

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

SC. 9/30/19

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

**AGENDA**

- I. CALL TO ORDER
- II. ROLL CALL:           Chair Ron Hughes      Shelby Osborn      Victoria Hawks  
                                  Kerry Atherton       Ron Sperry          Dan Onchuck  
                                  John Kennedy
- III. APPROVAL OF MINUTES  
      A. August 5, 2019 – Planning Commission Meeting
- IV. AUDIENCE PARTICIPATION: See Reverse for Information
- VI. PUBLIC HEARING  
      A. PUD-19-001 – Kenwood PUD (TK Lane Subdivision) [Quasi-Judicial]
- VII. BUSINESS FROM STAFF  
      A. Director's Report
- VIII. BUSINESS FROM THE COMMISSION
- IX. NEXT MEETING – November 4, 2019
- X.. ADJOURNMENT

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

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

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

## **AUDIENCE PARTICIPATION INFORMATION**

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

### **Non-Agenda Items**

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

### **Agenda Items**

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

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

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

**CITY OF ROSEBURG  
PLANNING COMMISSION MINUTES  
August 5, 2019**

**CALL TO ORDER**

Chair Hughes called the regular meeting of the Roseburg Planning Commission to order at 7:00 p.m. on Monday, August 5, 2019, in the Roseburg City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

**ROLL CALL**

Present: Chair Ron Hughes, Commissioners Kerry Atherton, Victoria Hawks, John Kennedy, Shelby Osborn and Ron Sperry.

Absent-excused: Commissioner Dan Onchuck.

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

**APPROVAL OF MINUTES**

*Commissioner Atherton moved to approve the July 15, 2019 minutes as presented. The motion was seconded by Commissioner Kennedy and approved with the following votes: Chair Hughes, Commissioners Atherton, Hawks, Kennedy, Osborn and Sperry voted yes. No one voted no.*

**AUDIENCE PARTICIPATION – None**

Chair Hughes stated Business from Staff will be presented first tonight before the public hearing.

**BUSINESS FROM STAFF**

Mr. Cowie stated he wanted to provide the Commission with some background information on housing developments and site reviews currently being processed by the Community Development Department before the Public Hearing of the Housing Needs Analysis. The Landing is a 94 unit assisted living and 21 unit memory care facility currently being constructed.

The following developments are in review:

- Deer Creek Village, 68 unit apartment complex all contained within a single building on NE Douglas Avenue.
- Nine building apartment complex with two 8-plexes and six 12-plexes on NE Pomona Street
- Eight lot subdivision
- Twenty-five single room occupancies located in downtown.
- Roseburg Marketplace- Planet Fitness and a shoe store.
- Marriott Inn and Suites, three story 95 rooms on NW Boulder Drive.
- Five Guys and a coffee shop on NW Mulholland.
- Evergreen Medical expanding their medical facility on W. Harvard Avenue.
- Pizza restaurant and coffee shop on W. Harvard Avenue.

## **PUBLIC HEARING File No. CPA-19-001 Legislative Amendment for the Housing Needs Analysis)**

Chair Hughes read the procedures for the Legislative Public Hearing. He then opened the public hearing. No conflicts were declared by the Commissioners.

Mr. Cowie reported the directive to update the Comprehensive Plan to include a new Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) stemmed from the 2017-19 City Council Goals adopted on April 24, 2017. One of the goals states "Support and adopt policy development and implementation to enhance housing and community development." City Staff sought funding for a Housing Needs Analysis and Buildable Lands Inventory to act as a starting point for developing policies and actions that would specifically address city goals around housing deficiencies that the community is experiencing.

In fall of 2018, the City was awarded a grant through the Department of Land Conservation and Development to fund a Housing Needs Analysis and Buildable Lands Inventory, as an update to the Comprehensive Plan. Additional funding was acquired to address how the community might meet the housing needs of our homeless population. Shortly after receiving the funds, the work was contracted out to separate consultants, EcoNorthwest who performed the Housing Needs Analysis and Kris Smock Consulting who performed the work for the Homeless Population Study with the assistance of UCAN who staffed the operations for the Point-In-Time Count in January 2019.

One of the key findings from the work performed during the Housing Needs Analysis indicates that Roseburg will need to provide opportunity for approximately 2,678 new dwelling units in order to accommodate the forecasted population growth of approximately 5,515 people between 2019 and 2039. New dwelling units will need to include an appropriate mix of housing types. The HNA indicates that in order to provide for the correct mix of housing types the City should plan for about 1,607 dwelling units (60%) to be single-family detached housing types, about 268 (10%) to be single-family attached housing units (duplexes), and 803 (30%) to be multi-family housing (apartments) units.

Other key findings within the HNA include:

- Roseburg's population is forecasted to grow at a slower rate than in the past.
- Roseburg has an existing lack of affordable housing.
- Roseburg will continue to have demand for affordable lower-income and workforce housing.
- Roseburg has a deficit of land for High Density Residential.
- Roseburg's development occurred at relatively low densities in the 2000 to 2018 period.
- Roseburg's Low Density Residential land base has constraints to development.
- Roseburg should take actions to address substandard housing.
- Roseburg should take actions to address homelessness.

The City is currently working on a number of different measures to address the deficiencies identified within the Housing Needs Analyses, which include:

- Administration of the City's Derelict/Dangerous Building Program.
- Partnership with NeighborWorks Umpqua to provide a CDBG Housing Rehabilitation Program.

- Urban Renewal Program/Incentive Packages.
- Recently Completed Accessory Dwelling Unit/Single Room Occupancy Code Updates.

**AUDIENCE PARTICIPATION:** Ben Tatone, 201 Pegasus Lane, Roseburg OR 97471, asked the Commission to consider thoroughly reviewing the documents before recommending approval to City Council. He shared his concerns and constraints with building on land based on 25% natural slope which is too steep creating an increase in construction expense which may cause the land to be undeveloped. In addition, setting minimum building requirements for medium density will create barriers for developing single family dwellings which account for most of the construction in the Roseburg area.

A discussion ensued regarding geographical constraints within Roseburg and provisions allowed in the Study for building on steep land.

Mr. Cowie stated staff had a conversation with Department of Land Conservation and Development (DLCD) to see if the 25% could be lowered, recognizing the development constraints it poses; however, the Administrative Rule recognizes buildable lands as anything 25% or lower. The Statute doesn't allow the number to be changed. The City is exploring other ways to identify and achieve the goal within the State rules including exploring swapping constrained (sloped) residential land within the UGB for unconstrained buildable residential land outside the UGB.

Chair Hughes asked if accessory dwelling units were considered in the HNA evaluation. Mr. Cowie replied ADUs were included.

Mr. Hoffman stated the Housing Policy Action Memorandum is a road map of where the City needs to be over the next 20 years and how to obtain the goals. The City has the available lands and the HNA is a guide on how to best utilize those lands. He agrees slopes are very constrained. The Code language is designed to better utilize the medium or high density zones by creating a minimum requirement to build.

Mr. Cowie discussed the following: Definition of vacant and partially vacant lands, reviewed the Buildable Lands Inventory map and the location of the available lands.

Commissioner Sperry stated he acknowledges the need for multi-family units as his wife is a property manager and it isn't uncommon to have numerous applications and a very low multi-family inventory. Discussion ensued regarding development infrastructure, and the possibility to move high density to a different zoning area. Mr. Cowie said this document points to the need for further evaluation, discussion and community feedback.

*Commissioner Sperry moved to adopt the Findings of Fact and Order as presented, and recommend City Council approve File no. CPA-19-001, adopting the proposed Legislative Amendment for the Housing Needs Analysis to serve as a supporting document to the Comprehensive Plan. Commissioner Atherton seconded the motion. Discussion ensued regarding the HNA's objective as a supporting document, feasibility of building on land with 25 % natural slope and the possible negative impact on affordable housing. Commissioner Kennedy stated he wasn't comfortable with the HNA that it may bind or hinder natural development and is unsure of adopting the Findings of Fact and Order as presented. Chair Hughes reminded the Commission what is before them is a recommendation to City Council for the adoption of the Findings of Fact and Order.*

*Chair Hughes asked for roll call on the vote. The motion was approved with the following votes: Chair Hughes, Commissioners Atherton, Sperry, and Osborn voted yes. Commissioners Hawks and Kennedy voted no.*

**Director's Report** - Mr. Cowie stated a five lot Planned Unit Development (PUD) will be presented at the next Planning Commission meeting.

**BUSINESS FROM COMMISSION** – None

**ADJOURNMENT** - The meeting adjourned at 8:52 pm. The next meeting is scheduled for Monday, September 16, 2019.

A handwritten signature in cursive script, appearing to read "Chrissy Matthews".

Chrissy Matthews  
Department Technician

# CITY OF ROSEBURG PLANNING COMMISSION AGENDA ITEM REPORT



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**File No. PUD-19-001**

**Meeting Date: October 7, 2019**

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**To:** Roseburg Planning Commission  
**From:** Teresa Clemons, Associate Planner  
**Via:** Stuart Cowie, Community Development Director  
**Request:** 5 Lot Planned Unit Development 850 W Kenwood Street

Completeness Date: June 19, 2019  
120-Day Limit: January 12, 2020

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## **ISSUE STATEMENT AND SUMMARY:**

The applicant requests approval to construct a 5 lot Planned Unit Development pursuant to Roseburg Municipal Code (RMC) 12.12.020 on 1.09± acre lot located at 850 W Kenwood Street.

## **OPTIONS:**

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

## **CONCLUSION/RECOMMENDATION:**

Based on analysis of the application under criteria listed in Section 12.12.020 of the Roseburg Municipal Code Staff recommends the Planning Commission approve the decision with the following motion:

## **SUGGESTED MOTION:**

I MOVE TO ADOPT THE FINDINGS OF FACT AND ORDER **APPROVING** THE PLANNED UNIT DEVELOPMENT AS PRESENTED.

## **ATTACHMENTS:**

Proposed Findings of Fact and Order  
Applicant's Appendix A – Site Plan  
Applicant's Appendix B – Proposed CC&Rs  
Applicant's Appendix C – Sample House Plans  
Applicant's Appendix D – City of Roseburg Fire Department Turnaround Diagram

In the matter of the application by )  
DBUG, Inc, to allow construction of )  
5-home Planned Unit Development )  
on 1.09± acre parcel pursuant to )  
RMC 12.12.020. )

Planned Unit Development  
File No. PUD-19-001  
850 W Kenwood Street

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

### I. NATURE OF APPLICATION

Property owner requests approval to construct Planned Unit Development consisting of 5 single family homes and a jointly owned access parcel on a 1.09± acre site located at 850 W Kenwood Street.

### II. PUBLIC HEARING

A public hearing was held regarding the application before the Roseburg Planning Commission on October 7, 2019. At that hearing the Planning Commission reviewed File No. PUD-19-001, a request to develop a 5-unit Planned Unit Development. The file was made part of the record.

