CITY OF ROSEBURG
PLANNING COMMISSION
Monday, April 1, 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 Daniel Onchuck Victoria Hawks
              John Kennedy Kerry Atherton Ron Sperry
              Shelby Osborn

III. APPROVAL OF MINUTES
      A. January 7, 2019 – Planning Commission Meeting

IV. AUDIENCE PARTICIPATION: See Reverse for Information

V. PUBLIC HEARING

VI. BUSINESS FROM STAFF
      A. Director’s Report

VII. BUSINESS FROM THE COMMISSION

VIII. NEXT MEETING – May 6, 2019

IX. 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
CALL TO ORDER
Vice-Chairman Dan Onchuck called the regular meeting of the Roseburg Planning Commission to order at 7:00 p.m. on Monday, January 7, in the Roseburg City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

ROLL CALL
Present: Vice-Chairman Dan Onchuck, Commissioners Charlie Allen, Kerry Atherton, Victoria Hawks, Shelby Osborn and Ron Sperry.

Absent - Excused: Chairman Ron Hughes

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

APPROVAL OF MINUTES
Commissioner Atherton moved to approve the November 5, 2018 minutes as presented. The motion was seconded by Commissioner Hawks and approved with the following votes: Commissioners Allen, Atherton, Hawks, Onchuck, Osborn and Sperry voted yes. No one voted no.

AUDIENCE PARTICIPATION
Vice-Chairman Onchuck acknowledged Magnus Johannesson would like to speak regarding Agenda item Single Room Occupancy.

PUBLIC HEARING
Vice-Chairman Dan Onchuck read the procedures to be followed for this Legislative public hearing. He then opened the public hearing. Commissioner Sperry disclosed he represented Magnus Johannesson unrelated to the proposed Text Amendment regarding Single Room Occupancy (SRO) before the Commission tonight and has not discussed SROs with him. He doesn't currently represent Mr. Johannesson and doesn't believe he has a conflict of interest; however, if during the presentation a conflict arises he will recuse himself from any decision making.

Mr. Lazur read the staff report stating the City of Roseburg has been facing housing shortage challenges, particularly affordable housing. The proposed Text Amendments will amend the Roseburg Municipal Code to deregulate and incentivize potential construction of Accessory Dwelling Units (ADUs), an intent of House Bill 2007 adopted by the Oregon State Legislature, and revise the Central Business District (CBD) Zone to include Single Room Occupancy Housing (SROs) and remove the maximum density standard affecting multiple family dwelling developments within the CBD.

The proposed LUDR amendments are as follows:

1. Adding a definition of "Accessory Dwelling Unit" as an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single family dwelling.
2. Amends the Single Family Residential Zone to allow accessory dwelling units as a permitted use within the zone from the previous conditionally permitted status.

3. Amends Accessory Dwelling Unit provisions that exempts ADUs from zoning density standards, allows an increase in size of ADUs in certain cases. Exempts ADUs from street and sidewalk improvements, off-street parking in certain cases, and removes owner-occupant, heat source, and utility provisions.

4 Adding a definition of "Single Room Occupancy Housing (SRO)" as a structure that provides living units with separate sleeping areas and shared or communal bath, toilet, and cooking facilities for residents.

5. Adding Single Room Occupancy Housing requirements as supplemental provisions for a new building or change of use of an existing structure including but not limited to: unit square footage, living amenity provisions, minimum length of tenancy, minimum parking, and change of use provisions.

Mr. Lazur said, if approved, the proposed Text Amendments will open up housing opportunities for citizens of Roseburg.

The Commissioners had several questions about the proposed Text Amendments regarding ADUs:
- Analysis of properties that qualify
- 1,000 square foot requirement
- How will this apply for non-conforming structures
- Sidewalk requirements

Mr. Lazur addressed the questions by stating a percentage of ADU qualifying parcels could be less than 1% because parcels are required to have enough yard space to meet lot coverage and would need to meet zoning setbacks. Properties unable to meet the 1,000 square foot maximum and or have an additional space within the existing dwelling to convert to an ADU could qualify. An ADU within an historic designation are required to meet current historic standards. An ADU that would increase the footprint of an existing structure would be required to meet sidewalk requirements; however, an ADU within an existing structure would not. Discussion ensued regarding sidewalk and parking requirements and standards.

**Single Room Occupancy (SRO):** Mr. Cowie shared the City Council tasked the Community Development Department to address the housing shortage. As this proposed change may offer small living square footage it provides for older structures to be utilized downtown. The SRO is specific to the downtown Central Business District. The amendment would remove the 800 sq. ft. maximum density from multiple-family residential developments above commercial structures. SRO would establish provisions for a new or change of use including but not limited to: unit square footage, living amenity provisions, minimum length of tenancy, minimum parking, and change of use provisions.

Magnus Johannesson purchased a property which operated as a hotel many years ago and plans to refurbish the building to SROs. It would be cost prohibitive to make into single dwelling units. One off-street parking for each unit within 300’ from the structure is required.
The City parking garage would accommodate that criteria. Parking permits can be obtained through Park Smart which contracts with the City for the downtown area and administers parking permits. ADA requirements would only be exempt under the authority of the Douglas County Building Official; however, fire, life and safety standards would be addressed. Mr. Cowie invited Magnus Johannesson to talk about his project to refurbish a building he owns downtown. This project could benefit from the proposed Text Amendments if they receive approval.

