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3-10-2022

## ROSEBURG CITY COUNCIL AGENDA – MARCH 14, 2022

### Electronic Meeting

#### Public Access:

City website at <https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

Facebook Live at [www.Facebook.com/CityofRoseburg](http://www.Facebook.com/CityofRoseburg)

*Comments on Agenda Items and Audience Participation can be provided in person electronically via Zoom. See next page for instructions on how to participate in virtual meetings.*

### 7:00 p.m. Regular Meeting

1. **Call to Order – Mayor Larry Rich**
2. **Pledge of Allegiance**
3. **Roll Call**

Shelley Briggs Loosley	Beverly Cole	Bob Cotterell	Alison Eggers
Sheri Moothart	Brian Prawitz	Patrice Sipos	Andrea Zielinski
4. **Mayor Reports**
  - A. American Red Cross Month Proclamation
5. **Commission Reports/Council Ward Reports**
6. **Special Presentation**
  - A. Floodplain Mapping Presentation
7. **Audience Participation – In Person via Zoom/See Information on the Reverse**
8. **Consent Agenda**
  - A. Minutes of February 23, 2022 Work Study Meeting
  - B. Minutes of February 28, 2022 Council Meeting
9. **Public Hearing**
  - A. Resolution No. 2022-04 – Exemption from Competition in the Public Contracting Process For Award of Contract For Operations of the Navigation Center
10. **Resolutions**
  - A. Resolution No. 2022-05 – Updating the Parks Rules and Regulations
  - B. Resolution No. 2022-06 – Approving a Property Tax Exemption for Sunshine Park Apartments located at 152 Sunshine Road
11. **Ordinances**
  - A. Ordinance No. 3569 – Amending a Portion of the City’s Zoning Map from C2 (Community Commercial) to C3 (General Commercial), First Reading
  - B. Ordinance No. 3571 – Amending RMC Section 7.04.005 “Definitions” and 7.04.170 “Inoperable, Wrecked, Dismantled or Abandoned Vehicles,” First and Second Reading
12. **Department Items**
  - A. ODOT Safe Routes to School Program – Grant Application
13. **Items from Mayor, City Council and City Manager**
14. **Adjourn**
15. **Executive Session ORS 192.660(2)**

## **Informational**

### **A. City Manager Activity Report**

## **URBAN RENEWAL AGENCY BOARD MEETING IMMEDIATELY FOLLOWING**

### **AUDIENCE PARTICIPATION INFORMATION**

*The Roseburg City Council welcomes and encourages participation by citizens at all our meetings, with the exception of Executive Sessions, which, by state law, are closed to the public. To allow Council to deal with business on the agenda in a timely fashion, we ask that anyone wishing to address the Council follow these simple guidelines:*

**To provide comment during virtual meetings, contact the City Recorder by phone (541-492-6866) or email ([info@cityofroseburg.org](mailto:info@cityofroseburg.org)) by 4:00 p.m. the day of the meeting. Provide your name, address, phone number and which item on the agenda you wish to speak. You will then be provided with a link and phone number to the Council meeting. Log or call in prior to the start of the meeting using the link or phone number provided.**

- When accessing the meeting through the **ZOOM link**, you will be asked to enter your email and name. After entering your email and name, click “Join Webinar” to join the meeting as an attendee.
- When accessing the meeting through the **phone**, call the number provided.
- All attendees will be held in a “waiting room” until called on to speak.

**Persons addressing the Council must state their name and address for the record, including whether or not they are a resident of the City of Roseburg. All remarks shall be directed to the entire City Council. The Council reserves the right to delay any action requested until they are fully informed on the matter.**

#### **TIME LIMITATIONS**

With the exception of public hearings, each speaker will be allotted a total of 6 minutes. At the 4-minute mark, a warning bell will sound at which point the Mayor will remind the speaker there are only 2 minutes left. All testimony given shall be new and not have been previously presented to Council.

A total of 30 minutes shall be allocated for the “Audience Participation” portion of the meeting.

#### **CITIZEN PARTICIPATION**

Anyone wishing to speak regarding an item on the agenda may do so when Council addresses that item.

Anyone wishing to speak regarding an item on the Consent Agenda, or on a matter not on the evening’s agenda, may do so under “Audience Participation.”

#### **PROVIDING COMMENTS**

If you join the meeting via Zoom, please select the “raise hand” button when the Mayor calls for speakers. You will be moved out of the “waiting room” to speak. After you have provided your comments, you will be moved back into the “waiting room”.

If you join the meeting on the phone number you provided to the City Recorder, you will be brought into the meeting to speak when the Mayor calls for speakers, then moved back to the “waiting room”.

If a matter presented to Council is of a complex nature, the Mayor or a majority of Council may:

1. Postpone the public comments to “Items From Mayor, Councilors or City Manager” after completion of the Council’s business agenda, or
2. Schedule the matter for continued discussion at a future Council meeting.

*The Mayor and City Council reserve the right to respond to audience comments after the audience participation portion of the meeting has been closed.*

**The City Council meetings are on Facebook Live and available to view on the City website the next day at:**

**<https://www.cityofroseburg.org/your-government/mayor-council/council-videos>**

**The full agenda packet is available on the City’s website at:**

**<https://www.cityofroseburg.org/your-government/mayor-council/council-agendas>.**

# PROCLAMATION

## CITY OF ROSEBURG, OREGON

### RED CROSS MONTH

**WHEREAS:** In times of crisis, people in Roseburg come together to care for one another. This humanitarian spirit is part of the foundation of our community and is exemplified by American Red Cross Cascades Region volunteers and donors; and

**WHEREAS:** In 1881, Clara Barton founded the American Red Cross, turning her steadfast dedication for helping others into a bold mission of preventing and alleviating people's suffering. Today, more than 140 years later, we honor the kindness and generosity of Red Cross volunteers here in Roseburg, who continue to carry out Clara's lifesaving legacy. They join the millions of people across the United States who volunteer, give blood, donate financially or learn vital life-preserving skills through the Red Cross; and

**WHEREAS:** In the Cascades Region, serving Oregon and SW Washington, the contributions of more than 2,500 local Red Cross volunteers give hope to the most vulnerable in their darkest hours. The Red Cross does so by providing more than **1,600** emergency overnight shelter stays, along with food and comfort for families devastated by more than 680 local disasters, like home fires. Through the generosity of those donating more than 182,000 units of essential blood for accident and burn victims, heart surgery and organ transplant patients, and those receiving treatment for leukemia, cancer or sickle cell disease. Or by supporting service members and veterans an average of eight times a day, along with their families and caregivers through the unique challenges of military life; and

**WHEREAS:** Their work to prevent and alleviate human suffering is vital to strengthening our community's resilience. We dedicate this month of March to all those who continue to advance the noble legacy of American Red Cross founder Clara Barton, who lived by her words, "You must never think of anything except the need, and how to meet it."

**NOW, THEREFORE,** I, Larry Rich, Mayor of the City of Roseburg, do hereby proclaim March 2022 to be

### RED CROSS MONTH

and encourage all citizens of Roseburg to reach out and support its humanitarian mission.

**DATED** this 14<sup>th</sup> Day of March 2022.



THE HONORABLE MAYOR LARRY RICH



**MINUTES OF THE WORK STUDY MEETING  
OF THE CITY COUNCIL  
February 23, 2022**



Mayor Larry Rich called the Work Study Meeting of the Roseburg City Council to order at 6:00 p.m. on February 23, 2022 electronically via Zoom in Roseburg, Oregon.

ROLL CALL

Present: Councilors Shelley Briggs Loosley, Beverly Cole, Alison Eggers (arrived at 6:25 p.m. and excused herself at 6:40 p.m.), Brian Prawitz, Patrice Sipos and Andrea Zielinski.

Absent: Councilors Bob Cotterell and Sheri Moothart

Others Present: City Manager Nikki Messenger, Assistant City Manager/ Recorder Amy Sowa, Community Development Director Stuart Cowie, Finance Director Ron Harker, Fire Chief Monte Bryan, Human Resources Director John VanWinkle, Library Director Kris Wiley, Police Chief Gary Klopfenstein, Public Works Director Brice Perkins and Management Assistant Koree Tate.

POSSIBLE USES OF AMERICAN RESCUE PLAN ACT FUNDING

Ms. Messenger reported that the City would receive a total of \$5.2 million in ARPA funding. The City received the first half of the funding in August 2021 and the second half would be received later this calendar year. The City's deadline to obligate funds was December 31, 2024 and had until December 31, 2026, to fully expend the funds.

At the November 8, 2021, meeting, the City Council approved a supplemental budget authorizing the transfer of ARPA funds to backfill lost revenue in the Transportation, Bike Trail, Off-Street Parking and Park Improvement Funds and to offset COVID-19 impacts in the General Fund as follows:

General Fund	\$200,000
Transportation	\$190,580
Bike Trail	\$ 4,173
Off-Street Parking	\$ 20,726
Park Improvement	\$ 17,971
<i>Total Transfers</i>	<i>\$433,350</i>

During the transfers, the vaccine mandate was still a possibility and the City would have been responsible for paid time off for the vaccine process. That mandate did not make it through the court system, but Firefighters were still deemed as part of healthcare and under the mandates. Mr. VanWinkle added that most of the costs were from work related exposures and employees still had to quarantine if diagnosed. Ms. Messenger said employees had to use their own sick leave or other paid time off when required to stay home. The City had always followed requirements during the pandemic. Those revenue loss calculations were based on the interim rules that were in place at that time and involved calculations comparing year over year revenues. Since that time, the final rules defining uses of ARPA funding had been adopted. The final rules included a provision that each recipient could assume a "standard allowance"

of up to \$10 million in revenue loss. Since the City's allocation was under the standard allowance, the City could consider the entire amount revenue replacement. This allowed the City to use the funding for "provision of government services" by providing more flexibility.

Ms. Messenger explained that in addition to the transfers, ARPA funding had been spent on preparing the USEDA Travel, Tourism and Outdoor Recreation grant application (\$39,018), committed to hiring a homeless services coordinator (with Aviva \$140,000), and spent on other services to homeless, including the provision of portable toilets and the cooling center at the Roseburg Senior Center last summer (\$21,928 so far). Combined with the transfers, a total of \$634,396 had been committed or spent to date.

The management team worked together to put forth a proposal for Council's consideration. The City did not need to obligate all of the funds at this time. Staff recommended maintaining a high level of flexibility to ensure preparation for any upcoming opportunities or future unknowns. Staff asked for direction from Council regarding the big picture related to the funding, as well as a consensus on some items that we needed to start soon. There were many projects and items that Ms. Messenger said she would like to see move forward, but the City did not have enough funds for completion. Staff started the process by providing a variety of ideas, well over 40, and established criteria in an attempt to begin prioritizing potential projects. They were used as a tool to see what would rise to the top. The baseline criteria (in no particular order) was:

- Part of a Council Goal (Yes or No)
- Likelihood of funding another way (Low, Medium, or High)
- Makes a lasting impact on the community (Yes or No)
- Required – We have to pay for it somehow (Yes or No)
- COVID Driven (Yes or No)
- Requires future/ongoing funding (Yes or No)
- Has an organizational impact (Yes or No)

Under the list of items that staff classified as "required" were the following:

- Operational costs for the navigation center beyond the \$1.5 million grant. After renovations, there could be a million left. The hope was to have other funding partners come on board. They City had to make sure there was funding to cover the first two years of operation.
- Reimbursement for mandatory employer paid COVID related sick leave. This applied only to "healthcare workers" i.e. Fire Department employees and should fit within the \$200k General Fund allocation already committed.
- Purchase of COVID related supplies for masks, gloves, hand sanitizer, cleaning products, etc.

Since this was one time funding, staff looked at projects, programs, and ideas that may be tough to fund any other way or that would require General Fund funding. Many of the projects dealt with city facilities, which needed improvements and had no identified funding sources outside of the annual General Fund transfer. City facilities and maintenance or major upgrades were not something the City had the ability for which to pay.

The ideas in the **first tier** included:

- Other homeless related expenses.
  - City Council committed to continue to pay for warming shelters, portable toilets, open RV camping locations, etc. Sutherlin was working on doing something regionally. This was an item to carve out and set aside to have available for services in case the need arises.
- Replace Library boiler.
  - The boiler was at the end of its useful life and could come out of the General Fund.
- Purchase & installation of 3-channel repeated VHF radio system for police, fire, and public works.
  - There were locations in town where the radios were unable to talk to each other. That proved difficult during the tracking of an armed subject and officers could not hear each other during a dangerous situation. Mr. Klopfenstein added the radios would have a redundancy factor and prove helpful during any future natural disasters or issues such as a severe snowstorm.
- One-time premium pay for staff.
  - Ms. Messenger was originally against the idea, but employees had been going to work each day, handling the extra cleaning, dealing with new rules and mandates and handling complaints and upset customers. Department Head staff would not be included in the one-time pay. It was meant for those on the front lines helping customers, along with police, fire, and maintenance crews. She did not anticipate being in a pandemic after two years. Staff had good jobs and great attitudes during the whole process, which was why she felt they deserved a reward. There had been many unfortunate situations where staff and officers had been mistreated for enforcing the rules.

