

CITY OF ROSEBURG  
PLANNING COMMISSION  
*Monday, February 5, 2018*  
*City Hall Council Chambers – 7:00 pm*

*1/30/18*

*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 Charlie Allen Kerry Atherton  
Victoria Hawks Daniel Onchuck Ron Sperry  
Vacant
- III. APPROVAL OF MINUTES  
A. December 4, 2017 – Planning Commission Meeting
- IV. AUDIENCE PARTICIPATION: See Reverse for Information
- V. PUBLIC HEARING  
A. File No. LUDO-18-001 Land Use and Development Ordinance Update  
[Legislative]
- VI. BUSINESS FROM STAFF  
A. Director's Report
- VII. BUSINESS FROM THE COMMISSION
- VIII. NEXT MEETING – March 5, 2018
- 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 [scCook@cityofroseburg.org](mailto:scCook@cityofroseburg.org)

**CITY OF ROSEBURG  
PLANNING COMMISSION MEETING MINUTES  
December 4, 2017**

**CALL TO ORDER:** Chair Ron Hughes called the regular meeting of the Roseburg Planning Commission to order at 7:02 p.m. on Monday, December 4, 2017, in the Roseburg City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

**ROLL CALL**

**Present:** Chair Ron Hughes, Commissioners Charlie Allen, Kerry Atherton, Victoria Hawks, Elias Minaise, and Dan Onchuck.

**Absent:** Commissioner Ron Sperry (excused)

**Others present:** Community Development Director Stuart Cowie, Associate Planner John Lazur, Staff Assistant Sandy Cook and Department Technician Chrissy Matthews.

**APPROVAL OF MINUTES**

*Onchuck moved to approve the October 16, 2017 Minutes as presented. Motion was seconded by Allen and passed unanimously.*

**AUDIENCE PARTICIPATION** – none

**File No. ZC-17-3, UCAN Zone Change (948 SE Mill St) to MU Zone [Quasi-Judicial]**

Hughes read the hearing procedures for this quasi-judicial public hearing. There were no requests for party status. The public hearing was then opened. No ex-parte contact or conflicts of interest were declared by Commissioners. Lazur provided the Staff Report on the application of Umpqua Community Action Network (UCAN) proposing a Zone Change (ZC) of a 0.50+/- acre site located at 948 SE Mill Street, to apply the MU zone. The lot currently has a Comprehensive Land Use Designation of Industrial (IND) and is zoned Medium Industrial (M2). The subject property is currently developed as an office building (formerly Southern Oregon Log Scaling). The previous office use operated as a pre-existing non-conforming use. This property has been vacant for several years before UCAN purchased the property with plans to open a satellite office location for UCAN. Due to the property sitting vacant for more than a year, the non-conforming office use is not permitted under the M2 zone. Staff recommends approval of the requested zone change as presented. Discussion followed regarding surrounding uses and available parking. There was some concern regarding grammatical errors within the Staff Report including discrepancy in some directionals.

Mark Garrett of 12975 Tiller Trail Highway, Days Creek spoke to the Commission as the representative for UCAN. Following questioning, he advised there are no plans for buses to be located on site. The required access points were discussed and Garrett noted that a request to vacate a portion of Woodward will be submitted in the future to facilitate access into the area. The Applicant had no objections to the conditions recommended by Staff.

The public hearing was then closed and Hughes called for a motion.

*Hawks moved to adopt the Findings of Fact and Order recommending City Council APPROVAL of File No. ZC-17-3, 948 SE Mill Street as presented with one condition. Allen seconded; motion passed unanimously.*

**File No. CUP-17-3, 1750 NE Odell Avenue [Quasi-Judicial]**

Hughes read the public hearing procedures. Staff noted receipt of a letter of remonstrance received after the Staff Report was prepared, but there were no additional requests at this time. Stuart clarified the definition of having party status in regards to this land use action. Hughes opened the public hearing and requested any ex-parte contact or conflicts of interest of which there were no declarations.

Lazur provided the Staff Report on Sweetwater Trust's request for an existing warehouse to be converted into a Marijuana production and processing facility. The subject property is a 0.54 acre parcel located at 1750 NE Odell Avenue. The property owner was operating without permits and was subject to enforcement action by the City's Compliance Officer; therefore, the request has been referred to the Planning Commission by the Director pursuant to Land Use and Development Ordinance (LUDO) Section 5.1.140(3). One remonstrance letter was received. Staff finds the proposed Conditional Use Permit (CUP) request meets the required criteria of LUDO. Therefore, staff recommends approval of the request with conditions as amended by Staff.

Due to staff concerns, conditions of approval were amended to provide clarification that included site review conditions as discussed during a pre-application meeting previously conducted with Staff and the applicant. The applicant will be required to follow through with the site review application and conditions of approval for the CUP. Staff provided an amended Staff Report to include the modified Condition #6 and the additional conditions #7-19. Approval of the CUP includes conditions that allow the use to be compatible with the surrounding area as well as meeting all the building code and safety requirements. Any changes to the exterior of the structure would be a separate site review application and an amendment to the CUP.