Magnus Johannesson - 340 SE Pine Street, Roseburg, shared he owned his first SRO in Portland in 1993. His goal is to refurbish the old hotel at 910 SE Washington Street which was once the Valley Hotel and has been vacant since 1976. The target occupants are Umpqua Community College students and he anticipates charging $400 a month. He found a rental receipt from 1942 and rent was $22.50. The cost to make all the rooms ADA is cost prohibitive; however, he is extremely aware of the need and will make ADA units when he can, possibly 15 units out of 49. The building will include new electrical and plumbing and eight washers & dryers will be installed. The average room size is 10x12 and some are larger. The goal is to create vibrancy in downtown. He also owns the Professional Building downtown that will offer residential units with an elevator and will provide all 15 units as ADA as well. He is in favor of the parking requirements and verification that a parking agreement is obtained. He will provide parking and include a parking permit as part of the rental agreement TO ensure the requirement is fulfilled.

Hearing no further testimony. Vice-Chairman Onchuck closed the public portion of the hearing.

*Commissioner Hawks moved to adopt the Findings of Fact and Order as presented, and recommend the Planning Commission recommend City Council approve the proposed Text Amendments, File No. LUDR-19-001. The motion was seconded by Commissioner Allen and approved with the following votes: Commissioners Allen, Atherton, Hawks, Onchuck, Osborn and Sperry voted yes. No one voted no.*

**BUSINESS FROM STAFF**

Mr. Cowie acknowledged Commissioner Allen’s resignation stating it has been a pleasure having him on the commission. Commissioner Allen shared he accepted a Public Defender position in Bend and he has enjoyed his time on the commission. Mr. Cowie said the vacancy will be posted for recruitment.

The Safeway building received a site review approval for demolition. The owners are working with i.e. Engineering. According to i.e. Engineering, the Douglas County Landfill has agreed to waive the dump fees for the demolished materials. An asbestos study was obtained and they are obtaining bids for its removal. Mr. Cowie anticipates the demolition to occur in February or March of this year. This building is currently registered with the City as a derelict building and is being assessed monthly fees. The Rite Aid building will not be demolished at this time and the owners are taking steps to remove the conditions causing the derelict status.

The Pine Street Waterfront Overlay Project is moving forward and the final draft is anticipated to be completed in February of this year. Mr. Cowie is hopeful the Urban Growth Boundary will grow to include the Pine Street Waterfront area as well as the area where Safeway and Rite Aid are located to be able to utilize funds for improvements.
The Housing Needs Analysis' first draft was received. The City received funding from The Ford Family Foundation for the Homeless Housing Needs Point and Time Count that happens at the end of January to analyze the needs for our area.

BUSINESS FROM COMMISSION
Election of officers. Mr. Cowie shared that Chairman Ron Hughes wasn't able to attend tonight's meeting; however, expressed Mr. Hughes would likely agree to remain chairman if the commission was in agreeance.

Commissioner Atherton nominated to re-elect Ron Hughes as Chairman. The motion was seconded by Commissioner Onchuck and approved with the following votes: Commissioners Allen, Atherton, Hawks, Onchuck, Osborn and Sperry voted yes. No one voted no.

Commissioner Onchuck nominated Commissioner Osborn for Vice-Chairman. The nomination was seconded by Commissioner Sperry. Commissioner Osborn accepted. The nomination was approved with the following votes: Commissioners Allen, Atherton, Hawks, Onchuck, Osborn and Sperry voted yes. No one voted no.

Mr. Cowie thanked the commissioners for their participation.

ADJOURNMENT - The meeting adjourned at 8:26 pm. The next meeting is scheduled for Monday, February 4, 2019.

Chrissy Matthews
Department Technician
To: Planning Commission  
From: Stuart Cowie, Community Development Director  
Subject: Appeal of Director’s Decision Land Partition File No. P-18-007

ISSUE STATEMENT AND SUMMARY:

Dustin Jinks, property owner of 152 Sunshine Road applied for and was granted administrative approval of a preliminary plat for a proposed three-parcel land partition as detailed in the administrative decision for File No. P-18-007 (Exhibit A) on February 1, 2019. On, February 12, 2019, Jeffery Pugh filed a timely appeal of the decision (Exhibit C) on behalf of his client Janice Marvin, in accordance with Section 12.10.010(Q). Ms. Marvin owns adjacent property to the northwest of the subject property. See the attached vicinity map (Exhibit E) for reference. Appeal of a decision by the Community Development Director is considered a land use decision of the Planning Commission pursuant to Section 12.10.010(R).

Please be advised this supplemental staff report is divided into three sections for your review. The first section references the applicable criteria necessary for issuing a decision concerning the land partition request. Abbreviated findings from the administrative decision dated February 1, 2019 are provided. Staff recommends that the Planning Commission review the initial decision in order to recognize the complete set of findings that led to approval of the requested partition.

The second portion of the staff report references the letter of remonstrance submitted by Mr. Pugh, dated December 13, 2018, on behalf of Ms. Marvin. This letter was submitted to staff during the required notice period prior to issuing the decision to approve the partition. Page two of the administrative decision (Exhibit A) references staff’s responses to the issues raised by Mr. Pugh. Additional responses to the points raised in this letter are contained in this section of the report.