The ideas in the **Second Tier** included:

- Finish the Public Safety Center third floor space.
  - During the pandemic when employees had to be spaced apart, it would have been nice to have other location options. The section on the third floor would need walls, carpet, lighting, etc. Once complete, it would be beneficial for overflow needs of departments or if a department had to move there due to lack of space. The building opened in 2009 and that space had only been used for storage.
- Replace the Arts Center HVAC system.
- Purchase a robot for the Police Department to use in hazardous tactical situations.
  - The cost would be \$40,000 and would benefit the department by assisting in dangerous situations that could save a serious injury from occurring.
- Make upgrades at the library to support virtual meetings.
  - During the pandemic, virtual meetings became the method to continue business. Ms. Wiley added the Ford Room was available for public use.

Currently, it could not accommodate more than 10 different microphones. The upgrade would be multi-purpose and assist with better production.

- Provide a portion of the match for the Travel, Tourism & Outdoor Recreation grant.
  - If the grant was awarded, Ms. Messenger said she would like to use funds for the grant match.
- Purchase go-bags to enhance employee emergency preparedness.

There were a number of other facility-related projects that staff would like to accomplish if funding allowed. Ms. Messenger wanted to know how much of the funding Council was interested in committing at this time and if additional information was needed. With the listed items mentioned, the cost would be about \$5 million out of the \$5.2 million. She wanted to know how much money Council wanted to commit now and then come back in six months to discuss items again. Councilor Sipos suggested prioritizing items and including the Police Department robot and radio upgrade. Councilor Prawitz wanted to suggest other ideas and Councilor Cole recommended waiting for full Council attendance before making a final decision.

In response to Mayor Rich, Councilor Prawitz said he wanted to entertain the idea of purchasing the former Safeway property. When he visited another town, their Economic Development Partnership added a building back where Safeway was demolished, restructured the lease and the store came back. He knew the City would not want to be in the real estate business, but he wanted to see more control and say on what would occupy the space. Councilor Prawitz continued that he would like to find out the possibility of contributing or carrying the cost for parking garage security. In the past, there used to be a downtown taxing district where funds were used for security.

In response to Councilor Briggs Loosley, Ms. Messenger explained the hope was for partners to come forward with significant funds to assist with the Navigation Center. If a partner was established, the funds could be used for a campground. Mayor Rich directed Council to review each Tier 1 item to determine list status:

- Other Homeless Related Expenses – no further comments received.
- Replace Library Boiler -
  - In response to Mayor Rich, Ms. Wiley confirmed the boiler was not part of the remodeling project and was in bad condition. Mr. Perkins confirmed the boiler could stop functioning at any moment. Ms. Messenger said it was original to the building. Councilor Cole suggested including the air conditioning at the same time so both could be the same age. Mr. Perkins said he could research the cost to replace both items.
- Purchase & installation of 3-channel repeated VHF radio system for police, fire, and public works.
  - In response to Mayor Rich, Mr. Klopfenstein explained they originally had three broadband channels for each group. The infrastructure failed and they were now unable to use the channels. The way the County's system was set up created shadows. The main point of radios was redundancy. If the County system failed,

the City would have nothing to use but cell phones. With a new radio system, they would be able to communicate across the three systems.

- One-time premium pay for staff.
  - Mayor Rich discussed his concern over the premium pay and that employees were fortunate to have jobs when others did not. Councilor Cole agreed that many citizens did not have jobs during the pandemic and felt staff were paid well. Councilor Sipos appreciated City Staff, but could see other items that were more important for the community. She liked the idea of paid security for the parking garage and said it should be moved to Tier 1. In response to Councilor Prawitz, Ms. Messenger explained the one-time premium pay would not include herself or Department Head staff. She rarely had an opportunity like this to recognize employees who deserved the benefit. This was for those out there on the front line.

Mayor Rich summarized the Tier 1 list included the library boiler, three-way radio system, and homeless related expenses. They would remove the one-time premium pay and add parking garage security. Councilor Cole asked to add the robot to the Tier 1 list. In response to Mayor Rich, Mr. Klopfenstein said the robot was two feet long, could climb stairs, and had the option of putting a two-way communication device on it. It allowed law enforcement to have a safer conversation without putting a person in harm's way. In response to Councilor Sipos, Mr. Klopfenstein agreed he would rather have the robot hurt or disabled than a Police Officer or canine. The robot could be easily repaired and maintained. It would be able to cross a street and be at a 1,000 feet distance. Councilor Zielinski agreed to move the robot to the first tier items.

Councilor Zielinski agreed with all items for Tier 1. She noted that many people worked through the pandemic and she did not think the public would approve of that item. She would like to consider the Public Safety Center third floor space to allow an area moving forward for positions or a department to utilize. After continued discussion, Ms. Messenger confirmed she would continue to refine the Tier items to provide better definitions and asked for approval to spend a little money up front for assistance to refine costs. Council agreed and Mayor Rich said another work study was not necessary and could be further discussed during a City Council meeting.

ADJOURNMENT

The meeting at 7:04 p.m.

Koree Tate  
Management Assistant



**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL MEETING  
February 28, 2022**



Mayor Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on February 28, 2022 electronically via Zoom in Roseburg, Oregon. Councilor Cole led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Councilors Shelley Briggs Loosley, Beverly Cole, Bob Cotterell, Alison Eggers, Sheri Moothart and Andrea Zielinski.

**Absent:** Councilors Brian Prawitz and Patrice Sipos

**Others Present:** City Manager Nikki Messenger, Assistant City Manager/ Recorder Amy Sowa, City Attorney Jim Forrester, Community Development Director Stuart Cowie, Finance Director Ron Harker, Police Chief Gary Klopfenstein, Public Works Director Brice Perkins and Management Assistant Koree Tate.

**COMMISSION REPORTS**

Councilor Zielinski chaired a Library Commission meeting on February 15, 2022 and discussed the strategic plan report, monthly statistics, programming, staffing and grants updates.

Mayor Rich chaired a Homeless Commissions Meeting on February 28, 2022 and received an HTAG update, discussed the property purchase for a Navigation Center and a resolution that would go before Council at their March 14, 2022 meeting regarding a contract award to UCAN for navigation center operations.

**WARD REPORTS**

Councilor Eggers said there was a parish reviewing options to begin a vehicle camping location. She attended their meeting that had forty people, out of which four opposed the idea. They planned to meet again for further discussion.

**PUBLIC WORKS COMMISSION APPOINTMENT**

Councilor Cotterell said there were five applications received for the Public Works Commission vacancy submitted by Mike Baker, William Christensen III, John Haugen, Ashley Hicks and Tim Swenson. After speaking with each applicant, he had made his decision for appointment. Councilor Cotterell moved to appoint Tim Swenson to the Public Works Commission. The motion was seconded by Councilor Briggs Loosley and approved with the following vote: Councilors Briggs Loosley, Cole, Cotterell, Eggers, Moothart and Zielinski voted yes. No one voted no.

**AUDIENCE PARTICIPATION**

No one asked to participate.

CONSENT AGENDA

Councilor Cotterell moved to approve the following Consent Agenda items:

- A. Meeting Minutes of February 14, 2022 Work Study
- B. Meeting Minutes of February 14, 2022
- C. OLCC New Outlet Application for Full On-Premises, Commercial License for Draper Draft House located at 620 SE Jackson Street

The motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Briggs Loosley, Cole, Cotterell, Eggers, Moothart and Zielinski voted yes. No one voted no.

PUBLIC HEARING – RESOLUTION NO 2022-03 – COMMUNITY DEVELOPMENT BLOCK GRANT FOR REGIONAL HOUSING REHABILITATION

Mayor Rich opened the Public Hearing regarding a Community Development Block Grant for Regional Housing Rehabilitation at 7:05 p.m. Mr. Cowie reported the City of Roseburg was eligible to apply for a 2022 Community Development Block Grant from the Oregon Business Development Department. Mr. Cowie explained that as part of the process, the legal notice had to be read aloud:

**CITY OF ROSEBURG PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING REGARDING 2022 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**NOTICE IS HEREBY GIVEN**, the City of Roseburg will conduct a public hearing on **Monday, February 28, 2022**, regarding the city's intent to apply for a 2022 Community Development Block Grant.

The City of Roseburg is eligible to apply for a 2022 Community Development Block Grant from Business Oregon. Community Development Block Grant (CDBG) funds come from the U.S. Department of Housing and Urban Development. The grants can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes. The maximum grant funding that may be requested for a regional housing rehabilitation project is \$500,000. However, in 2022 Business Oregon is administering an additional CDBG grant program funded through the Federal Cares Act, which will allow the City to apply for an additional \$500,000, potentially totaling \$1,000,000 for a total project request.

The City of Roseburg is preparing an application for a 2022 Community Development Block Grant from Business Oregon for a regional housing rehabilitation program for persons residing within Douglas County, Oregon. It is estimated that the proposed project will benefit approximately 60 persons or 30 households, of whom 100% will be low or moderate income. If awarded additional amounts through the CDBG Cares Act Funding, an additional approximately 60 persons or 30 housing will benefit, whom 100% will be low or moderate income.

**The Roseburg City Council will hold its regularly scheduled meeting at 7:00 p.m. on Monday, February 28, 2022 via Zoom.** A public hearing will be held by the Roseburg City Council at that meeting. The purpose of this hearing is for the Roseburg

City Council to obtain citizen views and to respond to questions and comments about: community development and housing needs, especially the needs of low- and moderate-income persons, as well as other needs in the community that might be assisted with a Community Development Block Grant project; and the proposed project.

Written comments are also welcome and may be emailed to the City Recorder at [info@cityofroseburg.org](mailto:info@cityofroseburg.org) by **4:00 p.m. on February 28, 2022**. Any person who wishes to speak during the hearing may do so by contacting the City Recorder at 541-492-6866 or [info@cityofroseburg.org](mailto:info@cityofroseburg.org) by 4:00 p.m. on February 28, 2022 to receive a link to the meeting. Both oral and written comments will be considered by the Roseburg City Council in deciding whether to apply. Please contact the City Recorder's Office at 541-492-6866 if you will need any special accommodations to participate in the meeting.

More information about Oregon Community Development Block Grants, the proposed project, and records about the City of Roseburg's past use of Community Development Block Grant funds is available for public review at the Community Development Department, 900 SE Douglas Avenue, Roseburg, Oregon during regular office hours. Advance notice is requested. If special accommodations are needed, please notify City Recorder's Office so that appropriate assistance can be provided.

Permanent involuntary displacement of persons or businesses is not anticipated as a result from the proposed project. If displacement becomes necessary, alternatives will be examined to minimize the displacement and provide required/reasonable benefits to those displaced. Any low- and moderate- income housing that is demolished or converted to another use will be replaced.

Staff proposed to apply for \$1,000,000 in funding through two separate CDBG grant processes. Community Development Block Grant funds came from the U. S. Department of Housing and Urban Development. The grants could be used for housing improvements for homeowners with low and moderate incomes. The City would partner with NeighborWorks Umpqua (NWU) to run the program. NWU would act as the sub grantee within the grant process and be responsible for writing the grant application, determining qualifying homeowners and potential rehabilitation projects, lining up contractors to complete work, and allocating money to cover the costs of each project. NWU was authorized by the State to carry out housing rehabilitation activities on behalf of the city.

Mr. Cowie continued that Staff proposed the grant be a joint project that would serve to benefit the City of Roseburg and Douglas County. The City would act as the "lead applicant" as part of the grant application, while Douglas County would be referred to as a "participating county". If funded, an intergovernmental agreement would be established. Although NWU operated the housing rehabilitation program, ultimately the City would be responsible for all aspects of the CDBG project as the grant funding would be awarded to the City. It was estimated that the proposed project would benefit at least 60 households, all of whom would be low or moderate income. No activities were likely to displace residents and this program would help low and moderate income citizens remain in their homes. The City successfully partnered with NWU in 2018, utilizing the same program in which the City was awarded \$400,000 in CDBG funding. At that time, Roseburg partnered with the cities of Winston and Myrtle Creek to help assist each

jurisdiction's respective citizens. Thirty-two homeowners received financial assistance in order to complete repair projects involving their homes. Of those 32 homes, 21 were located within the City of Roseburg. Home repair projects were completed to address health and safety concerns, as well as accessibility issues. Projects included the following types of repairs:

- Roofs
- Bathroom repairs
- Steps, ramps, decking
- Door replacements
- Window replacements
- Minor plumbing
- Minor electrical

If awarded funding, it was anticipated that those same types of home repairs would occur to qualifying citizens in and outside the city limits of Roseburg. The purpose of the hearing was for Council to obtain citizens' views about the project and to respond to comments about the grant. Staff requested City Council move to adopt Resolution 2022-03 and direct staff to coordinate with NWU to move forward with the CDBG application process.

