

CITY OF ROSEBURG
PLANNING COMMISSION
Monday, June 1, 2020
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 Daniel Onchuck Victoria Hawks
 Ron Sperry Shelby Osborn John Kennedy
 Vacant
- III. APPROVAL OF MINUTES
 A. March 2, 2020 – Planning Commission Meeting
- IV. AUDIENCE PARTICIPATION: See Reverse for Information
- VI. PUBLIC HEARING
 A. LUDR-20-002 – Land Use Regulation Text Amendments [Legislative Amendment]
- VII. BUSINESS FROM STAFF
 A. Director’s Report
- VIII. BUSINESS FROM THE COMMISSION
- IX. NEXT MEETING – July 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

**CITY OF ROSEBURG
PLANNING COMMISSION MINUTES
March 2, 2020**

CALL TO ORDER

Chair Hughes called the regular meeting of the Roseburg Planning Commission to order at 7:00 p.m. on Monday, March 2, 2020, in the Roseburg City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

ROLL CALL

Present: Chair Ron Hughes, Commissioners Victoria Hawks, John Kennedy, Dan Onchuck, Shelby Osborn and Ron Sperry

Absent-unexcused: Commissioner Kerry Atherton

Others present: Community Development Director Stuart Cowie, City Manager Nikki Messenger, Associate Planner Ricky Hoffman, Department Technician Chrissy Matthews, and Mitch Hooper from Mead & Hunt

APPROVAL OF MINUTES

Commissioner Kennedy moved to approve the January 6, 2020 minutes as presented. The motion was seconded by Commissioner Onchuck and approved with the following votes: Chair Hughes, Commissioners Kennedy, Onchuck, Osborn and Sperry voted yes. No one voted no. Commissioner Hawks abstained due to being absent for the January 6th meeting.

AUDIENCE PARTICIPATION – None

PUBLIC HEARING File No. CUP-20-001 - Wishcamper Development Partners, LLC [Quasi-judicial]

Chair Hughes read the procedures for the Quasi-Judicial hearing and opened the public hearing.

No ex-parte contact or conflicts of interest were declared by the Commissioners.

Mr. Cowie stated Janice Marvin, property owner to the north of subject property requested party status.

Chair Hughes asked for the staff report.

Mr. Cowie provided a brief overview of the proposed development and introduced the Applicant Bret George from Wishcamper, Nick Jones from i.e. Engineering and Mark Garrett, consultant for the applicant.

Mr. Hoffman provided background information regarding the subject property. In 2019, the property owner Dustin Jinks made application for a land partition. The Appellant Janice Marvin filed an appeal due to concerns of access issues on her property. The appeal was heard by the Planning Commission on May 6, 2019 and the Commission affirmed staff's decision of approval. Mr. Jinks did not finalize the land partition.

The current applicant, Wishcamper is under contract to purchase the property and reached out to Ms. Marvin to determine what opportunities may exist to resolve the access issues in the previous appeal.

Mr. Hoffman provided the staff report and a power point presentation on the proposed development. Wishcamper Development Partners, LLC, is the authorized agent of the property at 152 Sunshine Road. They submitted an application for a conditional use permit for the development of a 144 unit multi-family development, consisting of six (6) separate apartment buildings, a community building, garden area, pet area, playground and open area. The site is a 9.08 acre property zoned Mixed Use (MU).

The MU zone conditionally permits multifamily dwellings subject to the standards of the Multifamily Residential (MR18) zone. The minimum lot area per dwelling is 2,350 square feet and could allow 166 units; therefore, the 9.08 acre parcel proposing 144 units is within the dwelling density requirement of the MR18 zone.

Traffic impacts were coordinated with Oregon Department of Transportation (ODOT) for Hwy 138, and Douglas County Public Works for Sunshine Road and determined to be sufficient to handle traffic for the proposed 144 unit apartment complex. Sunshine Road has a left and right turn lane and Hwy 138 has a center turn lane. A Traffic Assessment letter provided by Nick Jones, i.e. Engineering showed the proposed development would generate approximately 64 p.m. peak hour trips and would represent roughly three percent of the total volume of traffic at the intersection. A bus pullout will be part of the development design and Condition #6 of the Findings addresses the bus turnout and bus lane to be designed to adequately serve UTrans transit vehicles and Glide School District buses.

