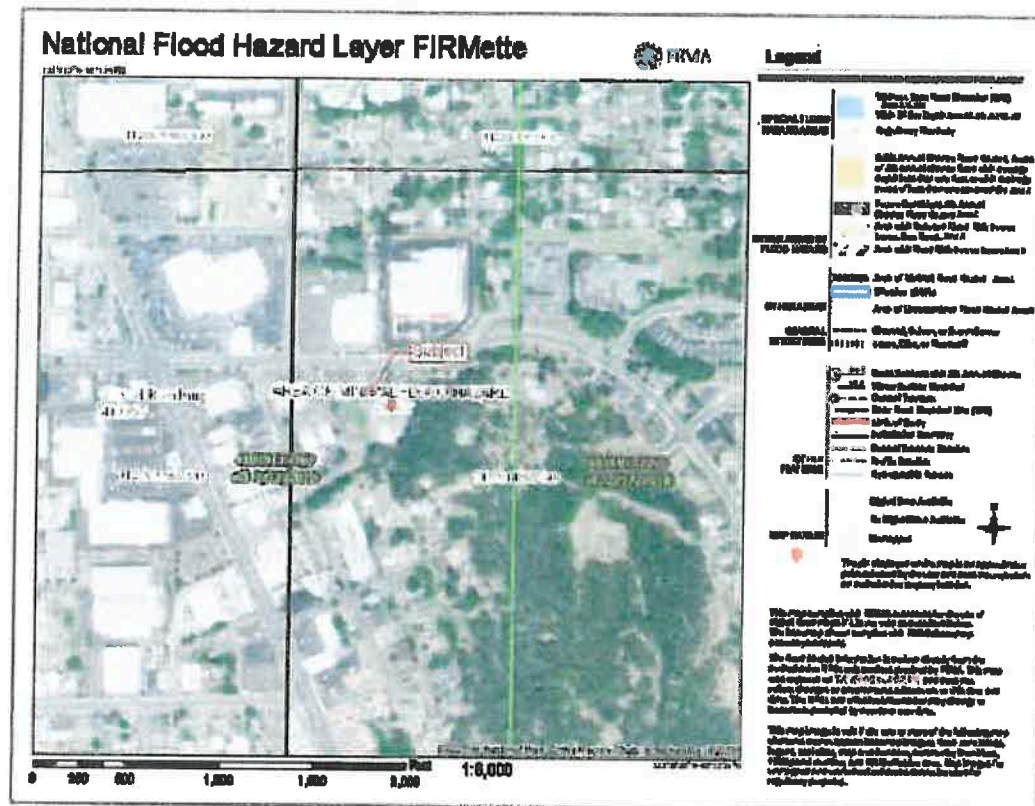
Easements and Encroachments

A preliminary title report was not provided for our review. Upon personal inspection of the subject property, it appears there are no adverse easements or encroachments which could potentially inhibit the overall utility or value of the property. This appraisal is subject to an **extraordinary assumption** that no adverse easements or encroachments exist at the subject. The identification of such is best determined by qualified individuals and is not considered to be within the scope of this appraisal assignment.

Flood Zone Rating

A review of FEMA Map No. 41019C1726F, dated May 3, 2011, indicate the subject property is located within Flood Zone X, areas of minimal flood hazard. A copy of the FEMA flood map follows.

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Access

The subject property currently has access from NE Garden Valley Boulevard.

Street

NE Garden Valley Boulevard border the northerly boundary of the subject. This asphalt-concrete paved roadway extends in an easterly-westerly direction having two lanes, one in each direction. Additional roadway improvements include concrete curbs, gutters, and sidewalks on both sides of the road.

Summary

The subject street vacation acquisition site totals 0.56 acres or 24,269 square feet zoned General Commercial. The adjacent TerraFirma site is reportedly served by all necessary public utilities and there are no apparent easements or encroachments that could adversely affect the property.

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HIGHEST AND BEST USE

Highest and best use may be defined as the reasonably probable and legal use of vacant land or an improved property which is physically possible, legally permissible, financially feasible, and results in the highest value. The four criteria examined in determining the highest and best use of the subject property include the following:

1. **Physically Possible** - A use for which the site is physically suitable or adaptable.
2. **Legally Permissible** - A use which is or will be permitted under existing or reasonably obtainable zoning regulations.
3. **Financially Feasible** - A use for which there is an economic, social, and/or market demand.
4. **Maximally Productive** - A use which is compatible with the nature and condition of surrounding land uses.

Based on the criteria examined, it is our opinion that commercial development represents the highest and best use of the subject parcel when combined with the adjacent Terrafirma site as vacant. Specifically, commercial land use is consistent with current governmental constraints; the property is regarded as physically suitable in order to accommodate this form of development; commercial use is compatible with current zoning and the trend of development in the area; and this form of development is considered financially feasible under current market conditions.

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ASSESSED VALUATION AND TAXES

As a result of Oregon Ballot Measures 47 and 50, which limit taxable values and property taxes, real estate taxes in Oregon beginning in 1998 are based on a percentage of the real market value. The ballot measures also limit future tax increases to a maximum level of three percent per year. The parent tract is located within the city of Roseburg Tax Code Area 451.

The street vacation acquisition area under appraisal is not taxed as it is owned by the City of Roseburg.

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LAND VALUE BY COMPARISON

The land sales comparison approach is the most common method utilized to determine land value. This method generally expresses land value on the basis of price per square foot relative to purchase price.

As mentioned previously, given a right-of-way, such as the subject street vacation, typically lacks much utility as a standalone parcel, the "across-the-fence" appraisal method is utilized. The "across-the-fence" methodology is that the best indication value of a corridor or right-of-way property is the value of similar adjacent or nearby land. Therefore, we estimated the market value of the fee simple interest of the adjacent Terrafirma site utilizing the land sales by comparison approach to conclude a price per square foot to be applied to the subject land area. The sales assembled for comparison to the subject land are summarized in the following chart.

Land Sales Summary

Sale No.	Identification	Size Acres/ Sq. Ft.	Zoning	Sale Date	Sale Price	
					Total	/Sq. Ft.
1	4815 NE Stephens St. Roseburg Source: RMLS No. 15226377 Verification: Agent	1.52/ 66,211	C3	Listing	\$369,000 332,100 Adj.	\$5.57 5.02 Adj.
2	588 NE Winchester St. Roseburg Source: RMLS No. 18507254 Verification: Agent	0.91/ 39,640	C3	Listing	159,000 143,100 Adj.	4.01 3.61 Adj.
3	NWC of Harvard Ave. and Bellows St. Roseburg Source: Douglas County Verification: Buyer	1.21/ 52,708	C3	7/20	300,000	5.69
4	328 NE Winchester St. Roseburg Source: RMLS No. 19812288 Verification: Deed No. 2019-18330	0.59 25,700	C3	11/19	185,000	7.20
5	295 SE Fowler St. Roseburg Source: RMLS No. 18492030 Verification: Deed No. 2019-16835	0.18/ 7,841	PO	10/19	57,500	7.33
6	810 SE Stephens St. Roseburg Source: RMLS No. 19265883 Verification: Deed No. 2019-12839	0.19/ 8,276	C3	8/19	40,000	4.83

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Land Sales Summary

Sale No.	Identification	Size Acres/ Sq. Ft.	Zoning	Sale Date	Sale Price	
					Total	/Sq. Ft.
7	2345 W. Harvard Ave. Roseburg Source: RMLS No. 15437925 Verification: Deed No. 2019-7564	0.16/ 6,970	PO	5/19	35,000	5.02
8	2935 NE Diamond Lake Blvd. Roseburg Source: RMLS No. 17030656 Verification: Deed No. 2018-19450	0.68/ 29,621	C3	12/18	90,000	3.04
Average						\$5.22

Land Sales Discussion

When analyzing the sales assembled in relation to the subject land, the following factors are given particular consideration in the comparative process:

- Property rights conveyed
- Financing terms
- Conditions of sale
- Market conditions
- Location
- Physical characteristics
 - Size
 - Topography
 - Off-sites
- Zoning

The sales assembled for comparative purposes are analyzed based on the factors noted. A summary of the general characteristics of the sales data is inclusive of the following:

Property Rights Conveyed

To our knowledge, the market sales reportedly involved the conveyance of fee simple title. Therefore, the sales are regarded as similar to the subject with respect to property rights conveyed.

Financing Terms

The sales are indicative of cash transactions or purchases involving financing at market rates. Subsequent to a review of the available information,

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financing is not determined to have a significant impact on sale price in the comparison process. We are not aware of the financing terms of Sale Nos. 1 and 2 which are representative of two property listings.

Conditions of Sale

The conditions of sale element of comparison is intended to consider the impact of any atypical motivation on the part of the buyer or seller with respect to the transactions presented. Sale Nos. 1 and 2 represent two property listings as opposed to actual closed sale transactions and are therefore deemed superior to the subject since typically a lower level of pricing than the listing price is ultimately negotiated. As a result, a quantitative downward adjustment of 10 percent is applied to the listings. The seller of Sale No. 3 had some potential exposure from the buyer as the buyer had invested money in the interior design of a proposed project that the seller decided not to build. As a result, the buyer believes he got a "good deal" on the purchase price. Thus, the conditions of sale are inferior for Sale No. 3. The remaining sales are considered similar in terms of conditions of sale when compared to the subject.

Market Conditions

This comparison factor pertains primarily to date of sale considerations which are intended to reflect changes in market conditions which have taken place over time. The sales are examined based upon the direction of change between the sale date of the transactions and the effective date of this appraisal. Specific factors indicative of the market at the time the sales occurred are also reviewed. All of the sales are considered indicative of prevailing market trends based upon the sale date relative to the effective date of this valuation.

Location

Primary considerations included in the location analysis are representative of the following:

- Quality and nature of surrounding development
- Property prominence and access
- Proximity to major transportation routes
- Market demographics

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The subject is located along an interior roadway within a developed and primary commercial area of Roseburg. The subject further benefits from a location directly across from a recently constructed Coastal Farm & Ranch retail building. With this in mind, the majority of the sales are located within secondary commercial areas considered slightly inferior as compared to the subject. The exceptions are Sale Nos. 3 and 4. Sale No. 3 benefits from its location on an Interstate 5 freeway interchange and is considered superior. Sale No. 4 benefits from a corner location a signalized intersection. Given the high traffic exposure, Sale No. 3 exhibits a slightly superior location as compared to the subject.

Size

The subject Terrafirma site totals 1.35 acres in size. Typically, smaller parcels command a higher per square foot price than larger sites with all other factors being equal. Therefore, when comparing the size of the subject, Sale Nos. 1, 2, and 3 are considered most similar with the remaining sales considered superior.

Topography

The subject exhibits generally level topography with steep sloping on the easterly and the southerly portion of the property. With this in mind, all the sales have generally level topography considered slightly superior as compared to the subject.

Off-Sites

All of the sales are considered similar in terms of off-site improvements to the subject.

Zoning

All of the land transactions exhibit commercial zoning which would allow for development and operations similar to that which is allowable at the subject.

As an aid in determining the level of achievable pricing for the subject, a qualitative analysis of the market sales with respect to the elements discussed previously is detailed in the following analysis.

CASCADE CHARTER COMPANY, LLC**Qualitative Analysis Summary**

Sale No.	1	2	3	4	5	6	7	8
Property Rights Conveyed	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.
Financing Terms	—	—	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.
Conditions of Sale	---	---	Inf.	Sim.	Sim.	Sim.	Sim.	Sim.
Market Conditions	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.
Location	Inf.	Inf.	Sup.	Sup.	Inf.	Inf.	Inf.	Inf.
Physical Characteristics								
Size	Sim.	Sim.	Sim.	Sup.	Sup.	Sup.	Sup.	Sup.
Topography	Sup.	Sup.	Sup.	Sup.	Sup.	Sup.	Sup.	Sup.
Off-Sites	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.
Zoning	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.

Based upon the comparisons applied among the sales data and the subject, the following represents our summary of the qualitative analysis which details the range of pricing indicators established for the property sales in relation to the subject.

Qualitative Analysis Summary

Sale No.	Sale Date	Sale Price/ Sq. Ft.	Indicator
8	12/18	\$3.04	Low
2	Listing	3.61	Low
6	8/19	4.83	Medium
1	Listing	5.02	Medium
7	5/19	5.02	Medium
3	7/20	5.69	High
4	11/19	7.20	High
5	10/19	7.33	High

As indicated, the range of per square foot pricing represented by the data is from \$3.04 to \$7.33 per square foot with an average of \$5.22 per square foot. The medium indicators form a tighter range of pricing from \$4.83 to \$5.02 per square foot with an average of \$4.96 per square foot.

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Only one of the medium indicators, Sale No. 1 which is a listing, is similar in size to the subject. Sale No. 1 totals 1.52 acres while the subject totals 1.35 acres. The other two medium indicators, Sale Nos. 6 and 7 are very small parcels. To compare the subject to these "postage stamp" sales is tenuous at best. It is acknowledged that there is a lack of larger commercial land sales in the Roseburg and Douglas County area. As a result, we have also included regional land sales in Josephine and Jackson Counties. Following are the regional sales summary.

Land Sales Summary

Sale No.	Identification	Zoning	Acre/ Sq. Ft.	Sale Date	Sale Price	
					Total	/Sq. Ft.
<u>Josephine County</u>						
1	2214 NE Industry Dr. 36-05-21A, 302 Grants Pass Source: FMLS No. 103000294 Verification: Deed No. 2019-009104	I	4.06/ 176,854	7/19	\$525,000	\$2.97
2	114 Assemble Cir. 36-05-21A, 303 Grants Pass Source: FMLS No. 103000242 Verification: Deed No. 2019-008477	I	1.45/ 63,162	7/19	192,000	3.04
3	3020 Canal Ave. 36-06-27AA, 500 Grants Pass Source: Buyer Verification: Feed No. 2019-007203	GC	1.41/ 61,420	6/19	211,500	3.44
Average						\$3.15
<u>Jackson County</u>						
1	5408 Bierson Way 36-2W-36D, 123 Medford Source: FMLS No. 102978918 Verification: Deed No. 2020-024210	I-L	0.71/ 30,928	7/20	145,000	4.69
2	4825 Airway Dr. 37-1W-6BB, 420 Medford Source: FMLS No. 103006706 Verification: Deed No. 2020-017553	I-L	0.84/ 35,590	5/20	180,000	4.92
3	199 S. Haskell St. 37-2W-10AD, 300 Central Point Source: FMLS No. 103010097 Verification: Deed No. 2020-011991	GC/ TOD	0.46/ 20,038	4/20	125,000	6.24

CASCADE CHARTER COMPANY, LLC**Land Sales Summary**

Sale No.	Identification	Zoning	Acre/ Sq. Ft.	Sale Date	Sale Price	
					Total	/Sq. Ft.
4	291 Furry Rd. 38-1W-10CA, 7600 Phoenix Source: SOMLS No. 2996081 Verification: Deed No. 2019-16642	C-H	1.25/ 54,450	6/19	350,000	6.43
5	S. Pacific Hwy. 38-1W-25B, 601 & 701 Talent Source: SOMLS No. 2999722 Verification: Deed No. 2019-11461	C-H	1.67/ 72,745	4/19	400,000	5.50
6	Self-Storage Site 4003, 4009, 4017, and 4019 S. Pacific Hwy. 38-1W-09A, 1100 and 1200 Phoenix Source: Listing Broker Verification: Listing Broker	G-C	3.57/ 155,509	3/18	875,000	5.62 5.96 ⁽¹⁾ Adj.
7	77 Oak Grove Rd. 37-2W-26CA, 500 Medford Source: SOMLS No. 2966747 Verification: Deed No. 2018-1041	C-H	2.16/ 94,090	1/18	620,000	6.59
Average						\$5.76

The Josephine County sales have prices ranging from \$2.97 to \$3.44 per square foot with an average of \$3.15 per square foot. The size range of these sales is from 1.41 to 4.06 acres. Sale Nos. 2 and 3 in Josephine County are considered the closest to the subject in terms of size. These two sales are given the most consideration. It should be noted that Sale Nos. 1 and 2 are zoned industrial, but they are located within a business park which allows a variety of service commercial uses.

The Jackson County sales have prices ranging from \$4.69 to \$6.59 per square foot with an average of \$5.76 per square foot. The size range of these sales is from 0.46 to 3.57 acres. Sale Nos. 4 and 5 in Jackson County have sizes most similar to the subject. It should be noted that Sale Nos. 1 and 2 are zoned light industrial in the city of Medford which allows for a variety of service commercial as well as some retail uses; thus the light industrial zoning is considered somewhat similar to the commercial zoned sales.

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It is our opinion that the subject Terrafirma property would have pricing above the Josephine County sales but below the Jackson County sales. The midpoint between the averages of the Josephine County and Jackson County sales is \$4.46 per square foot. It is acknowledged that to use these regional sales as a comparison to the subject in Roseburg is less than desirable; however, given the fact that there is a lack of commercial land sales in the Roseburg and Douglas County market area for which to compare the subject, we have given consideration to the regional sales in our final value conclusion for the subject property as well.

Based upon our analysis, we conclude a market price per square foot for the Terrafirma site to range between \$4.50 and \$5.00 or say \$4.75 per square foot. This level of pricing takes into account location of the Terrafirma site as well as the sloping topography along the easterly and southerly portion of the property.