In response to Councilor Cotterell, Robert Whitsell, NWU Rehabilitation Specialist, explained that to qualify for assistance, a household needed to be under eighty percent of average mean income based off current HUD standard income limitations at the time. The dollar amount would change to new amounts in March. The current limitations for a single person household was \$36,050, for a two person household it was \$41,200, for a three person household it was \$46,350, and for a four person household it was \$51,500. The intent was to focus on the eastern part of the County. The rural communities were not addressed in the last grant opportunity and he would like to assist some of the outlying areas. In response to Mayor Rich, Mr. Cowie explained all of Douglas County would be eligible to apply.

As no one else wished to speak, Mayor Rich closed the Public Hearing at 7:16 p.m. Councilor Cotterell moved to adopt Resolution No. 2022-03, entitled, "A Resolution Authorizing an Application for Community Development Block Grant Funds for Business Oregon's Regional Housing Rehabilitation Program." The motion was seconded by Council Zielinski and approved with the following vote: Councilors Briggs Loosley, Cole, Cotterell, Eggers, Moothart and Zielinski voted yes. No one voted no. Mayor Rich declared Resolution No. 2022-03 as adopted.

PUBLIC HEARING – ORDINANCE NO. 3569 AMENDING A PORTION OF THE CITY'S ZONING MAP FROM C2 (COMMUNITY COMMERCIAL) TO C3 (GENERAL COMMERCIAL)

Mayor Rich reviewed the procedures for the Quasi-Judicial hearing and asked Council to declare any conflicts of interest or ex parte contact. No Council members expressed conflict of interest or ex parte contact. Mayor Rich opened the Public Hearing regarding the amendment of a portion of the City's Zoning Map from C2 (Community Commercial) to C3 (General Commercial) at 7:19 p.m.

Mr. Cowie explained that Harvard Medical Park, LLC, on behalf of the applicant Cordell Smith, Board President of Thundering Water, submitted a zone change application to the Community Development Department to amend the zoning designation on property at 1802 W Harvard Avenue from C2 (Community Commercial) to C3 (General Commercial). The subject property had a Commercial Comprehensive Plan designation and, therefore, the request to change the zoning from C2 to C3 did not trigger a Comprehensive Plan amendment, as the Commercial designation was consistent with both zoning designations. The applicant's goal for the proposed zone change from C2 to C3 was to enable the use of "Places of Amusement" and "Outdoor Recreational Facilities," specifically for a future miniature golf course, pump track, SplashPad, boulder/climbing wall, games pavilion area, recreation center and some food trucks. The current C2 zoning did not allow for "Places of Amusement" or "Outdoor Recreational Facilities" as use categories allowed within the zone. By changing the zone to C3, it allowed the desired development to be a permitted use on the subject property. For a zone change, certain criteria needed met:

1. It would conform to the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.
2. The site was suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.
3. It was consistent with the safety and performance measures of the transportation system.

The property was located in an area that was surrounded by a C3 zone, Public Reserve, professional offices and high-density residential zone with a retirement center. For the zone change criteria, they had to show it was consistent with the land use map and written policies. They mirrored state plan goals and addressed the Natural Resources, Economic Growth, Transportation Development, Energy Conservation, Parks and Recreation, Public Facilities and Services, Urban Growth, Commercial Development and Resources Area and Hazardous Area Development Policies. Mr. Cowie continued that zone change requests had to be evaluated based on criteria identified in Roseburg Municipal Code (RMC) Section 12.10.040. Information provided by the applicant's land use consultant, Teresa Bishow, Bishow Consulting, LLC, provided justification for how the proposed zone change and future development would satisfy the criteria necessary for a zone change approval. An analysis of the differences in the two zones, specifically the impacts of the future Thundering Water use at the property, was completed in order to demonstrate compliance with specific policies listed and identified in the Roseburg Comprehensive Plan. A site specific Traffic Impact Study (TIS) was performed by Sandow Engineering to ensure that the proposed rezone would be consistent with safety and performance measures of the transportation system. A zone change was a quasi-judicial land use action, as listed within Section 12.10.010(R) of the Roseburg Municipal Code (RMC). Therefore, zone change requests were required to be heard by the Planning Commission prior to going before City Council for a decision. The Planning Commission held a public hearing regarding the proposed zone change on January 3, 2022.

Mr. Cowie said the site was suitable to the proposed zone with respect to the public health, safety and welfare of the surrounding area. It was not going to be the typical amusement park. The applicant had said the whole purpose of the park was to help individuals and families learn lifestyle changes through proper nutrition and physical movement while having fun and forming lasting bonds. The applicant selected the location based on its central location within the

community and its proximity to schools and Fir Grove and Stewart Park. It was consistent with the safety and performance measures of the transportation system and a TIS was performed for the site based upon the proposed recreational facility. The TIS determined that 1) the study area intersections would meet City mobility standards, 2) trips generated from the development would not increase queuing conditions at study area intersections, and 3) the site access would operate safely and efficiently for all modes of travel at the intersection of Harvard and Keady.

Prior to the hearing, letters of support from adjacent property owners and businesses were submitted, including Dr. Kiran Kaul, Kaul Family Chiropractic, Alan Liesenger, Managing General Partner of Harvard Medical Park LLC, and Patricia Koch, Executive Director of Riverview Terrace. Additional letters of support were also provided by Natasha Atkinson, Executive Director of Umpqua Homes, Inc., Jessica Hunter, Program Manager Douglas County Child Welfare, and Juliete Palenshus, UC-VEG Executive Director. In addition, letters of concern and opposition were submitted by Brad Phillips, VA National Cemetery Administration Executive Director, Pacific District, and Jerry and Chrissy Matthews. Due to the issues raised in the letters of opposition and because of the valid concerns, they looked at the section of the zone change and determined reasonable conditions could be imposed to ensure compatibility with surrounding uses.

Concerns raised in opposition:

Issue 1: The C3 zone would allow more intensive uses than the current C2 zone that may seriously diminish the dignified and respectful setting of the adjacent historic Roseburg National Cemetery.

Issue 2: The proposed development by Thundering Water may generate visual, noise and other operational impacts that detract from the peaceful setting of the Roseburg National Cemetery.

Issue 3: The zone change from C2 to C3 would increase the maximum building height from 45 feet to 80 feet, which may cause development that was incompatible with the Roseburg National Cemetery.

Issue 4: The proposed Thundering Water development did not have adequate parking.

Issue 5: Thundering Water did not yet own the property. How would the City review proposed development to ensure zone change conditions were met?

Conditions discussed that could be imposed, but were not limited to:

1. Special yards and spaces.
2. Fences and walls.
3. Special parking and/or loading provisions.
4. Street dedication and improvements or traffic control devices or facilities or bonds or other monetary contributions in lieu of improvements.
5. Control of points of vehicular ingress and egress.
6. Special provisions for signs.
7. Lighting, landscaping and maintenance of grounds.
8. Control of noise, vibration, odors or other similar nuisances.

Mr. Cowie explained the applicants provided their own conditions. One of the first concerns was around what would happen if they did not choose or were unable to move forward with the planned use and someone else wanted to do something more intense. If approved based on the first condition, it would limit any other types of business that would want to use the property. Conditions contained in the Planning Commission's Findings of Fact and Order were:

1. The zone change to C3 shall only expand the existing C2 zone Permitted or Conditionally Permitted uses to include "Places of Amusement" and "Outdoor Recreational Facilities" as identified on the Thundering Water Preliminary Site Plan.
2. The parking lot shall be constructed along the eastern portion of the property in a manner similar to the Thundering Water Preliminary Site Plan. Mr. Cowie noted the screening had to meeting Roseburg Municipal Code requirements.
3. The storm water detention areas shall be constructed and maintained along the eastern portion of the north area of the property in a manner similar to the Thundering Water Preliminary Site Plan.
4. A minimum 5-foot wide vegetation screen shall be constructed and maintained along the eastern edge of the parking area adjacent to the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Site Plan. Mr. Cowie added that there would be two sections of screening due to the existing one on the Cemetery property and a new one that would be constructed.
5. A minimum 7-foot tall sound wall shall be constructed along the entire length of the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Site Plan.
6. Development on the subject property shall have a maximum building height of 45 feet. Mr. Cowie stated that condition was to ensure plans for the building would not be too tall.
7. Any future development of the property shall fully conform to all applicable standards of the Roseburg Municipal Code.
8. Any future development of the property shall be subject to an approved Site Plan Review and Building permit approval.
9. The vegetative screen set forth in Condition #4 and the sound wall set forth in Condition #5 shall be installed prior to City issuance of a certificate of occupancy for any new development on the site.

Mr. Cowie explained that since the conditions were established, the applicant proposed a change regarding Condition #5. Outside the floodway of the South Umpqua River, a minimum 7-foot tall sound was planned to be constructed along the shared property line between the

subject property and the Roseburg National Cemetery in a manner similar to the Site Plan. The floodway was the most stringent of the floodplain areas regarding how development could occur. Part of the requirement was to obtain a study to evaluate floodway encroachments. If a fence was constructed, a chain-link type would allow water to flow through, but a solid fence or sound wall would act like a dam. The study needed to show the sound wall would not compromise the area and it was determined the wall would create issues. As a result, the applicant requested Council to revise Condition #5 and ask that rather than adopt the Planning Commission's Findings of Fact to direct Staff to draft a City Council Findings of Fact and Order that indicated the change, which would necessitate the need for a revised Site Plan to be referenced in Conditions #1-4.

In response to Mayor Rich, Mr. Cowie said Council could ask questions, but the zone change was based on the conditions that would be part of the deed, and unless amended, it would stay with the property and identified in permit software programs and mapping for future reviews. In response to Councilor Cotterell, Mr. Cordell Smith, Thundering Water applicant, confirmed food trucks would not use generators and would have a specified area near the education center building where electrical outlets could be used. The suggested park was meant to be multigenerational and bridge age gaps in the community. The SplashPad would differ from Fir Grove Park by having a bubbling area that would spout randomly to music. With his profession, he dealt with 70% of diabetic foot consultations and spent most days helping manage health complications. Douglas County had some of the highest numbers for diabetes, cancers, heart disease and other complications. He wanted to find a creative way to bring education and recreation to a younger audience that was founded on basic pillars and wholesome family fun. He envisioned an education center building with semi-outdoor eating with a kitchen, preparedness information and other education that would assist all generations.

Mr. Smith said he had a strong desire to help move the town to a creative lifestyle for a younger generation. He had explored other property locations, but did not want to alter his goal for a loud location similar to other family fun centers off the freeway. He wanted to have a nonprofit in a neighborhood close to other parks and activities such as soccer, schools, parks and the Umpqua Valley Arts Center. Despite his multiple letters of support, he had one hesitation as to the proximity to the National Cemetery of fallen soldiers who had family visit and needed peace and serenity. He thought his idea for the property was a good way to honor the legacy of fallen soldiers by creating a community of united people for a healthier community. He was deeply respectful of the fallen soldiers and their sacrifice. In response to Mayor Rich, Mr. Smith suggested one dollar to use the park and planned to have a director, program director and hire high school staff. He planned to have seasonal programs through the year and have evening and weekend activities, and potential live music. The Harvard Medical Park offered overflow parking when needed. The main attractions would be the pump track and miniature golf course. The golf course would be 18 holes and constructed to show the different natural wonders around Douglas County. The pump track would have different twist and turns with different ability level options. For the semi-outdoor nutrition area, he hoped to bring education to a younger audience by a dynamic chef that would create recipes and food samples to entice healthy eating.



In response to Mayor Rich, Mr. Cowie explained the 6-foot fence rule was for residential zones and that commercial locations could be taller. In response to Councilor Eggers, Mr. Smith said he did not have a firm timeline, but hoped to be open by Memorial weekend in 2023. Councilor Briggs Loosley noted part of the project relied on grant funding and wanted to know the projected cost of the project. Mr. Smith discussed the projected cost was on the high end of \$5.5 million due to trends, costs and supply chain issues, but that did not account for a reduction from the cost for labor and time that would be used for the project. Councilor Cotterell said he appreciated all his work and thought for the project, but still had a hard time with the proximity to the National Cemetery. There were already sound concerns with kids playing soccer and many went to the cemetery to be with a family member and have a place to quietly reflect. He did applaud Mr. Smith on his goals for what he wanted to provide the community. Mr. Smith noted he had the same thought about the noise, but pointed out there were already concerts at Stewart Park and entertainment at the Art Center. Councilor Moothart agreed with Councilor Cotterell, but also saw how youth in the school system were not as healthy and active as they used to be and felt something was needed for the kids.