A letter of support was received from the Glide School District stating the Glide area is in need of affordable housing for young families with school-age children and felt Glide Schools can handle the extra students this project could bring.

A second letter of support was received from Umpqua Public Transportation District stating the Umpqua Public Transportation District is interested in and will be re-routing the UTrans bus line to serve the proposed Sunshine Road housing development.

A third letter of support was received from Janice Marvin stating she believes the apartment community is compatible with existing uses and may help to support future surrounding uses. She spoke with the developer regarding obtaining an access agreement to her property once the developer finalizes the sale of the property.

Existing wetlands on the property are limited to the seasonal drainage which bisects the property and a small area in the southwest quadrant of the property. These areas will be utilized for open space in order to avoid impacting the existing wetlands. No development is proposed in the wetlands. The City submitted a "Wetlands Land Use Notification" to the Department of State Lands (DSL) regarding the proposal. The applicant is responsible to coordinate with DSL to determine any necessary actions needed.

The Hwy 138 Access Management Plan (AMP) proposes Quarry Road to extend eastward and connect with Sunshine Road at a sufficient distance from the Sunshine/North Umpqua Highway intersection to allow for queued vehicles. Oregon Department of Transportation (ODOT) in coordination with the City has chosen to amend the Hwy 138 AMP to replace

Quarry Road as the “parallel route” to connect into Sunshine Road. Kester Road will now be identified as the east/west connection into Sunshine Road. Condition #4 of the Findings states a development agreement will be executed between the City and the property owner to ensure that the property owner will participate in dedication of the necessary street right-of-way through their property and will be responsible to contribute to a portion of street improvements relative to their ownership and frontage along the future street.

Discussion ensued regarding the street improvements and when they would be required. Mr. Cowie clarified the street improvements are not required before the proposed development is constructed. When more development occurs in the area and street improvements are required, the property owner would be required to participate according to the development agreement.

Chair Hughes asked if a detention facility is proposed for the development. Mr. Hoffman confirmed there will be a detention facility on the corner of the property.

Mr. Cowie stated the Housing Needs Analysis identified the need for affordable housing in our area. The 144 unit affordable apartment complex will help with the identified need. This development will be able to participate in the Diamond Lake Urban Renewal District which qualifies for \$720,000 Systems Development Charges deferral. As the Diamond Lake Urban Renewal District tax dollars are generated, the City will be reimbursed by the Urban Renewal District Agency.

Staff determined the Conditional Use Permit request satisfied the criteria for approval outlined in Conditions 1-6 in the Findings of Fact presented. Staff recommended the Planning Commission approve file CUP-20-001.

AUDIENCE PARTICIPATION -

Mark Garrett, 12975 Tiller Trail Hwy, Days Creek OR, representative for Wishcamper. Mr. Garrett stated he didn't have much to add since City staff did so well presenting the proposed development. They are looking forward to a successful development and to be part of the community.

Nick Jones, i.e. Engineering, 3107 W Woodside Avenue, Roseburg, consultant for Wishcamper. Mr. Jones responded to Chair Hughes' question regarding the detention pond stating there is a depression on the side of the property which would be utilized for the detention pond for storm water runoff. There are a couple of culverts that can be accessed from both sides. They can also look at the arrangements of the building to put ponds on both sides, if needed. A topographical survey will be conducted. No issues have been identified at this time.

Commissioner Kennedy asked if there have been any delineations done on the property. Mr. Jones stated they have conducted a walk through on the property and are able to utilize the bulk of the property; however, the site plan may be altered, if necessary.

Commissioner Kennedy asked if the applicant would need to resubmit for City approval if site plan changes are made.

Mr. Cowie replied, if substantial changes were made to the site plan, the applicant would need to resubmit to the Community Development Department for review. The plan shown at the meeting is a conceptual layout.

Chair Hughes inquired if the stream is designated as fish bearing.

Dustin Jinks, 1061 Westside Road, Camas Valley OR, owner of property at 152 Sunshine Road stated ODOT informed him the stream is non-fish bearing.

Hearing no further discussion, Chair Hughes closed the public hearing.

Commissioner Kennedy move to adopt the Findings of Fact as presented and approve the requested Conditional Use Permit, referenced as File No. CUP-20-001. The motion was seconded by Commissioner Hawks and approved with the following votes: Chair Hughes, Commissioners Hawks, Kennedy, Onchuck, Osborn and Sperry voted yes. No one voted no.

