



CITY OF ROSEBURG  
PLANNING COMMISSION  
*Monday, December 16, 2019*  
*City Hall Council Chambers – 7:00 pm*

***NOTE:** It is up to each of you as Commissioners and Staff to let staff know before the day of the meeting if you will not be able to attend. Thank you.*

**AGENDA**

- I. CALL TO ORDER
- II. ROLL CALL:           Chair Ron Hughes      Shelby Osborn      Victoria Hawks  
                                  Kerry Atherton      Ron Sperry          Dan Onchuck  
                                  John Kennedy
- III. APPROVAL OF MINUTES  
      A. November 4, 2019 – Planning Commission Meeting
- IV. AUDIENCE PARTICIPATION: See Reverse for Information
- VI. PUBLIC HEARING  
      A. VAR-19-007 – 404 NE Kirby Avenue [Quasi-Judicial]
- VII. BUSINESS FROM STAFF  
      A. Director’s Report
- VIII. BUSINESS FROM THE COMMISSION
- IX. NEXT MEETING – January 6, 2020
- X.. ADJOURNMENT

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

Please contact the office of the City Recorder, Roseburg City Hall, 900 SE Douglas Avenue, OR 97470-3397 (Phone 541-492-6700) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

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

## **AUDIENCE PARTICIPATION INFORMATION**

The Roseburg Planning Commission welcomes and encourages participation by citizens at all meetings. To allow the Commission to deal with business already scheduled, it is asked that anyone wishing to address the Commission follow these simple guidelines.

### **Non-Agenda Items**

If you wish to address the Planning Commission on a matter not on the agenda, at the appropriate time please raise your hand and wait to be recognized by the Chair. Persons addressing the Commission must state their full name and address for the record. All remarks are to be directed to the Planning Commission. For items not on the agenda the presentation should be brief and be on a topic of interest to the Planning Commission, such as a general land use matter. These presentations are reserved for new material which has not been previously considered. The Planning Commission will not be taking action on any item presented under Audience Participation and if needed will provide direction to staff for appropriate follow-up.

### **Agenda Items**

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

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

For further details or information please contact the Community Development Department Monday through Friday, 8:00 a.m. to 5:00 p.m., at Roseburg City Hall, 900 SE Douglas Avenue, Third Floor, Roseburg OR 97470, phone number 541-492-6750, or e-mail [cmatthews@cityofroseburg.org](mailto:cmatthews@cityofroseburg.org)

**CITY OF ROSEBURG  
PLANNING COMMISSION MINUTES  
November 4, 2019**

**CALL TO ORDER**

Chair Hughes called the regular meeting of the Roseburg Planning Commission to order at 7:00 p.m. on Monday, November 4, 2019, in the Roseburg City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

**ROLL CALL**

Present: Chair Ron Hughes, Commissioners Kerry Atherton, John Kennedy, Dan Onchuck, Shelby Osborn and Ron Sperry

Absent-excused: Commissioner Victoria Hawks

Others present: Community Development Director Stuart Cowie and Department Technician Chrissy Matthews.

**APPROVAL OF MINUTES**

*Commissioner Onchuck moved to approve the October 7, 2019 minutes as presented. The motion was seconded by Commissioner Atherton and approved with the following votes: Chair Hughes, Commissioners Atherton, Kennedy, Onchuck, Osborn and Sperry voted yes. No one voted no.*

Chair Hughes, Commissioners Osborn and Sperry were not present at the October 7th Planning Commission meeting; however, they indicated they reviewed the minutes and no corrections were noted.

**AUDIENCE PARTICIPATION – None**

**PUBLIC HEARING File No. PUD-19-001 Kenwood PUD (TK Lane Subdivision) Quasi-Judicial**

Chair Hughes advised tonight's hearing is a continuance from the October 7<sup>th</sup> Planning Commission hearing and read the procedures for the Quasi-Judicial hearing. He then opened the public hearing.

Commissioner Sperry disclosed Steve Anderson, a neighbor in opposition of the PUD, is a client but not regarding the PUD before the commission tonight. He also disclosed he has known Mr. Powell, a neighbor opposed to the PUD, for most of his life. He does not believe there is a conflict of interest with either party and he can be objective and participate in a vote.

Chair Hughes, Commissioners Osborn and Sperry were not present at the October 7th Planning Commission meeting; however, they indicated they reviewed the notes and power point and are prepared to be objective and participate in a vote.