Theresa Bishow, Bishow Consulting, PO Box 50721, Eugene, Oregon 97405, was hired to assist with the project. It conformed to the Comprehensive Plan, supported many benefits to the community, and supported nearby recreational uses. It was also consistent with the Transportation Safety and Performance measures by meeting mobility standards, having access at Harvard and Keady, and providing safe and adequate access for pedestrians and bicyclists. Ms. Bishow discussed landscape buffers and reiterated the need for a slight adjustment to Condition #5 based on the floodplain concerns.

Jared Cordon, Roseburg School District Superintendent, Roseburg, thanked the Council for bringing a forward thinking Comprehensive Plan that promoted more family friendly activities in Roseburg. As a superintendent and parent, he was always interested in investments that helped children and families at large and promoted life-long learning and wellness. It was the two-year anniversary of the first COVID-19 case in schools and it reminded him of the need for health connections, multigenerational relationships and how it would benefit in the types of activities presented. Thundering Water would provide Roseburg with a unique venue that would strengthen the community and would root life-long enjoyment.

Knut Torvik, General Manager for Harvard Medical Park, Roseburg, represented the seller of the property. They had wanted to sell the property for a long time and this seemed to be the best use they could think of for the space to honor veterans and the community. In response to Mayor Rich, Mr. Torvik confirmed Harvard Medical Park still owned the property.

Noel LaLanne, Director of Eagle Point National Cemetery, Medford, Oregon, stated she did not have any comments and was there to observe and listen to the discussion.

In response to Councilor Moothart, Attorney Forrester confirmed she did not have a conflict of interest due to her employment at Roseburg High School. As no one else wished to speak, Mayor Rich closed the Public Hearing at 8:29 p.m. Councilor Cotterell moved to direct Staff to prepare Findings of Fact on behalf of City Council approving the zone change request as recommended in the Planning Commission's Findings of Fact and Order, subject to changing Condition #5 as requested by the applicant and subsequent changes to Conditions #1-4 based

upon an updated Site Plan to be submitted by the applicant. The motion was seconded by Councilor Briggs Loosley. Councilor Cotterell stated that he initially wavered on the idea for the property, but after hearing Mr. Knutson point out that the property would be sold regardless, this was a better option and Council had some control over the conditions that pertained to the property use. He would appreciate if Mr. Smith would work with the National Cemetery to establish quiet hours and coordinate around special services at the cemetery.

Councilor Zielinski expressed enthusiasm for an idea such as this for the community and had always wanted to see a miniature golf course in town along with the other options to encourage children to be active outdoors. She liked the concept of incorporating health and community while trying to unify all ages of people to be out and play together. She looked forward to his concept coming to fruition. Mayor Rich supported the idea and hoped it would be successful. Councilor Moothart supported the project and after working with youth in the school system, she noticed how the pandemic created more screen time and less outdoor activity. It was important for youth to be active and have healthy snacks. The motion was approved with the following vote: Councilors Briggs Loosley, Cole, Cotterell, Eggers, Moothart, and Zielinski voted yes. No one voted no.

Mr. Cowie noted he would present the revised Findings of Fact to Council at the next meeting and a public hearing was not required.

ORDINANCE NO. 3566 – AMENDING CERTAIN SECTION SO OF TITLE 12 OF THE ROSEBURG MUNICIPAL CODE TO ALLOW MINI-RETAIL BUSINESSES AS PERMITTED USES IN THE PUBLIC RESERVE (PR) ZONE, SECOND READING

Ms. Sowa read Ordinance No. 3566, entitled, “An Ordinance Amending Certain Sections of Title 12 of the Roseburg Municipal Code to Allow Mini-Retail Businesses as Permitted Uses in the Public Reserve (PR) Zone,” for the second time. Councilor Cotterell moved to adopt Ordinance No. 3566. The motion was seconded by Councilor Eggers. Roll call vote was taken: Councilors Briggs Loosley, Cole, Cotterell, Eggers, Moothart and Zielinski voted yes. No one voted no. Mayor Rich declared Ordinance No. 3566 as adopted.

ORDINANCE NO. 3567 – AMENDING RMC SECTION 7.04.005 “DEFINITIONS” AND 7.04.170 “INOPERABLE, WRECKED DISMANTLED OR ABANDONED VEHICLES”, FIRST READING

Mr. Klopfenstein reported that he proposed to amend the Roseburg Municipal Code Section 7.05.005, titled “Definitions,” and Section 7.04.170, titled “Inoperative, wrecked, dismantled or abandoned vehicles” to reflect both current practice/procedures that needed updates. Additionally, procedures for handling abandoned vehicles needed to be added to Section 7.04.170. The current Ordinance was outdated and legally they had to let the process run its course. He wanted to move the initial notification to two days, but the five-day appeal process had to remain the same per state statute. People could move from one park to another or other public places to avoid being towed. He looked to other cities for solutions, reviewed the Abandoned Vehicle ordinances of multiple cities and used applicable language from their ordinances to draft the updates.

Following were the main proposed amendments to Section 7.04.005 and Section 7.04.170:

- Defined *Abandoned Vehicles*.
- Added *Unlawful* (vehicles) language.
- Differentiated between Abandoned Vehicles on private and public property.
- Changed the allowed time for Abandoned Vehicles on public property to 24 hours.
- Added language allowing for property retrieval for 30 days.
- Added a Vehicle Compliance section to ensure abandoned vehicles leave the city for at least 30 days following a pre-tow notice.
- Added the procedures that the Police Department currently utilize during the pre- and post-tow process.

In response to Mayor Rich, Mr. Klopfenstein explained if the Ordinance was adopted, an officer could contact the owner of an abandoned or parked vehicle, give 72-hour notice to move or find an alternative. At the end of the time period, the vehicle would be towed and the owner would have to leave the city for thirty days. A person could fix the violation for which they were towed and would not have to stay out of the city for thirty days. If someone was living in their vehicle, an officer could take a UCAN employee with them to discuss options for assistance. In response to Councilor Cotterell, Mr. Klopfenstein confirmed towing and storage fees would be included and the owners responsibility. Councilor Zielinski wanted clarification that those having to live in their vehicle would have some options. Mr. Klopfenstein explained that the code change was more pertinent to deserted vehicles, sticker violations, etc., and they would have social workers present for those who needed help or assistance with local programs.

Council agreed to proceed with a first reading of Ordinance No. 3567. Ms. Sowa read Ordinance No. 3567, entitled, "An Ordinance Amending Sections 7.04.005 and 7.04.170 of the Roseburg Municipal Code," for the first time.

#### ORDINANCE NO. 3570 – GRANTING A TELECOMMUNICATION FRANCHISE FOR FUSION CLOUDS, LLC – FIRST AND SECOND READING

Ms. Sowa explained the City had received an application for a telecommunications franchise from Fusion Cloud Services, LLC located in Atlanta, Georgia. The subject application and application processing fee were received on February 14, 2022. Service to Roseburg customers by Fusion Cloud Services began on May 1, 2020. Therefore, the provider requested the franchise agreement be granted effective retroactively to May 1, 2020. Such effective date will make the initial term of the franchise 2 years and 8 months, with an expiration date of December 31, 2022. The ordinance would allow renewal options of three years each, for five terms.

Council agreed to proceed with a first reading of Ordinance No. 3570. Ms. Sowa read Ordinance No. 3570, entitled, "An Ordinance Granting a Telecommunications Franchise to Fusion Cloud Services, LLC Effective Retroactively on May 1, 2020," for the first time.

Councilor Cotterell moved to suspend the rules and proceed with a second reading of Ordinance No. 3570, granting a Telecommunications Franchise to Fusion Cloud Services, LLC, effective retroactively to May 1, 2020. The motion was seconded by Councilor Eggers and

approved with the following vote: Councilors Briggs Loosley, Cole, Cotterell, Eggers, Moothart and Zielinski voted yes. No one voted no.

Ms. Sowa read Ordinance No. 3570, entitled, "An Ordinance Granting a Telecommunications Franchise to Fusion Cloud Services, LLC Effective Retroactively on May 1, 2020," for the second time. Councilor Cotterell moved to adopt Ordinance No. 3570. The motion was seconded by Councilor Briggs Loosley. Roll call vote was taken: Councilors Briggs Loosley, Cole, Cotterell, Eggers, Moothart and Zielinski voted yes. No one voted no. Mayor Rich declared Ordinance No. 3570 as adopted.

24-INCH TRANSMISSION MAIN ISABELL TO NEWTON CREEK DESIGN TASK ORDER, PROJECT 22WA11

Mr. Perkins reported the City utilized two major water transmission mains that were located along Stephens Street between the water treatment plant in Winchester and the main reservoir complex on Bellview Court. The older of the two original transmission mains were installed in 1934. In 2010, the City adopted a new Water System Master Plan, which recommended replacement of the 1934-era, 20-inch diameter transmission main in phases. The first phase of the project, from the Water Treatment Plant to Hooker Road, was completed in 2013. The second phase from Hooker Road to Isabell Avenue was currently under construction. The third phase scheduled for replacement was from Isabell Avenue to Newton Creek Drive. Each task order under the master contract was individually negotiated, based on an agreed upon scope of work. Task Order No. 4 had been negotiated with Murraysmith and included design and bidding services for Phase III of the 24-inch transmission main installation from Isabell Avenue to Newton Creek Drive at a cost not to exceed \$267,577. The current fiscal year budget included \$325,000 for the design of Phase III of the transmission main. The Public Works Commission discussed the task order at their February 10, 2022 meeting and unanimously recommended authorization of Task Order No. 4.

In response to Mayor Rich, Mr. Perkins explained it would take ten months for the design and after contracts were signed, it would be about a year from now for construction to begin. They were currently working on the end of Phase II and would need to provide a grind inlay for the entire length of the project. Councilor Eggers commended Mr. Perkins that it was all under budget. Councilor Cotterell moved to authorize Task Order No. 4 with Murraysmith for design and bidding services for Phase III of the 24-inch transmission main from Isabell Avenue to Newton Creek Drive at a cost not to exceed \$267,577. The motion was seconded by Councilor Briggs Loosley and approved with the following vote: Councilors Briggs Loosley, Cole, Cotterell, Eggers, Moothart and Zielinski voted yes. No one voted no.

SURFACE TRANSPORTATION BLOCK GRANT (STBG) FUNDS EXCHANGE AUTHORIZATION

Mr. Perkins stated that each year the City of Roseburg was allocated federal funds for transportation projects. The funds could be used for any transportation related purpose. The Surface Transportation Block Grant (STBG) Fund Exchange program provided local agencies a flexible funding option for delivering transportation improvements without being constrained by federal requirements. The program provided an opportunity for the City to exchange Federal STBG dollars for State Highway Fund dollars. The STBG Fund Exchange agreement allowed

the City of Roseburg to request funds via the fund exchange program by submitting a letter of request for funds up to the full amount of the City's accumulated annual allocations.

Historically the City allowed annual STBG allocations to accumulate for several years prior to accessing the funds as needed for large-scale projects. In anticipation of those projects, the City had been very selective on spending its annual allocation of STBG funds, allowing the available balance to grow to approximately \$1.33 million. In January 2021, ODOT made changes to the STBG Fund Exchange program, limiting the balance that local agencies could accumulate to four years of STBG allocations. Any funds allocated to the City would lapse if not utilized within four years. Rather than face this four-year limit each year, staff recommended withdrawing all of the available funds and begin accumulating annual allocations for another four-year window. The funds could be utilized for the Pavement Management Program in both FY22 and FY23. At this time, the City could request exchange of \$1,038,634.30 in federal STBG funds for state funds at a ratio of 94 cents in state funds for each dollar of STBG funds. Accordingly, the City would receive \$976,316.24 from ODOT. Additionally, the City may request exchange of \$293,372.00 in federal STBG funds for state funds at a ratio of 90 cents in state funds for each dollar of STBG funds. Accordingly, the City would receive \$264,034.80 from ODOT. The total Transportation Fund revenue from those exchanges was \$1,240,351.04.