PUBLIC HEARING CPA-20-002 - Airport Master Plan Amendment [Legislative Amendment]

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

No ex-parte contact or conflicts of interest were declared by the Commissioners.

Chair Hughes asked for the staff report.

Ms. Messenger shared the reason the Airport Master Plan (AMP) came before the Planning Commission is because it becomes a part of the Comprehensive Plan when adopted and is a supplement to the Transportation System Plan. Public Works, Airport Commission and Mitch Hooper from Mead & Hunt have been working on the AMP for two years. The process is lengthy since each chapter, as it was completed, was submitted to the Federal Aviation Administration (FAA) for approval to ensure it meets all of their criteria. The FAA is the funding partner which paid for 90 percent of the AMP, 9 percent was funded by Oregon Department of Aviation and 1 percent was funded by the City.

Mr. Hooper presented a power point presentation on the AMP and provided an overview of the master plan in process, what development plan they ultimately arrived at, and the next steps for the airport following the master plan as it relates to capital improvement projects.

The project was led by Mead & Hunt and had assistance from ESA, Land and Water Environmental Services, GeoTerra, an aerial imaging company which collected GIS information for the Plan and Land Mark Surveying.

Master Plans are scoped uniquely for the airport it is done for and are conducted approximately every ten years. The scope focused on the runway length, noise and land use compatibility, near term and long term aviation development. The FAA sponsored document must show facilities meeting FAA design criteria, be used to justify future improvements that

require FAA funding and be used to support the Capital Improvement Plan. A Master Plan is not a business plan or a marketing plan, a wish list or a guarantee of FAA funding or a document binding the airport sponsor to build something.

Mr. Hooper further discussed the Master Plan schedule update 2017-2019, Airport layout plan, the meaning of Capital Improvement Plan (CIP), FAA funding source, near-term CIP 2019-2025, 2019-2023, mid-term CIP 2024-2028, and long-term CIP 2029-2038.

The ALP is approved and the next steps include 2021 Environmental Assessment (National Environmental Policy Act), 2020 Runway 16/34 lighting rehabilitation construction and 2024 taxiway A construction. The actual year of the projects may vary depending on FAA funding.

Chair Hughes asked when the lighting rehabilitation construction will proceed.

Ms. Messenger replied the bid went out and was awarded. The notice is expected to proceed April 1, 2020. Ms. Messenger added, a major accomplishment with the Master Plan is the runway was funded using Connect 3 dollars and was not FAA funded. The runway extension was completed in 2009. The FAA stated they weren't sure the airport was justified to have a 5000 foot extended runway. Until the 5000 foot runway was justified the FAA would not pay to maintain the extended length and they would not pay to put in the parallel taxiway in at that length. There is a process to determine what critical aircraft requires that length of runway. The determined critical aircraft then dictates what the design of the airport is. The City was successful in having the critical aircraft approved that requires the 5000 feet of extended runway and now the taxiway is eligible for FAA funding. A cost benefit analysis occurs for projects to see if funding is available.

Commissioner Sperry asked if the AMP controls construction if a property needs to rebuild due to destruction within the Airport Impact overlay.

Ms. Messenger stated properties within the Airport Impact Overlay zone that require them to be rebuilt need to go through an FAA process to determine if construction can occur. The FAA would prefer the City purchase these types of properties instead of them being rebuilt in the Airport Impact Overlay zone; however, the City does not have the budget to accommodate that and this has not been addressed in the Airport Master Plan.

Mr. Cowie shared that the Land Use and Development Regulation allows for a variance process in which the City can allow the structure to be rebuilt at the height of the structure before it sustained damage; however, the variance criteria also states the FAA has their own process in which they have the authority to approve or deny the rebuild request. Mr. Cowie shared that the FAA's process has not been favorable to rebuilds in the past.

Commissioner Sperry asked what the AMP envisions for the future need of the airport.

Mr. Hooper replied the future needs of the airport are aircraft parking and storage. In addition, making sure there is space available to continue offering services to the US Forrest Service to utilize the airport during fire season.

Mr. Cowie stated staff finds the proposal meets the applicable criteria for a legislative amendment and therefore recommended the Planning Commission adopt the Findings of Fact as presented.

Hearing no further discussion, Chair Hughes closed the public hearing.