### III. FINDINGS OF FACT

#### A. GENERAL FACTS

1. Property Location: The subject property is located at 850 W Kenwood Street and may be further identified as Tax Lots 09304 & 09311, Township 27 South, Range 06 West, Willamette Meridian, Section 23BA.
2. Lot size: 1.09± acres.
3. Zoning Designation: R7.5 (Single Family Residential)
4. Comprehensive Plan Designation: LDR (Low Density Residential)
5. Surrounding Land Use: The subject site is surrounded by property zoned R7.5 with single family homes to its south, east, and west and Faith Evangelical Lutheran Church to the north.
6. Notice of this land use action was mailed to property owners within 300 feet of the subject property 20 days prior to the decision. Ms. Peggy Harper of 2488 W Lorraine Avenue phoned September 25th to request notice of the hearing as her mailed copy had not been received. Staff provided a copy of the notice and map as well as a link to RMC 12.12.020 Planned Unit Development.
7. No letters of remonstrance have been received by the Community Development Department by the date the staff report was posted.

B. AGENCY COMMENTS

The City Departments and Roseburg Urban Sanitary Authority will review construction plans for the PUD upon approval. No other comments were received from other agencies or departments.

C. RMC 12.12.020(A) PURPOSE PLANNED UNIT DEVELOPMENT

The purposes of Planned Unit Development are to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards; to encourage the application of new development techniques and technology which will result in superior living or development arrangements; to promote the efficient use of land to facilitate more economic provision of housing, circulation systems, utilities and their maintenance; to promote energy conservation and use of renewable energy resources; to preserve to the greatest extent possible significant landscape features and to utilize such features in a harmonious fashion; and to provide for more usable and suitably located open space and recreation facilities than would otherwise be provided under conventional land development procedures.

The purpose of the Planned Unit Development process is also to provide special site review for development occurring in areas designated in the Comprehensive Plan and Zoning Map by a PUD Overlay.

APPLICANT STATEMENT REGARDING PURPOSE OF PUD CONSTRUCTION

Current Zoning of R7.5 which allows 4-10 dwelling units per acre. Both lots together result in a combined area of 1.09 acres;  $1.09 \text{ acres} / 5 \text{ lots} = 4.59 \text{ dwelling units per acre}$ . No proposed change to zoning will be required. Proposal complies with original overall Comprehensive Plan and Zoning Requirements.

DBUG Inc. is proposing to develop two existing and vacant flag lots. One is 0.4 acres & the other is 0.69 acres. This would be a pretty standard residential development, closely conforming to Low Density Residential (LDR) subdivision standards, except for the non-conforming access proposal. While the PUD meets most minimum standards, the development also exceeds normal subdivision amenities. Existing lots are vacant and grassy, which can be seen on Landscaping and Site Plans in appendix A. There are standard LDR lot dimensions, square footages, standard setbacks, off-street parking configurations for 2-cars garages, plus 2 parking spaces in the driveway, for a total of 4 off-street parking spaces per home (garage x2 plus driveway x2 = 4 total off-street parking spaces), standard water services, standard sewer laterals, standard storm sewer system conforming to COR standards, including detention facilities (drainage system dedicated to the diversion of spring and or storm drainage waters into detention system), standard power, standard telephone service, and other utilities. The proposed homes and streets will be landscaped (see Appendix A). There is existing 6' high fencing around the perimeter. CC&Rs will provide maintenance to lots, open space area, storm drainage systems and streets; which is in excess of a standard subdivision.

In 2005, a PUD application was submitted for this tract of land when it was much larger than it is today. Some of the neighboring residents were concerned about the previously proposed development as it would have had much smaller lots than what are being proposed now.

If a PUD application were not being pursued for these two large lots, the likely alternatives could be rental / single family homes; or with a Conditional Use Permit approval, duplexes could be the most efficient use of this large space. The 2005 Planning Commission minutes state the neighbors do not want small rental lots adjacent to their homes. Therefore, it should be taken into consideration that not approving the PUD could persuade the developer into building rental units.

This proposal meets and exceeds previous concerns by efficiently utilizing vacant land and creating a beautiful subdivision that resembles neighboring properties. Developers performed a market analysis to determine feasibility of PUD construction.

Proposed parcel sizes are Lot 1 - 6,204 square feet, Lot 2 - 6,002 square feet, Lot 3 - 6,109 square feet, Lot 4 - 6,048 square feet, Lot 5 - 8,464 square feet.  
Amount of private open space - 0.34 AC (approximately 45% of lot area)

Economic feasibility studies or market analysis where necessary to support the objectives of the development: Table 1 provides a market analysis of the site.

<b>Table 1 Market Analysis</b>			
	<b>2 Lots</b>	<b>3 Lots</b>	<b>5 Lot PUD</b>
Price of Raw Lot	\$ 65,000.00	\$65,000.00	\$65,000.00
Dirt Work	\$ 10,000.00	\$12,000.00	\$20,000.00
Driveway	\$ 2,000.00	\$2,000.00	\$2,000.00
Private Street	\$ 17,783.33	\$20,747.22	\$31,417.22
Storm Water	\$ 2,000.00	\$3,000.00	\$22,500.00
Sewer	\$ 2,000.00	\$3,000.00	\$12,450.00
Water Service	\$ 2,000.00	\$3,000.00	\$3,000.00
Water Line Ext + Hydrant			\$5,000.00
Electrical Service	\$ 8,000.00	\$8,000.00	\$10,000.00
Landscaping	\$ 500.00	\$750.00	\$2,000.00
<b>Subtotal:</b>	<b>\$ 109,283.33</b>	<b>\$117,497.22</b>	<b>\$173,367.22</b>
Surveying	\$ -	\$1,500.00	\$3,000.00
Engineering	\$ -	\$3,000.00	\$17,000.00
<b>Subtotal:</b>	<b>-</b>	<b>\$4,500.00</b>	<b>\$20,000.00</b>
<b>Total:</b>	<b>\$ 109,283.33</b>	<b>\$121,997.22</b>	<b>\$193,367.22</b>
Contingency (15%):	\$ 125,675.83	\$140,296.81	\$222,372.31
# Dev Lots:	2	3	5
Approximate Cost Per Lot:	\$ 62,837.92	\$46,765.60	\$44,474.46
Developed Lot with House:	\$259,000.00	\$259,000.00	\$259,000.00
# Dev Lots:	2	3	5
Approximate Tax Basis:	\$518,000.00	\$777,000.00	\$1,295,000.00

### *2 Lots (Existing)*

In Table 1, the column labeled “2 Lots” is a two-lot, bare bones, build scenario that would have an approximate development cost of \$62,837 per lot, with 15% contingency on the development costs. Notice this cost per lot is above the value of what either one would be on the open market. Also notice the city tax basis would be approximately \$518,000 based on 2 homes valued at \$259,000 each.

### *3 Proposed Lots (No PUD)*

The column labeled “3 Lots” is a three-lot build scenario, without a PUD. With 3 lots, we would expect approximate development costs of \$46,735 per lot, with a 15% contingency on development costs. Notice the city tax basis would be approximately \$777,000 – based on 3 homes, valued at \$259,000 each.

### *5 Lot PUD (as proposed)*

The column labeled “5 Lot PUD” is a five-lot build scenario with a PUD. We anticipate development costs of approximately \$44,474 per lot, with 15% contingency on the development costs. Notice the city tax basis increases to \$1,295,000 – based on 5 homes, valued at \$259,000 each.

See the attached house plans in Appendix C, for typical home design and layout. These homes would fit in nicely with the existing, neighboring homes. Plus, the existing homes would increase in value.

## **D. APPLICABLE FACTORS TO BE REVIEWED BY PLANNING COMMISSION PER RMC 12.12.020(B)**

- Clustered or compact development with open space protection and enhancement;
- Increased density;
- Architectural design regulation;
- Extraordinary landscaping;
- Traffic and parking regulation and provisions;
- Energy conservation enhancement;
- Structure height, setbacks, and lot coverage;
- Lot area and dimension.

## **E. FACTORS TO BE APPLIED BY THE PLANNING COMMISSION PER RMC 12.12.020(B)**

- Screening and buffering of sight, access, noise, light, vibration, etc., from neighboring properties, uses and rights-of-way;
- Traffic and parking regulation;
- Enhancement of storm drainage facilities;
- Extraordinary landscaping;
- Structure height, setbacks, and lot coverage.

F. APPROVAL CRITERIA

RMC 12.12.020(D)(3) The Approving Authority shall decide on the PUD preliminary development plan application as provided in Chapter 12.12 of the code, and shall approve the preliminary development plan if it finds:

- The proposed PUD is consistent with applicable Comprehensive Plan goals, policies, and map designations, and with the purpose set forth in Subsection [12.12.020\(A\)](#);
- The preliminary development plan meets the development standards of Subsections [12.12.020\(F\)](#) and [12.02.020\(H\)](#);
- If the preliminary development plan provides for phased development, pursuant to Subsection [12.12.020\(G\)](#), that each phase meets the standards of Paragraph [12.12.020\(G\)\(3\)](#), and that the applicant has the capability to obtain final development plan approval in the time limits imposed;
- Exceptions from the standards of the underlying zone district or from the quantitative requirements of [Section 12.12.010](#) of this Code are warranted by amenities and other design features of the PUD furthering the purpose of Subsection [12.12.020\(A\)](#);
- Any conditions or modifications imposed by the Approving Authority in the preliminary development plan approval are necessary to meet the requirements of Subsections [12.12.020\(F\)](#) to [12.12.020\(H\)](#), to further the purposes of Subsection [12.12.020\(A\)](#), or to comply with the Comprehensive Plan.

**Applicant Finding:** Comprehensive Plan Housing Policy No. 1 states: *New residential development shall be coordinated with the provision of an adequate level of services and facilities.*

The development will extend all city supplied services - such as water, sewer, telephone, electric, high speed internet; and additional services to each home. Services will meet or exceed City of Roseburg, RUSA, and utility company standards. The development will also provide the most modern storm drainage design to alleviate current drainage problems for the existing lots surrounding the project site. If available, additional services may include gas, fiber optic and / or cable.

During previous public hearings regarding the subject site, File No. PUD-05-1, neighbors stated concerns regarding fire department issues such as lack of cul-de-sac, need for sidewalks from Jay to Lorraine, adequacy of water service. Proposed lots and homes are comparable to neighboring properties with standard setbacks. City of Roseburg Fire Code turn around will be constructed for fire department access to homes. Design meets City of Roseburg and State fire code standards for turn around. This design has been reviewed and approved by Roseburg Fire Marshall during preliminary design. As stated above, the homes farthest from the main street (Lot 3 & Lot 4) will come with standard residential fire sprinkler systems which will ensure maximum safety for the PUD and surrounding homes. Regarding need to put in sidewalks from W Jay Avenue to W Lorraine Avenue since more traffic will be added to Kenwood Street, this would be the neighboring properties responsibility. This property is non-adjacent to both W Jay Avenue and W Lorraine Avenue. The design of the PUD frontage improvements on Kenwood Street has been reviewed and preliminarily approved by City Public Works Department. City of Roseburg is responsible for adequate supply of water to proposed lots and neighboring properties. Public Works can provide

quantitative data for water flows in the area. PUD will extend water main which should improve water looping in the neighborhood and also install hydrants as needed.