The Public Works Commission discussed this and approved to proceed to Council. In response to Mayor Rich, Mr. Perkins explained ODOT's process had been the same for a long time and this change could be due to the cost of doing business. Ms. Messenger added that previously funds had to be assigned to a project, a full prospectus completed, and approval received. It was quite a process for larger projects, but the change allowed them to handle this differently. Mr. Perkins further explained it was tempting to spend money in smaller amounts, but the City had some large projects coming in the next several years and keeping the money in a savings account was a good idea.

Councilor Cotterell moved to authorize the City manager to submit an STBG Fund Exchange request in the amount of \$1,332,006.30. The motion was seconded by Councilor Briggs Loosley and approved with the following vote: Councilors Briggs Loosley, Cole, Cotterell, Eggers, Moothart and Zielinski voted yes. No one voted no.

#### ITEMS FROM MAYOR/CITY COUNCIL/CITY MANAGER

Ms. Messenger shared the Police Department had been experiencing challenges from several officers leaving the force for a variety of reasons. She wanted to add a new position for a fulltime Community Service Officer (CSO) to help relieve police officers by handling lower level calls. She would typically wait until the budget was adopted to begin the hiring process, but they were about to be down six positions. She sought a preliminary agreement from Council to move forward knowing the department was under staffed and under budget. The police officer positions were in the budget, but the CSO fulltime position was not. In response to Mayor Rich, Mr. Klopfenstein explained the CSO was not a sworn officer and was about half the cost of a regular police officer. They were able to handle low-level crimes, assist with reports, and provide help to officers with camps and abandoned vehicles. The two part-time CSO's took 700 reports last year.

Mayor Rich questioned if the CSO wore some type of uniform and if they worked on their own. Mr. Klopfenstein stated they typically wore cargo pants and a polo shirt and did not have guns. They did work on their own and were able to collect evidence, take photos, help with traffic control, etc. They were force multipliers for the department. In response to Councilor Cole, Mr. Klopfenstein added they went through a background process, needed to be a high school graduate, have a good attitude, provide good effort, be able to write police reports, be courteous and have good customer services.

Councilor Eggers supported anything needed to help the Police Department. Ms. Messenger added they were actively recruiting for sworn officers, but the CSO program was a great tool to have. Council agreed for the City to proceed with searching for a fulltime CSO.

#### ADJOURNMENT

The meeting adjourned at 9:14 p.m.



Koree Tate  
Management Assistant

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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### RESOLUTION NO. 2022-04 - EXEMPTION FROM COMPETITION IN THE PUBLIC CONTRACTING PROCESS FOR AWARD OF CONTRACT FOR OPERATIONS OF THE NAVIGATION CENTER

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Meeting Date: March 14, 2022  
Department: Administration  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

Agenda Section: Public Hearing  
Staff Contact: Amy Sowa, ACM/City Recorder  
Contact Telephone Number: 541-492-6866

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#### ISSUE STATEMENT AND SUMMARY

The City has purchased property at 948 SE Mill Street for a navigation center. A qualified agency is needed to operate the center. The issue for Council is whether to adopt the attached resolution and approve exemption from competition in the public contracting process and award an agreement to United Community Action Network (UCAN) to operate the Navigation Center.

#### BACKGROUND

##### A. Council Action History.

1. On June 14, 2021, Council adopted a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Oregon Department of Administrative Services accepting a \$1.5 million grant to establish and operate a navigation center ("Center").
2. On January 24, 2022, Council authorized purchase of 948 SE Mill Street for use as a navigation center.

##### B. Analysis.

The City of Roseburg received a \$1.5M grant from the state to establish a navigation center by June 30, 2022. The Center must be a low-barrier emergency shelter that is open seven days per week and connects individuals and families with health services, permanent housing and public benefits.

On July 29, 2021, the City published a request for proposals (RFP) for a qualified organization to provide a navigation center, shelter and support services. Following an extension requested by local interested parties, the final deadline for the proposals to be submitted was October 13, 2021; no proposals were received. City staff continued outreach and held discussions with local and regional agencies regarding operating the navigation center. At the time of those conversations, no organization had the qualifications or adequate staffing to operate the Center.

UCAN Executive Director Shaun Pritchard contacted the City following discussions with his staff and other agencies, about their willingness for UCAN to operate the navigation center at the 948 SE Mill Street location. UCAN currently offers a wide array of services to help residents of Josephine and Douglas counties obtain housing and remain stably housed. They employ trained case managers to further help their clients identify personal goals and develop plans to attain their goals.

If awarded the contract, UCAN would oversee administration of the Center, while entering into subcontractor agreement(s) with one or more partners to provide some or all of the wraparound services to Center residents. Total costs to operate the navigation center are expected to be an amount not to exceed \$1.75M in year one (14 months), and \$1.5M in year two. UCAN plans to enter into agreements with other partners to obtain additional operational funds to help offset costs from the City.

As required by state law, notice of the public hearing and the proposal to use an alternative contracting method has been advertised in the News Review and on the City's website. Staff did not receive any comments regarding this process.

If approved to move forward and a final agreement is signed by both parties, the City and UCAN will provide opportunities to answer questions and concerns of neighboring properties and the community regarding the operations of the center prior to opening.

**C. Financial/Resource Considerations.**

Funding for operations will come from the remaining balance of the \$1.5M grant until all of those funds are expended. Additional funds needed for operations may come from the City's ARPA funds and other partnering agencies.

**D. Timing Considerations.**

In order to have a facility operating no later than June 30, 2022, a qualified agency to operate the facility must be selected as soon as possible.

**COUNCIL OPTIONS**

Council has the following options:

1. Adopt the attached resolution and approve an exemption from competition in the public contracting process to award a contract for operating services of the navigation center to United Community Action Network; or
2. Request additional information; or
3. Not adopt the attached resolution.

**STAFF RECOMMENDATION**

During their February 28, 2022, meeting, the Homeless Commission recommended approval of the exemption from competition in the public contracting process. Staff concurs with this recommendation.



**SUGGESTED MOTION**

***“I MOVE TO ADOPT RESOLUTION NO. 2022-04 APPROVING THE EXEMPTION FROM COMPETITION IN THE PUBLIC CONTRACTING PROCESS FOR AWARD OF CONTRACT FOR OPERATIONS OF THE NAVIGATION CENTER AND AWARD A CONTRACT TO UNITED COMMUNITY ACTION NETWORK FOR AN AMOUNT NOT TO EXCEED \$3.25 MILLION.”***

**ATTACHMENTS:**

Attachment #1 – Resolution No. 2022-04

**RESOLUTION NO. 2022-04**

**A RESOLUTION REGARDING AN EXEMPTION FROM COMPETITION IN THE  
PUBLIC CONTRACTING PROCESS FOR AWARD OF CONTRACT FOR  
OPERATIONS OF THE NAVIGATION CENTER**

**WHEREAS**, on June 14, 2022, Council adopted a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Oregon Department of Administrative Services accepting a \$1.5 million grant to establish and operate a navigation center (“Center”); and

**WHEREAS**, on July 29, 2021, the City published a request for proposals (RFP) for a qualified organization to provide navigation center, shelter and support services. The final deadline for the proposals to be submitted was October 13, 2021; no proposals were received; and

**WHEREAS**, on January 24, 2022, Council authorized purchase of 948 SE Mill Street for use as a navigation center; and

**WHEREAS**, Roseburg Municipal Code Section 3.06.035 permits the City Council to exempt a special public contract from competition on making appropriate findings; and

**WHEREAS**, United Community Action Network (UCAN) currently has the capacity and availability to operate the navigation center at the 948 SE Mill Street location and oversee administration of the Center, while entering into subcontractor agreement(s) with one or more partners who will provide some or all of the wraparound services to Center residents; and

**WHEREAS**, UCAN qualifies as an operator of the navigation center as they offer a wide array of services to help residents of Josephine and Douglas counties obtain housing and remain stably housed, and employ trained case managers to further help their clients identify personal goals and develop plans to attain their goals.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:**

**Section 1.** Based on the above findings, which are incorporated herein by this reference, and under Roseburg Municipal Code Section 3.06.035, the City Council hereby determines that awarding a contract to United Community Action Network (UCAN) to operate the navigation center located at 948 SE Mill Street through an exemption in the competitive bid process is unlikely to encourage favoritism or diminish competition, and will result in a substantial cost savings for the City by having the navigation center open by the grant deadline date.

**Section 2.** The Council hereby exempts the contract between the City and United Community Action Network (UCAN) from the competitive bid process and authorizes the City Manager to enter into a contract with UCAN to operate the navigation center located at 948 SE Mill Street.

**Section 3.** The exemption granted by this Resolution shall in no way impair the City’s ability to elect, in the future, to award related contracts to other qualified agencies.

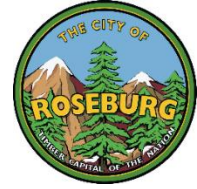
**Section 4.** This resolution shall become effective immediately upon adoption by the Roseburg City Council.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING  
ON THE 14<sup>TH</sup> DAY OF MARCH, 2022.**

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**Amy L. Sowa, Assistant City Manager/Recorder**

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## RESOLUTION NO. 2022-05 UPDATING THE PARKS RULES AND REGULATIONS

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**Meeting Date:** March 14, 2022  
**Department:** Public Works  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

**Agenda Section:** Resolutions  
**Staff Contact:** Brice Perkins, PW Director  
**Contact Telephone Number:** 541-492-6730

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### ISSUE STATEMENT AND SUMMARY

Recent changes to Title 12 of the Roseburg Municipal Code to allow Mini-Retail Businesses as a permitted use in the Public Reserve (PR) Zone created a need to update the City's Park Rules. The issue for the Council is whether to adopt Resolution 2022-05, updating the Parks Rules and Regulations.

### BACKGROUND

#### **A. Council Action History.**

The Council adopted Ordinance No. 3566 – Amending Certain Sections of Title 12 of the Roseburg Municipal Code to Allow Mini-Retail Businesses as Permitted Uses in the Public Reserve (PR) Zone at the February 28, 2022, meeting. The Council last updated the Parks Rules and Regulations at the September 10, 2018, meeting via Resolution No. 2018-21.

#### **B. Analysis.**

Public Reserve Zones are intended to establish areas which have unique characteristics requiring unique regulations. Within the Public Reserve Zone, a variety of public service activities may be conducted without interference from inappropriate levels of residential, commercial, or industrial activities. Public Reserve Zones are intended to be applied primarily, though not exclusively, to publicly owned lands.

Recent amendments to the Roseburg Municipal Code make provisions to allow Mini-Retail Businesses as a permitted use in Public Reserve Zones. The City of Roseburg, being an owner of public lands, may now allow these businesses to operate on City property. Given that the City owns a number of parks, it is appropriate to establish rules regarding the operation of mini-retail businesses within them.

The proposed parks rules outline the requirements for operation of mini-retail businesses in City Parks. Such operations are limited to permitted special events. The proposed rules define special events, and outline the permitting process and insurance requirements.

The current parks rules are outlined in Resolution No. 2018-21, adopted by the Roseburg City Council on September 10, 2018. The process to update these rules is to have the Council rescind the previous resolution and adopt the new rules via a new resolution (attached). Therefore, additional minor updates to the parks rules have also been included with this update.

**C. Financial/Resource Considerations.**

None

**D. Timing Considerations.**

None

**COUNCIL OPTIONS**

The Council has the following options:

1. Adopt the attached resolution updating the Parks Rules and Regulations to allow mini-retail businesses and additional minor updates; or
2. Request additional information; or
3. Not adopt the attached resolution.

**STAFF RECOMMENDATION**

The Parks Commission discussed the proposed updates to the parks rules at their February 2, 2022, meeting. The Commission suggested minor changes to the draft parks rules update, which have been included. The Commission recommended that the Council adopt the attached resolution updating the parks rules to allow mini-retail businesses in conjunction with permitted special events, and additional minor updates. Staff concurs with this recommendation.

**SUGGESTED MOTION**

***“I MOVE TO ADOPT RESOLUTION NO. 2022-05, A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2018-21 REGARDING THE CITY OF ROSEBURG PARKS RULES AND REGULATIONS.”***

**ATTACHMENTS:**

- Attachment #1 – Resolution No. 2022-05, repealing and replacing Resolution No. 2018-21 regarding the City of Roseburg Parks Rules and Regulations  
Attachment #2 – Exhibit “A” Proposed City of Roseburg Parks Rules and Regulations

**RESOLUTION NO. 2022 - 05**

**A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2018-21 REGARDING  
THE CITY OF ROSEBURG PARKS RULES AND REGULATIONS**

**WHEREAS**, general rules and regulations for the City of Roseburg's parks system were approved by the Roseburg City Council through the adoption of Resolution 2018-21 on September 10, 2018; and

**WHEREAS**, the current park rules and regulations pre-date the proposed City's adoption of the Mini Retail Business (MRB) land use code; and

**WHEREAS**, the City of Roseburg Parks & Recreation Commission determined that the Park Rules and Regulations should be updated to align with the proposed amendment to RMC 12.04.020; and

**WHEREAS**, these changes are intended to help define a park special event, and the requirements to hold such an event; and

**WHEREAS**, additionally, the proposed changes are intended to clarify requirements for MRB's in parks; and

**WHEREAS**, it has been determined to be most advantageous to have all rules and regulations relating to the general use of all City parks incorporated into one document;

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:**

**Section 1.** Resolution No. 2018-21 as adopted on September 10, 2018 is hereby repealed.

**Section 2.** The City of Roseburg Parks Rules and Regulations, attached hereto as Exhibit "A" are hereby adopted and enforceable under Roseburg Municipal Code Chapter 1.06.