Commissioner Kennedy moved to adopt the Findings of Fact and Order as presented and recommend City Council approve File No. CPA-20-002, adopting the proposed Legislative Amendment of the Roseburg Airport Master Plan to serve as a supporting document to the Comprehensive Plan. The motion was seconded by Commissioner Sperry and approved with the following votes: Chair Hughes, Commissioners Hawks, Kennedy, Onchuck, Osborn and Sperry voted yes. No one voted no.

LUDR-20-001 - Land Use Regulation Text Amendments [Legislative Amendment]

Chair Hughes read the criteria of the Legislative Amendment and opened the public hearing.

No ex-parte contact or conflicts of interest were declared by the Commissioners.

Mr. Cowie stated Amy Sowa, City Recorder conducted an audit of our Code and found a few issues with outdated references to the Oregon Revised Statute in our Land Use Regulations and some amendments that weren't incorporated in Roseburg Municipal Code (RMC) as part of a previous round of amendments.

The Community Development Department proposed changes to the Land Use Regulation of the Roseburg Municipal Code (RMC) to update changes to ORS for Condominiums, Marijuana uses, Partitions/Subdivisions and correct a scrivener's error for professional offices in the Central Business District (CBD) zone.

Hearing no further discussion, Chair Hughes closed the public hearing.

Commissioner Onchuck moved to adopt the Findings of Fact as presented and recommended the Planning Commission recommend City Council approve the proposed Text Amendments, File No. LUDR-20-001. The motion was seconded by Commissioner Osborn and approved with the following votes: Chair Hughes, Commissioners Hawks, Kennedy, Onchuck, Osborn and Sperry voted yes. No one voted no.

AUDIENCE PARTICIPATION: None

BUSINESS FROM STAFF - Director's Report

Mr. Cowie provided the following status update on the Urban Growth Boundary (UGB) swap.

- The City is moving forward and is in the process of hiring a traffic engineer to study different intersections that could be effected by the increased traffic from the development in the area.
- The application is anticipated to be completed and submitted this summer.
- The City has received support from Department of Land Conservation Development and other watch dog groups that lend their opinion on projects like the UGB swap.

Discussion ensued regarding the area, the topography and constraints of the land involved in the swap.

Mr. Cowie thanked the Commission for their service on the Planning Commission.

BUSINESS FROM COMMISSION – none

ADJOURNMENT - The meeting adjourned at 8:30 p.m. The next meeting is scheduled for Monday, April 6, 2020.



Chrissy Matthews
Department Technician

CITY OF ROSEBURG PLANNING COMMISSION STAFF REPORT



Land Use Regulation Text Amendments File No. LUDR-20-002

Meeting Date: June 1, 2020 **Completeness Date:** N/A **120-Day Limit:** N/A
Staff Contact: John K. Lazur, Associate Planner
Applicant: City of Roseburg
Request: Amend the Roseburg Municipal Code that affects when different types of development require the construction of public sidewalks.

ISSUE STATEMENT AND SUMMARY

Staff is proposing to amend the current sidewalk code provisions as contained in the Roseburg Municipal Code to update requirements for local residents wanting to improve their residential property while still seeking to extend existing sidewalks throughout the community.

BACKGROUND/ANALYSIS

Section 12.06.020(E) of the Roseburg Municipal Code currently requires property owners to construct or improve existing sidewalks along their property as a condition of the issuance of a development permit when the structural improvement will increase the total gross floor area on the property. This can become problematic for home owners who are looking to perform a modest addition to their home and are required by code to construct a new sidewalk. The sidewalk provisions create challenges for property owners looking to make small investments or improvements to their property and in some cases causes individuals to avoid the permitting process altogether.

Current sidewalk regulations were amended in 2016 in an effort to tighten the regulations that required the construction of sidewalks in new subdivisions and existing development. The regulations previous to the current standards required sidewalks to be constructed whenever a development was proposed to increase the gross square footage of the buildings on the property in excess of 20%. Sidewalks in new subdivisions were required when the dwelling was constructed on a vacant lot. These regulations were most problematic for completing sidewalk networks in existing neighborhoods because developers would frequently propose small additions of 19% or less to avoid installing sidewalks. As a result, very little was being accomplished in achieving the intent of the regulation, which was to provide a complete network of sidewalks along public streets.