Across the Fence Valuation

As indicated previously, the subject property is a proposed street vacation to be acquired by the adjacent property owner to the east. The street vacation area to be acquired totals 0.56 acres or 24,269 square feet. As discussed previously, there is 7,653 square feet of the proposed right-of-way vacation that has slope above 25 percent. In our opinion, it is only reasonable to project that a knowledgeable and prudent buyer would only be willing to pay for the useable portion of the proposed vacated right-of-way which is 16,616 square feet, although the entire proposed vacated right-of-way of 24,269 would have to be purchased.

Applying the concluded pricing of \$4.75 per square foot to the useable portion of the proposed acquisition area results in a final value for the subject proposed street vacation area. Our calculation is as follows.

16,616 Useable Sq. Ft. @ \$4.75/Sq. Ft.

\$78,926

Rounded to, \$80,000

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VALUATION

Based upon the studies and examinations made, the opinion is formed, subject to the limiting conditions and assumptions stated herein, that the "as is" market value of the ~~fee simple~~ interest in the subject property as of May 21, 2020 is as follows:

**"As Is" Market Value of the
Proposed Acquisition Land (May 21, 2020)**

EIGHTY THOUSAND DOLLARS

\$80,000

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ASSUMPTIONS AND LIMITING CONDITIONS

This report is made expressly subject to the following assumptions and limiting conditions:

1. No responsibility is assumed by the appraisers for matters which are legal in nature.
2. No opinion of title is rendered, and the property is appraised as though free of all encumbrances and the title marketable.
3. The appraisal covers the property described only, and the legal description is assumed to be correct.
4. No survey of the boundaries of the property has been made. All areas and dimensions furnished to the appraisers are assumed to be correct.
5. Information concerning market and operating data, as well as data pertaining to the property appraised, was obtained from others and/or based on observation. This information has been verified and checked, where feasible, and is used in this appraisal only if it is believed to be reasonably accurate and correct. However, such information is not guaranteed, and no liability is assumed resulting from possible inaccuracies or errors regarding such information or estimates.
6. The data contained herein comprises the pertinent data considered necessary to support the value estimates. We have not knowingly withheld any pertinent facts, but we do not guarantee that we have knowledge of all factors which might influence the value of the subject property. Due to rapid changes in the external factors, the value estimates are considered reliable only as of the effective date of the appraisal.
7. The appraisers assume there are no hidden or unapparent conditions of the property, subsoil, or structures that would render it more or less valuable. The appraisers assume no responsibility for such conditions, or for engineering required to discover such factors. It is assumed no soil contamination exists as a result of chemical drainage or leakage in connection with any production operations on or near the property. In addition, the existence (if any) of potentially hazardous materials, such as asbestos, used in the construction or maintenance of the improvements or disposed of on-site, has not been considered. The

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undersigned appraisers acknowledge they are not qualified to render an opinion with regard to the presence of toxic materials, and recommend an environmental scientist be retained to determine the exact status of the property. No environmental impact studies were requested nor performed with regard to this appraisal, and the appraisers hereby reserve the right to alter, amend, revise, or rescind any portion of the value or opinions expressed herein based on any subsequent data discovered which could significantly impact the market value of the property.

8. The distribution of total valuation estimate in this report between land and improvements (if any) applies only under the existing or reported program of utilization. The separate valuation for land and improvements (if present) must not be used in conjunction with any other appraisal and is invalid if so used.
9. The assumption has been made that all required licenses, consents, permits, or other legislative or administrative authority, local, state, federal, and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.
10. The property is appraised as though operated under competent and responsible ownership and management.
11. Opinions of value contained herein are estimates. There is no guarantee, written or implied, that the subject property will sell for such amounts. It assumes there is full compliance with all applicable federal, state, local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
12. It is assumed that all applicable zoning and use regulations and restrictions have been complied with unless nonconformity has been stated, defined, and considered in the appraisal report.
13. The appraisers are not required to give testimony or to be in attendance in court or before other legal authority by reason of this appraisal without prior agreement and arrangement between the Client and appraisers.
14. Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute.

CASCADE CHARTER COMPANY, LLC

15. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers or the firm with which they are connected, or any reference to the Appraisal Institute or to the MAI or RM designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, prospectus for securities, or any other public means of communication without prior written consent and approval of the appraisers.
16. The appraisers assume no responsibility for any costs or consequences arising due to the need or the lack of need for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for flood hazard insurance.
17. The liability of the appraisers' company, its owner and staff, is limited to the Client only. There is no accountability, obligation, or liability to any third party. The appraisers are in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally.
18. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. The appraiser has not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative impact upon the value of the property. Since the appraiser has no direct evidence relating to this issue, possible noncompliance with the requirements of the ADA in estimating the value of the property has not been considered.

CASCADE CHARTER COMPANY, LLC

CERTIFICATION

The undersigned appraisers certify that they have personally analyzed a 0.56 acre proposed street vacation adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon; and to the best of their knowledge and belief,

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is our personal unbiased professional analyses, opinions, and conclusions.
3. We have no past, present, or prospective direct or indirect interest in the property that is the subject of this report and no personal interest or bias with respect to the parties involved.
4. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. Our compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. The appraisal assignment was not based on a required minimum valuation, a specific valuation, or the approval of a loan.
7. We are competent to appraise the property that is the subject of this report based on our previous experience appraising similar type properties.
8. The reported analyses, opinions, and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. As of the effective date of this report, Gregory S. Schuler and David M. Matlock have completed the certification requirement with respect to continuing education for certified general


CASCADE CHARTER COMPANY, LLC

appraisers within the State of Oregon. As of the date of this report, Gregory S. Schuler has completed the Standards and Ethics Education Requirements for Practicing Affiliates of the Appraisal Institute.

11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
12. Gregory S. Schuler and David M. Matlock find the content and conclusions of the appraisal and the report were prepared in accordance with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Institute. Gregory S. Schuler has made a personal exterior inspection of the subject property and exterior inspections of the majority of the market properties.
13. No one provided significant appraisal or appraisal review assistance to the person(s) signing this certification.
14. The appraisers have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the prior three year period immediately preceding acceptance of this assignment.

Respectfully submitted,

CASCADE CHARTER COMPANY, LLC



GREGORY S. SCHULER
Oregon State Certified General Appraiser
License No. C000268
Expiration Date: May 31, 2021



DAVID M. MATLOCK
Oregon State Certified General Appraiser
License No. C001357
Expiration Date: February 28, 2022

ADDENDA

Subject Photographs



Easterly

Views along NE Garden Valley Boulevard at the subject frontage

Westerly





View south across the subject from NE Garden Valley Boulevard



View south across the subject

Sale Photographs



Sale No. 1



Sale No. 2



Sale No. 3



Sale No. 4



Sale No. 5



Sale No. 6



Sale No. 7

**QUALIFICATIONS
GREGORY S. SCHULER**

Employment

1981 to Present: Principal with Cascade Charter Company, LLC in Medford, Oregon. Real estate appraiser specializing in industrial, commercial, and special use properties.

2004 to 2007: CEO of First Charter Companies in Jacksonville and Medford, Oregon. First Charter Real estate development, construction, and marketing.

1994 to 2000: Secretary/Treasurer of Commercial Real Estate Advisors, Inc. (CRA), Medford, Oregon. Commercial and retail real estate development, construction, and leasing.

1976 to 1980: Pulver & Leever Commercial Real Estate, Medford, Oregon. Real estate marketing specializing in commercial and industrial sales and leasing.

Professional Affiliations

State Certified General Appraiser:

Oregon
California

License No. C000268
License No. AG017213

Associate Member, Appraisal Institute

Licensed Real Estate Broker, State of Oregon. License No. 780401812

Appraisal Courses

Uniform Standards of Professional Appraisal Practice
Basic Valuation Procedures
Small Hotel/Motel Valuation
Federal Land Exchanges
Technical Inspection of Real Estate
Appraisal Review – General
General Appraiser Sales Comparison Approach
Litigation Appraising: Specialized Topics and Applications
Oregon Land Use Law
Right of Way Appraisals
Oregon Water Law
Update and Review of Oregon Law and the Appraiser
Identifying Comparable Properties
Eminent Domain

Education

Bachelor of Science degree in Business and Marketing, Oregon State University, 1973.



GREGORY S SCHULER
CASCADE CHARTER COMPANY, LLC
2800 BIDDLE RD
MEDFORD, OR 97504

Appraiser Certification and Licensure Board
State Certified General Appraiser
28 hours of continuing education required

License No.: C000268

Issue Date: June 01, 2019

Expiration Date: May 31, 2021

Gae Lynne Cooper, Administrator

**QUALIFICATIONS
DAVID M. MATLOCK**

Employment

2012 to Present: Associate with Cascade Charter Company, LLC in Medford, Oregon. Real estate appraiser specializing in industrial, commercial, and special use properties.

Professional Affiliations

State Certified General Appraiser:

Oregon

License No. C001357

Appraisal Courses

Uniform Standards of Professional Appraisal Practice
Appraisal Principles
General Appraiser Market Analysis and Highest and Best Use
Real Estate Finance Statistics and Valuation Modeling
General Appraiser Site Valuation and Cost Approach
General Appraiser Sales Comparison Approach
General Appraiser Income Approach
Small Hotel/Motel Valuation
Comparative Analysis
Commercial Appraisal Review
Expert Witness for Commercial Appraisers

Education

Bachelor of Science degree in Business Management, Southern Oregon University.



DAVID M MATLOCK
CASCADE CHARTER COMPANY, LLC
2800 BIDDLE RD
MEDFORD, OR 97504

Appraiser Certification and Licensure Board
State Certified General Appraiser
28 hours of continuing education required

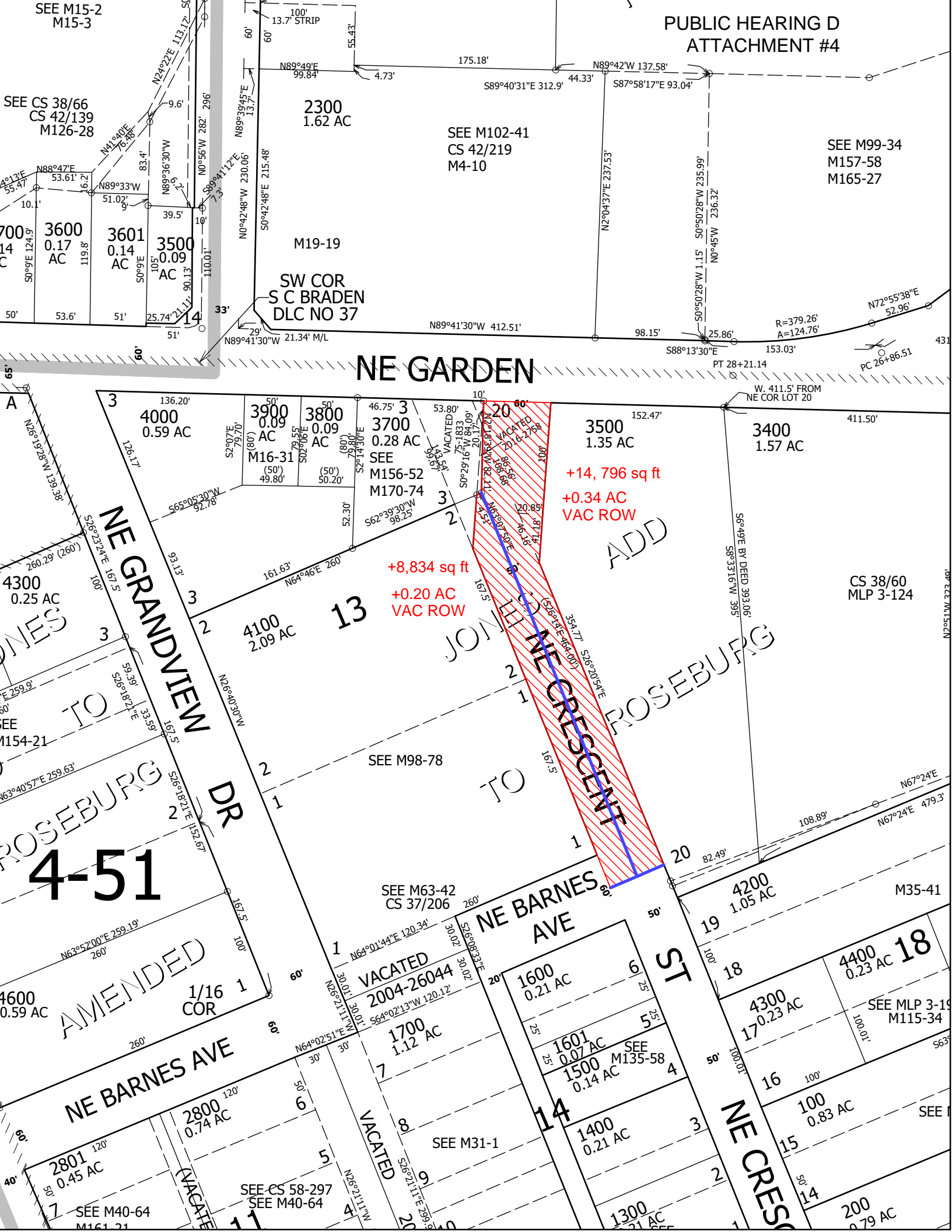
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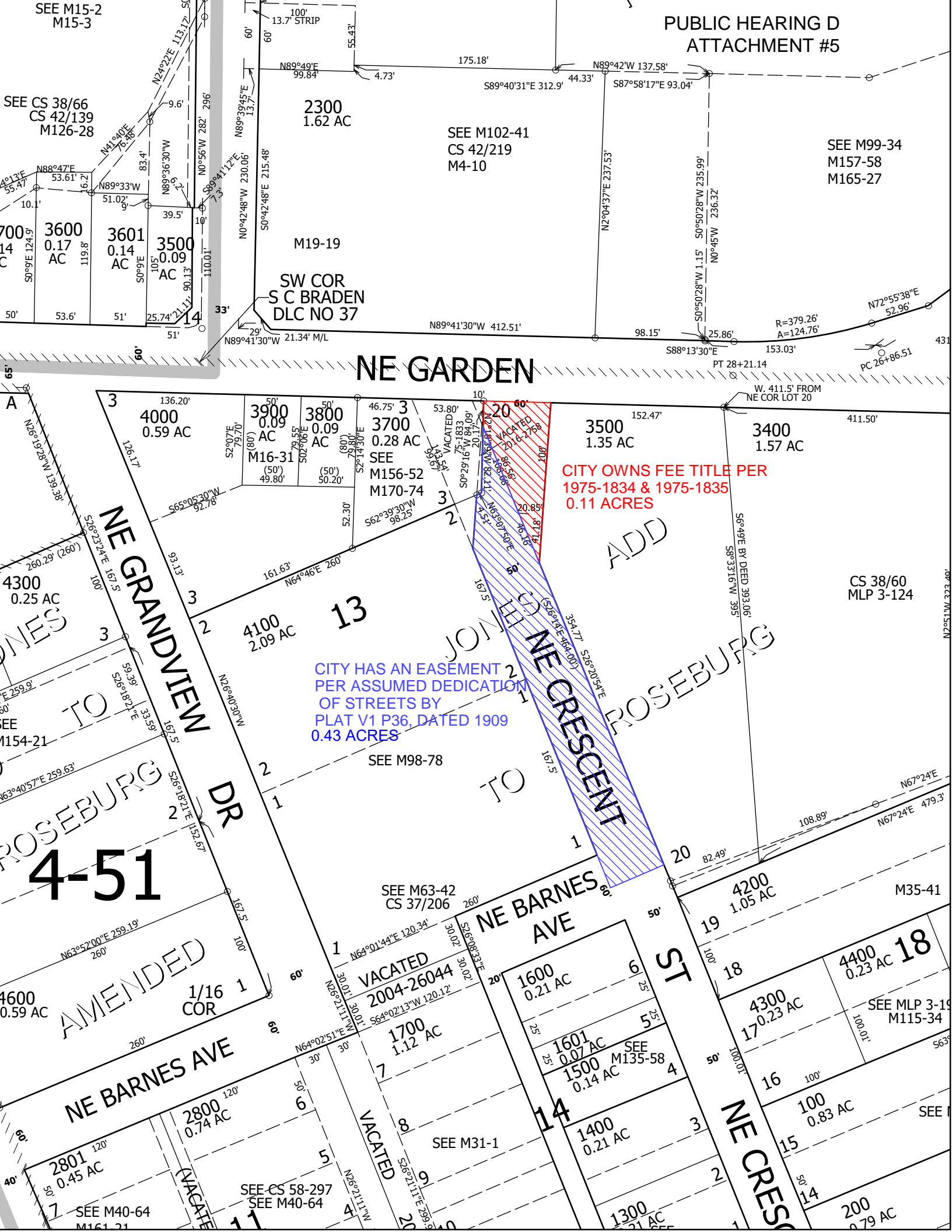
Issue Date: March 01, 2020

Expiration Date: February 28, 2022

Chad Koch, Interim Administrator

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PUBLIC HEARING D
ATTACHMENT #5