**Applicant Finding:** *Comprehensive Plan Housing Policy No. 2 states: Developers of tracts of land shall be encouraged to use the Planned Unit Development (PUD) process in order to permit the application of new technology, greater freedom of design, land development and ownership patterns, greater population densities, and economy of land use, thereby promoting a harmonious variety of uses, a more efficient use of public facilities, and the creation of attractive, healthful, and stable environments for living, shopping, or working. The procedural and substantive requirements for processing an application shall be the minimum necessary to adequately evaluate the proposed development, and shall be coordinated with all other required reviews.*

DBUG Inc. is proposing a Planned Unit Development (PUD) as the most efficient use of space on the existing lots. They are proposing homes that closely conform to LDR zoning and subdivision standards, with a 25' wide paved street for ingress & egress. City of Roseburg Fire Department codes specify a turnaround, to include a 120' diameter hammer head that conforms to 2014 Oregon Fire Code, Appendix D, Figure D103.1. See attached Appendix D. Developer will provide the two homes farthest from the main street (Lot 3 & Lot 4) with standard residential fire sprinkler systems to ensure maximum safety for the PUD and surrounding homes. These new homes will closely resemble the existing neighboring homes around the parcel, as well as being efficient in the use of space, since a PUD is being proposed. These homes will meet current standards and building codes, plus they will be aesthetically pleasing, to conform to the existing neighborhood. See Appendix A, plan sheets PL1, PL2, PL3 & PL4 for overview of the proposed PUD.

Prior to development, the existing lots had serious & problematic drainage issues. The proposed development addresses existing drainage issues, by placing fill to elevate the North side of property and send all the onsite water through a drainage system to the new storm water inlet located in the proposed street, which will comply with City of Roseburg standards, including detaining storm water to match pre-development flows to ensure the existing neighborhood storm drains will not be affected by the PUD. The water will drain from each lot, toward the new street, which has a storm inlet to collect all surface water. Additionally, the storm system will collect any and all drainage water from the roofs of the proposed homes. Proposed storm inlet will then drain to the existing storm manhole located on Kenwood Street. See plan sheet PL1 for more details.

**Applicant Finding:** *Housing Policy No. 3 states the Zoning Ordinance shall specify density ranges which are consistent with the density Categories established in the Comprehensive Plan.*

Due to the entrance constraints of the site, the developer is proposing to use PUD standards to provide a private roadway, named TK Lane, which will allow for a density similar to the overall density of the surrounding neighborhood.

Current Zoning: R-1, 7.5, Comprehensive Plan designation is Low Density Residential (LDR), with 4-10 dwelling units per acre, and lots ranging from 5,000-10,000 square feet lots.

Comprehensive Plan designation of Low Density Residential (LDR) allows density of between 4-10 dwelling units per acre for a range of minimum lot sizes of 5,000-10,000 square feet, and this site contains 1.09± acres or 47,480.4 square feet. Dividing the site into 5 lots in the usual manner would result in each lot being at least 9,496.08 square feet, which is nearly 2,000 square feet per lot larger than the required square footage of the R7.5 zone.

Proposed Zoning: Current zoning is for 4-10 dwelling units per acre. With lots ranging from 5,000-10,000 square feet. Both lots result in a combined area of 1.09 acres, so 1.09 acres / 5 lots = 4.59 dwelling units per acre. No change to zoning will be required other than PUD approval allowing lots of at least 6,000 square feet each and a commonly owned open space / access parcel of 13,364 square feet. Effectively the five units on 1.09 acres exceed R7.5 zoning minimum lot size by more than 2,000 square feet per lot. Proposal complies with original overall general zoning requirements and objectives of the Comprehensive Plan.

The preliminary development plan meets the development standards of Subsections 12.12.020(F)

**Staff Finding:** Staff finds proposed PUD is consistent with applicable criteria for approval as set out in RMC 12.12.020(D)(3).

G. PUD STANDARDS IN RESIDENTIAL DISTRICTS PER RMC 12.12.020(F) APPLICABLE TO THIS PROPOSAL:

PUD standards and criteria in residential districts. A PUD must meet the development standards of this Section and those applied in conditions of approval pursuant to Subsection [12.12.020\(B\)](#):

1. Minimum Site Size. A parcel to be developed as a PUD in any residential district shall be of such a size that at least four (4) dwelling units would be permitted by the underlying district.

**Applicant Finding:** PUD proposal is for 5 lots, which comply with Code. LDR Comprehensive Plan Designation allows between 4-7 dwelling units per gross acre. This site totals 1.09± acres, which could allow up to 6 units at density allowed under R7.5 zoning standards.

**Staff Finding:** Staff finds the proposal meets minimum site size for PUD.

2. Permitted Uses. The following uses are permitted subject to the general standards of this Section:
  - a. Residential Uses. Single-family dwellings, duplexes, mobile homes conforming to the standards established in [Section 12.10.100](#) of this Code, multi-family dwellings, including townhouses, apartments and condominiums, and accessory buildings such as garages, storerooms, woodsheds, hobby shops, laundries, playhouses, or similar and related uses may be permitted.

**Applicant Finding:** PUD proposal is for standard single-family homes, which comply with Code. The intent of this subdivision is to blend into the existing neighborhood, especially with the properties surrounding the perimeter of this property. The attached Codes, Covenants, and Restrictions (CC&Rs) restrict development to single family detached homes. Accessory structures and parking limitations are also detailed in the CC&Rs.

**Staff Finding:** Staff finds the proposal complies with uses permitted in PUDs.

3. Density Criteria. The number of dwelling units in a PUD shall not exceed the number that would be allowed on the gross acreage of the site by the Comprehensive Plan Land Use Designation, except that the Commission may allow an increase of up to 15% if it finds that such increase is compensated by the provision of amenities described in Paragraph [12.12.020\(B\)\(1\)](#) and can be reasonably accommodated on the site without adversely affecting public facilities, significant landscape features, or properties and uses in the vicinity.

**Applicant Finding:** PUD complies with Comprehensive Plan. See body of application for detailed calculations. Overall density of the PUD is based on density allowed in the R7.5 zoning district. Simply, the overall square footage of the property is divided by 7,500 square feet to determine the maximum number of units allowed. In this case 6 lots would be allowable or up to 7 if allowed by the Planning Commission decision under this criterion, but the property owner chose to construct only 5 homes. Effectively each owner controls nearly 9,496 square feet.

**Staff Finding:** Staff finds the proposal complies with allowable density within Low Density Residential (LDR) Comprehensive Plan Designation.

4. Lot Sizes. Where lots are proposed, size and shape shall be determined with consideration given to the types of structures contemplated and the privacy and safety needs of the residents. Appropriateness shall be demonstrated.

**Applicant Finding:** PUD lot dimensions are standard LDR lots that meet City of Roseburg requirements. The five lots together control the common area which provides joint access to the site. CC&Rs will limit the design of the homes to single story however they need to be a minimum of 1500 square feet. Lots will be configured to provide safe access via TK Lane. Yards will have adequate privacy. The private open spaces shall fit into the existing neighborhood quite well. The landscaping and site plans show the lots are reasonably shaped and accommodate single story residential homes quite well. Spacious yards with proposed, standard setbacks will allow for appropriate landscaping in front and back of the homes. Each home will have a two-car garage with a nice sized driveway. Proposed PUD lot dimensions do comply with the Comprehensive Plan. See body of application or site plan for dimensions and areas of each lot.

The PUD was designed in keeping development consistent with the quiet residential nature of the area so as not to change the character of the neighborhood. This proposal supports a neighborhood that is a standard subdivision, with the exception of the roadway entrance being a lesser width than that of a standard subdivision. The homes will be residential homes comparable to neighboring properties. They will have similar square footage, be single story, with nicely landscaped yards, and privacy for adjacent properties.

The density of the homes will be 4.59 dwelling units per acre which complies with the overall general zoning for the property and neighboring properties according to the Comprehensive Plan.

**Staff Finding:** Staff finds the lot sizes appropriate for the proposed use.

5. Building Spacing and Yard Requirements.

- a. General Requirements. A preliminary development plan shall provide for reasonable light, ventilation, safety separation and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to avoid adverse impact on neighboring low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

**Applicant Finding:** The proposed PUD landscaping and site plan can be found in Appendix A. The PUD incorporates design for reasonable light, ventilation, visual and acoustic privacy for residents. The homes will be single story with privacy fences, trees, shrubs and hedges. Windows are laid out to minimize one neighbor seeing directly from one house to another. Homeowners and neighbors will find it quite private and enchanting in their own private little oases. During previous public hearings regarding the subject property, File No. PUD-05-1, neighbors were concerned that small lot sizes are contrary to the existing neighborhood, and the small lots will reduce privacy, particularly if they are two story units. Essentially, the proposed homes will be on lots that are nearly 2,000 square feet larger than the zoning district standard, which is a minimum of 7,500 square feet. They plan to build single story homes which will provide privacy for adjacent homes and to ensure they are comparable to neighboring properties. Lot sizes substantially smaller than existing lots would more than likely result in rentals or low-income units which would diminish the value of existing homes. Proposed lots and homes are comparable to neighboring properties. In fact, the lot sizes are larger than what is required in the zone. Plus, the developer will provide spacious yards around each single-story home, in order to fit in with the neighborhood. The homeowners will be responsible for adding appropriate landscaping to their lots.

- b. Yard Requirements - Detached Dwellings. Yard requirements (setbacks) for detached dwellings in a PUD shall be as established by the applicable zoning district, except that one side yard may be reduced or eliminated, providing the adjoining side yard of the abutting lot shall be increased by an amount equal to the reduction, or by 50% over the minimum side yard requirement of the applicable zoning district, whichever is less.

**Applicant Finding:** The proposed PUD landscaping and site plan can be found in Appendix A. You'll notice that all the back yards comply with this section of code and standard R6 LDR codes as well. Neighbors previously lamented lack of yards for children and common area not visible for parents to supervise on the infill lots. However, proposed lots and homes are comparable to neighboring properties. In actuality, the area of PUD provides nearly 10,000 square feet more open area than a standard subdivision requires.

Yards are provided for each home; and no zero-lot line homes are planned for the development. Single-story homes with minimal (low trimmed) front yard landscaping will allow all homeowners (parents) in the PUD to be able to watch over children & pets when they're outside in the front yard. The smaller roadway width of TK Lane also requires vehicles to slow down to enter or exit, making it safer for everyone.

**Staff Finding:** Staff finds the proposal conforms to building spacing and yard requirements.

- c. Yard Requirements—Attached Dwellings. Yard requirements for attached dwellings in a PUD shall be as established by the applicable zoning district, except that two (2) single-family dwellings may be attached along one common lot line and may also have a garage or carport attached along the same common line, provided the conditions of Paragraph [12.12.020\(F\)\(5\)](#) are satisfied.

**Applicant Finding:** Not applicable – the developer has chosen to build detached single-family homes to better fit in with neighboring homes.

**Staff Finding:** Staff finds this requirement not applicable to the proposal.

- d. Front Yard Variation. In a PUD, front yards may be varied so as to facilitate a staggered effect to avoid monotony and enhance the aesthetics of the development, provided the following requirements are met:
  - i. The average front yard of no more than every three (3) consecutive dwellings along a street shall be no less than the minimum requirement of the applicable zoning district, and in no case shall a front yard be less than ten (10) feet.

**Applicant Finding:** The PUD layout is 5 lots facing each other in a horseshoe type shape. Lot 1 faces inward while lots 2, 3, and 4 are in a staggered line which promotes beautiful, non-blocky looking, and aesthetics. Lot 5 is rotated so the front yards are staggered. Each of the front yards comply with this section of code and standard R6 LDR codes as well. The PUD layout depicts a nice flow and continuity between yards, while not making the PUD feel blocky and straight. The proposed PUD landscaping and site plan can be found in Appendix A.