Amendments made in 2016, through Ordinance 3459, attempted to close the "20% loophole" by requiring any development that increased the size of a structure on a property to install sidewalks. Over the last 4 years, the amendments have solved two of the most problematic

issues. The first being incomplete sidewalk networks in new subdivisions and the second being the completion of missing sidewalks fronting commercial and industrial development. However, residential additions have become challenging due to the cost of sidewalk installation in relation to the cost of the improvement project. In many cases, installing sidewalks in older residential subdivisions include additional costs such as moving utility poles, fire hydrants, installing ADA access ramps and other personal property improvements like fences, retaining walls, and large trees.

The City has evaluated the intent of the code and how to best address the sidewalk provisions pertaining to residential property improvement and still achieve the goal of providing a complete network of sidewalks along public streets. The proposed code changes maintain the majority of the existing code intact, but provides an exemption to the installation of sidewalks in certain circumstances and defers them to a point in the future if the City chooses to form a local improvement district.

In order to qualify for the proposed exemption and to defer construction, the property must be:

- 1) A single family residence or duplex, and;
- 2) The structural improvement cannot increase the total floor area of all structures on the property by more than 15%, (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.), and;
- 3) 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.

In addition, we are proposing to amend the code to allow the Public Works Director to apply discretion when determining if sidewalks are required in residential zones where topographical features or existing public utilities or similar obstructions prevent construction to standards set by the code.

The proposed amendments went before the Public Works Commission on June 14th, in which they recommended that the Planning Commission approve and City Council adopt the proposed amendments.

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

OPTIONS:

1. Adopt proposed Findings of Fact recommending the City Council approve the text amendments.
2. Adopt proposed Findings of Fact recommending the City Council deny the text amendments.
3. Adopt modified Findings of Fact.

RECOMMENDATION:

Given the proposal meets applicable criteria, staff recommends the Planning Commission recommend City Council approve the Findings of Fact as presented.

SUGGESTED MOTION:

I MOVE TO ADOPT THE FINDINGS OF FACT AS PRESENTED, AND RECOMMEND THE PLANNING COMMISSION RECOMMEND CITY COUNCIL **APPROVE** THE PROPOSED TEXT AMENDMENTS FILE NO. LUDR-20-002.

ATTACHMENTS:

Findings of Fact and Order

Text Amendments (Clean Version)

Text Amendments (Edited Version)

In the Matter of the Legislative Action
by the City of Roseburg

) Text Amendment
) File # LUDR-20-002

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

I. NATURE OF AMENDMENTS

The Community Development Department proposes changes to the Land Use Regulations of the Roseburg Municipal Code (RMC) to amend the Roseburg Municipal Code that affects when different types of development require the construction of public sidewalks.

II. PUBLIC HEARING

A public hearing was held on the proposed amendments before the Roseburg Planning Commission on June 1, 2020. At the hearing, the Planning Commission reviewed Land Use File LUDR-20-002 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 Development Regulations in the Roseburg Municipal Code.

B. PROPOSAL

The full text of the changes made in this amendment are attached.

C. AGENCY COMMENTS

Coordination occurred between the Community Development Department and Public Works Departments while the proposed amendments were being drafted. The Public Works Commission was presented with the sidewalk amendments at their June 14th meeting in which they made a motion to request the Planning Commission approve and the City Council adopt the proposed amendments.

D. PUBLIC COMMENTS

No public comments were received prior to the hearing.

E. ANALYSIS

Text Amendments are required to satisfy approval criteria contained within RMC Section 12.10.020.

F. REVIEW CRITERIA

Pursuant to RMC Section 12.10.020(F)(2) all legislative action proposals shall 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:

Transportation Policy No. 1

The City will continue to develop and refine street standards as necessary, particularly for local streets where site-specific characteristics are most important. Flexibility in the design of local streets shall be encouraged.

Finding:

Section 12.06.020(E) of the Roseburg Municipal Code currently requires property owners to construct or improve existing sidewalks along their property as a condition of the issuance of a development permit when the structural improvement will increase the total gross floor area on the property regardless of site-specific characteristics. The current amendments align with this policy by allowing for some flexibility in the design of local streets in instances where there are topographical constraints, significant utility infrastructure, or other similar obstructions that would prevent the reasonable construction of a sidewalk. However, these provisions do not exempt sidewalk construction entirely. Instead, in lieu of construction at the time of development, they require a property owner to enter into an agreement with the City that the construction would take place at a future date as the street is improved and conditions permit said construction.