**Section 3.** This resolution shall become effective immediately upon adoption by the Roseburg City Council.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING  
ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
**Amy L. Sowa, Assistant City Manager/Recorder**

**EXHIBIT A**  
**PARKS RULES AND REGULATIONS**  
***(City Council Policy)***

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***Background:*** General rules and regulations for the City of Roseburg's parks system are approved by the Roseburg City Council through the adoption of a resolution. The Parks and Recreation Commission periodically review the rules for needed updates and amendments which are forwarded to Council for formal adoption. Some of the more recent updates are outlined below:

November 8, 2010, via Resolution No. 2010-15: prohibited the use of tobacco in City parks and recreational facilities (excluding the Stewart Park Golf Course); updated organizational structure language (deleting reference to the Parks Director position) and changed the insurance requirements for the Stewart Park Bandshell.

December 12, 2011, via Resolution No. 2011-26: established rules specific to recycling at events in Stewart Park that anticipate a large attendance.

August 12, 2013, via Resolution No. 2013-12: established guidelines and rules for the operation and use of inflatable structures in the parks and updated the requirements for events which included the sales, dispensation or consumption of alcoholic beverages in the parks.

October 26, 2015, via Resolution No. 2015-14: expanded the definition of smoking products to address new inhalant delivery systems.

September 10, 2018, via Resolution No. 2018-21: added a provision to allow electronic assist bicycles on multi-use paths, established a speed limit on multi-use paths, and updated the liability insurance amount to \$2M.

March 14, 2022, via Resolution No. 2022-05: established rules regarding operation of mini-retail businesses, clarified the permitting process and insurance requirements.

With the above changes incorporated herein, the City of Roseburg Parks Rules and Regulations now read as follows and are enforceable under Roseburg Municipal Code Chapter 1.06:

**CITY OF ROSEBURG PARKS RULES AND REGULATIONS**

The following City of Roseburg Parks Rules and Regulations, adopted by the Roseburg City Council on March 14, 2022, via Resolution No. 2022-04, shall be observed within the public parks of the City of Roseburg, Oregon effective March 15, 2022. As used herein, the words "public park" shall mean and include all property now or hereafter owned and/or controlled by the City of Roseburg, Oregon, and operated as a park or an area of City beautification available for the use of the public.

**1. GENERAL RULES OF CONDUCT IN CITY PARKS** The following rules and regulations for the conduct of persons using the public parks of the City of Roseburg, Oregon are hereby established and shall be observed and enforced within said public parks:

- 1.1** No person shall build any fire within any public park except as permitted in a stove or fireplace designed and provided therefore.
- 1.2** No overnight camping will be permitted in any park or part thereof without prior approval by the Public Works Director.
- 1.3** No person may erect signs, markers or inscriptions of any type within a public park, except in a specifically designated area, without permission from the Public Works Director. The following activities are prohibited in all public parks unless specifically authorized by the Public Works Director:
  - 1.3.1** The distribution of any circular, notice, leaflet, pamphlet or written or printed information of any kind.
  - 1.3.2** The solicitation of, or engagement in, the sale of any merchandise or service, the operation of any concessions or catering, within any public park without a permit from the Public Works Director.
- 1.4** Smoking or other use of tobacco products is prohibited on all public park property. "Smoking" as used herein shall include: electronic smoking devices, tobacco, marijuana, bidis, cigarettes, cigarillos, cigars, clove cigarettes, nicotine vaporizers, nicotine liquids, hookahs, kreteks, pipes, chew, snuff, smokeless tobacco and any burning or smoldering substance in any form. "Electronic smoking device" as used herein includes an electronic or battery operated device that delivers vapors for inhalation. Electronic smoking devices includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. City-owned Stewart Park Golf Course is excluded.
- 1.5** No person shall permit any domestic animal owned by, or in the custody of the person, to run at large within any park or enter any pond, fountain or stream thereof, and all domestic animals within any public park shall be kept in control at all times on a leash not more than eight (8) feet in length (Happy Tails Dog Park excluded). Also, no person shall tease, annoy or injure any animal within any park facility including ponds, streams or fountains. No person shall ride or drive any horse or other livestock, or permit any horse or other livestock, to go upon any portion of a public park at any time except as authorized by City.



- 1.6** No person shall be permitted within a public park between dusk and dawn with the following exceptions:
- 1.6.1** As permitted for special occasion upon application and approval by the Public Works Director.
  - 1.6.2** Organized events that the City has approved such as Music on the Half Shell, Legion Baseball, Little League activities at Gaddis Park, scheduled softball leagues and tournaments.
  - 1.6.3** Events sponsored by Umpqua Valley Art Association and Umpqua Actors Community Theater, held at the Arts Center and the Betty Long Unruh Theater.
- 1.7** No person shall swim, wade, bathe or operate a watercraft of any kind in any area of a public park except in those areas so designated.
- 1.8** No person shall operate any public address or loudspeaker system, or operate a radio or other electronic audio device, in any public park in a manner that constitutes a noise disturbance. For purposes of this section, a “noise disturbance” means any sound which annoys or disturbs a reasonable person of normal sensitivities, but does not include sounds arising from and consistent with any activity approved by City sponsorship or for which a permit has been issued by the Public Works Director.
- 1.9** Car washes and garage/yard sales are prohibited on public park property.
- 1.10** No person shall interfere with or disrupt any activity in a public park which has been authorized by City permit.
- 1.11** Except for park maintenance, public utility and other vehicles judged necessary by the Public Works Director for the construction and maintenance of City parks and utilities therein, no motorized vehicle, of any type, shall be operated, stopped, parked or left standing in a public park, other than on roads, designated trails and parking areas, specified for that type of vehicle use. The Public Works Director may impose reasonable conditions on park use when exempt vehicles are required within a park. Electric assist bicycles are considered bicycles and are permitted on multi-use pathways in City parks if the electrically driven bicycle has a motor that does not exceed 750 watts and has functional pedals.
- 1.12** No person shall operate a motorized vehicle, or a bicycle, skateboard, roller-skates, roller blades, or any other type of vehicle, in any public park in a manner that endangers, or would be likely to endanger any person or

damage any property. The speed limit on all multi-use paths is 15 miles per hour.

- 1.13 Persons desiring to use park property to picket or protest activities authorized by City permit shall be allowed to occupy the sidewalks and bicycle / pedestrian pathway abutting Stewart Parkway only. If the number of people using the designated area is ten (10) or more, the activity must also comply with City parade regulations.
- 1.14 The playing or practicing of golf is prohibited in any City park other than Stewart Park Golf Course, unless authorized by the Public Works Director.
- 1.15 Any activity that is not authorized by a City permit which is incompatible with or disrupts the general public use of park property is prohibited.

## **2. RULES SPECIFIC TO SPECIAL EVENTS (NOT SPONSORED BY THE CITY)**

In addition to the General Park Rules & Regulations, Persons issued a Parks & Recreation Special Event Permit are responsible for seeing that the following rules and/or regulations are followed, met and adhered to:

- 2.1 A special event is defined as gatherings/events that involve a large group of people (compared to the usual occupancy of the site), and
  - Are advertised to the public and do not occur regularly on the site, or
  - Impact or use city streets (including curb or parking lane) sidewalks, and public right-of-way, or
  - Use of City facilities or property such as city buildings, parks, parking lots, etc.

Examples of special events include: concerts, festivals, parades, markets, carnivals, street fairs, runs/walks, bike races, church services, volunteer work group events, etc.

- 2.2 All special events in parks require a permit. Permit applications must be submitted to the Public Works Department at least two weeks prior to the date of the event. Payment of all fees/deposits is due at the time of application.
- 2.3 Permittee must submit a list of all vendors (those taking part in the solicitation of, or engagement in, the sale of any merchandise or service, or in the operation of any concessions) to be approved by the Public Works Director. All vendors who wish to sell food or products in conjunction with a special event must also enter into a separate agreement with the City per Section 1.3.2.

RESOLUTIONS A  
ATTACHMENT #2

- 2.4** Mobile vendors/food trucks to be utilized in conjunction with special events shall comply with all rules specific to those businesses as outlined in Section 5.
- 2.5** At least one week prior to the event, Permittee shall provide the City with proof of General Liability Insurance as outlined in Section 6.
- 2.6** The sales, dispensing and/or consumption of alcoholic beverages during special events is prohibited without a special occasion liquor license obtained from the Oregon Liquor Control Commission **and** approved by the City Manager. The license shall be presented to the City *thirty* days prior to the event to allow sufficient processing time.
- 2.7** Permittee must pay a permit deposit at least two weeks prior to the date of the event to cover the cost of City services such as police, parks and public works crews if these services are required. The amount of the deposit will be determined on an event by event basis. A final accounting for these services will be done by the City within 10 days following the event, at which time the Permittee will be reimbursed for any over payment or billed for costs in excess of the amount deposited.
- 2.8** Permittee must provide, at its own expense, all traffic control and security needed throughout the duration of the event. The minimum traffic control and security will be determined by the City on an event by event basis. Vehicles parked in/around the Legion Field area must keep out of the fire lanes and not be double parked.
- 2.9** For crowds over 1,000 Permittee must:
- Provide additional trash containers at a general rate of one (1) trash can per every 50 people (over 1,000).
  - Utilize recycling stations.
  - Provide an adequate number of portable toilets to meet crowd demands.
- 2.10** The decibel level of any sound produced as part of or as a result of the event shall be limited to 95 decibels.
- 2.11** Permittee shall be held liable and responsible for any damage beyond normal wear and tear upon the facilities used during the event. Climbing on the band shell structure for any reason is strictly prohibited.
- 2.12** Due to limited availability of parking space, if Permittee anticipates an extra-large crowd, Permittee is encouraged to provide shuttle bus service to the park.

**2.13** All events must conclude no later than 9:30 PM unless approved by the Public Works Director.

**3. RULES SPECIFIC TO CITY SKATEBOARD PARK FACILITY.** In addition to the Park Rules & Regulations, the following rules apply to the City Skateboard Park:

**3.1** No motorized vehicles shall be operated in the skateboard park.

**3.2** No pets shall be allowed in the skateboard park.

**3.3** Bicycles are allowed from dawn until noon on Sunday, Tuesday, and Thursday only. This time is for bicycles exclusively. Skateboards shall not be used in the park during the bicycle time.

**4. RULES SPECIFIC TO INFLATABLE STRUCTURES IN CITY PARKS.**

**4.1** Persons planning to have an inflatable must first obtain a Park Permit for the use of the park.

**4.2** Permittee shall provide the City with proof of General Liability Insurance as outlined in Section 6.

**4.3** Inflatables must be freestanding and weighted. Stakes are prohibited.

**4.4** Inflatables may not be tied to trees, tables or other park amenities.

**4.5** Inflatables must be under adult supervision at all times.

**4.6** Between June 1<sup>st</sup> and August 31<sup>st</sup>, inflatables are limited to a maximum of 2 hours. For the remainder of the year, inflatables are limited to a maximum of 4 hours.

**4.7** Permittee shall pay a permit deposit and shall be held liable and responsible for any damage beyond normal wear and tear upon the facility used.

**5. RULES SPECIFIC TO MOBILE VENDORS/FOOD TRUCKS IN CITY PARKS**

**5.1** Mobile vendors/Food trucks may be allowed in conjunction with permitted special events only. Mobile Vendors/Food Trucks must be approved by the Public Works Director. If denied, a written appeal must be filed within five (5) days after the date of the notice of the action. The written appeal filed with the City Manager must state the basis for the appeal. The decision of the City Manager shall be final.