**Staff Finding:** Staff finds the proposal meets front yard variation standards of the Code while maintaining minimum front yard setbacks of the base zone.

- ii. Front and side yards of corner lots shall not be varied under the provisions of this Section if such variation would result in encroachment into the required clear vision area otherwise established by this Code.

**Applicant Finding:** Not Applicable – access to the site is through a shared, private street, not via a side or front yard on any of the 5 proposed lots. Having a private street is a safe way to enter these new homes. All utilities will be underground, so no utility poles will be

visible. Plus, the shared landscaping will be maintained by HOA fees, so there shouldn't be any overgrown shrubbery or bushes blocking clear view of oncoming traffic, pedestrians, etc.

**Staff Finding:** Staff finds this not applicable to the proposal.

- e. Zero-Lot-Line Development.
  - i. All lots utilizing zero-lot-line attached development shall be clearly identified on the development plan. Once approved, such specified lots shall be considered fixed and shall not be transferable except as provided for in Subsection [12.12.020\(L\)](#).

**Applicant Finding:** Not applicable – the developer is opting to build detached single family homes.

**Staff Finding:** Staff finds this standard not applicable to the proposal.

- ii. Zero-lot-line development shall comply with the design standards as defined under "Zero Lot-Line House" in Section 12.02.100 of this Code.

**Applicant Finding:** Not applicable.

**Staff Finding:** Staff finds this standard not applicable to the proposal.

- iii. In addition to the declaration of covenants and restrictions otherwise required by this Section, the applicant or developer shall prepare special deed restrictions that run with each lot to be approved for zero-lot-line attached development. Such special deed restrictions shall be acceptable to the Approving Authority, and shall make provision for the following:

**Applicant Finding:** The Declaration of Covenants, Conditions and Restrictions TK Lane Subdivision proposed for this Planned Unit Development is attached, see Appendix B. The CC&R's are beneficial to the existing homeowners in this existing neighborhood, as they'll provide added protection to the proposed 5 lots, as opposed to building and selling 2 individual homes. The controls in this document ensure the neighbors would see maintenance of landscaped areas, a private roadway (TK Lane), driveways, drainage structures and other proposed improvements. An example situation, with no controls, could be a single family with several kids, each having their own car and / or ATV, which could crowd the lots and become displeasing for existing neighbors. See Appendix B for CC&R's for proposed PUD.

**Staff Finding:** Staff finds the proposed CC&Rs limit development to single family homes.

- A. Assurance that the lots and the dwellings thereon will be used for residential purposes only.

**Applicant Finding:** Codes, Covenants, and Restrictions (CC&Rs) for PUD ensures that only single-family, detached homes can be built on these lots. CC&R's will be recorded and are enforceable. The applicants' intention is to build standard homes, which will be For Sale to the public. Additionally, these will be high quality, affordable homes in an existing and desirable neighborhood, which is much needed in Roseburg.

**Staff Finding:** Staff finds the proposed CC&Rs limit development to residential homes and appropriate accessory structures.

- B. Provisions for the repair and maintenance of the lots, the dwellings thereon, and all related facilities, as well as a method of fair payment for such repairs and maintenance.

**Applicant Finding:** PUD will have a HOA to collect and maintain all fees needed for adequate repairs and maintenance. CC&Rs provide a mechanism to collect HOA fees, contract for landscaping and street maintenance, as well as ways to ensure all property owners participate equitably in maintenance and repair of commonly owned properties. See Appendix B for CC&R language.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- C. Provisions for mutual consent prior to making structural, paint, or decorative changes to the building exterior, as well as the location, height and design of fencing and major landscape work.

**Applicant Finding:** CC&Rs govern design of homes to be built on PUD lots. The HOA will maintain any shared fencing, major landscaping, etc. in this PUD. The HOA will also be responsible for reviewing and approving any proposed architectural changes on homes in the development. See Appendix B for CC&R language.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- D. Provisions for equitably resolving liens filed against areas of common responsibility or interest.

**Applicant Finding:** An HOA will be developed, in order to maintain the private street access, stormwater treatment / detention area, perimeter fencing and landscaping for the entire PUD development. CC&Rs detail how the HOA will enforce requirements and procedures for resolving issues, such as liens, parking disputes and / or lack of required maintenance and repairs for properties within the PUD. See Appendix B for CC&R language.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- E. Provisions granting access or easement to each owner for the purpose of maintaining or repairing the lots, the dwellings located thereon, and related facilities and improvements.

**Applicant Finding:** The HOA will maintain reciprocal easements necessary to maintain perimeter fencing and landscaping, as well as all commonly owned amenities of the development. DBUG Inc. is proposing to form a Homeowner's Association for the upkeep and maintenance of TK Lane. The CC&R's are attached as Appendix B. CC&Rs will comply with all RMC & ORS provisions.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- F. Provisions for liability and equitable treatment in the event of damage or destruction of the building due to fire or other casualty.

**Applicant Finding:** PUD to have standard residential lots with individual ownership. Although neighbors previously stated concern regarding ability of Homeowners Association proposed under File PUD-05-1 to collect a sufficient amount of funds so they can operate, and how to guarantee adequate maintenance and repair, HOA will be established with dues that will be adequate for maintenance and repair of TK Lane. The HOA and CC&R's will comply with ORS 94.550 to 94.780 which govern the Establishment of Planned Unit Developments and is regulated in detail within ORS 94.550 to 94.780. The CC&Rs will also account for the private restrictive covenant dated 1965.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- G. Provision for emergency action by one (1) party in the absence of the other where an immediate threat exists to the property of the former.

**Applicant Finding:** PUD to have standard residential lots with individual ownership.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- H. Special deed restrictions, when accepted by the Approving Authority, shall be filed with the County Clerk, and shall become perpetual deed restrictions running with the subject lots. No building permit shall be issued for zero-lot-line development until the deed restrictions required by this Section have been filed with and recorded by the County Clerk.

**Applicant Finding:** This PUD will have a HOA to administer the private street. This PUD will have standard residential lots with individual ownerships. No zero lot line restrictions are planned. The CC&Rs will be recorded by the Douglas County Clerk after review and approval by City of Roseburg Planning Commission. Recording Instrument Number for CC&Rs will be noted on plat for PUD. CC&Rs also address parking overflow onto Kenwood Street, including boats, trailers, and extra vehicles. Proposed homes will have 4 parking spaces per house which is 2 more than required for single family home construction and should provide adequate parking for all vehicles owned by residents. CC&Rs will limit the number of vehicles and / or trailers to a max of 5 per home (i.e., boat on trailer = 1).

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- I. Special Setbacks. If the Approving Authority finds it necessary to meet the perimeter design standards of Paragraph [12.12.020\(F\)\(9\)](#), it may require a special setback from all or a portion of the perimeter of the PUD.

**Applicant Finding:** PUD proposal is for PUD lot dimensions, building setbacks, lighting, yards, fences, walkways, and landscaping to meet LDR guidelines and that lots are acceptable by City of Roseburg residential standards. These will be standard residential lots that all share ownership of a private street (TK Lane) to access homes. This PUD provides adequate setbacks from Kenwood Street to buffer the development from surrounding neighbors. The side and rear yards within the PUD allow privacy and private open spaces around and between new homes and existing homes in the vicinity.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- 6. Open Space.
  - a. Open space must be provided to an extent at least equal to that which would be provided in standard development in conformance with the underlying zone (i.e., the total land area less that area permitted to be covered, as prescribed in the property development standards of each zone under "Coverage").

**Applicant Finding:** Each of the homes in the PUD will have private yards, as well as a commonly owned access parcel. Setbacks proposed in siting the homes around the

required fire department turnaround provide open areas similar in size to that of existing homes surrounding the PUD. All lots will meet LDR zoning standards which surprisingly creates an abundance of open spaces throughout the PUD.

**Staff Finding:** Staff finds the PUD proposal provides open space in compliance with LDR standards.

- b. Open space shall be provided and dedicated to the City when a need is identified in the Comprehensive Parks Master Plan. All open space to be dedicated to the City shall be deemed suitable, conveniently situated, and shall conform as nearly as possible to the recommendations in the Comprehensive Parks Master Plan prior to being accepted by the City.

**Applicant Finding:** Aside from the commonly owned access parcel – each home in the PUD will have their own private yard. Setbacks proposed in siting the homes around the required fire department turnaround provide open areas similar in size to that of existing homes surrounding the PUD. Open space shall be provided and dedicated to the City when a need is identified in the Comprehensive Parks Master Plan. All open space to be dedicated to the City shall be deemed suitable, conveniently situated, and shall conform as close as possible to the recommendations in the Comprehensive Parks Master Plan prior to being accepted by the City.

No open space within the PUD will be dedicated to the city, except for public utility easements which will be granted to providers for maintenance and repair of the services in and around the PUD.

**Staff Finding:** Staff finds this requirement not applicable to the proposal.

- i. Except as hereinafter provided, in PUD's; such open space shall have a total net area equal to at least 10% of the land affected by the PUD. Such areas so designated shall be protected from future development by either a deed restriction or a conservation easement.

**Applicant Finding:** The total area commonly held is 13,364 square feet which equals 28.15% of the 1.09-acre development site. In addition, the CC&Rs maintain perimeter fencing and landscaping of at least 4,748 square feet.

**Staff Finding:** Staff finds the proposed PUD provides a minimum of 10% open space. Staff recommends the proposed CC&Rs specify common construction and maintenance of new perimeter fencing and landscaping for the proposed PUD.

- A. Open space areas shall abut a public street or have direct access to a public property through a right of way.

**Applicant Finding:** The commonly owned “TK Lane” abuts W Kenwood Street which provides access to the open space areas.

**Staff Finding:** Staff finds the commonly owned open space and access parcel, TK Lane, has direct access to W Kenwood Street.

- B. The open space shall be accessible to all residents by sidewalks and/or pedestrian walkways.

**Applicant Finding:** TK Lane in the PUD is part of the commonly owned parcel. Each property owner will have reciprocal ingress / egress rights across this parcel.

**Staff Finding:** Staff finds the open space and access parcel provides pedestrian access.

- C. The developer shall submit a separate landscape plan for the proposed open space areas which clearly displays the type of signs, fencing, play apparatus, trails, and outdoor furniture;
- c. Where a proposed park or playground, school or other public use shown on the Parks Master Plan, or an existing school site is located in whole or in part in a subdivision, then in such case the open space shall be located within the designated area or immediately adjacent to the existing public use. Locations, shapes, sizes, and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the PUD. Unless the Approving Authority requires otherwise, the environmental design standards of Paragraph [12.12.020\(F\)\(7\)](#) of this Code, common or public open space shall be distributed equitably throughout the PUD in relation to the dwelling units of the residents they are intended to serve.

**Applicant Finding:** There are no parks or open spaces on the site identified in the Parks Master Plan. See landscape and site plan showing enhanced storm drainage improvements, perimeter fencing, suggested HOA landscaping and other amenities.