Transportation System Plan

Pertinent Transportation System Plan policies that apply to the proposal have been evaluated as follows:

Transportation Options

- *As development occurs, maintain a network of arterials, collectors, local streets, and paths that are interconnected, appropriately spaced, and reasonably direct.*
- *Ensure neighborhood and local connections provide adequate circulation into and out of neighborhoods.*

Finding:

The intent of the proposed amendments is to provide an opportunity for minor residential construction projects that are greater than 250 feet from an existing sidewalk network to defer constructing sidewalks at a later date, ideally the time of a City initiated street construction project. However, construction projects that increase the square footage of a structure and are within 250 feet of an existing sidewalk are not eligible for a deferral and will still be required to construct a sidewalk at the time of construction. The reason for this is to provide for the reasonable extension and connectivity of existing sidewalk networks.

Implementation

- *Plan for an economically viable and cost-effective transportation system.*

Finding:

Current code requires property owners to construct or improve existing sidewalks along their property as a condition of the issuance of a development permit when the structural improvement will increase the total gross floor area on the property. This standard is financially and economically problematic for home owners who are looking to perform small improvements to their home and are required by code to construct a new sidewalk. In many cases, installing sidewalks in older residential subdivisions include additional costs such as moving utility poles, fire hydrants, installing ADA access ramps and other personal property improvements like fences, retaining walls, and large trees. The proposed amendments seek to alleviate these issues and still achieve the goal of providing a complete network of sidewalks along public streets but provide an exemption to the installation of sidewalks in certain circumstances and defers them to a point in the future if the City chooses to form a local improvement district as part of a planned capital improvement project. Thus, promoting a cost-effective and economically viable transportation system.

Statewide Planning Goals

Pertinent Statewide Planning Goals that apply to the proposal have been evaluated as follows:

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.

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. The Comprehensive Plan is implemented via the adopted Code, in which the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet Oregon Revised Statutes (ORS).

Roseburg also has an established Planning Commission that 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 current sidewalk requirements, staff, and members of the Public Works Commission and Planning Commission members.

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, provide technical information, and/or provide information regarding conditional approval.

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.

As noted above the City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City UGB. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.) 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. (Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984) Both the Comprehensive Plan and LUDR have been amended from time-to-time.

Statewide Planning Goal #12 – Transportation Planning

To provide and encourage a safe, convenient and economic transportation system.

The City of Roseburg has recently adopted a Transportation System Plan together with cooperation from the Oregon Department of Transportation (ODOT), which is the reviewing state agency that determines consistency with the Transportation Planning Rule (TPR) and Statewide Planning Goal 12. The TSP, in coordination with ODOT, was drafted under the guidance of OAR 660-015-0000(12), Goal 12 guidelines, and other applicable administrative rules and statutes relating to development and adoption of a Transportation System Plan in order to fully comply with all applicable state requirements, while still tailoring the TSP to meet and address the transportation needs of the citizens of Roseburg. In addition, periodic coordination with ODOT occurred prior to, during, and after completion of the project to ensure consistency with the TPR.

IV. CONCLUSION

Based on the above findings, the Planning Commissions 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.

Ron Hughes, Chair

Date

Stuart Cowie, Community Development Director

Date

- Planning Commission Members:
Ron Hughes, Chair
Dan Onchuck, Vice Chair
Ronald Sperry
Victoria Hawks
Shelby Osborn
John Kennedy

Text Amendments (Clean Version)

RMC 12.06.020(E) Sidewalks, curbs, gutters, storm drainage.

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 structures¹ on the property during a fifteen-year period, and

No public sidewalks exist within 250 feet of the property frontage on the same side of the street of any of the frontages. A corner lot or parcel has two or more 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

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.

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.

Text Amendments (Edited Version)

Proposed Changes: ~~Remove text~~ Add text

RMC 12.06.020(E) Sidewalks, curbs, gutters, storm drainage.

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 ~~re~~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 ~~street~~ 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 ~~New~~ Street Construction.
 - a. As a condition of approval of final plats ~~f~~or 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 ~~new~~ 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 redevelopment 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 structures¹ 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

cb. 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.

de. 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).

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.

- ed. When improvements are not constructed at the time of issuance of a development permit, pursuant to "a," "b," ~~or~~ "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.
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 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.