Finally, the third section of the staff report addresses staff’s response to the issues raised by Mr. Pugh in the appeal letter submitted by the appellant dated February 12, 2019 (Exhibit C).

APPLICABLE CRITERIA & STAFF FINDINGS:

The applicant’s request for a three-parcel land partition was reviewed by the City via administrative decision P-18-007, as outlined within the staff report dated February 1, 2019 (Exhibit A). The applicable criteria for the land partition decision are indicated as follows from the Roseburg Municipal Code:

- RMC Section 12.12.010(E) – “Requirements and Standards for preliminary plans”
a) Staff’s findings include review of consistency with Comprehensive Plan polices, specifically, Transportation Element Policy numbers 1 and 2, and Urban Growth Policy number 3, which consists of addressing parallel street connections to Highway 138, as prescribed by the Diamond Lake Blvd/Hwy 138 Access Management Plan. (See pages 2-4 of Exhibit A)

b) The staff findings within the decision also address consistency with the Mixed Use zoning designation, ensuring that all parcel standards of the underlying zone are met by the proposed land partition. (See page 4 of Exhibit A)

c) Staff findings also include a review of the access and adjoining street system in relation to the proposed land partition, which demonstrates that each parcel maintains adequate and feasible access and the current right-of-ways serving as frontage to the property are adequate and do not require further dedication. (See page 4 of Exhibit A)

d) Finally, Sections 12.12.010(M) & (T) are referenced as the platting, mapping and approval standards for the final partition plat, which are carried through as conditions of approval for the final plat. (See page 4 of Exhibit A)

**REMONSTRANCE TO FILE P-18-007:**

During the notice period Mr. Pugh, submitted a letter of remonstrance into the record (Exhibit B). Mr. Pugh’s letter indicates that the City should require an irrevocable offer to dedicate a 60 foot wide public right-of-way along the northern boundary of parcel three of Mr. Jenks proposed partition. This right-of-way would serve a future street that could then provide vehicular access to Ms. Marvin’s land locked property. If this cannot be accomplished, Mr. Pugh is requesting that the City prohibit development within the northerly 60 feet of parcel three in an effort to maintain the ability to obtain future access along this portion of the property to serve Ms. Marvin’s parcel without the encumbrance of a structure blocking the way.

Within the letter, Mr. Pugh references the purpose statement of the Land Divisions portion of the code Section 12.12.010(B) indicating the City’s ability to “provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares.” Mr. Pugh also references subsections (E) and (F) of Section 12.12.010 further referring to the City’s ability to plan for future street systems.

The applicant is not proposing any internal street systems that would require dedication of public right of way in order to access a newly created parcel as part of the partition. Each proposed parcel has adequate frontage along existing public rights-of-way either Sunshine Road or Hwy. 138. Proper access may be obtained via ODOT or the City in order to provide future vehicular access to each proposed parcel from either of these two existing roadways. Due to the nature of Hwy. 138, access points should be limited in order to provide efficient and safe travel along the highway.

In order to address access issues along the Hwy 138 corridor, ODOT developed the Diamond Lake/Hwy 138 “Access Management Plan”. This plan was completed and adopted in 2003. It identifies future routes that could serve as local roads parallel to Hwy. 138 as an alternative to
using Hwy 138 itself. See Exhibit F, Figure 11 – “Proposed Local Road Connections” to see that a local road is proposed as part of this plan to run through Mr. Jenks property in an effort to provide a parallel access point to properties and future uses within this area.

Upon submittal of Mr. Jink’s application and Mr. Pugh’s letter of remonstrance we began having discussions with ODOT to see how we may be able to best facilitate the applicants partition request and address Ms. Marvin’s concerns while being able to fulfill the objective of the Access Management Plan within the confines of the partition approval criteria allowed within the code.

We determined that the proposed extension of Quarry Rd. could have major impacts on future uses that could occur with all three proposed parcels as extension of Quarry Rd. would mean that it would most likely run directly through the center of the property. Instead, we looked to see if the public right-of-way that serves as Kester Rd. north of Quarry Rd. could be extended parallel to Hwy 138 in order to connect to Sunshine Rd. (See Vicinity Map, Exhibit E). If held along the northern portion of the property this future right-of-way could then serve as possible access to Ms. Marvin’s property. ODOT was amenable to this solution, and as a result within the administrative decision (Exhibit A) condition #3 indicates the applicant shall provide a notation on the final plat map, in which the northern 60 feet of Parcel 3 running the entire width of the parcel be planned for future extension of Kester Road.

Although this condition does not necessitate the dedication of right-of-way it does recognize that future right-of-way for the extension of Kester Rd. as a parallel access route could occur thus providing possible access to Ms. Marvin’s property. A notation on the plat indicating the proposed right-of-way at this location will also effectively prohibit the development of structures along this portion of property unless future analysis determines the construction of the road in a more viable location.

Requiring a notation of the future right-of-way on the plat is consistent with other partitions that the City has approved in which a future parallel road is identified as part of the Access Management Plan (See Exhibit G). Although a notation indicating future right-of-way is not the same as a dedication of right-of-way it was our hope that this would help to appease the appellant.