**Staff Finding:** Staff finds no parks or open areas required in the PUD proposal.

- d. Open spaces shall be altered only to the extent necessary for their intended use or as otherwise reasonably necessary to permit development, use and maintenance of the PUD. Open spaces containing significant landscape features shall be left unimproved, or may be improved to assure protection of the features, subject to the requirements imposed by the Approving Authority pursuant to Paragraph [12.12.020\(F\)\(6\)](#) of this Code.

**Applicant Finding:** As portrayed in the landscape plans and site plans, the PUD will provide open space and beautifully landscaped single-family dwellings which complement the existing neighborhood and provide an exquisite oasis for residences. The two existing lots have storm drainage problems that will be revamped to provide better drainage to W. Kenwood Street and will alleviate ongoing drainage problems with the two lots.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- e. Development schedule required by Subparagraph [12.12.020\(D\)\(2\)\(a\)\(iii\)](#) of this Code shall provide for coordination of the improvement of open spaces with the construction of other proposed site improvements.

**Applicant Finding:** CC&Rs require all open space and commonly owned improvements to be completed prior to final inspection for occupancy of first home. See appendix B for more details.

**Staff Finding:** Staff finds this standard met by the proposed PUD construction timeline.

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

**Applicant Finding:** PUD will have HOA to administer common or public open space. The HOA will abide by provisions of ORS 94.550 through 94.780. Specifically, no lots will be sold prior to recording the CC&R document approved by the Planning Commission. Commonly owned amenities will be maintained and repaired via the HOA. In addition, CC&Rs comply with all provisions of ORS 94.580 see appendix B.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

## 7. Environmental Design.

- a. The preliminary development plan shall provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites and landmarks, and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Approving Authority may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project.

**Applicant Finding:** No significant landscape features, historical sites and / or landmarks have been identified on this site. PUD proposal is for lot dimensions, building setbacks, lighting, yards, fences, walkways, and landscaping to meet LDR guidelines and that lots are acceptable by City of Roseburg residential standards. These will be standard residential lots with a shared access parcel. The private Lane, storm drainage improvements, landscaping and new perimeter fencing will help to integrate these 5 new homes into this infill lot.

**Staff Finding:** Staff finds this element not applicable to the proposal.

- b. Excessive site clearing of topsoil, trees, and natural features before the commencement of construction operations shall be discouraged. The Approving Authority may require the applicant to submit a grading plan detailing proposed excavation, earth-moving procedures, and other changes

to the landscape, in order to ensure preservation of the character of the area to be retained in open space.

**Applicant Finding:** Earth work has been completed by a permit with City of Roseburg that was issued prior to submittal of the PUD application. As stated above, no significant land features were present prior to development however the new landscaping that will be added to the PUD will not clash with existing neighborhood homes and existing landscaping.

**Staff Finding:** Staff finds this element not applicable to the proposal.

- c. Sites for residential and nonresidential buildings shall be discouraged in areas of natural hazards, such areas subject to flooding, landslides, and areas with unstable soil formations. The Approving Authority may require that all floodplains be preserved as permanent common or public open space of the proposed development and be left unimproved or improved to assure minimization of the hazard.

**Applicant Finding:** Earth work has been completed by a permit with City of Roseburg. There were no landslides, flood plains or special formations on any of the parcels. Grading of the lots has improved drainage to W. Kenwood St.

**Staff Finding:** Staff finds this element not applicable to the proposal.

- d. All slopes shall be planted or otherwise protected from the effects of storm runoff erosion, and shall be of a character to cause the slope to blend with the surrounding terrain and development. The applicant shall provide for maintenance of the planting for a period of time established by the Approving Authority.

**Applicant Finding:** All finished slopes of PUD will comply with DEQ requirements for stormwater management. PUD lot dimensions, building setbacks, lighting, yards, fences, walkway, and landscaping to meet LDR guidelines and lots to be acceptable by City of Roseburg residential standards. See landscaping plans for more details.

The pre-construction elevation change between the subject property and the neighboring properties was addressed when the lots were graded to the street with a fill on the northern side which will direct surface water away from existing homes and into the proposed storm system. Plus, the proposed single-story homes will not be overbearing, in comparison to the existing homes. An increase in noise and activity may occur during construction, but homes and lots will be built in compliance with City of Roseburg standards. During construction, the developer will comply with noise ordinances, CC&Rs will provide protection for neighbors by limiting the amount of onsite parking, requiring repairs and maintenance of commonly owned improvements, etc. Home construction will comply with City of Roseburg Codes for planning, development and building codes. DBUG will perform construction activities that are fully in compliance with Roseburg Municipal Code noise ordinance provisions. Since mass grading was performed during the summer of 2018,

most construction activities will be on the quieter side and nonintrusive to neighboring property owners.

**Staff Finding:** Staff finds the proposed landscape plans to adequately provide protection to slopes within the PUD.

- e. Preliminary development plans are encouraged to promote the conservation of energy and use of solar or other renewable energy resources through such factors as the location and extent of site improvements, the orientation and exposure of buildings and usable open spaces, the types of buildings, and the selection of building materials.

**Applicant Finding:** PUD proposal is for PUD lot dimensions, building setbacks, lighting, yards, fences, walkway, and landscaping to meet LDR guidelines and lots be acceptable by City of Roseburg residential standards. These will be standard residential lots. Energy conservation will be addressed in current residential codes by installing energy efficient components and by building smaller homes which will utilize less energy and resources.

**Staff Finding:** Staff finds the proposed development will meet energy efficiency measures found in current building codes administered by the State of Oregon.

8. Traffic Circulation. The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, and uses. Design of facilities shall be appropriate to the anticipated usage and shall be approved by the Public Works Director.

**Applicant Finding:** The PUD is proposing a single, 25' wide, shared driveway approach that has been approved by City of Roseburg Public Works Department. In addition, the site distance for the PUD driveway has been evaluated and complies with AASHTO and City of Roseburg LUDO standards.

City of Roseburg Comprehensive Plan Transportation Policy No. 1 states: *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.*

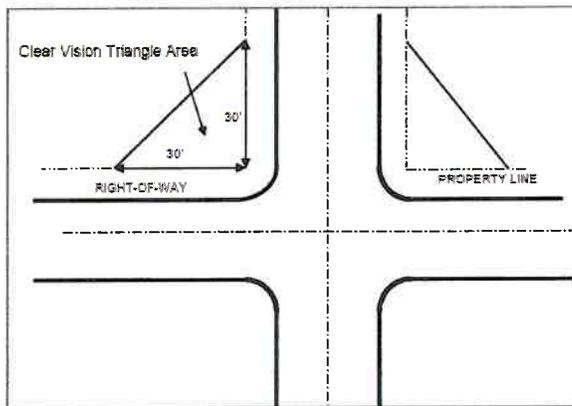
DBUG Inc. is not proposing a standard subdivision for these two lots, due to the **Infill** nature of the development which would require a 60-foot wide street right-of-way and a 96-foot diameter cul-de-sac as shown in PL 2 in Appendix A. A standard roadway width could not be obtained. PL 2, Appendix A, shows how a standard subdivision roadway would look for this location. As shown, the existing flag lot entryway is approximately 40'. A standard width subdivision roadway with a 60' wide right-of-way would not work as it would spill onto neighboring properties. PL2, Appendix A shows the right-of-way encroachment to the North would extend 14' onto the northern parcel, plus 6' over the existing property line to the South. A standard roadway width with cut slopes to the North would encroach into the church parcel by approximately 34.3' and to the South parcel by

approximately 16.9', assuming a 1:2 cut/fill slope. Also, a 96' cul-de-sac diameter would encroach upon much of the buildable space for homes and reduce available lot areas, resulting in disjointed lots and odd dimensions, which would not conform to the existing / surrounding neighborhood.

DBUG Inc. is proposing a privately maintained (through HOA) 25' wide Lane with signs clearly indicating "this is a private street" (or appropriate verbiage for TK Lane). CC&Rs will guarantee continuous maintenance of this multi-owned parcel.

The following is an analysis of traffic and the impact on traffic visibility from the proposed street at the curve on traffic heading down hill. The discussion below evaluates the proposed "TK Lane" location using recommended design guidelines per City or Roseburg LUDO 4.4.060 "Clear Vision Areas". On the afternoon of April 18, 2019 the following photos and sight distances were measured. LUDO section 4.4.060 "Clear Vision Areas" defaults to AASHTO "A Policy on Geometric Design of Highways and Streets" for the evaluation of stopping and intersection sight distances. The existing posted speed for Kenwood Street is 25 mph and the proposed intersection was evaluated accordingly.

**FIGURE 4-4: CLEAR VISION AREA FOR INTERSECTIONS**



AASHTO Sign Distance Criteria, Section 5.2.3

Evaluation Speed = 25 mph

Stopping sight distance = 155 feet

Intersection sight distance criteria (passenger car turning left, B1) = 280'

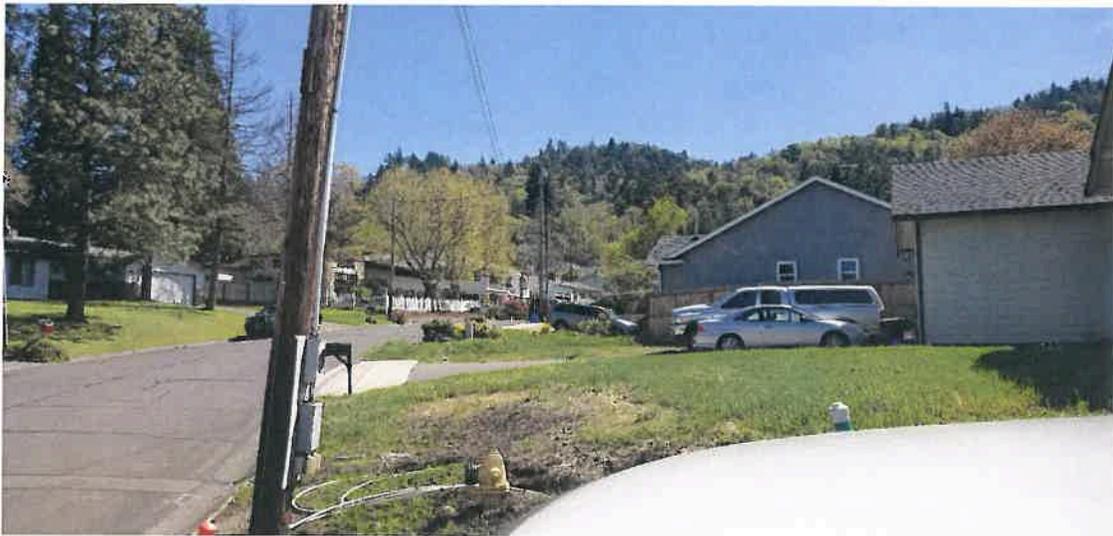
Intersection sight distance criteria (passenger car turning right, B2) = 240'

Intersection sight distance criteria (passenger car crossing, B3) = 240'

The measured sight distance according to AASHTO looking North is close to 1000' assuming a standard eye height 3.5' and object height of 3.5', which is standard for AASHTO. The approach looking south is most nearly 320' assuming there are no cars blocking the driver's sight.



Looking North on Kenwood Street from Proposed Joint Access Driveway Location



Looking South on Kenwood Street from Proposed Joint Access Driveway Location

**Staff Finding:** Staff finds the Traffic Circulation engineering analysis provided above meets this requirement.

9. Perimeter Design.

- a. The preliminary development plan shall minimize adverse impacts of proposed uses and structures in the PUD on existing and anticipated uses and structures in the adjacent area.