There were no objections to the disclosures.

Mr. Cowie stated no additional party status was received; however, everyone that testified at the October 7<sup>th</sup> Planning Commission meeting has party status and will be notified of the outcome of the hearing tonight. There were no individuals that requested party status at this hearing.

The applicant requests approval to construct a 5 lot Planned Unit Development pursuant to Roseburg Municipal Code (RMC) 12.12.020 on 1.09± acre lot located at 850 W. Kenwood Street. The October 7, 2019 Public Hearing was continued until the November 4, 2019 Planning Commission Meeting to allow the applicant to address the concerns raised by the neighboring property owners. Specifically to address privacy with the height of the PUD perimeter fencing and to identify the applicant's property lines to ensure the proper placement of the perimeter fence.

Staff amended the Findings to reflect this additional information in the following statements:

Page 2: General Facts A (7) added list of concerns from October 7, 2019 Public Hearing

Page 8: RMC 12.12.020(F)(1) Minimum Site Size

Page 9: RMC 12.12.020(B)(3) Density Criteria

Page 10: RMC 12.12.020(B)(4) Lot Sizes

Page 13: RMC 12.12.020(5)(e)(iii) A, B, & C Residential Use Only, Private Lots, Designs

Page 14: RMC 12.12.020(5)(e)(iii) D, E, & F Liens, Access, Liability in Open Space

Page 15: RMC 12.12.020(5)(e)(iii) G, H, & I Emergency Provisions, Deed Restrictions, Setbacks

Page 17: RMC 12.12.020(6)(d) Open Space Maintained

Page 18: RMC 12.12.020(6)(f) Permanent Maintenance of Open Space

Page 22: RMC 12.12.020(9) Perimeter Design

In order to comply with above criteria, Conditions 4 & 5 (a-d) have been amended.

Mr. Cowie stated tonight's hearing will discuss the concerns of neighbors and review the PUD standards.

Mr. Cowie provided a power point to address the concerns presented at the October 7, 2019 Planning Commission meeting which are as follows:

Lot Density: The Minimum Site Size. A parcel to be developed as a PUD in any residential district shall be of such a size that at least four dwelling units would be permitted by the underlying district.

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

Size of each Lot of the proposed PUD are as follows:

Lot 1 = 6204 sq. ft./1.424 ac.

Lot 2 = 6002 sq. ft./1.377 ac.

Lot 3 = 6109 sq. ft./1.402 ac.

Lot 4 = 6048 sq. ft./1.388 ac.

Lot 5 = 8464 sq. ft./1.943 ac.

Common Area/ROW = 13,364 sq. ft./3.067 ac.

Maintenance of Private Road/Common Space

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.

The Approving Authority shall require that the applicant assures the permanent maintenance of the common or public open space in a manner provided for by ORS 94.550 to 94.780.

The Conditions of Approval number 5 in the CC&Rs shall specifically address the following:

- a) Formation and duties of Homeowners Association, including but not limited to:
  - i) permanent maintenance of perimeter fencing and landscaping;
  - ii) permanent maintenance of private street and associated improvements;
  - iii) permanent HOA enforcement of parking restrictions within the PUD;
  - iv) as well as financial responsibilities of the HOA.

The draft CC&Rs provide the following information: 5.2 Maintenance of Private Roadways and Utilities. The owners are responsible jointly and severally in perpetuity to maintain and repair the roads and improvement (e.g., drainage ways) in the private roadways except where such maintenance may be provided by the City of Roseburg, or other government agency or public utility.

5.3 Paying for Maintenance. When a road or improvement needs repair or maintenance, any owner may elect to undertake the project as “the Maintaining Owner”. A maintaining owner wishing the other owners to participate in paying for the project must follow this procedure.

5.4 Roadsides. The owner of each Lot is responsible for maintaining the vegetation in the private roadway easement along the Lot’s frontage. Vegetation shall be maintained to permit safe vision and to a height not greater than 18 inches.

Parking. Two car garage and two car driveway, No parking signs posted, Conditions of Approval – CC&Rs will specifically address permanent maintenance of private street and associated improvements; permanent HOA enforcement of parking restrictions within the PUD.

4.10 Parking. Parking vehicles on the private roadway easements is prohibited, except that during the initial construction of houses in the subdivision, the construction contractor and subcontractors may park on the private roadway easement in such a manner as not to block traffic, while they are working. The Association may immediately tow vehicles violating this provision at the vehicle owner’s expense.