The criteria required to approve a partition request does not provide the City with the authority to exact property from a private owner to dedicate future public right-of-way in order to provide access to land locked parcels. It is the opinion of staff and the City’s legal counsel that there is no legal nexus in requiring Mr. Jinks provide a street dedication or irrevocably committing land to future street dedication and that in doing so would be a violation of property rights by reference of “Dolan V. City of Tigard 512 U.S. 374”.

Nor will the City require that Mr. Jinks dedicate right-of-way for the future extension of Kester Rd. No preliminary engineering has been completed within this area to suggest that a road could be constructed within the identified location. It is possible that the exact location of a parallel route could change based upon future analysis of the area and then any dedicated roadway would need to be vacated.

To illustrate further that the City has not required dedication of public right-of-way when planning for future streets staff would offer the example of development that occurred on property where the Subway restaurant is located at 1969 NE Diamond Lake Blvd. This roadway although built to
City standards is a private road in which the City did not accept as a public road through the dedication of right-of-way even though it is determined to be a possible parallel route within the access management plan.

Staff asserts that the code criteria identified in Mr. Pugh’s letter indicating the proper arrangement of future planned streets has been satisfied by requiring the applicant to adhere to condition #3 of the administrative decision and providing a future notation on the final plat map, in which the northern 60 feet of Parcel 3 running the entire width of the parcel be planned for future extension of Kester Road.

**APPEAL OF ADMINISTRATIVE DECISION FILE P-18-007:**

Mr. Pugh, on behalf of Ms. Marvin submitted a timely appeal on February 14, 2019 (See attached Exhibit C), which has resulted in Planning Commission review of the the administrative decision of file P-18-007.

Within the appeal letter (Exhibit C), Mr. Pugh provides additional points in support of the appeal, which include:

1. Compliance with the Housing Element of the Comprehensive Plan.
2. Failure to support the City Council’s adopted Goals.
3. Failure to comply with the Diamond Lake Urban Renewal Plan.

Staff's responses to the additional points submitted within the appeal letter are as follows:

1. Compliance with the Housing Element of the Comprehensive Plan is not an applicable criterion to the subject land partition request. Neither the subject property nor the property of the owner represented by Mr. Pugh is designated within the Roseburg Comprehensive Plan as residential. Both properties are currently planned industrial and zoned mixed use and while the mixed use zone does provide for conditional approval of limited types of residential uses, the underlying plan does not directly serve in fulfilling the housing policies of the Comprehensive Plan. Furthermore, the Comprehensive Plan policy cited by Mr. Pugh is not intended to address specific access issues for adjacent property owners.

2. In response to points 2 and 3 of the appeal letter, staff notes that City Council goals nor the Diamond Lake Urban Renewal Plan serve as applicable criteria to the land partition request. The appellant’s property is not located within the boundaries of the Diamond Lake Urban Renewal Boundary. Therefore, these items should not be used as criteria for the purpose of determining the merits of the land partition application submitted by Mr. Jinks within file P-18-007.

**STAFF RECOMMENDATION:**

Staff determines that the partition request as detailed in the administrative decision referenced as Exhibit A, satisfies the criteria for approval subject to conditions 1-6 contained within the decision. Concerns raised by the appellant within the letter of remonstrance and appeal (Exhibit B & C) do not sufficiently address how the applicant fails to meet the approval criteria and does not warrant denial of the application. Therefore, it is recommended the Planning Commission
approve file P-18-007, affirming the administrative decision to approve the land partition at 152 Sunshine Rd.

OPTIONS:

- Adopt Findings of Fact approving the partition request.
- Continue consideration of the request.
- Adopt proposed Findings of Fact denying the requested partition.

SUGGESTED MOTION:

I MOVE TO APPROVE FILE P-18-007, AFFIRMING THE ADMINISTRATIVE DECISION TO APPROVE THE LAND PARTITION FOR MR. DUSTIN JINKS AT 152 SUNSHINE ROAD.

EXHIBITS:

A - File P-18-007 Staff Report/Administrative Decision (February 1st 2019)
B - Jeffery Pugh – Remonstrance to file P-18-007 (December 17th, 2018)
C - Jeffery Pugh – Request for Appeal to file P-18-007 (February 12th, 2019)
D – Application & Preliminary Land Partition Plat of 152 Sunshine Road
E – Vicinity Map
F – Figure 11 “Proposed Local Road Connections” Diamond Lake Blvd Management Plan
G – Decision P-04-7/Plat 2005-0037 (Reference Decision)
February 1, 2019

Dustin Jinks  
PO Box 1951  
Roseburg, OR 97470  

Dear Mr. Jinks,

RE: Partition File No. P-18-007 - 152 Sunshine Road

Roseburg Community Development Department reviewed your application for Preliminary Land Partition approval pursuant to Chapter 12.12, Land Divisions Section 12.12.010 of the Land Use and Development Regulations (LUDR), which provides that the request shall be approved if all required information has been provided, and the proposed design and development meets the LUDR and the Comprehensive Plan.

FINDINGS:

1. The proposal is to partition a 9.60± acre property addressed as 152 Sunshine Road into three (3) lots of record, Parcel 1 being 2.48± acres, Parcel 2 being 1.23± acres, and Parcel 3 being 5.37± acres in order to accommodate future development.