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M15-3

SEE CS 38/66
CS 42/139
M126-28

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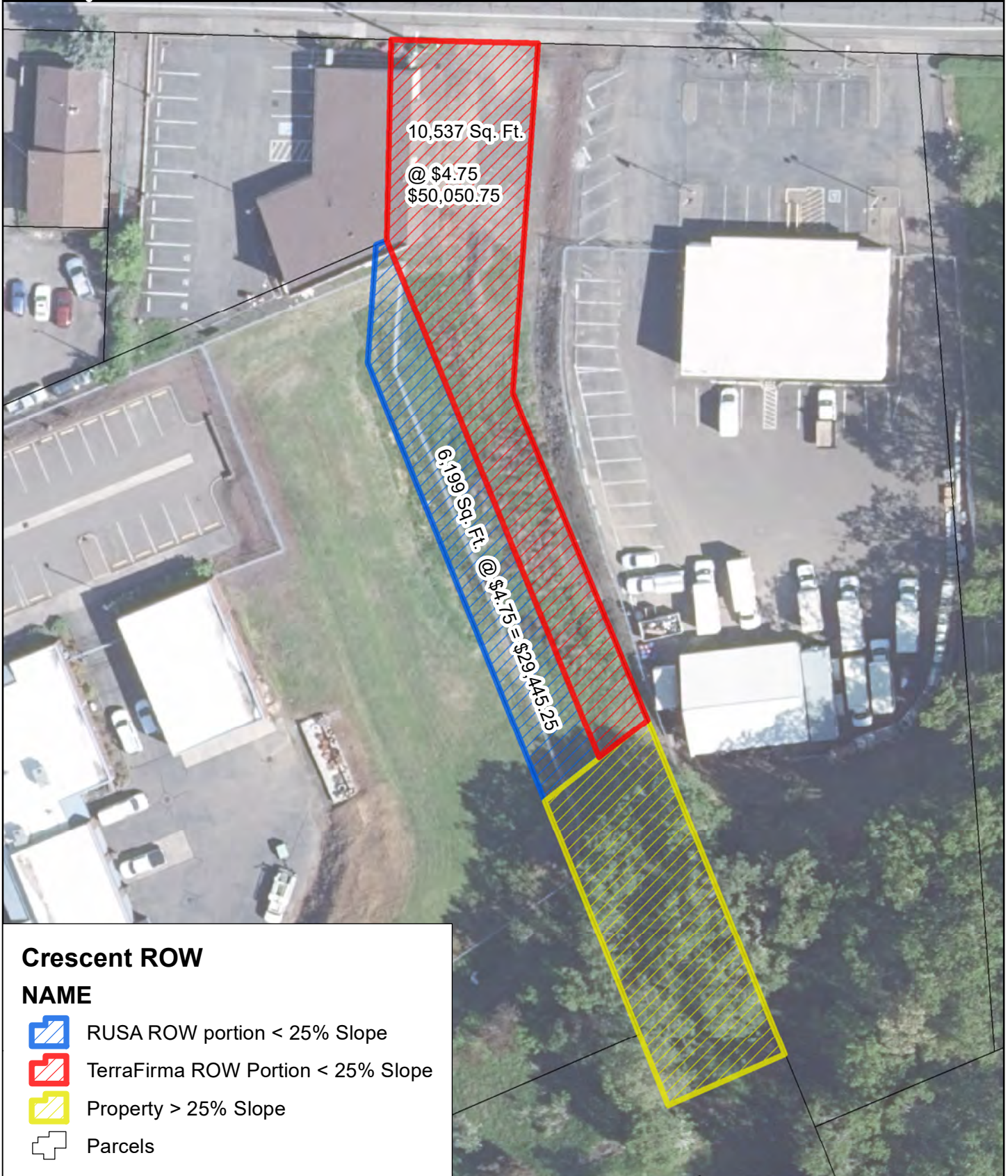
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Proposed Vacation of a portion of NE Crescent Street

PUBLIC HEARING
ATTACHMENT #6

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



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

**ORDINANCE NO. 3562
AN ORDINANCE VACATING A PORTION OF NE CRESCENT STREET
RIGHT-OF-WAY IN THE CITY OF ROSEBURG**

WHEREAS, pursuant to Roseburg Municipal Code Chapter 4.06, upon receipt of a report from the Community Development Department, the City Recorder initiated proceedings to vacate a portion of NE Crescent St. right-of-way in the City of Roseburg, more particularly described in Section 1 of this ordinance and shown on the map attached hereto as Exhibit "A" of this ordinance; and

WHEREAS, the City Recorder published a notice of a public hearing on the proposed vacation to be held before the Roseburg City Council on June 14, 2021, in The News-Review, a newspaper of general circulation in the City of Roseburg, Oregon, on May 30 and June 6, 2021, posted said notice at or near each end of the vacation area and mailed the same to all affected property owners, not less than 14 days prior to the date of the hearing, all of which more fully appear in the proof of publication, posting and mailing on file in the City Recorder's Office; and

WHEREAS, such public hearing was duly held before the Roseburg City Council on the above-mentioned date, and all persons desiring to be heard on said matter were heard;

NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1. A variable width strip of land being a portion of the Crescent Street Right-of-Way located in the Northwest Quarter of Section 18, Township 27 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, more particularly described as follows:

Beginning at a point on the South Right-of-Way boundary of Garden Valley Boulevard, being the most Northerly corner of that tract of land described as PARCEL 3 in Instrument Number 2019-04123, Deed Records of Douglas County, also being the most Northerly corner of vacated Crescent Street Right-of-Way as described in the City of Roseburg Ordinance 3454, Instrument Number 2016-02758, Deed Records of Douglas County; Thence leaving said South Right-of-Way boundary, Southerly along the East boundary of said PARCEL 3, being the East boundary of said vacated Crescent Street Right-of-Way, coincident with the Westerly Right-of-Way boundary of said Crescent Street, South 02°16'44" East, 82.10 feet to the Southeast corner of said PARCEL 3, being the Southeast corner of said vacated Crescent Street Right-of-Way; Thence Westerly along the South boundary of said PARCEL 3, being the South boundary of said vacated Crescent Street Right-of-Way, coincident with the Westerly Right-of-Way boundary of said Crescent Street, South 63°12'57" West, 4.50 feet to the Southwest corner of said vacated Crescent Street Right-of-Way, being the Northeast corner of that tract of land described in Instrument Number 1989-04976, Deed Records of Douglas

County; Thence Southerly along the East boundary of said Instrument Number 1989-04976, coincident with the Westerly Right-of-Way boundary of said Crescent Street, South 00°30'02" West, 46.82 feet; Thence continuing along said East boundary and its Southerly extension, coincident with the Westerly Right-of-Way boundary of said Crescent Street, South 26°21'47" East, 329.26 feet to the intersection of said Westerly Right-of-Way boundary and the centerline of Barnes Street; Thence leaving said Westerly Right-of-Way boundary at a right angle, North 63°38'13" East, 50.00 feet to a point on the Westerly boundary of that tract of land described in Instrument Number 2020-19100, Deed Records of Douglas County, being on the Easterly Right-of-Way boundary of said Crescent Street; Thence Northerly along said Westerly boundary, coincident with said Easterly Right-of-Way boundary the following courses: North 26°21'47" West, 295.20 feet; Thence North 00°30'39" East, 142.01 feet to the Northwest corner of said Instrument Number 2020-19100, being on the aforementioned South Right-of-Way boundary of said Garden Valley Boulevard; Thence Westerly along said South Right-of-Way boundary, South 87°18'46" West, 60.09 feet to the point of beginning and there terminating.

The above described strip of land contains 23,627.97 Square Feet, more or less. (0.54 Acres, more or less).

SECTION 2. The title to the property being vacated by this ordinance shall attach to the lands bordering on such equal portions in accordance with ORS 271.140.

SECTION 3. Pursuant to ORS 271.150, the City Recorder is hereby directed to file a certified copy of this ordinance and the map attached hereto as Exhibit "A" with the Douglas County Clerk, Douglas County Assessor and Douglas County Surveyor.

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS ____ DAY OF _____, 20__.

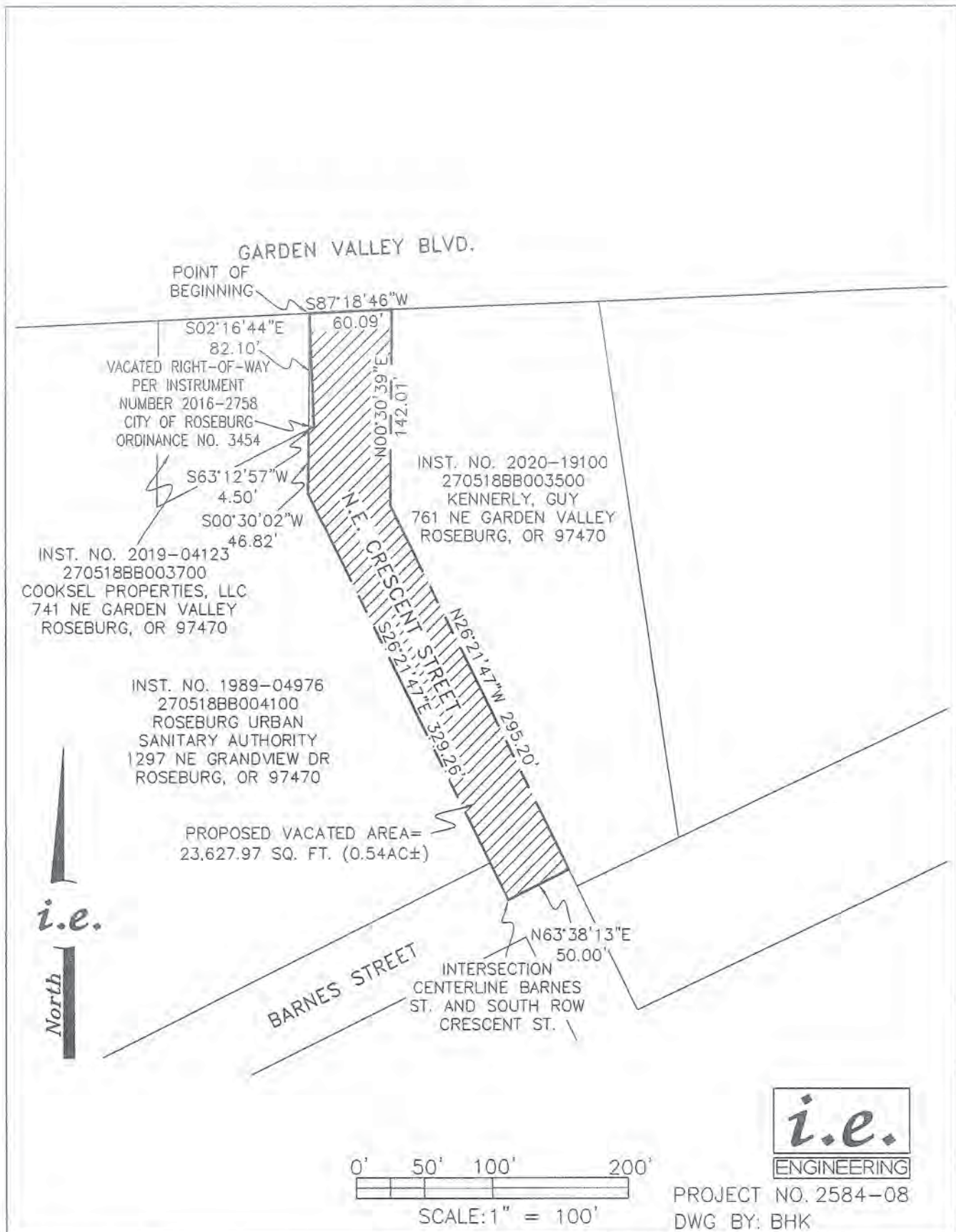
APPROVED BY THE MAYOR THIS ____ DAY OF _____, 20__.

LARRY RICH, MAYOR

ATTEST:

AMY L. SOWA, ASSISTANT CITY MANAGER/CITY RECORDER

EXHIBIT A



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



PUBLIC HEARING ON THE SALE OF REAL PROPERTY 1054 NE CEDAR STREET

Meeting Date: June 14, 2021

Department: Administration

www.cityofroseburg.org

Agenda Section: Public Hearing

Staff Contact: Amy L. Sowa, ACM/City Recorder

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Pursuant to RMC 3.20.020, the Council will be conducting a public hearing on the proposed sale of City-owned real property located at 1054 NE Cedar Street. The property includes a single family residence on 0.14 acres.

BACKGROUND

A. Council Action History.

March 8, 2021: Council declared the property surplus to the City's needs and directed it to be listed with a local realtor at a price agreed upon by Staff and the realtor.

B. Analysis.

The property located at 1054 NE Cedar Street, was registered as Derelict by the City in 2018. On January 30, 2020, the City conducted a public auction to foreclose on the property as authorized under RMC 4.04.190. No one from the public bid on this property, so the City chose to purchase the property. The property was deeded to the City on February 3, 2021.

Staff from all City departments confirmed that the property was not needed for public use, and Council declared the property surplus on March 8, 2021. Council directed staff to hire a realtor to market the property and work with staff to determine a fair price. Prior to entering into an agreement with a realtor, staff reached out to several non-profits to see if there was interest in purchasing the property for low-income housing; none were interested in purchasing this property.

The City contracted with John McVeigh, Century 21 to market this and one other surplus City property. They marketed this parcel for sale at \$75,000.

The following offer is being presented for Council consideration:

1. DeAngela Imboden, Shoreline Rental Multiplicand, LLC: cash offer of \$80,100

Three other offers were received. Two of the offers – one for \$55,000 and one for \$60,000 – both expired prior to the public hearing date. The third offer of \$75,000 was rescinded on June 9, 2021.

C. Financial/Resource Considerations.

City funds expended on this property to date equal \$11,499.42. The real market value as listed on the Douglas County Assessor's page is \$99,178.00; however, due to the condition of the house, the value has decreased. Selling the property for the price listed in the offer received to date would recoup the costs for the City, including realtor fees and closing costs.

D. Timing Considerations.

The offer from DeAngela Imboden expires June 16, 2021 and cites a closing date no later than June 25, 2021.

COUNCIL OPTIONS

Under the authority of RMC 3.20.020(D) the Council, in its sole discretion, has the following options at the conclusion of the public hearing:

1. Accept the offer received on the property; or
2. Direct that a counter offer be made on the offer; or
3. Reject the offer received and direct that the property not be sold; or
5. Reject the offer and direct Staff to conduct an appraisal of the property.

As required by ORS 221.725 and the Municipal Code, notice of the proposed sale and a public hearing thereon was published in The News-Review on June 8, 2021. Should additional offers be presented prior to or during the public hearing, the City Council would have the following additional options:

1. Proceed to accept one of the offers presented; or
2. Direct the City's realtor to negotiate with all interested parties. In that event, should a higher offer be received and appropriate earnest money filed, the new offer(s) will need to be published in the News Review and another public hearing conducted at a subsequent City Council meeting.

STAFF RECOMMENDATION

Should no other offers be presented, Staff recommends the Council accept the offer presented.

SUGGESTED MOTION

"I MOVE TO ACCEPT THE OFFER OF \$80,100 AT CLOSING FROM DEANGELA IMBODEN, SHORELINE RENTAL MULTIPLICAND, LLC FOR THE PROPERTY LOCATED AT 1054 NE CEDAR STREET."

ATTACHMENTS:

Attachment #1 – Public Hearing Notice

Attachment #2 – Aerial Photo
Attachment #3 – Property Map

Cc: John McVeigh, Century 21 The Neil Company, 2245 NW Stewart Pkwy,
Roseburg, OR 97471
DeAngela Imboden, Shoreline Rental Multiplicand, LLC



**NOTICE OF PROPOSED SALE AGREEMENT FOR
PROPERTY TAX LOT #T27-R06W-13AC 03601
AND PUBLIC HEARING RELATED HERETO**

NOTICE IS HEREBY GIVEN that the City of Roseburg has received a notice of intent to purchase the real property located at 1054 NE Cedar Street. The property includes a single residential home on 0.14 acres. The home was registered as derelict in 2018. When the owner failed to pay the derelict fees and overdue payment charges, liens were filed against the property which was later foreclosed. The City took possession of the property after it went into foreclosure. The property was declared surplus to the needs of the City on March 8, 2021. Several non-profits were contacted about purchasing the property for possible low-income housing, but it did not fit their needs.

A public hearing to consider the sale of this property will be held on Monday, June 14, 2021 at 7:00 p.m. electronically via Zoom. Public comments regarding the proposed sale and the offers being considered will be heard prior to the Council accepting a final offer. To provide comments on this topic during the meeting, contact the City Recorder at 541-492-6866 or info@cityofroseburg.org by 4:00 p.m. on June 14, 2021 to receive a link to the meeting.

Anyone desiring more information regarding the property subject to this notice, or subsequent public hearing related thereto, may contact City Recorder Amy L. Sowa by calling 541-492-6866 or asowa@cityofroseburg.org

Amy L. Sowa, City Recorder

Posted on the City's website, at City Hall and published in the News Review on Tuesday, June 8, 2021.