8.1 Enforcement and Attorney fees. The Association, the Board, the Declarant, the owners, and any mortgagee holding an interest in a Lot shall have the right to enforce the covenants, conditions, restrictions, reservations, easements, liens, and charges imposed by the Declaration that appertain specifically to such parties by a proceeding at law or in equity. Failure to enforce any covenant, condition, or restriction shall not be a waiver of the right to do so thereafter. If suit or action is commenced to enforce the Declaration, the prevailing party shall be entitled to its reasonable costs and attorney fees incurred in trial and on appeal. The Association shall be entitled to its reasonable fees and costs incurred in any enforcement activity or to collect delinquent assessments, together with its actual administrative costs, whether or not suit or action is filed.

Traffic congestion/Fire Department access. The proposed hammerhead terminus has been reviewed by the Roseburg Fire Marshal and is in conformance with Roseburg Fire Department standards.

Mr. Cowie stated the Applicant, Adam Heberly will discuss the PUD fencing.

Chair Hughes inquired if the Homeowner's Association is responsible for maintaining the landscape in the PUD, and if the HOA addresses who the responsible party is for maintaining the Curtin drain.

Mr. Cowie stated the HOA, which every homeowner in the PUD is a part of, is required to maintain the landscape. The Conditions nor the HOA does not address the maintenance of the Curtin drain. According to Mr. Heberly, the Curtin drain's maintenance will be the responsibility of the owner that purchases that Lot.

Commissioner Atherton stated 4.10 in the CC&Rs, states four cars total are allowed; however, 4.11 states five vehicles are allowed. He asked for clarification.

Mr. Cowie stated the CC&Rs are a draft version and will address discrepancies prior to finalizing the PUD and signing the final Plat.

Commissioner Sperry inquired how long ago the first PUD was proposed on this property but denied. Mr. Cowie stated it was approximately 2005.

A discussion ensued regarding the placement, height, and elevation difference of the privacy fence, neighbor's visibility, parking enforcement, enforcement of the HOA, number of vehicles allowed in the PUD, and the Curtin drain maintenance.

Mr. Cowie stated the HOA is designed to address and enforce parking standards within the PUD; however, if parking prohibits the access of emergency services, the Roseburg Fire Marshal and or the Roseburg Police Department will address the issue. The Community Development Compliance Officer has authority to address any City code violation i.e. derelict houses, obnoxious vegetation and odors, debris, etc.

Adam Heberly, 1298 Wolf Valley Drive, Umpqua, OR, addressed the proposed fence for the PUD. He stated on the southern face, the adjacent neighbor has a retaining wall on their property with a 4 foot high fence on top. The PUD fence will be installed with the natural slope of the land. The elevation difference of the fence and retaining wall is 18 inches on one end and 4 feet on the other. The PUD is proposing to not remove any existing fencing and will add a 6 foot solid wood fence on the PUD property. 4.11 of the CC&Rs mentions five vehicles per Lot, including automobiles, trucks, boats, and trailers (although a boat on a trailer shall count as one vehicle) all contained on private property and not allowed on the street.

The Commission had no further questions of Adam Heberly.

### **AUDIENCE PARTICIPATION**

Peggy Harper, 2488 W. Lorraine Avenue, is concerned with traffic congestion and the overflow parking on W. Kenwood Street that the five additional houses will create. She inquired how the HOA will enforce parking.

Steve Anderson, 880 W. Kenwood Avenue, shared he analyzed the average lot sizes on W. Indianola Street and W. Lorraine Avenue and said they are larger than the Lots in the proposed PUD. He stated the following concerns: no enforcement will occur regarding the HOA because the people responsible for the enforcement are the same people who own the property in the PUD, overflow parking from the PUD will occur on W. Kenwood Street which will increase the congestion that already occurs, and who will maintain the 6 inch section of property between the privacy fence on the PUD property and the adjacent owner's fence.

Denise Bennet, 2468 W. Lorraine Avenue, discussed her diminished view, the difficulties of maintaining the vegetation between the two fences, small Lot sizes, five dwellings are too many and concerned with the overflow parking on W. Kenwood Street. She stated in her experience, an HOA isn't effective.