2. The property is zoned Mixed Use (MU) and is not subject to any zoning overlays. The site is described as Township 27 South, Range 05 West, Willamette Meridian, Section 15C, Tax Lot 00200; R34300 & R34292.

3. The proposal will be evaluated pursuant to Land Use and Development Regulations Chapter 12.12, Land Divisions.

4. Notice of this land use action was mailed to property owners within 100 feet of the subject property 15 days prior to the decision.

5. Applicable comments from City of Roseburg Departments and Roseburg Urban Sanitary Authority have been received and applicable conditions of approval reflecting those comments have been added to the decision. One additional comment was received from Jeffery Pugh, a representative of Janice Marvin, Trustee of the Janice Marvin Revocable Living Trust (Owner of the adjacent property to the northwest – R65974). A copy of the letter has been submitted into the record.
Staff Response:

As referenced within Mr. Pugh letter and pursuant to Sections 12.12.010(E & F), the City does retain the ability to review, ensure and obtain right-of-way or plan for future right-of-way within the land division process. However, based on the applicant’s request the City does not find street dedication nor and irrevocable offer to dedicate right-of-way to be applicable.

The requested land division does not necessitate any street improvements as required by Chapter 12.06, which would require dedication of right-of-way. However, a need for an east-west parallel route between Kester and Sunshine Road is identified within the Diamond Lake Blvd/Hwy 138 “Access Management Plan”. See link below:


As a result of the recommendations of the Highway 138 Access Management Plan and within the purview of Section 12.12.010B RMC (as noted within the letter from Mr. Pugh) the City finds it necessary to require a notation on the final plat to demonstrate the need for a future east-west connection to Sunshine Road (See Decision condition #3).

Currently, Kester Road dead-ends approximately 500+ feet to the west of the subject property, and the feasibility for extension of road as a connection into Sunshine is unknown. While the extension of Kester Road to Sunshine Road appears to be the most logical east-west connection, subsequent feasibility assessment will be necessary to determine alignment options for a future connection. Until further analysis determines the feasibility and a potential alignment for an extension of Kester Road, the City only finds it necessary to provide planning notations for a future street extension, as locations of the future right-of-way will likely change prior to final development. A notation for future extension of Kester Road shall be noted on the plat in order to properly plan for future street improvements at the time development occurs.

Approval Criteria

The applicable approval criteria for the subject land partition will be reviewed in the following order: a) Section 12.12.010(E) “requirements and standards for preliminary plans”; b) Section 12.12.010(M) “Platting and mapping standards – Lots and Parcels”; c) Section 12.12.010(T) “Land Partitioning Approval”.

6. Section 12.12.10(E) contains several provisions for consideration prior to approval of an land division, some of which are applicable to the current land partition request and are as follows:

   • Comprehensive Plan Conformance – Applicable comprehensive plan policies are referenced below:
Transportation Policy No. 1: The City shall develop a transportation master plan which will serve as the basis for guiding surface transportation improvements in the Roseburg urban area. The master plan shall be coordinated with the transportation planning activities of Douglas County.

Staff Finding: The most recent version of the City of Roseburg Transportation System Plan was developed in 2005-6 and does not contain site specific considerations regarding transportation improvements within the subject area other than the Sunshine Road functional street classification. See the staff finding below related to Transportation Policy No. 15 and staff findings for “relation to adjoining street system”.

Transportation Policy No. 2: The various transportation studies and water master plans referenced in the Comprehensive Plan shall be evaluated and revised as necessary to achieve overall consistency and compatibility with other elements of the plan, as well as the transportation plans of Douglas County, to ensure the transportation needs of the urban area are met in a timely, orderly, economic, and coordinated manner.

Staff Finding: The Diamond Lake Blvd./N. Umpqua Hwy (OR 138E) “Access Management Plan” was adopted by the City as a supporting document to the Comprehensive Plan in 2011. As part of this study, an assessment of local road development was performed in order to plan for future east-west road connections along the Hwy 138 corridor. The plan states: “The need for a parallel street on the north side of the highway to provide alternate access to a number of substantial properties is a priority of this planning effort.” The plan references the extension of Quarry Road as a strategy to connect an east-west route between Kester and Sunshine Road. After discussions with ODOT staff and City Public Works Staff, the City determines that the “Access Management Plan” prescribes a future connection between Kester Road and Sunshine Road. However, the Quarry Road connection is not necessarily the preferred connection, considering the limited distance the road extension would provide for vehicle queuing from the intersection of Hwy 138 and Sunshine Road. In addition, the future extension of Quarry Road would provide a limited amount of access to private properties north of Hwy 138. For these reasons, the extension of what is currently referred to as the eastern terminus of Kester Road to cross the northern portion of the subject property and connect into Sunshine Road is the preferred alternative for a parallel route north of Hwy 138. Therefore, as an approval condition of the final partition plat, the applicant shall provide a notation on the final map, in which the northern 60 feet of Parcels 1 & 3 running the entire width of the property are planned for future extension of Kester Road.

Urban Growth Policy No. 3: Partitioning of property may be approved if the land division will not adversely affect the future development of adjacent lands and the
proposed parcels are compatible with the pattern of development prescribed by the land use plan.