Discussion followed regarding adjacent uses, the 8' fence requirement, off-street parking, sidewalks, security measures and mitigating the potential odors associated with the use. Lazur advised compliance to the conditions tend to be complaint driven by the residents/public. Upon questioning, Lazur advised there is one processing facility and two production sites currently located within the city limits of which none are operational at this time because they have not met all the City's requirements. Staff has the ability to approve CUP's administratively, but receipt of a letter of remonstrance and resident concerns has prompted Staff to request Commission review and approval.

Applicant Scott Harvey of 728 Sable Drive (business address 3000 Stewart Parkway) advised that this is a production facility where retail sales are not permitted. Any violation of the OLCC rules would close the facility. All products entering and leaving the facility will be transported through sealed dock shelters and items will be individually wrapped. Security patrols, lighting and alarms will be provided. Upon City approval, a thorough engineering design will proceed for every phase of the project and will be required to meet the criteria of the State of Oregon, OLCC and City of Roseburg. Business owner Larry Paul of 2043 Oak Hill Rd., addressed the commission. He answered specific questions

pertaining to the processes used and explained for the record that he believed he had followed the correct process to establish this business at this location.

Parties –

Andrea McGrand/Fitzpatrick of 453 Boston Street representing several neighbors who all had concerns related to odors, fire, carbon in the air, security, containment of fertilizer products, traffic and parking.

Leni Roper of 176 NE Flagg (who owns rentals at 413 & 423 NE Boston St and 1720 NE Odell Ave.) expressed continued concerns regarding theft, safety, fire and odor.

Matt Royston of 435 W Agee (owner of historical home at 434 NE Casper), also expressed concern about odor. He questioned how enforcement would be handled and potential future recourse if/when there are concerns that need to be addressed. He was also concerned about parking and suggested the exterior of the building be maintained for historical purposes.

Rebuttal by Applicant Harvey and Larry Paul advised they had met with the authors of the letter from B&L Properties to alleviate their concerns. Paul answered questions pertaining to Education for oil extraction, aesthetics of the building exterior and containing odors with additional insulation as well as window/door replacement.

Hughes closed the public hearing.

*Atherton moved to adopt the modified Findings of Fact and Order APPROVING the Conditional Use Permit (CUP-17-3) for Sweetwater Trust at 1750 NE Odell Avenue to include nineteen conditions. Onchuck seconded. Additional discussion followed.*

Hawks questioned potential DEQ requirements and enforcement. She also expressed concern regarding off-street parking requirements and the applicant's ability to meet those standards as the business or number of employees increase over time. Cowie noted the applicant has provided 19 parking spaces which is more than the minimum requirement of 17 which is based on the square foot of the building. He stated that Staff would have no way to monitor or update the parking requirements as personnel changes occur at the business.

For clarification, Lazur noted that product deliveries would be secure through the proposed inside delivery process. Normal deliveries such as UPS or FedEx would be through the administrative office located onsite.

Cowie suggested Staff could memorialize the testimony from the remonstrators by incorporating it into the Findings of Fact and return to the Commission at a later date for final approval. He outlined options to the Commission including a continuation of the hearing to date certain with the record open for additional input, close the hearing but leave the record open for input or approve the findings as presented. Additional outreach would not occur as the City's process does not provide for it after the public hearing has occurred.

*Hughes called for the vote. The motion passed 4-2 with Hughes and Hawks voting nay.*

**DIRECTOR'S REPORT** –

Cowie provided the following –

- Council held first reading of Derelict building Ordinance. There were question as to the effect on the vacant Safeway building in Downtown.
- Invited Commissioners to attend the Transportation System Plan Update PAC meeting and mingle at 5:30 pm – 7:30 pm on December 6
- Introduced Chrissy Matthews as the new Community Development Department Technician.
- January commission meeting dates conflict with federal holidays. Consensus of commissioners was to schedule a meeting the first Monday in February.

**BUSINESS FROM STAFF** – none

**BUSINESS FROM COMMISSION** – Minaise thanked Staff for the detailed information included in the packet.

**ADJOURNMENT** – The meeting adjourned at 9:04 pm. The next meeting is scheduled for Monday, February 5, 2018.

SANDY COOK, Staff Assistant



# CITY OF ROSEBURG PLANNING COMMISSION STAFF REPORT

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## LUDO Text Amendments File No. LUDO-18-001

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**Meeting Date:** February 5, 2018

**Completeness Date:** N/A  
**120-Day Limit:** N/A

**Staff Contact:** John K. Lazur, Associate Planner

*S.C. 1/30/18*

**Applicant:** City of Roseburg

**Request:** Reformat and renumber LUDO through an amendment to Municipal Code to incorporate Land Use and Development Regulations (LUDR).