Chair Hughes inquired of the condition of W. Kenwood Street. Mr. Cowie said W. Kenwood is a public street with parking on both sides. The street was designed to provide for the number of homes proposed.

Commissioner Sperry inquired if there is room to expand W. Kenwood Street. Mr. Cowie said there is the ability to widen the street; however, he has no indication public works has a plan to widen it.

### **Applicant Rebuttal**

Adam Heberly, 1298 Wolf Valley Drive, Umpqua, OR, replied as follows:

- The PUD will provide a two car garage plus two parking spaces on each private property. Realistically the PUD will function like a subdivision. There may be an occasion where overflow occurs on W. Kenwood Street; however, it is a 60 foot right-of-way which is a standard subdivision street.
- HOA enforcement – The HOA outlines the many rules and regulations and the detailed function of how the HOA is to operate.
- Lot size –PUD can have 6.6 dwelling units with a reduction of 15% percent which is what the code allows.
- The City code allows for a 6 foot fence height. A 6 foot solid wood privacy fence will be installed with the natural slope of the land.
- The Curtin drain will help with the natural ponding on the property. The storm drain system is privately maintained; however, the construction will comply with the City of Roseburg's standards. With the exception of the private roadway and storm drain system, all other utilities are provided by a utility access easement noted in the Conditions of Approval.

A discussion ensued regarding City compliance violations and illegal parking and enforcement.

Mr. Cowie stated the City's compliance officer has the authority to enforce City standards. Parking is enforceable by the HOA; however, the Fire Marshal or the Roseburg Police Department has the authority to address concerns of prohibiting emergency vehicle access.

### **Audience Rebuttal**

Steve Anderson, 880 W. Kenwood Street, stated he does not agree with the 6,000 square foot minimum lot size, and the street standards were proposed for 7,500 square foot minimum lot size. He is concerned fire truck access will be restricted with the parking

congestion on W. Kenwood Street, maintaining the vegetation between the two fences along the property line, the height of the fence not being adequate for privacy for adjacent neighbors, and continued concern with HOA enforcement.

Jane Baker, 214 W. Bowden Street, Pastor of Faith Evangelical Lutheran Church on 820 W. Kenwood Street asked what would prohibit an owner from installing a gate to access the church parking lot.

Mr. Cowie stated installing a gate isn't a violation; however, trespassing on private property is an issue the Roseburg Police Department would address.

Denise Bennet, 2468 W. Lorraine Avenue, stated she is concerned the new property owners won't be aware of the natural spring on the property, the 6 foot wood privacy fence will be the same height as her fence, and there are no sidewalks required.

Steve Anderson, 880 W. Kenwood Street stated he is not opposed to development but five houses are too many. He discussed drainage issues in the area. He installed a Curtin drain to address the drainage issues on his property. He acknowledged, if two dwellings were proposed that he would not be opposed.

Mr. Cowie replied the 7,500 square foot minimum lot size Mr. Anderson mentioned is based on the Comprehensive Plan Designation. A PUD allows averaging the lot sizes which enables the total lot size to be below the 7,500 square foot minimum lot size. The private roadway is included with each lot in the PUD. At the time W. Kenwood Street was developed there were no sidewalk standards required. There are properties on W. Kenwood Street who have signed a Local Improvement District (LID). Once the LIDs reach 50% on W. Kenwood Street, sidewalks would be installed.

Hearing no further testimony. Chair Hughes closed the public hearing portion.

*Commissioner Kennedy made a motion to adopt the Findings of Fact and Order approving the Planned Unit Development with conditions as presented. The motion was seconded by Commissioner Onchuck and approved with the following votes: Chair Hughes, Commissioners Atherton, Kennedy, Onchuck, Osborn and Sperry voted yes. No one voted no.*

#### **BUSINESS FROM STAFF - Director's Report**

- Variance to backyard setbacks on NE Newton Creek Rd will be presented to the Planning Commission soon.
- Transportation System Plan (TSP) will be presented at the January 6<sup>th</sup> Planning Commission meeting.
- 90 unit apartment complex on NE Pomona Street will be issued soon.
- Site grading began on a 68 unit apartment complex on NE Douglas Ave.
- Pre-application conference was scheduled for a 144 unit apartment complex across from Sunshine Park.
- The System Development Charges (SDC) buydown is being utilized and is a benefit for the need for housing in our area.
- 300 potential apartment units in the Diamond Lake Blvd area; is exciting to see how this will help shape the area.