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

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

**PUBLIC HEARING E
ATTACHMENT #2**

CHESTON CT

246 256 284 287 288 346 1126 1136 1146



CEDAR ST

WILLOW ST

245, 265, 325, 345, 1086, 1076, 285, 295, 1065, 1055, 1069, 1066, 1045, 1048, 1049, 1056, 1035, 1038, 1039, 1036, 1015, 264, 284, 322, 1016

860

842

HIGHLAND ST

857

855

853

851

831

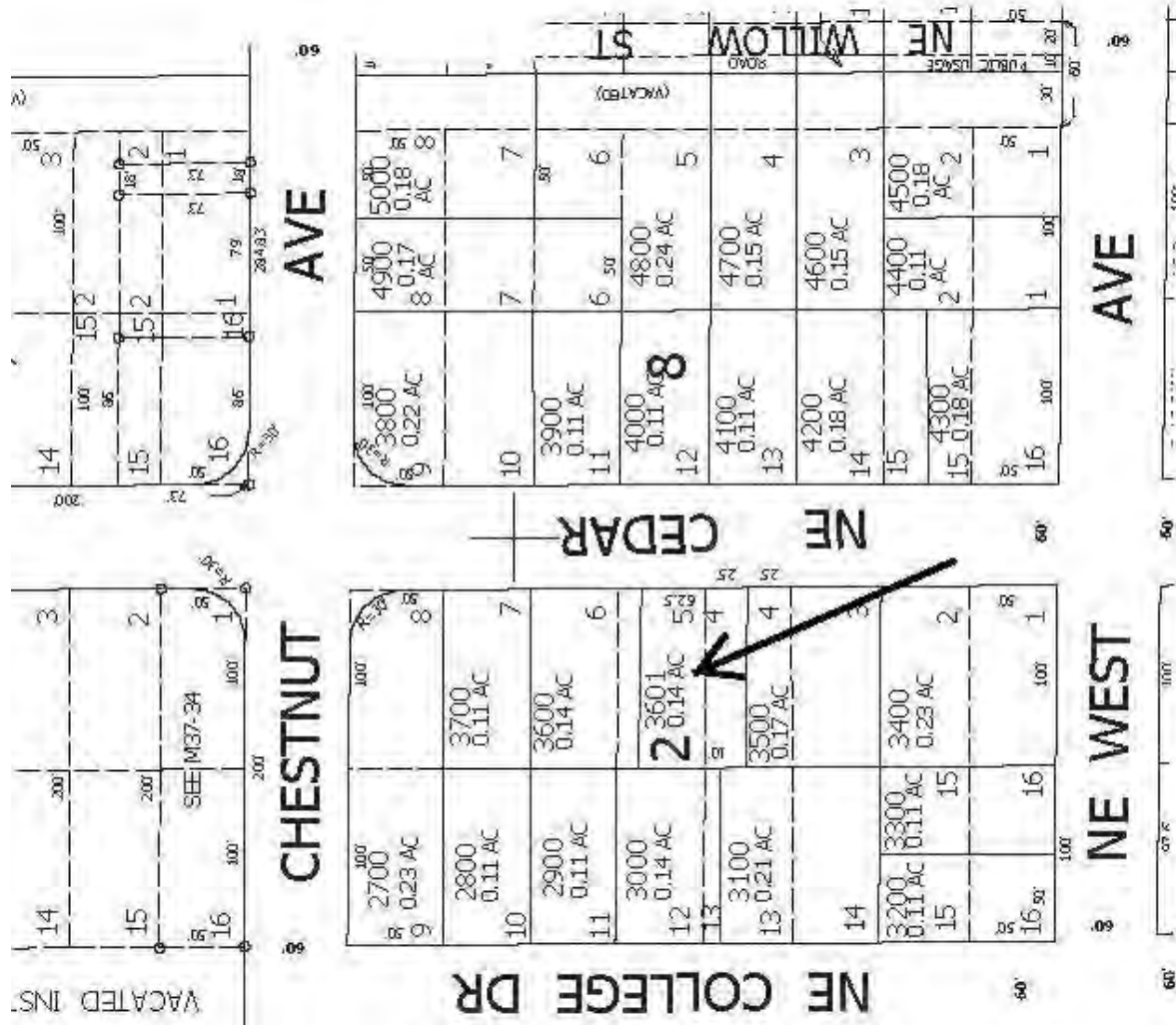
831

821

			976
The City of Roseburg provides no warranty as to the merchantability or fitness for a particular purpose for any information. The information is available to City departments for City purposes. Original, certified, and official records may differ from computer entries. If reliance upon computer record is intended, verification of information on source documents is required. User expressly acknowledges and agrees that the use of any information obtained on or through City of Roseburg computer systems is at user's sole risk. The City of Roseburg shall not be responsible for any direct, indirect, incidental, or consequential damages caused by mistakes, omissions, deletions, error, or defects in any information or any failure due to delays in receiving information.		968	969
			966

1054 NE CEDAR STREET

Property Identification #: R57704
Tax Account #: 50339.03
Map Identification #: 270613AC03601
Map Location: Township 27 Range 06W Section 13 Quarter AC Lot 3601
Legal Acreage: 0.14
Deed No.: 2021-2994 for \$5906.00



ORDINANCE NO. 3558

**AN ORDINANCE GRANTING A TELECOMMUNICATION FRANCHISE
TO SQF, LLC EFFECTIVE ON _____. 20__**

SECTION 1. Grant of Franchise. The City of Roseburg, hereinafter called “City”, hereby grants SQF, LLC, a Delaware limited liability company, hereinafter called “Franchisee”, the non-exclusive right to use and occupy all public ways within the Franchise Territory, solely for the purposes described herein, for a period of two years and five months, beginning July 14, 2021 and ending December 31, 2023 following Franchisee’s acceptance of the Franchise as provided in Section 11 of this Ordinance.

SECTION 2. Incorporation of Roseburg Municipal Code. This Franchise is granted pursuant to Chapter 9.25 of the Roseburg Municipal Code (“RMC”), entitled “Telecommunications Providers”, and shall be interpreted to include all provisions of Chapter 9.25, as it now exists and as it may be amended during the term of the Franchise, and all other provisions of the Roseburg Municipal Code and City regulations with which Chapter 9.25 requires compliance, as if set forth in writing herein. A copy of Chapter 9.25, as it exists and is in effect on the effective date of this Franchise, is attached to this Franchise as Exhibit “A”. It shall be the responsibility of the Franchisee to keep itself informed of any amendments to applicable provisions of the Roseburg Municipal Code and all related regulations.

SECTION 3. Amendment and Renewal. The Franchise granted by this Ordinance may be amended in accordance with RMC 9.25.120 and may be renewed in accordance with RMC 9.25.100.

SECTION 4. Franchise Territory. The “Franchise Territory” is all territory within the boundaries of the City of Roseburg, as currently existing or as the boundaries may be adjusted during the term of this Franchise.

SECTION 5. Services to be Provided. Franchisee shall provide telecommunications services as authorized by law to residents, businesses and other entities within the City of Roseburg.

SECTION 6. Franchise Fees. Franchise fees shall be based on Franchisee’s annual use of the City’s public ways, as provided below:

A. Fee Base. For the privileges granted by this Franchise, Franchisee shall pay an annual fee of \$2.4395 for each linear foot of the public way occupied by its facilities. The fee shall be adjusted annually in accordance with the Consumer Price Index Unit (CPI-U) West.

B. Payment. All payments due hereunder shall be paid to the City of Roseburg by check or money order delivered to the address of the City for notices

as set forth herein.

C. Due Date. Franchise fees shall be paid to the City on an annual basis, not more than 30 days following the end of each calendar year, and shall be based on the aggregate number of linear feet of public way occupied by the Franchisee's facilities as of December 31 of the prior year. For the year in which Franchisee first obtains a franchise, the fee may be prorated on a monthly basis from the date of issuance to December 31 of said year. Such proration shall not be applied in subsequent years.

D. Late Fee. If Franchisee fails to pay the Franchise fee when due, Franchisee shall be charged a penalty of ten percent (10%), and the legal rate of interest established by state statute on the unpaid balance.

SECTION 7. Notices and Authorized Representatives.

A. Except for emergency notification of Franchisee, all notices or other communications between the parties shall be deemed delivered when made by certified United States mail or confirmed express courier delivery to the following persons and locations:

If to City:

City of Roseburg
ATTN: Amy L. Sowa, ACM/City Recorder
900 SE Douglas
Roseburg, OR 97470
E-mail: asowa@cityofroseburg.org

Phone: 541-492-6866

If to Franchisee:

SQF, LLC
ATTN: Joshua Broder
16 Middle Street, 4th Floor
Portland, ME 04101
E-mail:
SQFNotifications@tilsontech.com

Phone: (207) 358-7467

Either party may change the identity of its authorized representative(s) or its address or phone number for notice purposes by delivering written notice of the change to the other party.

B. In case of an emergency that causes or requires interruption of service, City shall give Franchisee emergency notification by hand delivery or telephone, as appropriate to the nature of the emergency, to the following:

Contact Person's Name: Alda Liciis

Mailing Address: 16 Middle Street, 4th Floor, Portland, ME 04101

Telephone: (207) 358-7467

SECTION 8. Location, Relocation and/or Removal of Facilities. RMC Chapter 4.02, along with RMC Sections 9.25.290 – 9.25.320, sets forth the conditions for the construction, installation, location, relocation and removal of Franchisee's facilities. There are no exceptions or additions to these regulations unless Franchisee is exempted by statute.

SECTION 9. Representation and Warranty of Franchisee. By executing this document, Franchisee represents and warrants that it is familiar with all provisions of this Franchise, including those contained in this Ordinance, and that it accepts and agrees to be bound by all terms, conditions and provisions set forth herein.

SECTION 10. Franchise Effective Date. Franchisee submitted an application requesting a telecommunications franchise and paid the application processing fee on May 3, 2021. The Roseburg City Council approved such request at its meeting on June 14, 2021; and hereby authorizes this Franchise to take effect on July 14, 2021, and expire on December 31, 2023, provided Franchisee satisfies the acceptance requirements of Section 11 of this Ordinance.

SECTION 11. Acceptance of Franchise. Upon receipt of this Ordinance, Franchisee shall sign in the space below to indicate its unconditional acceptance of the terms and conditions upon which City has offered the Franchise described herein, and immediately return such acceptance to the City. If Franchisee fails to accept the Franchise and return acceptance to City within 30 days of the adoption of this Ordinance, this Ordinance and the Franchise granted herein shall become void and have no force or effect.

ADOPTED BY THE CITY COUNCIL ON THIS ____ DAY OF _____, 20__.

APPROVED BY THE MAYOR ON THIS ____ DAY OF _____, 20__.

MAYOR

Larry Rich

ATTEST:

Amy L. Sowa, ACM/City Recorder

(Franchisee's Acceptance on Following Page)

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO.____. This Ordinance is hereby
accepted by _____ on this ____ day of _____, 20__.

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date: _____

State of _____)

) ss.

County of _____)

This acceptance was signed before me on _____, 20__ by,
_____ as _____ of _____.

Notary Public for _____
Name: _____
My commission expires on: _____

.....
Acceptance received by ACM/City Recorder on _____, 20__.

Amy L. Sowa, ACM/City Recorder

ORDINANCE NO. 3559

**AN ORDINANCE GRANTING A SMALL CELL TELECOMMUNICATION FRANCHISE
TO USCOC OF OREGON RSA #5, INC. (U.S. CELLULAR) EFFECTIVE
_____. 2021**

SECTION 1. Grant of Franchise. The City of Roseburg, hereinafter called "City", hereby grants USCOC of Oregon RSA #5, Inc. (U.S. Cellular), a Delaware Corporation, hereinafter called "Franchisee", the non-exclusive right to use and occupy all public ways within the Franchise Territory, solely for the purposes described herein, for a period of three years, beginning July 14, 2021 and ending December 31, 2023 following Franchisee's acceptance of the Franchise as provided in Section 15 of this Ordinance.

SECTION 2. Incorporation of Roseburg Municipal Code. This Franchise is granted pursuant to Chapter 9.25 of the Roseburg Municipal Code ("RMC"), entitled "Telecommunications Providers", and shall be interpreted to include all provisions of Chapter 9.25, with the exception of 9.25.110(A)-(E), as it now exists and as it may be amended during the term of the Franchise, and all other provisions of the Roseburg Municipal Code and City regulations with which Chapter 9.25 requires compliance, as if set forth in writing herein. A copy of Chapter 9.25, as it exists and is in effect on the effective date of this Franchise, is attached to this Franchise as Exhibit "A". It shall be the responsibility of the Franchisee to keep itself informed of any amendments to applicable provisions of the Roseburg Municipal Code and all related regulations.

SECTION 3. Amendment and Renewal. The Franchise granted by this Ordinance may be amended in accordance with RMC 9.25.120 and may be renewed in accordance with RMC 9.25.100.

SECTION 4. Franchise Territory. The "Franchise Territory" is all territory within the boundaries of the City of Roseburg, as currently existing or as the boundaries may be adjusted during the term of this Franchise.

SECTION 5. Services to be Provided. Franchisee shall provide telecommunications services as authorized by law to residents, businesses and other entities within the City of Roseburg.

SECTION 6. Franchise Fees. Franchise fees shall be based on Franchisee's annual use of the City's public ways, as provided below:

A. Fee Base. For the privileges granted by this Franchise, Franchisee shall pay an annual fee of \$270 per small cell.

B. Payment. All payments due hereunder shall be paid to the City of Roseburg by check or money order delivered to the address of the City for notices as set forth herein.

C. Due Date. Franchise fees shall be paid to the City on an annual basis, not

more than 30 days following the end of each calendar year.

D. Late Fee. If Franchisee fails to pay the Franchise fee when due, Franchisee shall be charged a penalty of ten percent (10%), and the legal rate of interest established by state statute on the unpaid balance.

SECTION 7. Notices and Authorized Representatives.

A. Except for emergency notification of Franchisee, all notices or other communications between the parties shall be deemed delivered when made by certified United States mail or confirmed express courier delivery to the following persons and locations:

If to City:

City of Roseburg
ATTN: Amy L. Sowa, ACM/City Recorder
900 SE Douglas
Roseburg, OR 97470
E-mail:
asowa@cityofroseburg.org
Phone: (541) 492-6866

If to Franchisee:

USCOC of Oregon RSA #5, Inc.
ATTN: Lease Administration
8410 W. Bryn Mawr
Chicago, IL 60631
E-mail:
LeaseAdministration@uscellular.com
Phone: 1 (888) 944-9400

Either party may change the identity of its authorized representative(s) or its address or phone number for notice purposes by delivering written notice of the change to the other party.

B. In case of an emergency that causes or requires interruption of service, City shall give Franchisee emergency notification by hand delivery or telephone, as appropriate to the nature of the emergency, to the following:

Contact Person's Name: Network Operations Center

Mailing Address: 8410 W Bryn Mawr, Chicago, IL 60631

Telephone: 1 (800) 510-6091

SECTION 8. Location, Relocation and/or Removal of Facilities. RMC Chapter 4.02, along with RMC Sections 9.25.290 – 9.25.320, sets forth the conditions for the construction, installation, location, relocation and removal of Franchisee's facilities. There are no exceptions or additions to these regulations unless Franchisee is exempted by statute.

SECTION 9. Assignment. Franchisee may, with notice to the City, assign and transfer any interest in this Franchise or in the Facilities authorized by this Franchise, to an affiliate, subsidiary, Parent Corporation or a company that controls a majority of Franchisee's assets, whether by acquisition or merger or transfer of FCC license to operate a wireless voice/data services.

SECTION 10. General Indemnification. To the extent permitted by law, each grantee shall defend, indemnify and hold the City and its officers, employees, agents and

representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its telecommunication facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a franchise agreement made or entered into pursuant to this Chapter. Notwithstanding the foregoing, in no event shall Grantee be obligated to indemnify the City hereunder to the extent any damages, losses or expenses arise out of or result from the negligence or willful misconduct of the City, its officers, employees, agents and representatives.

SECTION 11. Damage to Grantee's Facilities. Unless directly and proximately caused by willful, intentional or malicious acts by the City, the City shall not be liable for any damage to or loss of any telecommunications facility within the public way of the City as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public way by or on behalf of the City, or for any consequential losses resulting directly or indirectly therefrom.

SECTION 12. Grantee Insurance. Unless otherwise provided in a franchise agreement, each grantee shall, as a condition of the franchise, secure and maintain the following liability insurance policies insuring both the grantee and naming the City, and its elected and appointed officers, officials, agents and employees as additional insured:

- A.** (1) Comprehensive general liability insurance with limits not less than three million dollars (\$3,000,000) for bodily injury or death to each person; (2) three million dollars (\$3,000,000) for property damage resulting from any one accident; and (3) three million dollars (\$3,000,000) for all other types of liability.
- B.** Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars (\$1,000,000) for each person and three million dollars (\$3,000,000) for each accident.
- C.** Workers' compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000).
- D.** Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000).
- E.** The liability insurance policies required by this Section shall be maintained by the grantee throughout the term of the telecommunications franchise, and such other period of time during which the grantee is operating without a franchise hereunder, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

Grantee shall provide the City of Roseburg, by registered mail, of a written notice addressed to the City Recorder of such intent to cancel or not to renew.

F. Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the grantee shall obtain and furnish to the City evidence that grantee meets requirements of this Section.

G. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the City.

SECTION 13. Representation and Warranty of Franchisee. By executing this document, Franchisee represents and warrants that it is familiar with all provisions of this Franchise, including those contained in this Ordinance, and that it accepts and agrees to be bound by all terms, conditions and provisions set forth herein.