**Applicant Finding:** PUD proposal is for PUD lot dimensions, building setbacks, lighting, yards, fences, walkways, and landscaping to meet LDR guidelines and lots to be acceptable by City of Roseburg residential standards. These will be standard residential lots which happen to share a single two-way driveway (TK Lane) for five homes. This PUD design has a safety feature – which is each of the driveways will flow onto a private street,

as opposed to 5 new homes with 5 new driveways and multiple cars needing to enter / back up onto Kenwood Street.

The landscaping and improved drainage system will help them fit into the neighborhood better. Also, with the HOA, they will be managing themselves and keeping the area and new landscaping looking nice. If it weren't for the HOA maintaining and "policing" the space, there could be just one or two infill lots which may be intrusive to the existing neighborhood. For example, they might want to park an excessive number of vehicles and / or ATV's on the property – but CC&R's prohibit these excessive activities. Also, since the new homes will all be single-story, none of them will be looking into existing neighborhood yards from a second-floor window. This will help maintain privacy for both new and existing homes.

**Staff Finding:** Staff finds the CC&Rs lack specificity adequate to address this requirement. A condition of approval is recommended to fully delineate the Home Owners Association requirements, either separately from or incorporated within the proposed CC&R document.

- b. If topographical or other barriers do not provide reasonable privacy and the mitigation of potential adverse impacts on existing uses adjacent to the development, the Approving Authority shall require one (1) or more of the following:
  - i. A special setback or setbacks of residential and nonresidential structures located on the perimeter.
  - ii. Residential and nonresidential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or manmade materials.

**Applicant Finding:** PUD lot dimensions, building setbacks, lighting, yards, fences, walkways, and landscaping to meet LDR guidelines and be acceptable by City of Roseburg residential standards. By having an HOA with CC&Rs, existing neighbors will be protected and be able to maintain similar privacy, as well as see new landscaping that matches the aesthetics of their existing neighborhood. No unique setbacks are anticipated.

**Staff Finding:** Staff finds the single family PUD as proposed adequately addresses privacy between adjacent homes.

RMC 12.12.020(H) Duration of PUD preliminary development plan approval.

1. Approval of the preliminary development plan shall be valid for 12 months from the date of approval, provided that if an approved preliminary development plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the time limitations of Paragraph [12.12.010\(G\)\(4\)](#) of this Code.
2. If any time limit for obtaining final development plan approval is exceeded, the approved preliminary development plan, or phase of the preliminary development

plan and any subsequent phase, shall be void. Any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new administrative action.

**Applicant Finding:** Development schedule: Construction plans to City Departments for review as soon as PUD is approved. Construction Development beginning a few months after PUD is approved. As-Built Plans & Plat Map submitted to Community Development 3-4 months after PUD is approved. Construction complete and final inspection of PUD: 3-4 months after PUD is approved. No phasing of development is anticipated

**Staff Finding:** Staff finds the construction schedule provided for the proposed PUD meets this requirement.

#### IV. CONCLUSION

After review of the application, it is determined sufficient information has been submitted and reviewed to reach a decision on the request. Based on the facts above, the Roseburg Planning Commission concludes that the application meets the requirements established in Roseburg Municipal Code 12.12.020 Planned Unit Development subject to the proposed conditions of approval found within the order.

#### V. ORDER

Based on the Findings and Conclusions above, the Planning Commission approves the Planned Unit Development Proposal subject to the conditions listed below:

- 1) Approval is for the property shown on map submitted with the application.
- 2) This approval does not constitute a Final Planned Unit Development Plat and this approval shall be null and void within 12 months of this approval unless the necessary application for a final Planned Unit Development plat is initiated or an extension is requested and approved in a same manner as this application.
- 3) Upon approval of the Final Planned Unit Development Plat, it shall be recorded as set forth in RMC 12.12.020(K) in order to establish the proposed lots.
- 4) Applicant shall provide final draft of CC&Rs for review and approval prior to recording.
- 5) CC&Rs shall specifically address the following:
  - a) Formation and duties of Homeowners Association, including permanent maintenance of perimeter fencing and landscaping, and private street as well as financial responsibilities of the HOA.
  - b) Limitation of homes to single story residences.
  - c) Private street shall be landscaped per RMC 12.06.030(T)(3) Parking Area Buffering.
- 6) Final PUD Plat shall show recording number for CC&Rs on face of plat.

- 7) Any development on the proposed parcels shall fully conform to all the applicable standards and requirements of Roseburg Municipal Code (RMC).
- 8) Preliminary approval does not constitute site development approval. Site plan review and building approvals will be obtained prior to beginning work on the site.
- 9) Any water service provided to a parcel through an easement shall not exceed 200' in length.
- 10) Developer shall comply with improvement procedures listed in RMC Section 12.06.030 Site Improvement Requirements.
- 11) The storm drainage from the Planned Unit Development shall be designed to not exceed pre-development flows per RMC12.06.030(C).
- 12) Public Works Department shall review and approve construction plans for access parcel prior to applicant beginning work on Private Street and sidewalk improvements along W Kenwood.
- 13) All utilities will be required to be installed underground in accordance with RMC 12.06.030(D).
- 14) All sewer main extension plans and development specifications will be required to meet the Oregon DEQ and RUSAs' standard for construction.
- 15) All plans and development specifications for the sanitary sewer main extension will be required to be designed by a professional engineer licensed in the state of Oregon.
- 16) Prior to final plat, the sewer main line will be required to be tested as per the DEQ and RUSA standards. A RUSA inspector will witness all tests conducted by the Engineer of record.
- 17) Prior to final plat, the applicant will be required to pay all applicable System Development Charges and fees before or at the time of the issuance of a building permit.
- 18) Fire hydrant locations and distribution must comply with 2014 OFC Appendix C.
- 19) Pursuant to 2014 OFC 501.4, the minimum fire-flow requirements for single family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for one hour. Fire flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall not be less than that specified in Table B 105.2 of 2014 OFC. A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Appendix T of the Oregon Residential Specialty Code.
- 20) Fire Department shall review and approve sprinkler plans and designs for single family homes located on Lots 3 & 4 of the PUD prior to issuance of construction plans.
- 21) Pursuant to 2014 OFC 501.4, when fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of combustible construction.
- 22) Pursuant to 2014 OFC 503.2.5 & Figure D103.1, dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

The Preliminary Planned Unit Development approval will become final fifteen (15) days from the date of this decision unless an appeal is submitted pursuant to RMC 12.10.010(X). 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 during normal business hours.

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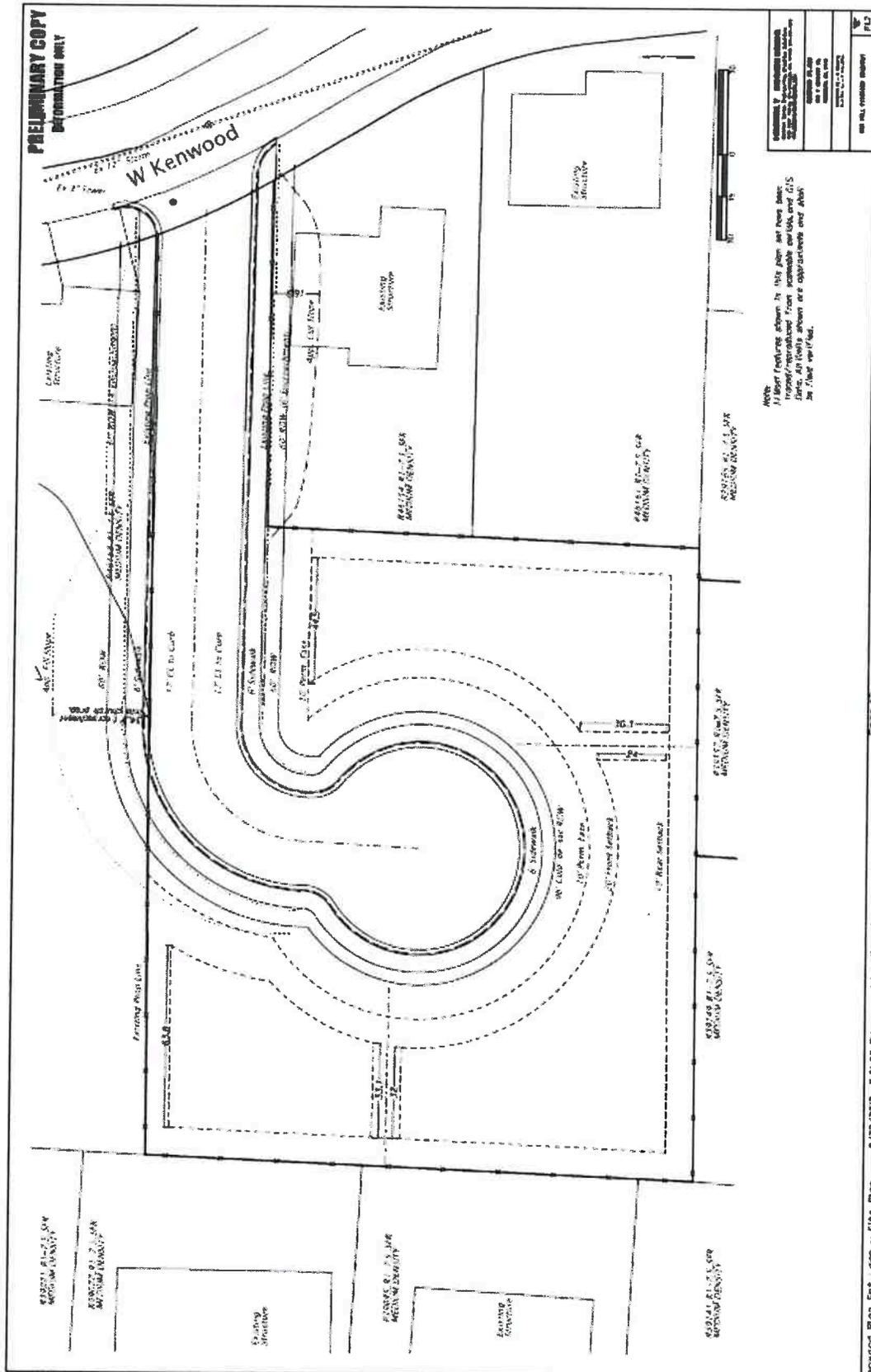
Ron Hughes, Chair Date

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Stuart Cowie, Community Development Director Date

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





**PRELIMINARY COPY**  
**DEFINITION ONLY**

PROJECT: 850 W Kenwood DATE: 8/30/2019 DRAWN BY: [Name] CHECKED BY: [Name]	SHEET NO. 13 OF 13
---	-----------------------

**Notes:**  
 1. All utility lines shown are for information only and are not to be used for construction purposes.  
 2. All utility lines shown are approximate and shall be field verified.