**BUSINESS FROM COMMISSION** – Commissioner Atherton shared the Service Organization Southeast Roseburg teamed up with NeighborWorks Umpqua and recently granted \$50,000 to start reconstruction on the Rose Hotel.

**ADJOURNMENT** - The meeting adjourned at 8:48 pm. The next meeting is scheduled for Monday, December 2, 2019.



Chrissy Matthews  
Department Technician

# CITY OF ROSEBURG PLANNING COMMISSION AGENDA ITEM REPORT



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**File No. V-19-007**

**Meeting Date: December 16, 2019**

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**To:** Roseburg Planning Commission                      Completeness Date: November 26, 2019  
**From:** John Lazur, Associate Planner                      120-Day Limit: March 25, 2020  
**Via:** Stuart Cowie, Community Development Director  
**Request:** Variance to front yard setback from 15 feet to 4.06 feet

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## **ISSUE STATEMENT AND SUMMARY:**

The applicant requests approval of an 11 foot variance to Roseburg Municipal Code (RMC) 12.04.030(B) to allow a front yard setback of 4.06 feet pursuant to Roseburg Municipal Code (RMC) 12.04.030(B) for the placement of a manufactured dwelling.

## **OPTIONS:**

- Adopt proposed Findings of Fact approving the request
- Adopt modified Finding of Fact approving the request
- Adopt Findings of Fact denying the request

## **CONCLUSION/RECOMMENDATION:**

Based on analysis of the application under criteria listed in Section 12.06.030(V) and Section 12.10.060(E) of the Roseburg Municipal Code the Planning Commission approves the decision with the following motion:

## **SUGGESTED MOTION:**

I MOVE TO ADOPT THE FINDINGS OF FACT AND ORDER **APPROVING** THE VARIANCE REQUEST AS PRESENTED.

## **ATTACHMENTS:**

Proposed Findings of Fact and Order

In the matter of the application by )  
Stanley Bruce and Karen L Orr )  
Regarding front yard property setback )  
Reduction from 15 feet to 4 feet. )

Variance  
File No. V-19-007  
404 NE Kirby Ave.

**BEFORE THE ROSEBURG PLANNING COMMISSION  
ORDER OF APPROVAL**

**I. NATURE OF APPLICATION**

Stanley Bruce and Karen L Orr, property owners, originally applied and submitted plans for the placement of a manufactured dwelling on property at 404 NE Kirby Avenue with plans indicating the structure would meet all applicable code requirements including the front setback of 15 feet. However, once the home was placed, it was discovered that the property line was 11 feet further north than the owner and contractor had thought. Upon final inspection, the City required the owner to provide verification of the property line and setback compliance through a survey which indicated the property line was 4.06 ft. from the front property line and encroached 11 feet into the required setback. Therefore, the applicant is requesting an 11 foot variance from RMC 12.04.030(B) front property line setback to decrease setback from 15 feet to 4 feet.

**II. PUBLIC HEARING**

A public hearing was held regarding the application before the Roseburg Planning Commission on December 16, 2019. At that hearing the Planning Commission reviewed File No. V-19-007, a front setback reduction to 4 feet from the required 15 feet. The file was made part of the record.

**III. FINDINGS OF FACT**

**A. GENERAL FACTS**

1. Property Location: The subject property is located at 404 NE Kirby Avenue. The property is further identified on Douglas County Assessor's map 27S-05W-06CD as tax lot 08300, R38940.
2. Lot size: 0.35 acres.
3. Zoning Designation: R6 (Single-Family Residential)
4. Comprehensive Plan Designation: LDR (Low-density Residential)
5. Surrounding Land Use: Adjacent uses to the north, east, south and west are all Low density residential and are developed as single family residential homes.

**B. AGENCY COMMENTS**

City Departments received notice of this proposal. No objections were received.

C. PUBLIC COMMENTS

Notice of this land use action was mailed to property owners within 300 feet of the subject property 20 days prior to the decision.

1. No letters of remonstrance have been received by the Community Development Department by the date of decision.

D. ANALYSIS

A variance from regulations setback requirements may be authorized pursuant to the process of RMC 12.10.010(F).