**5.2** Mobile vendors/food trucks must have a valid City Business Registration/License.

- 5.3 Mobile vendors/food trucks must comply with the General Liability Insurance requirements as outlined in Section 6.
- 5.4 Vendor shall park in designated area only. Obstructing or parking in a public travel lane, fire lane, bike lane, or blocking access to any driveway access, walkway, fire hydrants, parking facilities, or loading zone is prohibited.
- 5.5 Drive-up windows are prohibited.
- 5.6 All tables, chairs, trash bins, wash stations, etc. shall be removed from the site when the vendor vacates the site.
- 5.7 The vendor shall not place any signage in the park or adjacent right-of-way except which is directly affixed to the vending unit.
- 5.8 No vendor permitted under this section shall sell, consume, or distribute alcoholic beverages.

**6. INSURANCE REQUIREMENTS** General Liability Insurance. Permittee shall maintain a broad form general liability insurance policy with coverage of not less than \$2,000,000 combined single limit per occurrence, with aggregate of \$4,000,000, for bodily injury, personal injury, or property damage with an insurance carrier licensed to do business in the State of Oregon. Such policy shall contain a contractual liability endorsement to cover indemnification obligations under any agreement or permit subject to this rule and shall entitle the City to not less than thirty (30) days written notice of any material change, non-renewal, or cancellation.

The policy shall also contain an endorsement naming the City as an additional insured, in a form satisfactory to the City, and expressly provide that the interest of the City shall not be affected by the Permittee's breach of policy provision. Such policy must be maintained in full force and effect for the duration of this permit. Failure to do so shall be cause for immediate termination of this permit by the City. Claims made policies will not be accepted. Evidence of this coverage may be requested by the City, however, not requesting the proof does not eliminate the requirement that the coverage be in force.

**7. PENALTY FOR VIOLATION** A violation of these rules and regulations constitutes a violation under Roseburg Municipal Code Chapter 1.06 and may also constitute an offense under Roseburg Municipal Code Chapter 7.02. Penalties for such violations are set forth in Roseburg Municipal Code Chapter 1.06. The City reserves the right to exclude and/or ban, from any and all park facilities, any person who has been found guilty of violating any of these rules and regulations or who has vandalized, damaged or taken park property or facilities, or attempted to do so.

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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### RESOLUTION NO. 2022-06 APPROVING TAX EXEMPTION FOR SUNSHINE PARK APARTMENTS LOCATED AT 152 SUNSHINE ROAD

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Meeting Date: March 14, 2022  
Department: Administration  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

Agenda Section: Resolutions  
Staff Contact: Amy L. Sowa  
Contact Telephone Number: 541-492-6866

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#### ISSUE STATEMENT AND SUMMARY

The City of Roseburg received an application from Opportunity Council in partnership with Sunshine Housing Associates Limited Partnership and requesting a tax exemption for low-income housing located at a152 Sunshine Road.

#### BACKGROUND

##### A. Council Action History.

February 14, 1994: Council adopted Ordinance No. 2849, adopting the standards under ORS 307.540 to 307.547 for tax exemption for non-profit low-income housing.

##### B. Analysis.

In 2019, Wishcamper Development Partners contacted the City regarding a low-income housing project being planned in partnership with Opportunity Council, a 501(c)(3) nonprofit corporation, on Sunshine Road located within the Diamond Lake Urban Renewal Area. City staff provided information regarding the option of using the SDC Buydown Program or requesting tax exemption status from the Council to help offset the total costs of the project, allowing the development to provide additional support services to their residents. The property to be benefited by such exemption consists of a 144-unit affordable housing project, which is to be used exclusively by low-income persons with income under 60% of the Douglas County area median income.

In order to qualify for tax exemption in the upcoming tax year, an application was required prior to March 1, 2022. The application was received by the City on February 24, 2022. Per statute, the governing body must make a determination on whether the applicant qualifies for the exemption within 30 days of receipt of the application.

The exemption granted under the statutes noted above applies to all taxing districts in which the property is located, and must be approved by jurisdictions equaling 51% or more of the total combined rate of taxation. The property is located in the Diamond Lake Urban Renewal District and the combined rate of taxation of the City of Roseburg and

Roseburg Urban Renewal Agency meet that requirement; therefore, the governing bodies of each must approve the request.

**C. Financial/Resource Considerations.**

The taxes paid on this property last year were \$2,469.69. The assessor's office has determined the 2022 tax assessment at \$94,616, and a rough estimate for the following year when the project is completed at \$233,875. Given that this property is within the Urban Renewal Area, without a tax exemption, the growth in tax revenue would go entirely to the Urban Renewal Fund.

**D. Timing Considerations.**

Per ORS 307.547, the Council shall determine whether the applicant qualifies for the exemption within 30 days of receipt of the application. The 30-day time period ends March 26, 2022. Following adoption, a certified copy of an approved resolution from both agencies must be submitted to the Douglas County Assessor's Office. The exemption is good for one tax year and an application for continued tax exempt status must be submitted annually.

**COUNCIL OPTIONS**

Council has the following options:

- Adopt a resolution approving a property tax exemption for Opportunity Council property located at 152 Sunshine Road in Roseburg; or
- Request additional information; or
- Do nothing

**STAFF RECOMMENDATION**

Staff recommends Council adopt a resolution approving a property tax exemption for Opportunity Council property located at 152 Sunshine Road in Roseburg.

**SUGGESTED MOTION**

***"I MOVE TO ADOPT RESOLUTION NO. 2022-06 APPROVING A PROPERTY TAX EXEMPTION FOR OPPORTUNITY COUNCIL PROPERTY LOCATED AT 152 SUNSHINE ROAD IN ROSEBURG, OREGON."***

**ATTACHMENTS:**

Attachment #1 – Resolution No. 2022-06

Attachment #2 – Application from Opportunity Council requesting a tax exemption

**RESOLUTION NO. 2022-06**

**A RESOLUTION APPROVING A PROPERTY TAX EXEMPTION FOR  
OPPORTUNITY COUNCIL PROPERTY LOCATED AT 152 SUNSHINE ROAD IN  
ROSEBURG, OREGON.**

**WHEREAS**, Opportunity Council has filed an application for property tax exemption under Ordinance No. 2849 and ORS 307.540 to 307.547; and

**WHEREAS**, the property to be benefited by such exemption consists of a 144-unit affordable housing project, which is to be used exclusively by low-income persons as defined by ORS 307.515; and

**WHEREAS**, the property is addressed at 152 Sunshine Road, Roseburg, Oregon, 97470, and is legally identified as Township 27 South, Range 05 West, Section 15C, Tax Lot 200, Tax Account Number 46031.03; and

**WHEREAS**, the applicant meets the criteria established under Ordinance No. 2849 and ORS 307.540 to 307.547.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:**

**Section 1.** The property described qualifies for an exemption from property taxation for so long as it meets the criteria established under Ordinance No. 2849 and ORS 307.540 to 307.547.

**Section 2.** The applicant must file an application for exemption with the governing body for each assessment year the corporation wants the exemption, on or before March 1 of the assessment year for which the exemption is sought. The annual application must provide a description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose, a certification of income levels of low income occupants, a description of how the development of the property will benefit project residents, and a declaration that the corporation has been granted exemption from income taxation under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) or 501(c)(4).

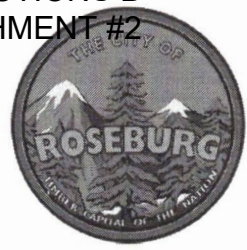
**Section 3.** This resolution shall become effective immediately upon adoption by the Roseburg City Council.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING  
ON THE 14<sup>TH</sup> DAY OF MARCH, 2022.**

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**Amy L. Sowa, Assistant City Manager/Recorder**





# CITY OF ROSEBURG, OREGON

**Application**  
**Property Tax Exemption for Low-Income Housing**  
**(ORS 307.540 – 307-545)**  
**Application Due Date: March 1**

**ORGANIZATION INFORMATION**

Applicant/Sponsor			
Organization Name Opportunity Council		SSN/Tax ID 91-0787820	
Address 1111 Cornwall Avenue	City/State Bellingham WA	Zip 98225	
Contact Person David Foreman	Phone (425) 478-9314	Fax	
Email david_foreman@oppco.org	Additional Contact Information (if applicable) Bret George - bgeorge@wishcamperpartners.com		
Is this entity a qualified 501(c)(3) or 501(c)(4) Non-Profit Organization? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If not, is this entity a general partner of a Non-Profit partnership? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Entity Type</b> (please check one)			
<input checked="" type="checkbox"/> Partnership	<input type="checkbox"/> Other (specify) _____		
<input type="checkbox"/> Corporation			

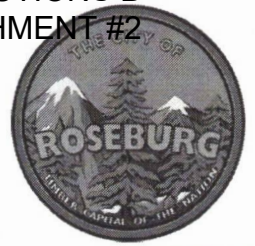
**Property Owner (if other than Applicant)**

Name Sunshine Housing Associates Limited Partnership	Signatory Name & Title Bret George, Member		
Address 131 S. Higgins Avenue	City/State Missoula MT	Zip 59802	
Contact Person Bret George	Phone (406) 546-4537	Fax	
Email bgeorge@wishcamperpartners.com	Additional Contact Information (if applicable)		

**Required Information**

Description of the Property for which the exemption is requested (include Tax Lot # and/or Property ID#): \_\_\_\_\_  
 Property ID #R34300 - Account #46031.03  
 Sunshine Park Apartments, 152 Sunshine Road, Roseburg  
 Low Income Multi-Family apartments under construction - initial occupancy scheduled for August 2022

Description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose: \_\_\_\_\_  
 The project will provide 144 rent restricted apartment units to low-income individuals and or families. 100% of the property is being utilized for this purpose.



# CITY OF ROSEBURG, OREGON

Description of how the tax exemption will benefit project residents:

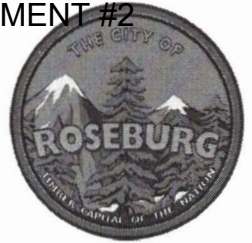
The tax exemption benefits the project residents in that it allowed the developers to increase the construction and permanent loan to levels necessary to construct all units. The increase in loan proceeds also allowed the project to establish a 15-year reserve to provide resident services to the tenants. The non-profit partner also provides direct information and referral services to project residents, connecting them to community-based social and supportive services. This activity is designed to assist residents in finding services of greatest need to their households, including rental assistance, energy assistance, employment, childcare, food/nutrition services, legal services, and similar services often needed by low income households.

Description of the development of the property if the property is being held for future low income housing development:

Construction of 144-Units of low income housing is currently underway. Construction began in May 2021 and is expected to be complete by 12/31/22

## Required Documentation

- Certification of income levels of low income occupants.
  - Income must be at or below 60% of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development (HUD) The OHCS Operating Agreement and Declaration of Restrictive Covenants restricting income at or below 60% AMI is provided.



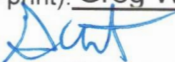
# CITY OF ROSEBURG, OREGON

## DECLARATIONS (Please read carefully and sign before a notary)

1. I declare that my organization has been granted an exemption from income taxes under 26 U.S.C. Section 501(c)(3) or (4) as amended before December 1, 1984, and submit proof of that status with this application; or I declare that my organization is a general partner of a 501(c)(3) or 501(c)(4) partnership.
2. I have attached documentation as proof of the owner relationship to the name of the applicant.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540 – 307.545, as adopted by Roseburg Ordinance No. 2849 (February 14, 1994).
4. The above described property(ies) qualifies or will qualify upon completion of any rehabilitation improvement, and subsequent occupancy by low income residents for property tax exemption within 30 days of the March 1 application or the date of approval.
5. All the information in this application is true to the best of my belief and knowledge, and is for all purposes of determining eligibility for the tax exemption program authorized by Roseburg Ordinance No. 2849.

Name of Organization: Opportunity Council

Authorized Signer (please print): Greg Winter

Signature:  Date: 02/23/2022

STATE OF Washington )  
 )ss.  
COUNTY OF Whatcom )

This instrument was acknowledged before me on the 24<sup>th</sup> day of February, 2022, by Greg Winter, as Executive Director of Opportunity Council, on behalf of said corporation.



  
Notary Public

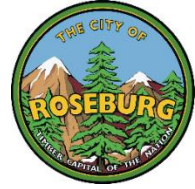
My commission expires: 05/28/2023

### FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_

Approved  Not Approved

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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### AN ORDINANCE AMENDING A PORTION OF THE CITY'S ZONING MAP FROM C2 (COMMUNITY COMMERCIAL) TO C3 (GENERAL COMMERCIAL)

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**Meeting Date:** March 14, 2022  
**Department:** Community Development  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section:** Ordinances  
**Staff Contact:** Stuart Cowie  
**Contact Telephone Number:** 541-492-6750

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#### ISSUE STATEMENT AND SUMMARY

The proposed zone change would amend the City's official Zoning Map by re-designating a 3.30+/- acre unit of land at 1802 W Harvard Avenue from Community Commercial (C2) to General Commercial (C3).