- Staff Finding: The proposed partition does not constitute any change in development pattern of the property nor does it impact any scope or type of development that could occur on adjacent lands.

- Zoning conformance (Section 12.04.070) – The Mixed Use (MU) zone does not contain any unique parcel standards that would apply to the requested land partition and therefore no additional zoning conformance review is necessary because no other development is proposed at this time.

- Relation to adjoining street system – Sunshine Road, from Hwy 138 to the extent of the Urban Growth Boundary is classified as a minor collector by the Transportation System Plan. Pursuant to Table 6-1 within Section 12.12.010, Collector Streets require a minimum right-of-way width of 60-70 feet. Currently, Sunshine Road along the frontage of the subject property is approximately 65 feet in width. Therefore, no dedication of additional right-of-way is necessary at this time.

- Access – Parcel 1-3, as shown on the submitted preliminary partition plan, have a minimum of 60 feet of feasible public street frontage along Sunshine Road.

7. Section 12.12.010(M) “Platting and mapping standards – Lots and Parcels” – All parcels proposed within the submittal preliminary land partition plat demonstrate compliance within all the standards contained within Section 12.12.010(M).

8. Section 12.12.010(T) “Land Partitioning Approval” – The final plat shall be submittal in conformance with the partition plat requirements contained within Section 12.12.010(T).

DECISION

Based on the above Findings of Fact, the City of Roseburg grants APPROVAL of Preliminary Land Partition File No. P-18-007 subject to the following conditions:

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

2. The approval does not constitute a Final Partition Plat and this approval shall be null and void within twelve months of this approval unless the necessary application for a final partition plat is initiated or an extension is requested and approved in a same manner as this application.

3. The applicant shall provide a notation on the final map, in which the northern 60 feet of Parcels 1 & 3 running the entire width of the property are planned for future extension of Kester Road. Staff will note within the electronic property records of Parcels 1 & 3 that future development of the properties shall consider future extension of Kester Road.

4. Extension of the water & sewer services to the parcels shall apply to the property at the future time of development. Future extension of services shall comply with the applicable standards of Section 12.12 of the LUDR and construction plans shall be reviewed at the time of development.
5. Upon approval of the Final Partition Plat, it shall be recorded as set forth in Section 12.12.010(T) of LUDR in order to establish the proposed parcels.

6. Preliminary Partition approval does not constitute site development approval. Site plan review shall be required prior to any development occurring on the property. All grading and site development shall conform to the applicable standards and requirements of the LUDR. In addition to the standards and requirements of the LUDR, grading and site development shall consider and adhere to the submitted redevelopment plan shown on the preliminary plat, including but not limited to: 1) setbacks from future interior property lines, setbacks from future right-of-way extensions, 3) driveway and curb cut locations which do not prohibit orderly future development.

The preliminary land partition approval will become final fourteen (14) days from the date of this decision unless an appeal is submitted pursuant to LUDR Section 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

Sincerely,

[Signature]

Richard J. Hoffman, Associate Planner

Enclosed:

1) Preliminary Land Partition Plat
December 17, 2018

City of Roseburg
Planning Department
900 S.E. Douglas Avenue
Roseburg, OR 97470

RE: Partition Proposed by Dustin Jinks P-18-007

Dear Planning:

I represent Janice Marvin, Trustee of the Janice L. Marvin Revocable Living Trust and owner of Tax Lot R65974. This is her objection to the partition proposed by Dustin Jinks referenced above. Ms. Marvin objects and the City should require an irrevocable offer to dedicate a 60-foot public road along the north boundary of the proposed partition.

Mr. Jinks contends there is no easement to Ms. Marvin’s property. Her property consists of the above lot and an additional adjoining .87 acre parcel, tax lot R66002. For the benefit of the City and future development of this area including possible access to property west of the Jinks property, dedication of a 60-foot road along the northerly boundary should be required.

The proposed partition does not reflect the requirements of the Title 12 of the Code as there is inadequate consideration of streets and thoroughfares. Code Section 12.12.010B provides: "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; . . . ."

In this proposed partition, Parcel 3, which borders Ms. Marvin’s property, is proposed to be 5.37 acres and could be further subdivided. Further, if this partition is approved as submitted, a building could be erected within or blocking the northerly 63-foot- extension that touches Sunshine Road or elsewhere along this parcel’s common border that would effectively block access to Ms. Marvin’s property and property to the west of the proposed partition. The City has authority under Section 12.12.010F to require rights of way for streets to facilitate transportation and has done so in the past. Ms. Marvin’s property is ready for development. It has been on the market and would have been sold if not for the access issue. The highest and best use for Ms. Marvin’s property is residential and providing for dedication of a street will encourage provisions for housing, a purpose under section 12.02.010 D
Code Section 12.12.010E 4 provides: "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 . . . ."