E. APPROVAL CRITERIA

An administrative variance, as authorized by this Article, may be granted only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Code has had no control

**Finding:** Historically, this lot had a mobile home installed further back on the lot several years ago. During an extraordinarily heavy rainy season, Newton Creek flooded and eroded the back of the property so severely that the mobile home slid down the embankment and into the creek, destroying the home and greatly reducing the useable area of the lot. While the lot is not small, the useable area for home placement is less than 30% of the overall lot size, and a stable placement can only be achieved at the front of the lot due to grading requirements for placement of the home. Also, the west side of the property is much lower than the rest of the lot, which further limits the placement options for the home, garage and driveway. Staff finds that the applicant's proposal complies with approval criterion one.

2. The variance is necessary for the preservation of a property right of the applicant, which is the same as that enjoyed by other property owners in the same zoning district in the area.

**Finding:** The subject property lies within a single family detached neighborhood and the applicant proposes to place a single family residence with an attached garage that is consistent with the development surrounding the subject property. The 4 foot setback the applicant is requesting is closer than the average setback in the vicinity. However, a front setback encroachment is common among the existing homes on Kirby. Comparatively, existing dwellings range from 5.5 feet to almost 30 feet from the front property line. In addition, 68% of the homes on the north side of Kirby Avenue have setback encroachments into the 15-foot front setback requirement. Based on

the majority of properties within the vicinity encroach within the required setback, staff finds the proposal complies with approval Criterion two.

3. The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

**Finding:** The subject property contains significant slopes immediately north of the buildable area of the lot. The presence of Newton Creek at the back of the property has caused significant erosion and together with accompanying riparian setbacks from the Oregon Department of Fish and Wildlife, require that any home placed on the property be placed closer to the street than the required 15-foot setback allows. The requested variance provides the only acceptable placement of the home, required garage, and required driveway which will allow for a safe installation. The applicant's request does not propose any conflict with code requirements and will not be materially detrimental to properties in the vicinity, nor otherwise conflict with the Comprehensive Plan. There will be no impact to utility services. Neighbors within 300' of the site were provided notice and there were no objections or concerns raised. The dwelling will meet all other setbacks as required by Roseburg Municipal Code. Staff finds the proposal complies with approval Criterion three.

4. The variance requested is the minimum variance which would alleviate the difficulty.

**Finding:** As stated in criterion 3 above, this lot has significant sloping and erosion damage at the rear portion of the lot which was caused by the flooding of Newton Creek. The present topography requires that any home placed on the property be placed closer to the street than the required 15-foot setback allows. The requested variance provides the only acceptable placement of the home, required garage, and required driveway which will allow for a safe installation and prevent further damage to the home in the future. Staff finds that the proposal complies with approval Criterion four.

5. The need for the variance is not the result of a practical difficulty created by the actions of the current owner or previous owners.

**Finding:** Although the house has already been placed by the current owner, the owner is aware that the structure cannot remain in its current location if the variance is not granted. The variance is necessary for the structure to remain in its current location and results from historic erosion and flood damage from Newton Creek which borders the rear of the property and is not a result of the current owner or previous owners. Staff finds the proposal complies with approval Criterion five.

#### IV. CONCLUSION

After review of the application, it was determined sufficient information was submitted and reviewed to reach a decision on the request. Based on the facts above, the Roseburg Planning Commission concludes that the application meets the requirements established in RMC 12.10.050(Variances).

#### V. ORDER

Based on the conclusion and findings above, the Roseburg Planning Commission approves the application as shown on file in the Community Development Department subject to the following conditions:

1. That the variance is based on the plans and application submitted for the site addressed at 404 NE Kirby Avenue.
2. That the future development shall comply with all aspects of the City of Roseburg Municipal Code except the specific variance to the section for which this variance has been granted.
3. The applicant shall acquire a site review approval for the proposed construction and the development will be required to meet all applicable development standards of the RMC prior to final approval of the dwelling.

This administrative approval will become final fourteen (14) days from the date of this decision unless an appeal is submitted pursuant to RMC 12.10.010(Q). If you have any questions, or wish to discuss the matter further, please feel free to contact the Community Development Department at 541-492-6750.

\_\_\_\_\_  
Ron Hughes, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Stuart Cowie, Community Development Director

\_\_\_\_\_  
Date

Planning Commission Members:

Ron Hughes, Chair  
Daniel Onchuck, Vice Chair  
Kerry Atherton  
Victoria Hawks  
Shelby Osborn  
Ron Sperry  
John Kennedy