Kenwood Plan 5th... 8/30/2019 351157 PW Adon Hebertly Page 13



**APPENDIX B  
Declaration of Covenants, Codes, and Restrictions (CC&Rs) TK Lane Planned Unit  
Development**

After recording return to:  
Stephen Mountainspring  
DOLE COALWELL  
P.O. Box 1205  
Roseburg, Oregon 97470

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
TK LANE SUBDIVISION**

DBUG, Inc., an Oregon corporation, the Declarant, declares that the real property and improvements located on Parcels 1 and 2, Partition Plat 2009-26, Douglas County, Oregon, are subject to the following covenants, conditions, and restrictions, which are for the mutual benefit of each Owner, run with the land, and bind all parties having or acquiring any right, title, or interest in the Subdivision. This is a Class III planned community that is not subject to the Oregon Planned Community Act (ORS 94.550 to 94.783).

**ARTICLE I  
DEFINITIONS**

- 1.1 *Declaration* means this Declaration, as may be amended from time to time.
- 1.2 *Declarant* means DBUG, Inc., and any successor entity.
- 1.3 *Lot* means each and any of the Lots in the Subdivision.
- 1.4 *Occupant* means the occupant of a dwelling on a Lot, whether such person is an Owner, a lessee, or any other person authorized by the Owner to occupy the dwelling.
- 1.5 *Owner* means the owner of record, whether one or more persons or entities, of the fee simple title to any Lot or a purchaser in possession of a Lot under a land sale contract. Owner does not include a person or entity who holds an interest in a Lot merely as security for the performance of an obligation.
- 1.6 *Plat* means the Plat of TK Lane Subdivision recorded in the Plat Records of Douglas County, Oregon.
- 1.7 *Private Roadway* means the roadways and easements for vehicular access and right-of-way shown on the Plat, along with the improvements therein such as roads and utilities.
- 1.8 *Subdivision* means TK Lane Subdivision.

**ARTICLE 2  
PROPERTY SUBJECT TO THIS DECLARATION**

- 2.1 *Development.* The Subdivision is subject to the Declaration. Roadways, utilities, and access amenities are located on easements.

**2.2 Right to Annex or Withdraw Property.** The Declarant reserves no right to annex additional property to the Declaration. The Declarant reserves no right to withdraw property from the Declaration.

**2.3 No Partitions.** No Lot shall be divided or partitioned. No additional building lot may be created from any Lot.

### **ARTICLE 3 EASEMENTS**

**3.1 Easements.** The Lots are subject to the easements and rights-of-way granted or reserved in the Declaration and the Plat. Each easement is a covenant running with the land for the use and benefit of the Owners and their Lots and is superior to all other encumbrances applied against or in favor of any portion of the Subdivision.

**3.2 Interference with Easements.** No Owner shall place or permit to remain within any easement area any structure, planting, or other material that may damage or interfere with the installation, maintenance, or operation of utilities and roadways, or that may obstruct, retard, or change the direction of flow in drainage channels in the easements.

**3.3 Declarant Easements.** As long as the Declarant owns any portion of the Subdivision, the Declarant reserves a nonexclusive easement over, under, and across the Private Roadways to conduct sales activities for the sale of Lots.

**3.4 Owner Easements.** The Declarant grants to each Owner a non-exclusive perpetual easement to maintain and repair the roadway, utilities, and drainage facilities located within the easements shown on the Plat. Maintenance and repair by the Owners is provided in Article 5.

### **ARTICLE 4 USES AND STANDARDS**

**4.1 Residential Use.** Lots shall only be used for residential purposes. The following uses are permitted: (a) activities relating to the sale of residences; (b) the right of the Owner or his contractor to construct a residence and other permitted structures on a Lot, and to store construction materials and equipment in the normal course of construction; (c) the right of the Declarant to use a residence as a sales office or model home for purposes of sales in the Subdivision; and (d) the right of the Occupant to maintain a personal, business, or professional library, keep personal, business, or professional records or accounts, handle personal, business, or professional telephone calls, emails, and electronic messages, confer with business or professional associates, clients, or customers, and use the internet and telecommunication to conduct business.

**4.2 Prohibited Uses.** Except as otherwise provided herein, no trade, craft, business, profession, or commercial activity shall be conducted on any Lot, and no goods, equipment, vehicles, materials, or supplies used in connection with any trade, service, or business shall be kept or stored on any Lot.

### 4.3 General Building and Occupancy Standards.

4.3.1 **Type.** Lots shall only be used for construction of a single-family residence, attached garage, and ancillary structures.

4.3.2 **Size.** The minimum square footage of the residence, excluding the garage and decks, shall be 1,500 square feet.

4.3.3 **Accessory Structures.** Shops, RV garages, and other out buildings shall be constructed of similar materials and styles so as to match the main dwelling. Two accessory structures are permitted per Lot.

4.3.4 **Completion.** All buildings shall be completed and a certificate of occupancy obtained within 12 months from commencement of construction.

4.3.5 **Certificate of Occupancy.** No Lot shall be occupied for any purpose until a certificate of occupancy is issued.

4.3.6 **No Mobile Homes.** No manufactured dwellings or modular homes are permitted on any Lot. "Manufactured dwelling" means a movable or portable dwelling constructed to be transported on its chassis and designed without permanent foundation, whether or not a permanent foundation is subsequently provided, which includes one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity, or two or more units separately transportable but designed to be joined into integral units, as well as a portable dwelling composed of a single unit. "Modular home" means a dwelling constructed from standardized units built at another location and transported in units for final assembly on the Lot.

4.3.7 **No Temporary Structures.** No structure of a temporary character is permitted. No trailer, tent, shack, garage, barn, or other outbuilding may be used as a residence. Recreational use of tents that are set up for less than 7 days at a time is permitted as an accessory use to a permanent residence.

4.4 **Building Materials and Techniques.** All improvements to a Lot must conform to the following.

4.4.1 **Exterior Walls.** Materials approved for exterior building walls are wood board siding with exposed dimension not to exceed 8 inches, synthetic plaster, brick veneer, and stone veneer.

4.4.2 **Roofs.** Roofing materials approved are slate, clay or concrete tile, composition roof of architectural 80 or better quality, and copper. Roofs of corrugated metal or wooden shakes are prohibited. Flat roofs are prohibited on any building in the Subdivision. The minimum roof pitch allowed on any building is 4 in 12. Roof overhang must not extend within required setbacks from the property lines.

**4.4.3 HVAC Units.** Heating, ventilating, and air conditioning equipment are not permitted on a roof. HVAC equipment must be screened from view and installed to minimize the noise generated.

**4.4.4 Satellite Receivers and Antennas.** Satellite receivers with diameters less than one meter are permitted. No exterior antenna, tower, or device for transmitting or receiving electromagnetic radiation of any type is permitted, except as otherwise provided herein.

**4.4.5 Service Facilities.** Service facilities (garbage containers, fuel tanks, clotheslines, etc.) must be screened so that such facilities are not visible from the Private Roadways or a neighboring Lot. All telephone, electrical, cable television, and other utility installations shall be placed underground in conformance with applicable law.

**4.4.6 Drainage Changes.** There shall be no interference with the established drainage patterns, drainage swales, conduits, inlets, and outlets or systems over or through any Lot so as to affect any other property in the Subdivision.

**4.4.7 Damage during Construction.** The Owner and his construction contractors are responsible to protect all existing improvements in the Subdivision, including the roads, structures on adjacent lots, fences, landscaping, and underground utilities. Prompt repair of any damage is the responsibility of the Owner and his construction contractors.

**4.5 Landscaping and Fencing.** Lawns shall be neatly mowed and trees and shrubs shall be neatly trimmed. Weeds and diseased or dead lawn, tree, groundcover, or shrubs and vandalized items shall be removed and replaced. No fence, wall, hedge, vegetative screening, or the like may be placed within the Private Roadway easements or within 5 feet of the road edge. Owners of Lots where no home has yet been built shall mow and cut natural vegetation to prevent fire hazard or unsightly accumulations. Natural vegetative growth (grass, weeds, and brush) shall be cut and maintained not higher than 12-inches height to reduce fire hazard; this does not apply to landscape plantings.

**4.6 Maintenance of Lots and Homes.** Owners shall maintain their Lots and improvements in a clean and attractive condition, in good repair, in a manner not to create a fire hazard, and free of accumulations of rubbish and trash. The scope of maintenance includes exterior walls, roofs, windows, doors, garage doors, driveways, walks, patios, chimneys, mail boxes, fences, and other exterior improvements and glass surfaces. Owners shall repair damage from fire, flood, storm, earthquake, riot, vandalism, or other causes within a reasonable period.

**4.7 Trash.** Trash, garbage, and waste must be kept in sanitary containers screened from view from the street by a 6-foot high fence. No part of the Lot, the roads, or neighboring Lots may be used as a dumping ground for trash, rubbish, yard rakings, dirt, or other material from landscaping work.

**4.8 Animals.** No animals, livestock, or poultry of any kind, other than a reasonable number of household pets that are not kept, bred, or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, may be raised, bred, kept, or permitted within any

Lot. Owners or Occupants whose pets cause any inconvenience or unpleasantness to the Occupants of other Lots, including making noise that intrudes on other Lots, shall take all steps reasonably necessary to prevent recurrence thereof. Owners whose Occupants' pets damage others' Lots or personal property shall reimburse the affected party for reasonable costs incurred in repairing damage. Occupants shall ensure that their dog is leashed when off their Lot.

4.9 Nuisances. No Owner or Occupant shall allow or cause any use of the Lot that is an unreasonable source of annoyance to the Owners and Occupants of other Lots or that interferes with the peaceful enjoyment of their property. Owners and Occupants shall avoid creating disturbances and generating noise, including musical instruments, electronic appliances and devices, combustion engines, and motor vehicles. Noxious, harmful, or offensive activities may not be conducted on any Lot.

4.10 Parking. Parking vehicles on the Private Roadway easements is prohibited.

4.11 Vehicles. Owners and Occupants are limited to 5 vehicles per Lot, including automobiles, trucks, boats, trailers (although a boat on a trailer shall count as one vehicle). No vehicle is permitted in the Subdivision that is inoperable or that is not currently licensed, except inside a closed garage. No vehicle shall be repaired except inside a closed garage.

4.12 Signs. No signs shall be erected or maintained on any Lot except that not more than one "For Sale" or "For Rent" sign placed by the Owner or a licensed real estate agent, not exceeding 24 inches high and 36 inches long, may be temporarily displayed on any Lot. The restrictions contained in this do not prohibit the temporary placement of "political" signs not exceeding 24" x 36" in size on any Lot by the Owner or Occupant. Political signs must be removed within 3 days after the election day pertaining to the subject of the sign. Real estate signs must be removed within 3 days after the sale closing date.

4.13 Damage to Home or Lot. If a Lot or improvement is damaged by fire or other casualty, the Owner shall either (a) restore the damaged improvements or (b) remove all damaged improvements, including foundations, and leave the Lot in a clean and safe condition. Any restoration proceeding under (a) above must be performed so that the improvements are in substantially the same condition as they were before the damage. The Owner must commence repairs within 60 days after the damage occurs and must complete the work within 6 months thereafter.

## ARTICLE 5 PRIVATE ROADWAYS

5.1 Use of Private Roadways. Use of the Private Roadways is subject to the Declaration. There shall be no obstruction of any part of the Private Roadways. Nothing shall be stored or kept in the Private Roadways. No alterations or additions to the Private Roadways shall be permitted without the prior written consent of all Owners.