Approval of this partition should require an irrevocable offer to dedicate a 60-foot wide street along the north boundary of Parcel 3. If the City does not require an offer to dedicate a road the City should prohibit development within the northerly 60 feet of Parcel three as allowed under section 12.12.010 E 6

Sincerely,

Jeffrey L. Pugh

JLP/lle
February 12, 2019

City of Roseburg  
Planning Department  
900 S.E. Douglas Avenue  
Roseburg, OR 97470  

Hand-deliver

RE: Partition Proposed by Dustin Jinks P-18-007

Dear Planning:

I represent Janice Marvin, Trustee of the Janice L. Marvin Revocable Living Trust and owner of Tax Lot R65974. Pursuant to Roseburg municipal code 12.10.10. This is her appeal of the Planning Directs tentative approval of a partition plat by Dustin Jinks.

Ms Marvin qualifies as a party because her property abuts the land and therefore is within 100 feet of the property of the proposed partition.

Ms Marvin relies on her letter of December 13, 2018, also attached, and the material in this letter as the basis of her appeal.

The date of the decision of the planning director is February 1, 2019.

Ms Marvin’s filing fee is enclosed.

Ms Marvin’s position is that the decision is wrong, as it does not require an irrevocable offer to dedicate the northerly 60 feet of the property for road purposes. The following are points in support of the appeal:

1. The failure to require an irrevocable offer to dedicate does not comply with the City’s comprehensive plan. The goal of the Housing element of the Comprehensive plan is:

   “To ensure the opportunity for, and the provision of, affordable housing in sufficient numbers, types, sizes, and locations to meet the needs of the citizens of the City of Roseburg.”

The comprehensive plan notes that “to bring the urban area’s housing units up to an acceptable level, additional housing units must be provided . . .” Ms Marvin’s property is zoned MU and is available
for multi-family housing. Mr Jinks has denied that Ms Marvin has any access over his property which effectively renders her property landlocked. For this reason, an offer to purchase this property by Tabor Construction fell through for lack of access.

2. The failure does not support the City Council’s adopted Goals. Goal No 2 of the City Council is to “Support and adopt policy development and implementation to enhance housing and community development.” The City manager has noted “the growing need for additional housing, both multi-family and single family, throughout the range of affordability.” Further, he states, “Council is committed to continue working with staff to develop policies and process that will encourage multi-family construction.” (City Newsletter Vol 40)

3. The failure does not comply with the Diamond Lake Urban Renewal Plan. The property is in the plan area. The Urban Renewal Plan specifically mentions it complies with the Comprehensive Plan as it meets the housing goal mentioned above. One of the major aims of the Urban Renewal District is housing incentives. Goal III B of the Urban renewal plan is to develop an incentive plan to “support the development of housing in the area.” Further, one of the basis for a determination of blight that justified the Urban Renewal District was the amount of underdeveloped land in the area. (Plan p. 8) Ms Marvin’s property is 15.97 acres of undeveloped land. The imposition of an irrevocable offer to dedicate would facilitate the elimination of a portion of undeveloped land. The failure to require an irrevocable offer to dedicate is a failure to coordinate with the Urban Renewal District.

The City has, in the past, required irrevocable offers to dedicate in land use matters for the purpose of future development. An irrevocable offer to dedicate here will provide logical and practical access to areas of the City for further development in conformity with the comprehensive plan.

Sincerely,

Jeffrey L. Pugh

JLP/ksh

Enclosure
# Exhibit D

**CITY OF ROSEBURG**  
Community Development Department  
LAND USE APPLICATION

## PLEASE CIRCLE ALL THAT APPLY

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Annexation</th>
<th>Boundary Line Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Plan Amendment</td>
<td>Conditional Use Permit</td>
<td>Partition</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>Subdivision</td>
<td>Vacation</td>
</tr>
<tr>
<td>Variance</td>
<td></td>
<td></td>
</tr>
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</table>

## APPLICANT/AUTHORIZED AGENT:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Dustin Jinks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>PO Box 1951</td>
</tr>
<tr>
<td>Phone Number:</td>
<td>530 635 3959</td>
</tr>
<tr>
<td>E-mail:</td>
<td><a href="mailto:had.properties.again@gmail.com">had.properties.again@gmail.com</a></td>
</tr>
</tbody>
</table>

Property Owner (if different than above)

<table>
<thead>
<tr>
<th>Name:</th>
<th>Sue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td></td>
</tr>
</tbody>
</table>

I hereby certify that the information furnished herein is the data and information required for the project and the facts, statements, and information presented is true and correct to the best of my knowledge. My signature authorizes the listed applicant/agent to act in my behalf relative to the processing of this application.

Signature:  
Date: 10/30/18

## Briefly describe the proposed Land Use action:

Partition

## Property Information:

Legal Description: Assessor’s Parcel Map Number:

<table>
<thead>
<tr>
<th>Township</th>
<th>Range</th>
<th>Section</th>
<th>Lot Number</th>
<th>Tax Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>0SW</td>
<td>15C</td>
<td>200</td>
<td>234292 + 234300</td>
</tr>
</tbody>
</table>

Property Address/Location: 152 Sunshine Road, corner of Sunshine Road and HwY 138

Was there a Pre-Application Conference? **Yes** if yes date: 9/5/2018

Any additional information pertinent for the review:

Zone: MV - C3  
Water: City of Roseburg  
Sewer: RUSLA  
October 2017
Figure 11
Proposed Local Road Connections
Diamond Lake Blvd AMP, Roseburg, OR

Exhibit F

Information displayed on this map was derived from multiple sources. These maps are only for graphic display and general planning purposes. This is not a survey product. The Oregon Department of Transportation and the City of Roseburg cannot accept responsibility for any errors nor guarantees the accuracy or completeness of this map.
July 27, 2004

MAEJUN, LLC  
Attn: Herm Pieske  
PO Box 454  
Roseburg, OR 97470  

RE: LAND PARTITION FILE NO. P-04-7

Dear Mr. Peiske:

The City of Roseburg has processed the subject application and makes the following findings:

1. MAEJUN, INC., owner, Herm Pieske, agent, are requesting preliminary Partition approval to split property located on Diamond Lake Blvd. on the west side of Pomona Street into three parcels.