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### ISSUE STATEMENT AND SUMMARY:

As part of a project to clarify and reorganize the Municipal Code, City Staff has been working to incorporate LUDO into the Municipal Code and adopt the full text of LUDO under its own Title (Title 12). Currently, LUDO is only “adopted by reference” in Municipal Code and functions as its own stand-alone Ordinance. Adopting the full LUDO text into Municipal Code will provide a seamless approach to City regulations, in which all City Code is contained in one document. The additional minor amendments are proposed to provide clarifications concerning Titles of position and the use of the term “governing body” and “approving authority”.

The proposed LUDO amendments are as follows:

1. Renumbering all Chapters and Section references for incorporation into Municipal Code Title 12.
2. Revising “Governing Body” to “the City” or “City Council” as appropriate.
3. Revising “Planning Director” to “Community Development Director” or “Director of Public Works” to “Public Works Director” as appropriate.
4. Additional scrivener’s errors as appropriate.

The attached Findings of Fact and Order document provides the proposed 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 AND ORDER AS PRESENTED, AND RECOMMEND THE PLANNING COMMISSION RECOMMEND CITY COUNCIL **APPROVE** THE PROPOSED TEXT AMENDMENTS FILE NO.LUDO-18-001.

**ATTACHMENTS:**

LUDO Text Amendments  
Findings of Fact and Order

In the matter of the legislative action  
by City of Roseburg

) Text Amendment  
) File # LUDO-18-001

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

### **I. NATURE OF AMENDMENTS**

City Administration has directed Community Development staff to incorporate LUDO into the Municipal Code and adopt the full text of LUDO under its own Title (Title 12). LUDO will then be referred to in Municipal Code as Land Use and Development Regulations (LUDR). Currently, LUDO is only “adopted by reference” in Municipal Code and functions as its own stand-alone Ordinance. Adopting the full LUDO text into Municipal Code will provide a seamless approach to City regulations, in which all City Code is contained in one document. The additional minor amendments are proposed to provide clarifications concerning Titles of position and the use of the term “governing body” and “approving authority”.

### **II. PUBLIC HEARING**

A public hearing was held on the proposed amendments before the Roseburg Planning Commission on February 5, 2018. At that hearing the Planning Commission reviewed Land Use File LUDO-18-001 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, and most recently updated in Ordinance #3459 on July 1, 2016, 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 20 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 adopt the text of the Land Use and Development Ordinance into Municipal Code as Title 12, Land Use and Development Regulations.

#### **B. PROPOSAL**

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

A summary of the proposed LUDO amendments are as follows:

1. Renumbering all Chapters and Section references for incorporation into Municipal Code Title 12.
  2. Revising “Governing Body” to “the City” as appropriate.
  3. Revising “The Community Development Director” to “The Director” as appropriate.
  4. Additional scrivener’s errors as appropriate.
- C. AGENCY COMMENTS  
No agency comments were received prior to the hearing.
- D. PUBLIC COMMENTS  
No public comments were received prior to the hearing.
- E. ANALYSIS  
Text Amendments are required to satisfy approval criteria contained within LUDO Section 5.2.010 through Section 5.2.090.
- F. REVIEW CRITERIA  
Pursuant to LUDO 5.2.060(2) all legislative action proposals shall be analyzed for consistency with the policies of the Comprehensive Plan, Statewide Planning Goals, and other provisions of LUDO.

### **Land Use Development Ordinance**

#### Section 5.2.090 Zoning Text Amendments

It may be necessary from time to time to amend the text of this Ordinance in order to conform to the Comprehensive Plan, or to meet other changes in circumstances and conditions. An amendment to the text of this Ordinance is, as is original zoning, a legislative act solely within the authority of the Governing Body and shall be processed pursuant to this Article.

#### Finding:

The purpose of the LUDO amendment is to renumber and reformat LUDO through an amendment to Municipal Code to incorporate Land Use and Development Regulations (LUDR) as its own Title in Municipal Code. Adopting the full LUDO text into Municipal Code will provide a seamless approach to City regulations, in which all City Code is contained in one document. Amendments to the text in this proposal are necessary to stay consistent with the Comprehensive Plan Policies below as well as Oregon Revised Statute (ORS).

### **Comprehensive Plan**

#### Finding:

Pertinent policies that apply to the proposal have been evaluated and are found to be consistent with the Comprehensive Plan.

### **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 LUDO, 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 planning commission work sessions.

The City of Roseburg provided notice of this proposal as mandated through ORS and LUDO 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 LUDO. LUDO 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, and most recently updated in Ordinance No. 3408 on March 11, 2013.)

#### **IV. CONCLUSION**

Based on the above findings, the Planning Commissions concludes that the application meets the criteria for approval in LUDO Section 5.2.010 through 5.2.090.

#### **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

Daniel Onchuck, Vice Chair

Kerry Atherton

Charlie Allen

Victoria Hawks

Ron Sperry