SECTION 14. Franchise Effective Date. Franchisee submitted an application requesting a telecommunications franchise and paid the application processing fee on May 3, 2021 and will begin serving Roseburg customers upon completion of small cell installation and implementation as approved by the City. The Roseburg City Council approved such request at its meeting on June 14, 2021; and hereby authorizes this Franchise to take effect on July 14, 2021 and expire on December 31, 2023, provided Franchisee satisfies the acceptance requirements of Section 15 of this Ordinance.

SECTION 15. Acceptance of Franchise. Upon receipt of this Ordinance, Franchisee shall sign in the space below to indicate its unconditional acceptance of the terms and conditions upon which City has offered the Franchise described herein, and immediately return such acceptance to the City. If Franchisee fails to accept the Franchise and return acceptance to City within 30 days of the adoption of this Ordinance, this Ordinance and the Franchise granted herein shall become void and have no force or effect.

ADOPTED BY THE CITY COUNCIL ON THIS ____ DAY OF _____, 20__.

APPROVED BY THE MAYOR ON THIS ____ DAY OF _____, 20__.

MAYOR

Larry Rich

ATTEST:

Amy L. Sowa, Assistant City Manager/City Recorder

(Franchisee's Acceptance on Following Page)

06/14/2021

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO.____. This Ordinance is hereby
accepted by _____ on this ____ day of _____, 2021.

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date: _____

State of _____)

) ss.

County of _____)

This acceptance was signed before me on _____, 2021 by,
_____ as _____ of _____.

Notary Public for _____

Name: _____

My commission expires on: _____

.....
Acceptance received by City Recorder on _____, 2021.

Amy L. Sowa, Assistant City Mgr./City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



LIVESTOCK PERMIT REVOCATION APPEAL

Meeting Date: June 14, 2021

Department: Administration

www.cityofroseburg.org

Agenda Section: Council Matters

Staff Contact: Larry Rich

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Council will discuss the decision by the City Manager regarding a Livestock Permit revocation and take action as determined by the full Council.

BACKGROUND

A. Council Action History.

On May 24, 2021, Council discussed their options as outlined in Roseburg Municipal Code for how to proceed with the appeal of the City Manager's decision regarding a livestock permit revocation received from Ashley Hicks.

B. Analysis.

On May 24, 2021, Council chose to review the City Manager's decision regarding the revocation of the livestock permit before making a decision. Following that meeting, staff provided Council with the City Manager's decision with attachments including Ms. Hicks' appeal and supporting documentation, for their review.

Per Roseburg, RMC 6.04.060(B), Ms. Hicks is allowed to keep her livestock during the appeal process.

C. Financial/Resource Considerations.

None.

D. Timing Considerations.

None.

COUNCIL OPTIONS

The Council has the following options:

- Affirm the City Manager's decision regarding revocation of the livestock permit; or
- Reverse the City Manager's decision regarding revocation of the livestock permit; or
- Request additional information.

The decision of Council is final.

STAFF RECOMMENDATION

Staff has no recommendation

SUGGESTED MOTION

See Council Options above.

ATTACHMENTS:

Attachment #1: City Manager Decision regarding Revocation of Livestock Permit

City of Roseburg

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

DATE: April 26, 2021

TO: Ashley Hicks
730 SE Flint Street
Roseburg, OR 97470

FROM: Nikki Messenger, City Manager

SUBJECT: **APPEAL OF REVOCATION- LIVESTOCK PERMIT 730 SE FLINT ST.**

The following written appeal decision was compiled in response to Ashley Hicks' appeal of Police Chief Gary Klopfenstein's revocation of her livestock permit for chickens and ducks at 730 SE Flint Street.

Background

Ashley Hicks lives at 730 SE Flint Street in Roseburg, Oregon. On June 4, 2020, the Roseburg Police Department (RPD) was dispatched to this address to respond to a complaint that the resident was keeping ducks in the backyard without a permit. An officer made contact with Ms. Hicks and informed her a permit is required. Shortly thereafter, Ms. Hicks picked up a livestock permit application. On or around July 17, 2020, Ms. Hicks paid \$50 and obtained a livestock permit to keep chickens and ducks at her residence. Per Roseburg Municipal Code Section 6.04.040, Ms. Hicks was required to obtain signatures from a homeowner or renter occupying each residence within 200 feet of any portion of her property line. Ms. Hicks collected 23 signatures to meet this requirement. (Attachment A)

In February 2021, Ms. Hicks' neighbor Susie Osborne came in to the Police Department to advise Chief Klopfenstein that she and several of her neighbors no longer wanted Ms. Hicks to have chickens. Osborne provided the Chief with a written letter with the signatures of four neighbors indicating they no longer supported Ms. Hicks having chickens. Chief Klopfenstein did some additional follow up regarding this request. This follow up included contacting the abutting property owner, Mary Blevins.

On March 9, 2021, the Police Chief called Ms. Hicks and notified her that her livestock permit was being revoked. The Police Chief followed up the next day by emailing and mailing Ms. Hicks written notice of the revocation (Attachment B). The revocation letter included information on how to appeal. The original letter sent certified mail was returned as unclaimed/unable to forward.

On March 18, 2021, Ms. Hicks emailed me her appeal of the Chief's decision regarding her livestock permit (Attachment C). The appeal request was received within the required timeline and an appeal hearing was scheduled. Per RMC 6.04.060(B), Ms. Hicks was allowed to keep her livestock during the appeal process.

Appeal Hearing

An appeal hearing was held virtually on April 6, 2021 at 9:30 am. In attendance were Ashley Hicks, City Attorney Jim Forrester, and City Manager Nikki Messenger. Management Assistant Autumn David facilitated the Zoom meeting.

After introductions, I summarized that the purpose of the appeal hearing was for Ms. Hicks to provide any additional information she may have outlining why the Police Chief's determination to revoke the permit was incorrect. I informed her that the meeting was being recorded, that I had recently broken my right wrist and was unable to take written notes, and that I would refer back to the recording if needed. I then turned the meeting over to Ms. Hicks to present her information.

While Ms. Hicks stated that she was not saying the Chief is wrong or that the ordinance is not specific in how it reads, she did want to appeal the revocation based on several grounds. In summary, she gave the following as reasons why her appeal should be considered:

- The petition should not be considered because the petitioner submitted it in retaliation due to multiple incidences of the neighbor's dog injuring her livestock on her (Hicks') property.
 - Ms. Hicks indicated that her neighbor, Susie Osborn, was cited and her dog was impounded for injuring/killing Ms. Hicks' duck(s)/chicken(s). She indicated that Ms. Osborn had to appear in court in Canyonville and pay a fine.
 - With each incident, additional fencing, repairs or other measures were put in place to try and prevent the dog(s) from reaching the livestock.
- The process to apply was extensive. She had to get 23 signatures (all during COVID) and pay \$50.
- She believes she has followed every expectation of the ordinance. To her knowledge, there have been no complaints about her chickens.
- She has invested in the animals, their feed and care, and wood and fencing to install a chicken coop and chicken run. She has expenses related to doctors' visits and attorney fees.
- She believes some of the people that signed the original revocation petition were coerced by their landlord.
- She questions the fairness of the ordinance in that it takes more signatures to get a permit than to revoke one.
- She questions the Police Chief's handling of the revocation request, specifically around contacting the abutting property owner, Mary Blevins.
- She does not believe that Mary Blevins knew what she was signing.
- She stated she does not want to believe, but it appears that Police Chief, administration and Council are using the ordinance to try to hurt her because of her time on City Council.
- It is not fair for her to lose her chickens due to someone else's negligence with their dogs.
- She just wants to be left alone with her four chickens.

I asked Ms. Hicks to explain the chicken coop, run, etc. She explained the coop is a wooden structure/house with a door. The chickens go into the coop at night and the door is closed. The coop is located within a chicken run, which is a fenced area meant to contain the chickens and keep them safe. As part of her email appeal package, Ms. Hicks submitted pictures of her chickens where they appear to be outside of the run. I asked her about this picture. She stated that when she is in the backyard, she lets the chickens out of the run to spend time with her and roam the backyard.

When asked if there was any additional information that she wanted to share, Ms. Hicks reiterated many of the same points and shared additional information regarding the neighbor's dogs attacks on her livestock. At one point, Ms. Hicks indicated she believed if asked Ms. Osborn may have a different view at this time.

Another suggestion Ms. Hicks shared was that she believes there should be a form required if someone wants to revoke a livestock permit, and possibly a fee, and that the form should require the person to outline a complaint/violation of an ordinance that leads to the request for revocation.

I made an effort to assure Ms. Hicks that staff is not out to get her, did not instigate this revocation process and is simply following the municipal code.

I let Ms. Hicks know I would respond with a written decision within 20 days.

Review of materials

As part of my consideration of this appeal, I did the following research/review of materials:

- Asked the Police Chief to put together a timeline of events he was aware of related to this livestock permit. (Attachment D). Reviewed CAD call from original complaint.
- Reviewed written materials submitted to the Police Chief by abutting property owners Susie Osborn and Mary Blevins.
- Reviewed the Roseburg Municipal Code.
- Reviewed City Council agenda item from the adoption of the 1996 ordinance. The information in the staff report was limited to changes to time limits around properties that were annexed. It appears this part of the code was revised during a major review and update of the entire code. Further research shows a similar ordinance has been in place with similar revocation language (50 percent of abutting property owners or residents) since 1970 (Ordinance 1805).
- Reviewed ownership of abutting properties.
- Reviewed written materials submitted by Ms. Hicks.
- Reviewed CAD record for February 11, 2021 police response to Ms. Hicks' address. Ms. Hicks mentioned Ms. Osborn was trespassing on her property

removing some screening material/privacy fence and the police had responded. A picture was included in Ms. Hicks appeal email. Record from dispatch call indicated the property owner had given Ms. Osborn permission to remove the material and failed to inform Ms. Hicks when it would be happening.

- Spoke to Susie Osborn. I had intended to reach out to her, but she called me before I had a chance to do so. On April 8, Ms. Osborn left a message requesting a call back. I called her back on April 9. Her question was whether she should have been allowed to attend the appeal hearing. I told her that the appeal hearing was for the livestock permittee. One reason I had intended to reach out to Ms. Osborn was a comment made by Ms. Hicks that she believed if asked Ms. Osborn may have changed her mind about revoking the permit. I asked Ms. Osborn if she had changed her mind, or if she would be willing to change her mind if the chickens were contained in their run full time and not allowed to roam freely in Ms. Hicks' backyard. Ms. Osborn stated she was done with chickens. She stated she lives in the city and does not want to live next to livestock.
- Listened to recording of appeal hearing
- Requested legal opinion related to emotional support animals

Permit Revocation Process

Section 6.04.050 of the Roseburg Municipal Code outlines the permit revocation process. The ordinance in place at the time Ms. Hicks' permit was revoked reads as follows:

6.04.050 Permit—Revocation.

A livestock permit shall be revoked if the Police Chief finds that the premises are no longer sanitary or adequately enclosed, or reasonably open to inspection, or that fifty percent or more of the owners of abutting property now object in writing to the permittee's keeping of livestock, or that the livestock presents an unreasonable risk of danger to other persons or property. Any permittee whose permit is revoked shall have ten days to relocate or otherwise dispose of the livestock, unless the Police Chief finds that the livestock pose an unreasonable threat to the health or safety of the public, in which case any revocation shall be effective immediately.

The original petition submitted by Susie Osborn had four signatures. Ms. Osborn later retrieved the petition from the Police Department and then brought it back with six signatures, including her own. This represented the tenants of all but one abutting residence. One of the signatures had been crossed out, which matched an email to staff from that signer asking to be removed. Staff subsequently received a voicemail from another signer asking to be removed. With two of the signatures withdrawn, four signatures from abutting tenants remained.

Since the revocation ordinance referred to abutting property owners (not tenants), the Police Chief reached out by phone to abutting property owner Mary Blevins. Three of

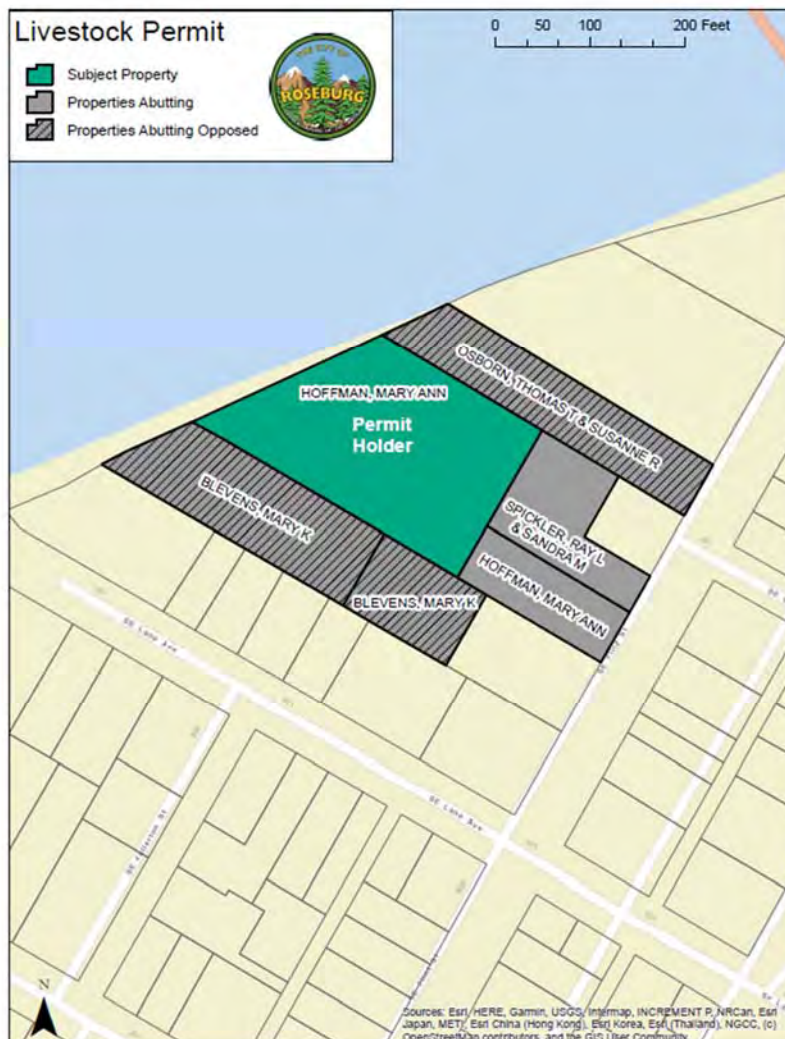
Ms. Blevins' tenants had signed the revocation request. Ms. Blevins indicated in writing she did not want chickens located near her property on Flint Street. As a courtesy, the Chief went to Ms. Blevins residence and picked up her written statement.

Findings

Per RMC 6.04.060, the purpose of the appeal process is for the permit holder to present the reason or reasons the Police Chief's determination in revoking the livestock permit is incorrect. RMC 6.04.060(D) states, "The appellant shall have the burden of proving the error in the Police Chief's determination".

RMC 6.04.050 states, in part, that a livestock permit **shall be revoked** if "fifty percent or more of the owners of abutting property now object in writing to the permittee's keeping of livestock".

Mary Ann Hoffman Jenkins owns the property that Ms. Hicks rents. It is abutted by five properties. Two of the abutting properties are owned by Mary Blevins, one each is owned by Mary Ann Hoffman Jenkins, Ray & Sandra Spickler, and Thomas & Susanne Osborne. This is shown on the map below.



The Police Chief has received written objection from the owners of three of the five abutting properties (60%). Per the ordinance, he is **required** to revoke the livestock permit.

During the appeal process, Ms. Hicks admitted that the Police Chief did follow the ordinance. Her appeal was based on matters not covered by the ordinance and her belief that the ordinance is unfair as written.

Decision

The Roseburg Municipal Code defines staff's authority in this matter. There is no evidence to suggest the Police Chief made an error in his determination to revoke the permit. As such, I uphold the Police Chief's decision and the permit revocation. Ms. Hicks has ten days from the date of this decision to either remove the livestock from her property or petition the City Council to review the decision per RMC 6.04.060(F).

F. Any person whose appeal has been denied may petition the City Council requesting it review the record in the proceedings before the Police Chief and City Manager. Such petition shall be in writing and filed with the City Manager not more than ten days after receiving the City Manager's decision. The petition shall specify the reasons why the City Manager's decision is erroneous and state the desired result.

Attachments

- A. Livestock Permit Application, 730 SE Flint Street
- B. Written notice of livestock permit revocation
- C. Emailed appeal request and related materials – Ashley Hicks
- D. Timeline
- E. Permit revocation request – Susie Osborn
- F. Permit revocation request – Mary Blevins
- G. Additional email correspondence

APPLICATION FOR PERMIT TO KEEP LIVESTOCK
WITHIN THE CITY LIMITS

Name of Applicant: Ashley Hicks

Date: 6/4/2020

Address: 730 Se Flint Street

Phone: (541) 673-0416 / (541) 530-1460

Kind of Livestock: Chickens, Ducks

What is the nearest distance of any dwelling, church, school or building used for human occupancy, except that of the applicant? 100 feet

Type of livestock enclosure(s) Coop

(NOTE) Signature of approval signed by a homeowner/renter from each residence within 200 feet of the premises where animals or poultry is to be kept is required.