2. Currently the property is located outside the City Limits of Roseburg, but is located in the Jurisdictional Transfer zone which gives the City authority over the site. A portion of the property is currently and will remain outside the Urban Growth Boundary. The current zoning is City designated M-2 (Medium Industrial).

3. The site may be legally described as Tax Lot 300, Township 27, Range 5, Section 16C.

4. This request will be reviewed pursuant to Land Use and Development Ordinance Chapter 4 Land Divisions.

5. Owners of property within 100 feet of the subject property were mailed notice of this land use action at least 15 days prior to the decision.

6. No letters of remonstrance to the land partition have been received by the Community Development Department.

7. Applicable comments received from City of Roseburg Departments and the Oregon Department of Transportation have been incorporated as conditions of approval.

8. The proposed partition appears to be in conformance with the Comprehensive Plan and LUDO.
DECISION

Based on the above findings of fact, the City of Roseburg hereby grants PRELIMINARY APPROVAL of City of Roseburg File No. P-04-7, subject to the following conditions:

1. A portion of Parcel 2 and all of Parcel 3 are outside the RUSA service boundary. This area will need to be annexed prior to receiving service. Parcel 1 and a portion of Parcel 2 are within the service boundary and can be served by a sewer main in Pomona Street.
2. Parcel 1 shall not have direct access to Diamond Lake Boulevard (State Highway 138E).
3. A note shall be placed on the plat stating “a 60 foot reservations shall be made for future street development to benefit westerly properties.”
4. Applicant to coordinate with adjacent property owner to the east for alignment of the proposed street.
5. Water service is available to the 610’ elevation of highest fixture.
6. All development shall comply with the Land Use and Development Ordinance.

The land partition preliminary approval will become final 14 (fourteen) days from the decision date unless an appeal is sought pursuant to Section 2.500 of the Land Use and Development Ordinance (LUDO). If you have any questions, or wish to discuss the matter further, please feel free to contact the Community Development Department at 541-440-1177.

Sincerely,

DAN HUFF
Community Development Director

Cc: AA Surveying
LAND PARTITION
for MENGIN LLC
PART OF BLOCK 6 OF THE THIRD BROOKSIDE ADDITION TO ROSEBURG
SW 1/4 OF SEC. 16 AND THE NW 1/4 OF SEC. 21, T.27S., R.05W., W.M.
DOUGLAS COUNTY, OREGON
SEPTEMBER 2004

Legal owner: MENGIN LLC
3076 DIAMOND LAKE BLVD.
ROSEBURG, OREGON 97470

Water: City of Roseburg
Survery: R.T.S.A.
Zoning: (M2) Medium Industrial
Planning Department: Industrial
Planning Department
File No.: P-04-7

APPROVAL:
City of Roseburg, Community Development Director Date
1-3-05

City of Roseburg, Public Works Director Date
1-3-05

Douglas County Surveyor Date
1-12-05

I hereby certify that all taxes and special assessments, or other charges required by law, have been paid.

Douglas County Tax Collector Date
4/16/05

DECLARATION:
KNOW ALL PEOPLE BY THESE PRESENTS: that HERMAN A.
PIESKE, president of MENGIN LLC., and owner of the land
represented on the annexed map, and more particularly
described in the accompanying Surveyor's Certificate, do
hereby declare the annexed map to be a correct map of the
partition plot of said property and that he has caused
this partition plot to be prepared and the property to be
partitioned into parcels created as shown herein.

HERMAN A. PIESKE
State of Oregon
County of Douglas

KNOW ALL PEOPLE BY THESE PRESENTS: that on the
22ND day of October, 2004, before me, a
Notary Public in and for said State and County, did personally
appear HERMAN A. PIESKE, who being duly sworn, did say that
he is the identical person named in the foregoing instrument
and that he executed said instrument freely and voluntarily.

HERMAN A. PIESKE
Notary Public, State of Oregon

Commission Number: 380328
My commission expires on May 3, 2008

SURVEYOR'S CERTIFICATE
L. Ronald A. Quimby, duly sworn, deposes and says that the
boundaries of the properties on the annexed plot are properly
described as follows:

That property as described as UNIT II per M133-19, records of
Douglas County, Oregon; EXCLUDING that portion dedicated as
Public right-of-way per Instrument #2002-22454, records of
Douglas County, Oregon.

L. Ronald A. Quimby
Notary Public

BARBARA E. L. NELSON, COUNTY CLERK

PLAT-FEE GATE 1. Size RECEIPT/CONTADOR
This is a fee document.

NO FEE

06/15/2005 12:44:53 PM

2005-0037