5.2 Maintenance of Private Roadways and Utilities. The Owners are responsible jointly and severally in perpetuity to maintain and repair the roads and improvements (e.g.,

drainage ways) in the Private Roadways

**5.3 Paying for Maintenance.** When a road or improvement needs repair or maintenance, any Owner may elect to undertake the project ("the Maintaining Owner"). A Maintaining Owner wishing the other Owners to participate in paying for the project must follow this procedure.

**5.3.1 Prior Notice.** At least 14 days before commencing work, the Maintaining Owner shall deliver written notice (the "Notice") to all other Owners of the intent to maintain or repair the road or improvement. Notice to another Owner shall be delivered by first class mail to the address of the other Owner as set forth on the current records of the Douglas County Assessor, by personal delivery to the other Owner, or by posting on the front door of the residence if the other Owner resides on the Lot. Notice to one owner of a Lot is deemed notice to all Owners of that Lot. The Notice shall state that the Maintaining Owner plans to repair or maintain the road or improvement and intends to charge the other Owners with their pro rata share of the expenses involved, along with an estimate of the cost involved. Upon request by any other Owner, the Maintaining Owner shall provide supporting documents, such as bids or estimates. In the case of a true emergency, the Maintaining Owner shall provide notice to other Owners as set forth above as soon as practical.

**5.3.2 Work.** The maintenance and repair standard is the state of improvements at the time of this Declaration. All work shall be performed in a workerlike manner by licensed contractors. A Maintaining Owner shall not be entitled to charge his own time, unless he is a licensed contractor.

**5.3.3 Demand.** Upon completion of the project, the Maintaining Owner shall make written demand on the other Owners for their pro rata share of the reasonable and necessary expenses actually incurred and paid in the project. Expenses shall be evenly apportioned among all Lots. The Maintaining Owner shall document expenditures by checks, receipts, and/or signed contracts.

**5.3.4 Remedies.** If an Owner fails to pay the Maintaining Owner the pro rata share of expenses within 30 days of written demand therefor in accordance with the terms set forth above, the Maintaining Owner shall have a cause of action against such Owner, along with simple interest at 18% per annum from said 30<sup>th</sup> day and the Maintaining Owner's reasonable attorney fees. In addition, the Maintaining Owner may file a lien against the nonpaying Owner's Lot by recording a statement in the deed records that states the name of the nonpaying Owner, the legal description of the Lot, the amount of the debt (principal only), and name of the lien claimant. Such lien shall expire if a suit to foreclose the lien is not commenced within one year of the 30<sup>th</sup> day after written demand; in such a suit, the Maintaining Owner is entitled to recover simple interest at 18% per annum from the 30<sup>th</sup> day after written demand and reasonable attorney fees.

**5.4 Roadsides.** The Owner of each Lot is responsible for maintaining the vegetation in the Private Roadway easement along the Lot's frontage. Vegetation shall be maintained to permit safe vision and to a height not greater than 18 inches.

**5.5 Damage or Destruction of Private Roadways.** If any part of the Private Roadway, including the landscaping, utilities and roads thereon, is damaged or destroyed by an Owner or his guests, occupants, tenants, licensees, agents, family members, or other invitees in a manner that would subject the Owner to liability for the damage under Oregon law, the Owner shall repair the damage and restore the area in a workmanlike manner at the Owner's expense.

## ARTICLE 6 GENERAL PROVISIONS

**6.1 Enforcement and Attorney Fees.** The Declarant, the Owners, and any mortgagee holding an interest in a Lot shall have the right to enforce the covenants, conditions, restrictions, reservations, easements, liens, and charges imposed by the Declaration that appertain specifically to such parties by a proceeding at law or in equity. Failure to enforce any covenant, condition, or restriction shall not be a waiver of the right to do so thereafter. If suit or action is commenced to enforce the Declaration, the prevailing party shall be entitled to its reasonable costs and attorney fees incurred in trial and on appeal.

**6.2 Interpretation.** The captions of the Declaration are solely for the convenience of reference and in no way limit or expand the provisions of the Declaration. All words used in the Declaration shall be construed to be of such gender or number as the circumstances require. The invalidity or unenforceability of any provision of the Declaration shall not affect the validity or enforceability of the remaining provisions.

**6.3 Duration.** The covenants, conditions, and restrictions of the Declaration shall run with and bind the land for a term of 25 years from the date that the Declaration was recorded, after which time they shall continue indefinitely unless terminated by a vote of the Owners of at least three-fourths of all Lots.

**6.4 Amendment.** The Declaration may be amended at any time by an instrument approved by the Owners of not less than three-fourths of all Lots. Any amendment must be recorded. No amendment affecting the general plan of development or any right of the Declarant herein may be adopted without the written consent of the Declarant, until such time as the Declarant no longer has an interest in any Lot.

**6.5 Unilateral Amendment by Declarant.** Until such time as the Declarant no longer has an interest in any Lot, the Declarant may unilaterally amend the Declaration in comply with the requirements of the Federal Housing Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission, or agency of the United States or the State of Oregon, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon, the approval of which entity is required to insure, guarantee, or provide financing in connection with development of the Subdivision and sale of Lots.

IN WITNESS WHEREOF, the Declarant has executed this instrument this \_\_\_\_ day of September 2019.

DBUG, INC.

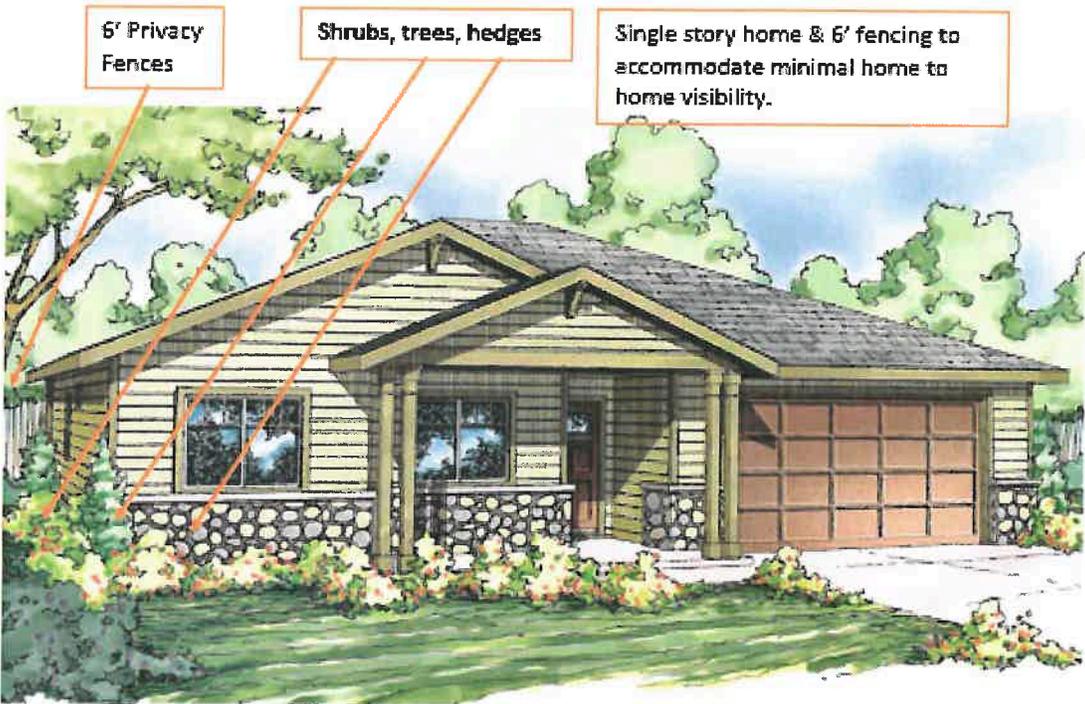
\_\_\_\_\_  
By: Merle D. Tabor, President

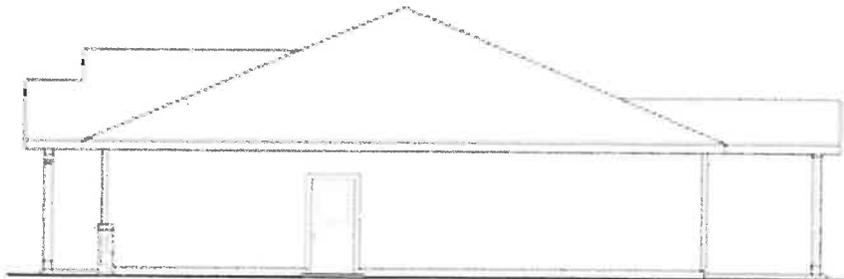
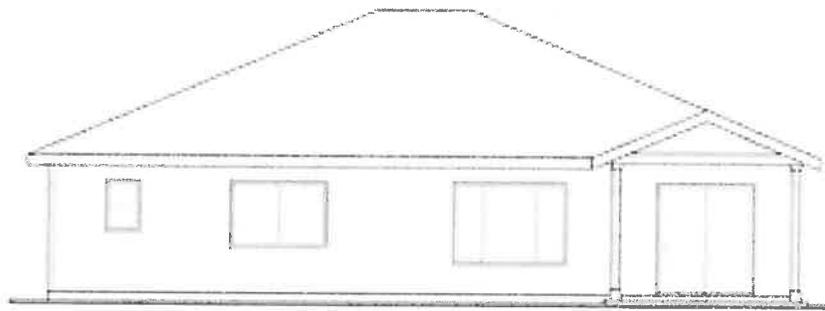
State of Oregon            )  
                                  )    ss.  
County of Douglas        )

This instrument was acknowledged before me by Merle D. Tabor as President of DBUG, Inc., on September \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public for Oregon

**APPENDIX C**  
**Sample House Plans**





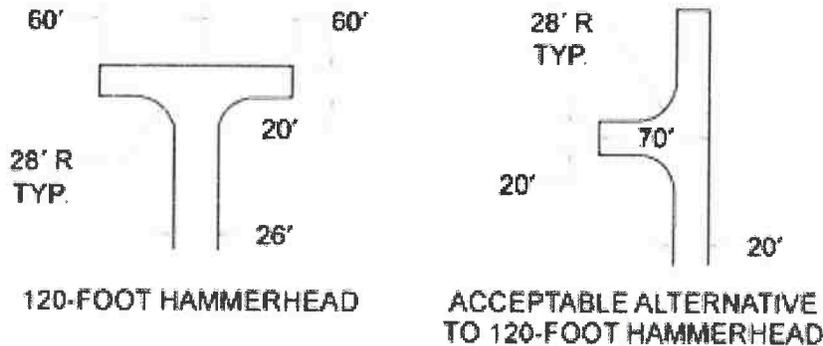
**APPENDIX D  
City of Roseburg Fire Turn Around Requirements**



**Fire & Life Safety Requirements for  
Fire Department Access & Water Supply  
(Based on the 2010 Oregon Fire Code)  
Revised - 7/3/10**

**This brochure is being provided as a resource only.  
The items listed inside are the requirements most generally cited on plans for  
approval. If these items are included on the plans, the likelihood of a timely  
approval on the initial review is greatly increased. If questions arise with  
regard to any of the provisions, please call the below listed number.**

**Roseburg Fire Department  
700 SE Douglas Roseburg, OR 97470  
Phone (541) 492-6770  
email: [fireprevention@cityofroseburg.org](mailto:fireprevention@cityofroseburg.org)**



**FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**