SIGNATURE	ADDRESS
<u>Tanner Sprague</u>	<u>728 SE Flint St</u>
<u>Sarah Lohr</u>	<u>762 SE Lane Ave</u>
<u>Paul B. Tom</u>	<u>266 S.E. LANE ST</u>
<u>Paul Huxley</u>	<u>260 S.E. Lane Ave</u>
<u>John Dehn</u>	<u>210 SE Lane Ave</u>
<u>Donna Grogan</u>	<u>212 SE Lane Ave</u>
<u>Rene Whitaker</u>	<u>208 SE Lane Ave</u>
<u>Gary Whitaker</u>	<u>208 SE Lane Ave</u>
<u>Melanie Mackinnon</u>	<u>722 SE Flint St</u>
<u>Jim</u>	<u>724 SE Flint</u>

Approved _____ Date _____

Disapproved _____ Date _____

GLK

CHIEF OF POLICE

**APPLICATION FOR PERMIT TO KEEP LIVESTOCK
WITHIN THE CITY LIMITS**

Name of Applicant: Ashley Hicks

Date: 6/4/2020

Address: 730 Se Flint Street

Phone: (541) 673-0416 / (541) 530-1460

Kind of Livestock: Chickens, Ducks

What is the nearest distance of any dwelling, church, school or building used for human occupancy, except that of the applicant? 100 feet

Type of livestock enclosure(s) Coop

(NOTE) Signature of approval signed by a homeowner/renter from each residence within 200 feet of the premises where animals or poultry is to be kept is required.

SIGNATURE

ADDRESS

<u>12 Mar Blum</u>	<u>750 SE FLINT ST</u>
<u>Anna Gundersen</u>	<u>152 SE Lane</u>
<u>Kathy Dannerheller</u>	<u>162 SE Lane Ave</u>
<u>Wendy Moss</u>	<u>204 SE Lane Ave</u>
<u>Jindi Christensen</u>	<u>172 SE Lane Ave</u>
<u>Corinne Gonzalez</u>	<u>754 SE Flint Street</u>
<u>Susan Osborn</u>	<u>656 SE Flint St</u>
<u>Jenna Maloney</u>	<u>142 SE Lane Ave</u>
<u>Shirley</u>	<u>666 Flint street</u>
<u>Kathleen</u>	<u>702 SE Flint St.</u>

Approved _____ Date _____

Disapproved _____ Date _____

G Lh
CHIEF OF POLICE

APPLICATION FOR PERMIT TO KEEP LIVESTOCK
WITHIN THE CITY LIMITS

Name of Applicant: Ashley Hicks

Date: 6/4/2020

Address: 730 Se Flint Street

Phone: (541) 673-0416 / (541) 530-1460

Kind of Livestock: Chickens, Ducks

What is the nearest distance of any dwelling, church, school or building used for human occupancy, except that of the applicant? 100 feet

Type of livestock enclosure(s) Coop

(NOTE) Signature of approval signed by a homeowner/renter from each residence within 200 feet of the premises where animals or poultry is to be kept is required.

SIGNATURE

ADDRESS

Wm E Davis

264 LAWE STREET

ROSEBURG, OR

Approved _____ Date _____

Disapproved _____ Date _____

6/4/20
CHIEF OF POLICE

APPLICATION FOR PERMIT TO KEEP LIVESTOCK
WITHIN THE CITY LIMITS

Name of Applicant: Ashley Hicks

Date: 6/4/2020

Address: 730 Se Flint Street

Phone: (541) 673-0416 / (541) 530-1460

Kind of Livestock: Chickens, Ducks

What is the nearest distance of any dwelling, church, school or building used for human occupancy, except that of the applicant? 100 feet

Type of livestock enclosure(s) Coop

(NOTE) Signature of approval signed by a homeowner/renter from each residence within 200 feet of the premises where animals or poultry is to be kept is required.

SIGNATURE

ADDRESS

Deborah J. Cernial
Debra J. Cernial

726 SE Flint Street Roseburg
742 SE Flint St Roseburg
OR 97470
OR 97470

Approved ☒ Date 7-13-20

Disapproved ☐ Date _____

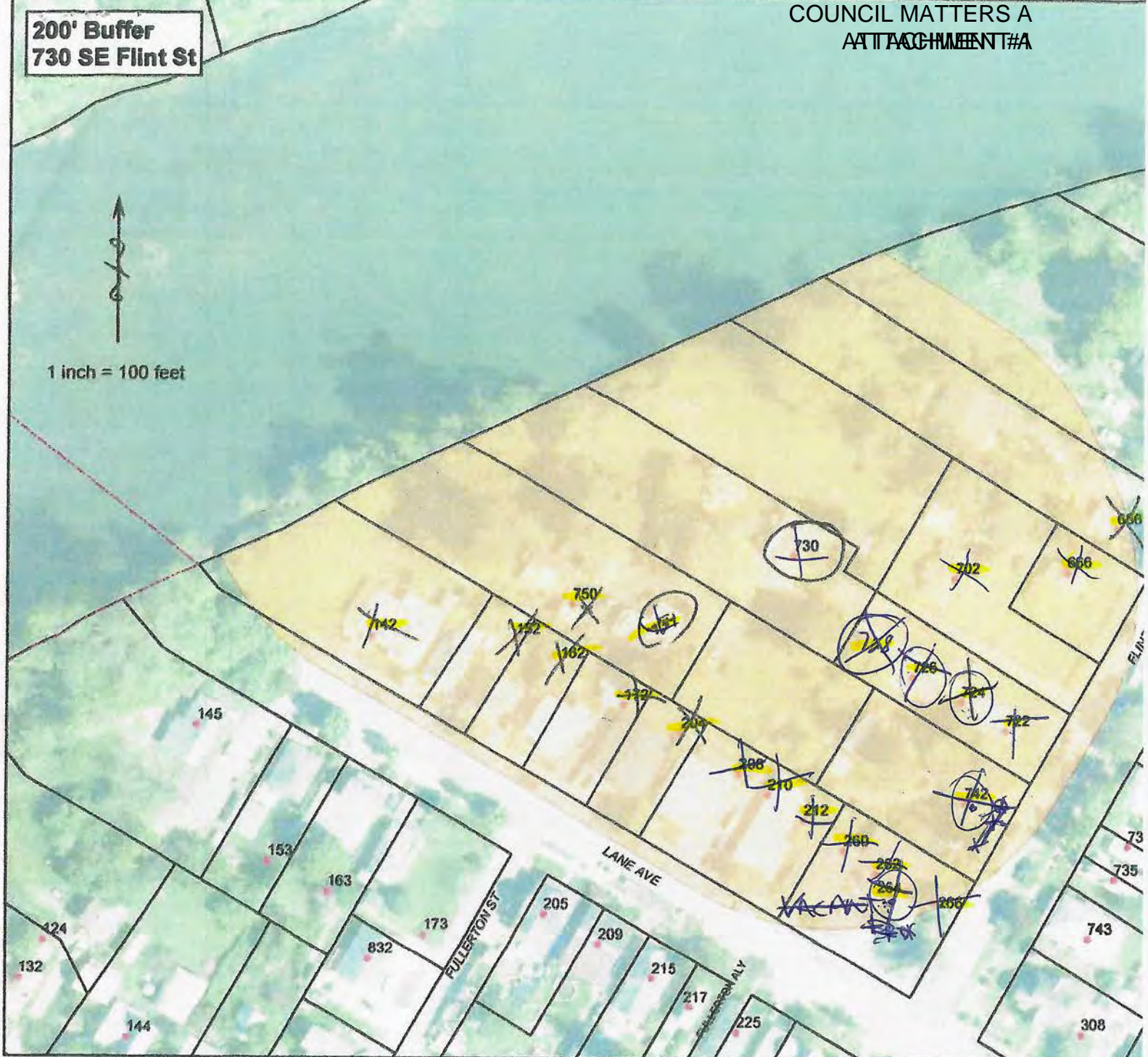
[Signature]
CHIEF OF POLICE

200' Buffer
730 SE Flint St

COUNCIL MATTERS A
ATTACHMENT #A



1 inch = 100 feet



*** Please note that parcels used to create this map is informational only and should not be assumed to be as accurate

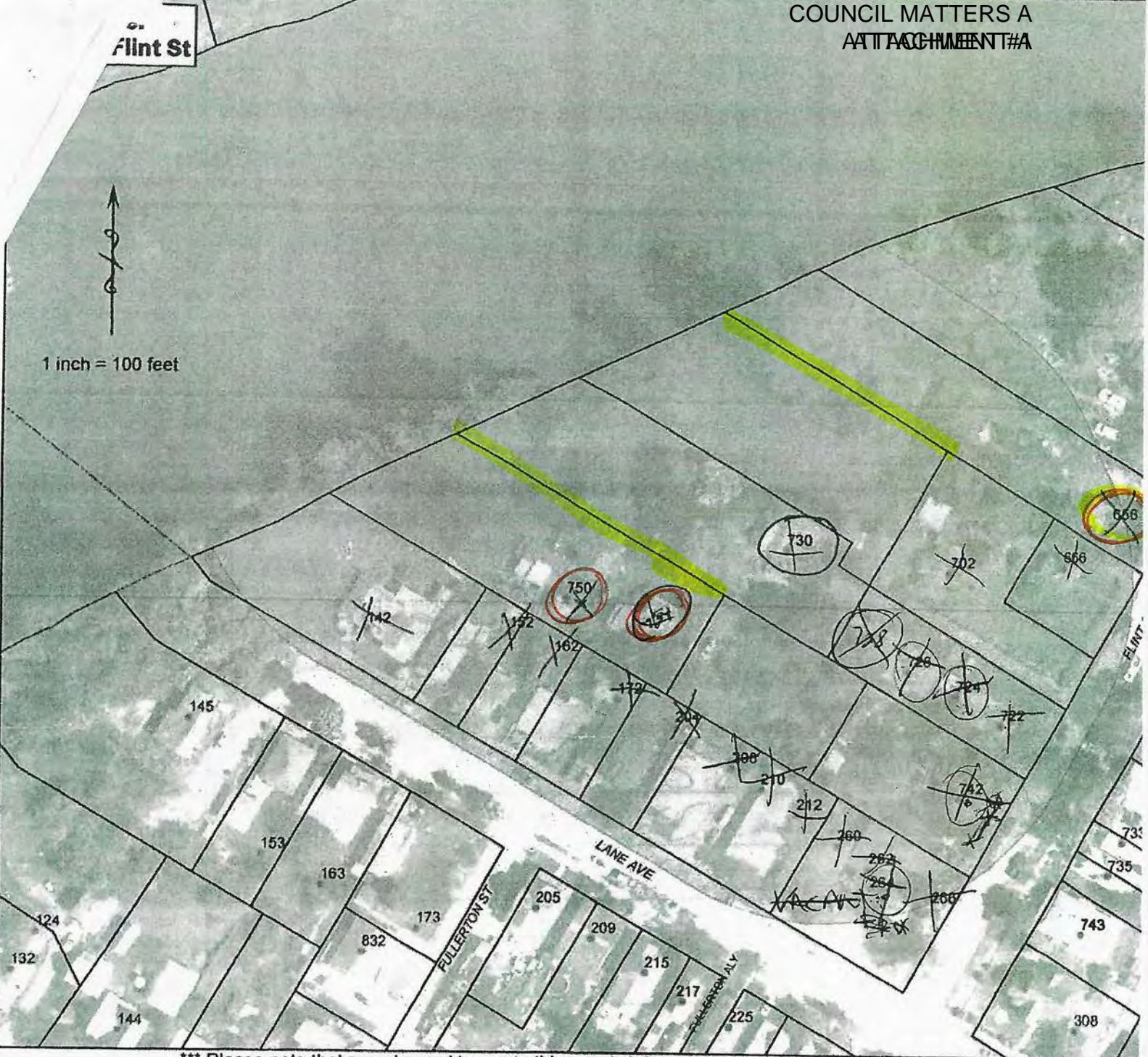
Muni Code 604.005 - 604.060

Page 5 of 5

Flint St

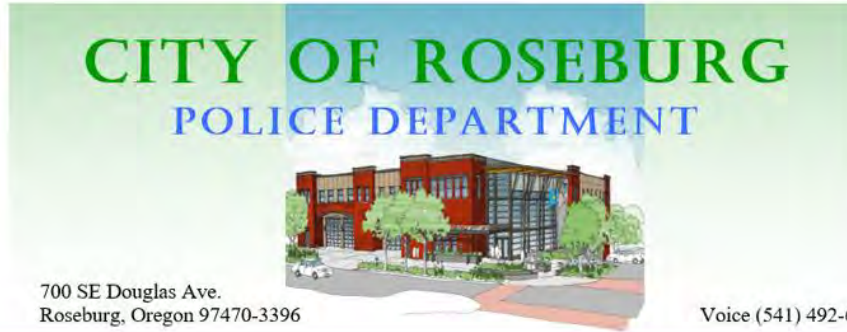


1 inch = 100 feet



*** Please note that parcels used to create this map is informational only and should not be assumed to be as accurate

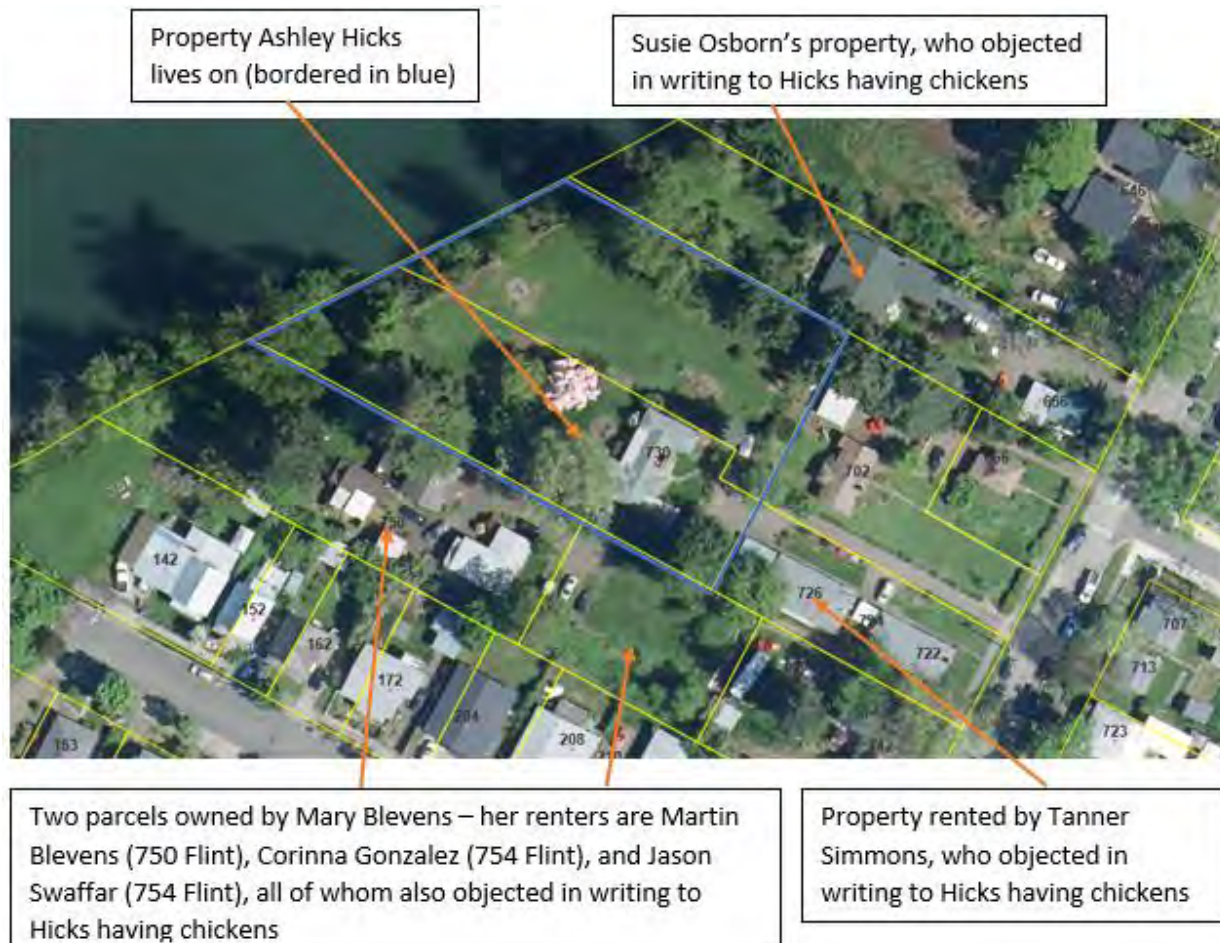
Muni Code 604.005 - 604.060



Ashley Hicks

On 03-09-21, I called and gave you notice that your livestock permit was revoked and you had ten days to remove the chickens from your property; ten days would be by March 20th. Per your request, I am mailing you this livestock (chicken) revocation letter.

You have six neighbors that abut the property you live on, and five of the six have objected in writing to your keeping of chickens. Additionally, the owner (Mary Blevens) of the two parcels of property that abut the south side of the property you live on, and the owner (Susie Osborn) of the parcel that abuts you on the north side have both objected in writing to your keeping of chickens; see below illustration.



I have pasted the definition of abut, and the revocation and appeal process below:

Definition of abut in Municipal Code 12.02.090: "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.

6.04.050 - Permit—Revocation.

A livestock permit shall be revoked if the Police Chief finds that the premises are no longer sanitary or adequately enclosed, or reasonably open to inspection, or that fifty percent or more of the owners of abutting property now object in writing to the permittee's keeping of livestock, or that the livestock presents an unreasonable risk of danger to other persons or property. Any permittee whose permit is revoked shall have ten days to relocate or otherwise dispose of the livestock, unless the Police Chief finds that the livestock pose an unreasonable threat to the health or safety of the public, in which case any revocation shall be effective immediately.

(Ord. 2935 § 1 (part), 1996)

6.04.060 - Permit—Appeal of revocation or denial.

- A. Any person whose application for a permit is denied or whose permit is revoked by the Police Chief may seek review of the denial or revocation by filing a written appeal with the City Manager not more than ten days after receiving notice of denial or revocation. The written appeal shall state:*
 - 1. The name and address of the appellant;*
 - 2. A description of the livestock being kept or desired to be kept and the facilities for livestock;*
 - 3. A map showing the location of the livestock in relation to the permittee's property lines, abutting properties and all structures used for human occupancy;*
 - 4. The reason given by the Police Chief for denying the application or revoking the permit; and*
 - 5. The reason the determination is incorrect.*
- B. If a written appeal from a revocation is timely filed, the permittee shall be allowed to continue to keep the livestock for which the permit was obtained, pending the determination of the appeal, unless the Police Chief determines that the livestock present an unreasonable threat to the public health or safety, in which case the revocation of the permit shall become effective immediately.*
- C. The City Manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the Manager deems appropriate. If the City Manager decides to take oral argument or evidence at the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.*
- D. The appellant shall have the burden of proving the error in the Police Chief's determination.*
- E. The City Manager shall issue a written decision within twenty days of the hearing date.*
- F. Any person whose appeal has been denied may petition the City Council requesting it review the record in the proceedings before the Police Chief and City Manager. Such petition shall be in writing and filed with the City Manager not more than ten days after receiving the City Manager's decision. The petition shall specify the reasons why the City Manager's decision is erroneous and state the desired result.*
- G. Upon receiving a petition for review the Council may, in its sole discretion, decline to review the City Manager's decision, review the decision on the written record before it or invite oral argument before rendering a decision on the record. The decision of the Council is final.*

(Ord. 2935 § 1 (part), 1996)

If you have any questions, feel free to call me.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary Klopfenstein", with a long horizontal flourish extending to the right.

Chief Gary Klopfenstein
Roseburg Police Dept.
W 541 492-6760

Nicole A. Messenger

From: Ashley Hicks <ashleynroseburg@hotmail.com>
Sent: Thursday, March 18, 2021 1:22 PM
To: Info Shared Mailbox; Nicole A. Messenger; Amy L. Sowa
Subject: Written Appeal of Revocation of Livestock Permit
Attachments: Housing Letter HT149-167997.pdf

To whom it may concern,

Roseburg City Manager
900 Se Douglas Ave.
Roseburg, Oregon 97470

I am writing to you today to appeal the police chief's decision to revoke my livestock permit, my neighbor Susie Osborn started in retaliation of her dog being impounded and her ticketed for the "animal at large" as well as the "animal killing livestock."

Attached to my appeal are several pictures, as well as written comments made by Susie Osborn.

The location of my animal coop (where animals or poultry is to be kept) is over 200 feet from Susie's shared property line and nearly 300 feet to her dwelling/residence.

100 feet to my other nearest neighbor, Marty's. (Son of Mary Blevins)

As a livestock permittee to date I have had no complaints from my neighbors about my livestock or my permit. The ONLY shared property owner that has requested the revocation of my permit has been Susie Osborn.

Mary Blevins lives in Umpqua and her tenants both said their landlord brought the form over and told them to sign it. No one has complained about my livestock. Mary Blevins provided a letter of her opinion of chickens and did not mention me, my address or my permit as the permittee of the livestock in question. Mary Blevins said she has no problems with me or my chickens. My neighbors confirmed the same.

I have suffered a considerable amount of mental stress, severe anxiety and depression as a result of the ongoing fighting, untruths and misinformation with the revocation of my livestock permit and anguish caused by threats to revoke. I have provided a letter from my doctor, I have another appointment scheduled this Friday.

Please do not revoke my permit because of Susie Osborn's anger and retaliation.

Thank you,

Ashley Hicks (Livestock Permittee)
730 Se Flint Street (Livestock Permittee Address)
Roseburg, Oregon 97470
P/ 541-530-1460
P/ 541-673-0416





September 27, 2020

Susie Osborn

So sorry Ashley that my puppy chased your chickens.
Keeping them away from the fence will help. I don't think they wanted to kill them. Maybe they did.
If I would have thought about it before you got them. This wouldn't have been an issue.
We don't live on a farm
.I'll talk to the city Monday and see if maybe they shouldn't be kept on a coop.
Since you want to blast this.
I will do everything I can to keep my killers on the yard and you keep your chickens away from my fence.
Talk to your landlord about a wood fence. The old blinds are tacky.

Susie Osborn

I've lived here over 30 years with no issues until now.
I said I'd buy you a new duck, Sissy found one little hole to chase your chickens.
Please keep them away from the fence. If you have anything else to say please come and talk to me. I don't need to live my life on Facebook.
If they get out again I will have them put down. Then you can relax with your chickens.

. . . January 11th, 2021 – my duck killed inside it's caged run. As you can see just outside of the animal coop. This day Susie's dog was impounded and she was ticketed by animal control officer, she did appear in court in Canyonville, Oregon



Susie Osborn in my backyard tearing down my privacy fence. RPD responded. February, 2021



These are the four chickens I have left. 3/18/2021



Sent from [Mail](#) for Windows 10



JOHN DAVIS EDMISTON, II, M. D.

3580 Carlsbad Blvd, Suite A, Carlsbad, CA 92008
E: john@farsighted.com
O: 916.765.9261 FHEO: 167997

March 15, 2021

Re: Ashley Ann Hicks

To Whom It May Concern:

I recently evaluated Ashley Ann Hicks's mental health condition. I am familiar with her history and with the functional limitations imposed by her emotional/mental health issue.

Ms. Hicks meets the definition of disability under the Americans with Disability Act, the Fair Housing Act, and the Rehabilitation Act of 1973. Due to this disability and mental health condition, Ms. Hicks is qualified to have an emotional support animal under Section 504 of the Rehabilitation Act of 1973 and the Federal Fair Housing Amendments Act of 1988.

The available data indicates that Ms. Hicks's emotional distress substantially limits one or more major life activities and is imposed by her emotional distress as defined by the DSM-5.

Due to this emotional disability, Ms. Hicks has certain limitations related to social interactions, coping with stress, and anxiety. In order to help alleviate these difficulties, and to enhance her ability to function independently, I am recommending an emotional support animal that will assist Ms. Hicks in coping with her disability. Ms. Hicks assumes all responsibility for the training, safety, cleanliness, health and conduct of her animal at all times.

<u>Species:</u>	<u>Weight Range:</u>	<u>Breed:</u>	<u>Name of Animal:</u>
Bird	1 to 10 lbs.	Chicken	Chicken

I am licensed by the State of California (license number G33644) and Oregon (license number MD165316) to practice mental health / medicine.

Sincerely,

John Davis Edmiston, II, M. D.

License Issued Date: CA 3/7/1977 - OR 10/21/2013

- June 4, 2020, RPD is dispatched to an anonymous complaint that ducks are being kept at 730 SE Flint Street without a permit.
- June 2020, Hicks submitted a Livestock permit application for Chickens and Ducks.
 - Hicks had gotten the application form from the City Recorder instead of the Police Department, and therefor didn't receive instructions on how to properly complete the permit
 - Chief denied the application because it did not have enough signatures
- July of 2020 Hicks re-turned in the Livestock permit, with the required signatures
- July 13th, 2020, Chief signed the permit, granting authorization for Chickens and Ducks
- July 17th, 2020, Hicks came to the PSC and paid her \$50 Livestock permit fee
- February, 2021, Osborn came to the PSC and advised the Chief that she and several of her neighbors no longer wanted Hicks to have chickens. Osborn gave the Chief a written letter with signatures of 4 neighbors who now objected to Hicks having chickens.
 - Osborn later returned to the PSC, obtained the written revocation letter, and advised she was going to reach out to other neighbors to obtain more signatures.
- February, 2021, Osborn came to the PSC and gave the Chief the written letter that now had signatures of five neighbors who objected in writing to Hicks having chickens.
- February 22, 2021, Hicks requested a copy of all complaints made to the city in regards to livestock permit policy.
- February 22 or 23, 2021, Amy gave Hicks a copy of the revocation letter Osborn had provided the Chief.
- February 23, 2021, Katie Delahouse from 702 Flint, emailed the City Manager advising she no longer objected to Hicks having chickens
 - Chief called Katie and confirmed her intent
- 1st week of March, Osborn returned to the PSC, obtained the written revocation letter, and advised she was going to reach out to another neighbor to obtain their signature
- March 5, 2021, Osborn came to the PSC and gave the Chief the revocation letter that now had signatures of five neighbors who objected in writing to Hicks having chickens
 - Katie Delahouse's signature was crossed out
 - Tanner Simmons' signature was added
- March 9, 2021, Chief called Hicks and advised her Livestock permit for chickens was revoked.
- March 9, 2021, Chief spoke with Mary Blevens, who owns 750, 752 and 754 Flint
 - Blevens advised she objected to Hicks having chickens
- March 10, 2021, Blevens provided Chief with written objection to Hicks having Chickens
- March 10, 2021, Chief emailed Hicks the livestock revocation letter and advised she was also getting it mailed to her
- March 10, 2021, Hicks emailed Chief; see attached email
- March 10, 2021, Chief replied to Hicks; see attached email
- March 11, 2021, Hicks was sent the livestock revocation letter by certified mail
- March 11, 2021, Hicks sent a request via email to the city to obtain the letter from Blevens
 - Letter was provided to Hicks via email on same day
- March 12, 2021, Hicks sent an email to Chief and Admin advising the Chief was wrong and she was moving her coop to the "northern most corner of her residence"

- Chief replied via email on same day that livestock revocation was remaining in affect
- March 12, 2021, Simmons left a message with the City Administration office indicating he no longer objected to Hicks keeping of chickens
- March 15, 2021, Hicks emailed a large group, to include council, indicating that Blevens revocation letter wasn't sufficient
- March 15, 2021, Hicks emailed City a letter from a doctor who indicated she needed 1 emotional support chicken
- March 16, 2021, Chief emailed Hicks advising her livestock revocation was remaining in affect
 - Hicks replied via email asking the chief to "see my doctor's letter attached"
 - Chief replied that her livestock revocation was remaining in affect
- April 6, 2021, City Manager had Appeal of Revocation hearing with Hicks

To whom it may concern

COUNCIL MATTERS ATTACHMENT E
City of Flint ATTACHMENT #1

We no longer support having chickens
at the address. Below

730 S.E. Flint

Susie Osborn 736 S.E. Flint 541-643-6527

Mar Blum 750 SE Flint St

Corinna Gonzalez 754 SE Flint Street

Jason Swaffare 754 S.E. Flint Street

541-900-4414

~~Katie Delahouse 702 SE Flint St~~

~~TANNER SIMMONS~~

(GLK)

rescinded on
2-23-21 by email &
phone call 602680998

↑
left a voice mail
message on 3-12-21
that appears to request his
the livestock rearing
signature be rescinded
Grady Klap

3/5/21

609 805
9945

March 9, 2021

Mary Blevens

10130 Hubbard Creed Road

Umpqua, OR 97486

Police Chief Gary Klopfenstein

700 SE Douglas Avenue

Roseburg, OR 97470

Dear Police Chief Gary,

Thank you for calling me this afternoon to ask me about the "chicken" situation on Flint Street, in Roseburg. I do have 3 single rental houses and a duplex all on Flint Street in Roseburg. I have very fine tenants in each of those houses the newest one has been there about 4 yrs., the oldest one since 2007. Regarding the chicken situation, I do not think it a wise idea to have chickens, even caged chickens, in a residential area because they are hard to contain, odor problems can arise, and noise problems can all contribute to neighborhood disputes requiring attention of City Services already stretched too thin.

Sincerely, Mary Blevens

Mary Blevens

I don't want chickens.



Police Chief Gary Klopferstein
700 SE Douglas Ave
Roseburg, OR 97470

M. Blevens
10130 Hubbard Ck. Rd.
Umpqua, OR 97486

Nicole A. Messenger

From: Gary L. Klopfenstein
Sent: Friday, March 12, 2021 2:38 PM
To: Ashley Hicks
Cc: Info Shared Mailbox
Subject: Re: Livestock notice

Ashley

Mary Blevens called me yesterday afternoon to advise that you had called her. She advised she told you that she was not changing her mind about not wanting chickens.

During my conversations with Mary I found that she is a strong, independent woman with all her mental faculties. She expressed to me that she will not be coerced into changing her mind on this matter.

Your livestock permit revocation remains in effect as per the 3-09-21 notice.

Chief Gary Klopfenstein
Roseburg Police Dept

On Mar 12, 2021, at 1:04 PM, Ashley Hicks <ashleynroseburg@hotmail.com> wrote:

Thank you!

Get [Outlook for Android](#)

From: Info Shared Mailbox <info@cityofroseburg.org>
Sent: Friday, March 12, 2021 1:02:24 PM
To: Ashley Hicks <ashleynroseburg@hotmail.com>; Gary L. Klopfenstein <gklopfenstein@cityofroseburg.org>; Info Shared Mailbox <info@cityofroseburg.org>
Subject: RE: Livestock notice

Ashley,

Thank you for providing your follow up email. I know you sent the message to the Police Chief, but since you copied the email that comes to our office, I will keep the message for Amy to review when she is back to work this next Tuesday. Thank you.

Sincerely,
Koree Tate | Management Assistant | City Administration Office
(City Manager/City Recorder/Human Resources)
City of Roseburg | 900 SE Douglas Avenue | Roseburg, OR 97470
☎ 541-492-6866 | ✉ ktate@cityofroseburg.org
Website: www.cityofroseburg.org | Like us on Facebook

Office Hours – Monday thru Friday 8-12 and 1-4:30 excluding holidays



Please consider the environment and do not print this e-mail unless necessary

From: Ashley Hicks <ashleynroseburg@hotmail.com>
Sent: Friday, March 12, 2021 12:57 PM
To: Gary L. Klopfenstein <gklopfenstein@cityofroseburg.org>; Info Shared Mailbox <info@cityofroseburg.org>
Subject: Re: Livestock notice

Chief, Mary Ann Jenkins owns both our place as well as the duplex Tanner's lives in. You are wrong that 50% of abutting property owners disapprove.

Mary Blevins said yesterday, on the telephone, she has no problem with me or my chickens.

I am moving my coop today, to the northern most corner of my residence and will be more than 200' from all signatures except for Susie Osborn.

- Ashley Hicks

<image001.jpg>

Get [Outlook for Android](#)

From: Gary L. Klopfenstein <gklopfenstein@cityofroseburg.org>
Sent: Wednesday, March 10, 2021 5:08:20 PM
To: Ashley Hicks <ashleynroseburg@hotmail.com>
Subject: Livestock notice

Ashley

Your livestock (chicken) permit was revoked because more than fifty percent (three parcels out of the five parcels that surround you) of the "owners" that abut your property provided in writing that they object to you keeping chickens. The ordinance says I "shall" revoke under these circumstances.

Your livestock (chicken) permit has been revoked. I pasted the appeal process in the notice I provided you.

Respectfully,

Chief Gary Klopfenstein
Roseburg Police Dept
W 541 492-6760

From: Ashley Hicks [<mailto:ashleynroseburg@hotmail.com>]
Sent: Wednesday, March 10, 2021 4:45 PM
To: Gary L. Klopfenstein <gklopfenstein@cityofroseburg.org>
Subject: Re: Livestock notice

My landlord owns Tanner's address (Mary Ann Jenkins property) and she has given writing permission for my chickens.

Mary Blevins is Marty's mom and Susie's personal friend and Corina said Mary brought Susie's note over and told her tenants to sign.

There has not been any complaints from any of my neighbors in regards to my chickens.

You may want to get your facts straight first, Chief.

All 23 of my neighbors signed my permit, including Susie. You have incident reports of me calling police about her dogs over here.

You have the report I made when her dog was impounded and she was cited and appeared in front of the judge in Canyonville, Oregon.

Please leave me alone.

Respectfully,

Ashley Hicks

Respectfully,

Ashley Hicks

Get [Outlook for Android](#)

From: Gary L. Klopfenstein <gklopfenstein@cityofroseburg.org>

Sent: Wednesday, March 10, 2021 4:34:31 PM

To: Ashley Hicks <ashleynroseburg@hotmail.com>

Subject: Livestock notice

Ashley

Per your request, I mailed you the livestock revocation notice; attached is what you will receive in the mail.

If you have any questions, feel free to call me.

Chief Gary Klopfenstein
Roseburg Police Dept.
W 541 492-6760

This e-mail and any files transmitted with it are confidential and intended solely for the individual or entity to whom they are addressed. If you have received this in error, please notify the sender and delete this e-mail from your system. If you are not the named addressee, disclosure, distribution, copying or taking any action in reliance on the contents of this information is prohibited.

This e-mail and any files transmitted with it are confidential and intended solely for the individual or entity to whom they are addressed. If you have received this in error, please notify the sender and delete this e-mail from your system. If you are not the named addressee, disclosure, distribution, copying or taking any action in reliance on the contents of this information is prohibited.

Nicole A. Messenger

From: Gary L. Klopfenstein
Sent: Tuesday, March 16, 2021 11:33 AM
To: Ashley Hicks
Subject: RE: Please clarify

Ashley

You are drafting emails to large groups of people, with me included. I find it difficult to discern if you are asking questions you want me to answer, or if you are posing general questions to the email group. In the future, if you are asking questions you'd like me to respond to, please address the email to me so I know.

6.04.040 (B) reads: "The premises lie not less than two hundred feet from any structure used for human occupancy or, in the alternative, the occupant and owner of such structure have agreed in writing to the applicant's keeping of the livestock."

As I informed you during the permit process, this means 200' from the boundary lines of your premises, not the area where livestock is located on your premises; that is why you had to collect signatures from all the residences that were within 200' of your property lines.

Tanner left a voice message at city hall on Friday requesting his revocation signature be rescinded; this does not change the fact that the owners of three of the five properties that abut the property you live on have objected in writing to you keeping chickens.

Regarding Mary Blevens' objection in writing; she clearly expressed during a phone conversation with me that she doesn't want chickens in the neighborhood of her property on Flint. She was specifically referring to your chickens when she wrote the objection letter. She then had a phone conversation with you, and another phone conversation with me where she emphasized her objections to you having chickens. Her letter of objection is sufficient.

Your livestock permit revocation remains in effect as per the 03-09-21 notice; the written notice provided you with the appeal process. Your deadline to file an appeal is 03-20-21.

Chief Gary Klopfenstein
Roseburg Police Dept.

From: Ashley Hicks [mailto:ashleynroseburg@hotmail.com]
Sent: Monday, March 15, 2021 12:01 PM
To: customerservice@savinggrace.info; Info Shared Mailbox <info@cityofroseburg.org>; Gary L. Klopfenstein <gklopfenstein@cityofroseburg.org>; Scott Carroll <scarroll@nrtdaily.com>; Larry Rich <lrch@cityofroseburg.org>; Brian W. Prawitz <BPrwitz@cityofroseburg.org>; Bob M. Cotterell <BCotterell@cityofroseburg.org>; Beverly F. Cole <BCole@cityofroseburg.org>; Patrice L. Sipos <PSipos@cityofroseburg.org>; Alison M. Eggers <AEggers@cityofroseburg.org>; Andrea P. Zielinski <AZielinski@cityofroseburg.org>; John Hanlin <jwhanlin@co.douglas.or.us>; Sheila R. Cox <SCox@cityofroseburg.org>; Sheri S. Moothart <SMoothart@cityofroseburg.org>; geordied@animallawpractice.com <geordied@animallawpractice.com>
Subject: RE: Please clarify

Please see the attached letter from my doctor.

Thank you,

Ashley Hicks

Sent from [Mail](#) for Windows 10

From: [Ashley Hicks](#)

Sent: Monday, March 15, 2021 11:56 AM

To: customerservice@savinggrace.info; [Information](#); [Gary L. Klopfenstein](#); [Scott Carroll](#); [Larry Rich](#); [Brian W. Prawitz](#); [Bob M. Cotterell](#); [Beverly F. Cole](#); psipos@cityofroseburg.org; [Alison M. Eggers](#); azielinski@cityofroseburg.org; [John Hanlin](#); [Sheila R. Cox](#); smoothart@cityofroseburg.org; geordied@animallawpractice.com

Subject: Please clarify

I'm looking at Google Earth on my chicken coop location. It sits over 200 feet from Susie Osborn's shared property line and nearly 300 feet to Susie Osborn's house and on the other side my coop is no closer than 100 feet from my other nearest neighbor, Marty Blevins. (Mary Blevins tenant and son).

How can our police chief even consider Susie Osborn's petition for revocation of my livestock permit when her house is nearly 300 feet away?

Not to mention Susie Osborn dog hurt two hens on September 25th, 2020 and a Roseburg Police Office Cody went and spoke with her about what would happen if her dog got out again. Then was cited by Douglas County Officer Lee on January 11th, 2021 (dog at large, killing livestock) her dog killed my duck while in it's caged run and the dog was impounded at that time.

As a result of Susie Osborn's citation she petitioned to revoke my permit.

Also,

Please provide proof that Tanner Simmons signed. He stood here at my front door and called city hall this last Friday and said to take his signature off of it.

Also,

In the city code it says "or that fifty percent or more of the owners of abutting property now object in writing to the **permittee's** keeping of livestock".

I see you have that in writing from Susie Osborn, even though her property line is over 200 feet from the **premises** of where my animal or poultry is kept.

However, Mary Blevins letter is a opinion addressed to the chief, not once does it mention me or my address or my livestock permit, as I am the "permittee."

Please,

Ashley Hicks
541-530-1460
730 Se Flint Street
Roseburg, Oregon 97470

Sent from [Mail](#) for Windows 10

Nicole A. Messenger

From: Ashley Hicks <ashleynroseburg@hotmail.com>
Sent: Thursday, March 11, 2021 10:03 AM
To: Info Shared Mailbox; Nicole A. Messenger; Larry Rich; Brian W. Prawitz; Bob M. Cotterell; Sheila R. Cox; Beverly F. Cole; Patrice L. Sipos; Sheri S. Moothart; Alison M. Eggers; Andrea P. Zielinski; Stuart I. Cowie; Scott Carroll; John Hanlin; Gary L. Klopfenstein; Senator Jeff Merkley; Rep Leif
Subject: Please help.

My nearest Northern neighbor, her dog killed two of my ducks and severely injured two laying chickens. I caught her dog in my yard inside the run. Her dog was impounded, she was ticketed by animal control and she appeared in court on the incident and paid a fine.

Recently, she collected signatures from my surrounding neighbors requesting my city livestock permit be revoked. The police chief called and said he revoked my permit. I have less than 10 days to appeal to city manager on writing.

Please.

Not one complaint was made from my neighbors in regards to my chickens. I have four egg laying hens. I keep the coop clean, keep them happy and quiet and in my yard. I have a tall fence around all sides. The river is in my backyard. We have wildlife everywhere. My neighbor is retaliating against me because her dog killed my livestock/pets. These animals provide my family with fresh food, our health, and for myself; emotional support. I suffer with anxiety and having this incident continue day after day, resulting with our police chief revoking my permit and city council making changes to the city ordinance. I'm depressed, stressed and worry constantly.

Please help.

I paid \$50 for my city livestock permit, collected 23 signatures from every resident within 200 feet of my residence. The police chief signed five pages of support for my permit. How can he revoke by petition by the same person who's dog killed my livestock? Thank you for your time and attention to this matter.

Ashley Hicks

730 Se Flint Street

Roseburg, Oregon 97470

541-530-1460

541-673-0416

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Nicole A. Messenger

From: Amy L. Sowa
Sent: Thursday, March 11, 2021 2:39 PM
To: 'Ashley Hicks'
Cc: Nicole A. Messenger; Larry Rich
Subject: RE: Public record request
Attachments: 2021 Letter from Mary Blevens_Redacted.pdf

Ashley,

Attached is the letter from Mary Blevens. After all three of Ms. Blevens' renters objected in writing to the keeping of chickens at your address, Chief Klopfenstein reached out to her. The livestock ordinance specifically references "owners" of abutting property which is why the Chief contacted her as the owner of the abutting properties. Ms. Blevens told the Chief she was against chickens in her neighborhood, and provided him with a letter stating the same.

Amy

From: Ashley Hicks [mailto:ashleynroseburg@hotmail.com]
Sent: Thursday, March 11, 2021 1:28 PM
To: Amy L. Sowa <ASowa@cityofroseburg.org>; Scott Carroll <scarroll@nrtoday.com>; Nicole A. Messenger <nmessenger@cityofroseburg.org>; Larry Rich <lrch@cityofroseburg.org>; Brian W. Prawitz <BPrawitz@cityofroseburg.org>; Bob M. Cotterell <BCotterell@cityofroseburg.org>; Beverly F. Cole <BCole@cityofroseburg.org>; Patrice L. Sipos <PSipos@cityofroseburg.org>; Alison M. Eggers <AEggers@cityofroseburg.org>; Andrea P. Zielinski <AZielinski@cityofroseburg.org>; Sheila R. Cox <SCox@cityofroseburg.org>; Sheri S. Moothart <SMoothart@cityofroseburg.org>; Rep Leif <Rep.GaryLeif@oregonlegislature.gov>
Subject: Public record request

I am formally requesting the letter the police chief requested Mary Blevins to write about "chickens in the neighborhood. "

Mary Blevins, a 78 year old woman who lives in Umpqua (not within Roseburg city limits). Her and I just spoke at length, she said the police chief called her and asked her to write a letter expressing her feelings about chickens in this neighborhood. Shame on you chief for targeting, manipulating this woman just to use her signature to revoke my permit.

Thank you,

Ashley Hicks
730 Se Flint Street
Roseburg, Oregon 97470
541-530-1460

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ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



CITY MANAGER ACTIVITY REPORT

Meeting Date: June 14, 2021

Department: Administration

www.cityofroseburg.org

Agenda Section: Informational

Staff Contact: Nikki Messenger, City Manager

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

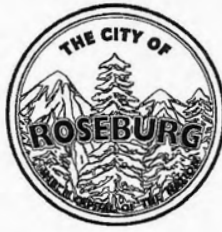
At each meeting, the City Manager provides the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your June 14, 2021 meeting, the following items are included:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items
- City Manager Weekly Messages



Agenda
Department Head Meeting
Public Safety Center Umpqua Conference Room
June 7, 2021 - 10:00 a.m.

1. Review June 14, 2021 City Council Special Meeting/Regular Meeting Agenda
2. Review June 14, 2021 Urban Renewal Agency Board Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign
 - A. Sunshine Trails Expansion Project Grant Check List
5. Department Items
 - A. COVID Impacts, Changes, Numbers and/or Updates (NM)
 - B. KMTR News Segment (SH)
6. Employee Service Pins
 - A. Paul Cooper, Water Treatment Plant – 20 Years
 - B. Debbie Rackleff, Finance – 15 Years
 - C. Dallas Sullivan, Fire Department – 15 Years



Agenda
Department Head Meeting
Electronically via Zoom
May 25, 2021 - 10:00 a.m.

1. May 24, 2021 Joint Work Study Session/City Council Meeting Synopsis
2. Review June 14, 2021 City Council Meeting Agenda
3. Review June 14, 2021 Urban Renewal Agency Board Meeting Agenda
4. Review Tentative Future Council Meeting Agendas
5. Documents, Events, or Grants to review and/or sign
6. Department Items
 - A. COVID Impacts, Changes, Numbers and/or Updates (NM)
 - B. KMTR News Segment (SH)

TENTATIVE FUTURE COUNCIL AGENDA



Unscheduled

- Airport Fees for Fire Agency Services
- Parklet Update
- Umpqua Basin Urban Services Agreement

June 21, 2021 Special Meeting – 6:00 p.m.

Appeal of Planning Commission Decision

- A. SR-21-027 Site Plan Review for Winco Foods

June 28, 2021

Consent Agenda

- A. Minutes of June 14, 2021 Special Meeting
- B. Minutes of June 14, 2021 Regular Meeting
- C. Minutes of June 21, 2021 Special Meeting

Public Hearing

- A. Resolution No. 2021-15 - Supplemental Budget – Library's Summer Reading Program Grant and Hotel/Motel Tax Fund

Ordinances

- A. Ordinance No. 3560 - Zone Change for Chi's Restaurant, Second Reading
- B. Ordinance No. 3561 - Amending RMC Title 12 Land Use Development Regulation – Middle Housing Criteria, Second Reading

Department Items

- A. Washington Avenue Bore Crossing (CM Services awarded with Design Contract), Project No. 20WA05
- B. Storm Rehabilitation Brooklyn Avenue, Project No. 21PW14
- C. 24-inch Transmission Main Hooker to Isabell Bid Award Recommendation, Project No. 20WA17
- D. 24-inch Hooker to Isabell Construction Management Services
- E. Stewart Parkway Rehabilitation Bid Award Recommendation, Project No. 20PW20

Informational

- A. City Manager Activity Report

July 12, 2021

Mayor Reports

- A. Parks and Recreation Month Proclamation

Special Presentation

- A. Roseburg Public Library RARE Participant Presentation by Katie Fischer

Public Hearing

- A. Ordinance No. 3563 - Zone Change – Kohlhagen Apartment Parking Lot, First Reading
- B. Resolution No. 2021-16 – Establish a Special Revenue Fund – American Rescue Plan Act (ARPA)

Consent Agenda

- A. Minutes of June 28, 2021

Informational

- A. City Manager Activity Report

July 26, 2021

Consent Agenda

- A. Minutes of July 12, 2021

Public Hearing

- A. Resolution No. 2021-17 - Roseburg Regional Business Education Program CDBG Grant Closeout

Resolutions

- A. Resolution No. 2021-18 - Reclassification of the Assessment Fund to Special Revenue Fund

Ordinances

- A. Ordinance No. 3563 - Zone Change – Kohlhagen Apartment Parking Lot, Second Reading

Department Items

- A. 2021 Total Maximum Daily Load Implementation Plan Update
- B. 5-Year Pavement Management Plan

Informational

- A. City Manager Activity Report
- B. Municipal Court Quarterly Report
- C. Financial Quarterly Report

August 9, 2021

Consent Agenda

- A. Minutes of July 26, 2021

Informational

- A. City Manager Activity Report

August 23 2021

Consent Agenda

- A. Minutes of August 9, 2021

Informational

- A. City Manager Activity Report

September 13, 2021

Mayor Reports

- A. Constitution Day and Week Proclamation

Consent Agenda

- A. Minutes of August 23, 2021

Informational

- A. City Manager Activity Report

September 27, 2021

Consent Agenda

- A. Minutes of September 13, 2021

Informational

- A. City Manager Activity Report

October 11, 2021

Consent Agenda

- A. Minutes of September 27, 2021

Informational

- A. City Manager Activity Report

October 25, 2021

Consent Agenda

- A. Minutes of October 11, 2021
- B. Cancellation of November 22, 2021 Meeting

Department Items

- A. 2021 Oregon Public Library Statistical Report

Informational

- A. City Manager Activity Report
- B. Municipal Court Quarterly Report
- C. Financial Quarterly Report

November 8, 2021

Consent Agenda

- A. Minutes of October 25, 2021
- B. Cancellation of December 27, 2021 Meeting

Informational

- A. City Manager Activity Report

Executive Session ORS 192.660(2)

- A. Municipal Court Judge Annual Performance Evaluation

December 13, 2021

Mayor Reports

- A. Municipal Court Judge Compensation

Consent Agenda

- A. Minutes of November 8, 2021

Informational

- A. City Manager Activity Report

January 10, 2022

Mayor Reports

- A. State of the City Address
- B. Commission Chair Appointment
- C. Commission Appointments

Commission Reports/Council Ward Reports

- A. Election of Council President

Consent Agenda

- A. Minutes of December 13, 2021

Informational

- A. City Manager Activity Report

Friday Message

May 21, 2021

- Staff has spent some time wading through the new mask regulations released by Oregon Health Authority and related information from Oregon OSHA. We have decided to implement the new mask guidance in the following ways:
 - In all public areas of City owned facilities, masks are still required. (This applies to employees and non-employees.)
 - In non-public areas of City owned facilities, employees that have provided proof of vaccination are no longer required to wear masks.
 - Employees working outside are no longer required to wear masks when they are outside, regardless of vaccination status.
- The Public Works Commission met last Thursday. The Commission forwarded two bid award recommendations related to this summer's pavement management program.
- The Planning Commission met on Monday and adopted Findings of Fact related to the WinCo application.
- The Library Commission met on Tuesday, but did not have a quorum. Library Director Wiley shared updates with those in attendance.
- The Library is excited to be reopening with limited hours beginning next Tuesday, May 25. Masks will be required.
- Given the amount of work that needs to be accomplished, the Homeless Commission has expressed interest in starting sub-committees. These are being formed as City Manager ad-hoc committees for increased flexibility. KC Bolton has volunteered to chair the "Immediate Needs" committee. Staff anticipates publishing a press release and application process for this committee early next week. Other sub-committee work is being further defined at this time.
- Over the past two weeks, I have attended numerous webinars and virtual meetings, including: NLC federal advocacy update on ARP funding requirements, DC City Manager monthly Zoom call, SW Area Commission on Transportation virtual meeting, LOC weekly calls, LOC webinar on American Rescue Plan, LOC Shelter and Homelessness webinar, APWA lunch and learn on Temporary Shelter Sites for Homeless on City Property, and a Douglas ESD sponsored virtual training on Trauma Informed Care 101.
- Meetings next week:
 - Homeless Commission – Monday 5/24 @ 11 am
 - City Council/DC Commissioners Work Study Session – Monday 5/24 @ 6 pm
 - City Council Regular Meeting – Monday 5/24 @ 7 pm