#### BACKGROUND

##### A. Council Action History.

Council held a public hearing regarding this issue on February 28, 2022. Council made a motion directing staff to prepare findings of fact on behalf of City Council approving the zone change request as recommended in the Planning Commission's Findings of Fact and Order, subject to changing Condition #5 as requested by the applicant and subsequent changes to Conditions #1-4 based upon an updated site plan to be submitted by the applicant.

##### B. Analysis.

Harvard Medical Park, LLC, on behalf of applicant Cordell Smith, Board President of Thundering Water, submitted a zone change application to the Community Development Department to amend the zoning designation on property at 1802 W Harvard Avenue from C2 (Community Commercial) to C3 (General Commercial).

The applicant's goal for the proposed zone change from C2 to C3 is to enable the use of "Places of Amusement" and "Outdoor Recreational Facilities," specifically for a future miniature golf course, pump track, splash pad, boulder/climbing wall, games pavilion area, and recreation center to be named Thundering Water. The current C2 zoning does not allow for "Places of Amusement" or "Outdoor Recreational Facilities" as use categories allowed within the zone. By changing the zoning to C3, it would allow for the desired development to be a permitted use on the subject property.

Staff has prepared the attached Findings of Fact and Order as requested by Council during the February 28, 2022, meeting. The Findings of Fact reflect the changes to conditions #1-5 as described during the course of the public hearing. These conditions were included based on Roseburg Municipal Code (RMC) 12.10.040(D), which indicates

conditions may be imposed as necessary to ensure the compatibility of a zone change to surrounding uses. The following listed conditions are included in order to mitigate the concerns raised during the Planning Commission public hearing and to help ensure greater compatibility with the adjacent Roseburg National Cemetery. The conditions include:

1. The zone change to C3 shall only expand the existing C2 zone Permitted or Conditionally Permitted uses to include "Places of Amusement" and "Outdoor Recreational Facilities" as identified on the Thundering Water Preliminary Site Plan dated February 28, 2022 (see Exhibit B), namely miniature golf course, pump track, splash pad, boulder/climbing wall, games pavilion, recreation center, and other ancillary uses necessary to assist in these core activities.
2. The parking lot shall be constructed along the eastern portion of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022.
3. The storm water detention areas shall be constructed and maintained along the eastern portion of the north area of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022.
4. A minimum 5-foot-wide vegetative screen shall be constructed and maintained along the eastern edge of the parking area adjacent to the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6).
5. Outside the floodway of the South Umpqua River, a minimum 7-foot-tall sound wall shall be constructed along the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Inside the floodway of the South Umpqua River, a minimum 5-foot-wide vegetative screen shall be constructed along the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6), including one row of evergreen shrubs at least 6 feet in height at the time of planting.
6. Development on the subject property shall have a maximum building height of 45 feet.
7. Any future development of the property shall fully conform to all applicable standards and requirements of the Roseburg Municipal Code.
8. Any future development of the property shall be subject to an approved Site Plan Review and Building Permit approval.

9. The vegetative screen set forth in Condition 4 and the sound wall set forth in Condition 5 shall be installed prior to City issuance of a certificate of occupancy for any new development on the site.

**C. Financial/Resource Considerations.**

None.

**D. Timing Considerations.**

Land use application decisions are required to be issued within 120 days from the time an application is submitted and deemed complete. This application was deemed complete October 28, 2021.

**COUNCIL OPTIONS**

1. Adopt the City Council's Findings of Fact and Order for File No. ZC-21-003, approving the zone change from C2 to C3, subject to the conditions identified in the Findings, followed by first reading of Ordinance 3569; or
2. Modify the proposed action or continue the matter for further consideration; or
3. Decline to proceed with the proposed action.

**STAFF RECOMMENDATION**

Staff recommends that Council adopt the Findings of Fact and Order for File No. ZC-21-003, prepared on their behalf, approving the zone change from C2 to C3, subject to the conditions identified in the Findings and proceed with the first reading of Ordinance 3569.

**SUGGESTED MOTION**

***"I MOVE TO ADOPT THE CITY COUNCIL FINDINGS OF FACT AND ORDER FOR FILE NO. ZC-21-003, APPROVING THE ZONE CHANGE FROM C2 TO C3, SUBJECT TO THE CONDITIONS IDENTIFIED IN THE FINDINGS."***

Proceed with first reading of the Ordinance. No motion is needed, only consensus to proceed by the Council.

**ATTACHMENTS:**

Attachment #1 City Council Findings of Fact and Order File No. ZC-21-003  
Attachment #2 Ordinance No. 3569

ORDINANCES A  
ATTACHMENT #1

IN THE MATTER of a zone change	]	
application by Cordell Smith, Board	]	FINDINGS OF FACT
President of Thundering Water, who is	]	AND ORDER
seeking to change the zoning from C2 to	]	
C3 at 1802 W Harvard Ave.	]	File No. ZC-21-003
Property I.D. R14193 & R14201	]	Zone Change
Township 27 South, Range 6 West,	]	
W.M., Section 14DC, Tax Lot 1700 &	]	
Section 23AA, Tax Lot 200,	]	
Douglas County, OR	]	

BEFORE THE CITY COUNCIL  
OF THE CITY OF ROSEBURG

The City Council adopts the following as its findings in this matter:

Harvard Medical Park, LLC, on behalf of the applicant Cordell Smith, Board President of Thundering Water, submitted a zone change application to the Community Development Department to amend the zoning designation on property at 1802 W Harvard Ave. from C2 (Community Commercial) to C3 (General Commercial).

This matter came before the Planning Commission for public hearing on January 3, 2022. Upon conclusion of the hearing the Planning Commission moved to direct the applicant, Thundering Water, to prepare findings of fact for the zone change, referring the request to City Council with a recommendation that Council approve the zone change request subject to conditions identified in the supplemental staff report distributed to the Planning Commission December 30, 2021. Findings of fact were prepared by the applicant and presented to the Planning Commission on January 31, 2022. The Planning Commission adopted the findings of fact on February 7, 2022. These findings of fact are attached as Exhibit A.

City Council held a public hearing concerning this matter January 28, 2022. Testimony was provided to the Council in support of the application by the applicant Cordell Smith, President of Thundering Water Board, and land use consultant Teresa Bishow. In addition, Jared Cordon, Thundering Water Board Member and Roseburg Public Schools Superintendent, as well as Knut Torvik, representing the property owner, also provided testimony in support of the application.

Based upon the submitted record and findings of fact provided by the Planning Commission, City Council finds that the applicant has adequately demonstrated that the criteria for a zone change in RMC 12.10.040(C) have been satisfied.

City Council further affirms that the conditions provided in the Planning Commission's findings of fact and agreed upon by the applicant, as provided in RMC 12.10.040(D) help to ensure compatibility of the zone change with surrounding uses, specifically the adjacent Roseburg National Cemetery. Council agrees with the Planning Commission that these conditions shall be required as part of the zone change approval from C2 to C3 in order to ensure approval criteria are satisfied.

ORDINANCES A  
ATTACHMENT #1

As part of the public hearing, Council acknowledged a letter received from the applicant dated February 25, 2022, requesting Council approve the zone change as recommended by the Planning Commission subject to revising condition #5 to address issues involving the proposed construction of the sound wall along the property line within the floodway.

Condition #5 is revised to read as follows:

*Outside the floodway of the South Umpqua River, a minimum 7-foot-tall sound wall shall be constructed along the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Inside the floodway of the South Umpqua River, a minimum 5-foot-wide vegetative screen shall be constructed along the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6).*

The revision of condition #5, will necessitate the need for a revised Site Plan that will need to be referenced in conditions #1-4.

After the conclusion of the public hearing, Council directed staff to prepare findings of fact on behalf of City Council approving the zone change request as recommended in the Planning Commission's Findings of Fact and Order, subject to changing Condition #5 as requested by the applicant and subsequent changes to Conditions #1-4 based upon an updated Site Plan to be submitted by the applicant.

CITY COUNCIL DECISION

Based on the information and record herein, the City Council hereby concludes that the proposal satisfies the criteria for a zone change as provided in Roseburg Municipal Code 12.10.040. Council AFFIRMS the decision of the Planning Commission and adopts the Planning Commission's February 7, 2022 Findings of Fact and Order by reference as their own, except for Conditions #1-5. Conditions #1-5 are amended below as follows. Conditions #6-9 are included as reference.

1. The zone change to C3 shall only expand the existing C2 zone Permitted or Conditionally Permitted uses to include "Places of Amusement" and "Outdoor Recreational Facilities," as identified on the Thundering Water Preliminary Site Plan dated February 28, 2022 (see Exhibit B), namely miniature golf course, pump track, splash pad, boulder/climbing wall, games pavilion, recreation center, and other ancillary uses necessary to assist in these core activities.
2. The parking lot shall be constructed along the eastern portion of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022.
3. The storm water detention areas shall be constructed and maintained along the eastern portion of the north area of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022.
4. A minimum 5-foot-wide vegetative screen shall be constructed and maintained along the eastern edge of the parking area adjacent to the shared property line between the



ORDINANCES A  
ATTACHMENT #1

subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6).

5. Outside the floodway of the South Umpqua River, a minimum 7-foot-tall sound wall shall be constructed along the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Inside the floodway of the South Umpqua River, a minimum 5-foot-wide vegetative screen shall be constructed along the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6), including one row of evergreen shrubs at least 6 feet in height at the time of planting.
6. Development on the subject property shall have a maximum building height of 45 feet.
7. Any future development of the property shall fully conform to all applicable standards and requirements of the Roseburg Municipal Code.
8. Any future development of the property shall be subject to an approved Site Plan Review and Building Permit approval.
9. The vegetative screen set forth in Condition 4 and the sound wall set forth in Condition 5 shall be installed prior to City issuance of a certificate of occupancy for any new development on the site.

DATED THIS 28TH DAY OF MARCH, 2022

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Larry Rich, Mayor

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Amy Sowa, Assistant City Manager/Recorder

Council:  
Larry Rich, Mayor  
Sheri Moothart  
Alison Eggers  
Andrea Zielinski  
Brian Prawitz  
Bob Cotterell  
Patrice Sipos  
Beverly Cole  
Shelley Briggs Loosley

Exhibit A: Planning Commission Findings of Fact and Order File No. ZC-21-003

Exhibit B: Thundering Water Preliminary Site Plan February 28, 2022

In the matter of the )  
 Zone Change ) Zone Change  
 request by Cordell Smith ) File No. ZC-21-003  
 on behalf of Thundering Water )

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

**I. NATURE OF APPLICATION**

Cordell Smith, on behalf of Thundering Water, submitted an application for approval of a zone change of a 3.30+/- ac. unit of land from Community Commercial (C2) to General Commercial (C3). The subject properties have a Commercial Comprehensive Plan designation. The property is comprised of two (2) separate parcels, addressed as 1802 W Harvard Avenue. The properties can further be described on Douglas County Assessors Map as Township 27 South, Range 06 West, Willamette Meridian, Section 23AA, Tax Lot 0200 and Section 14DC, Tax Lot 1700; R14193 and R14201.

The applicant’s goal for the proposed zone change is to allow for a wider variety of commercial uses on the property, specifically for a future miniature golf course/outdoor recreation area. The current C2 zoning does not allow for Places of Amusement or Outdoor Recreational Facilities as use categories allowed within the zone. By changing the zoning to C3, it would allow for the desired development to be a permitted use on the subject property.

The zone change request will be evaluated pursuant to Land Use and Development Regulations Chapter 12.10.040 and all other applicable sections of the Roseburg Municipal Code.

**II. FINDINGS OF FACT**

**A. EXISTING CONDITIONS**

1. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of Title 12, Land Use and Development Regulations (LUDR) of the Roseburg Municipal Code (RMC), as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3497 on May 1, 2018.
2. Notice of the public hearing was given by publication in The News Review, a newspaper of general circulation, at least 20 days prior to the hearing. Notice of the public hearing was mailed to all owners of property within 300 feet of the property 20 days prior to the hearing.
3. The subject property is described on Douglas County Assessors Map as Township 27 South, Range 06 West, Willamette Meridian, Section 23AA, Tax Lot 0200 and Section 14DC, Tax Lot 1700; R14193 and R14201.

4. The subject property is 3.30+/- acres, is designated by the Comprehensive Plan as Commercial and is currently zoned Community Commercial (C2). The property previously had a dilapidated single-family dwelling on the south end nearest W. Harvard Blvd. that has recently been demolished and removed. The only other development on this property is an existing 7,600 +/- sq. ft. parking lot.
5. Cordell Smith, on behalf of Thundering Water, applied for a Zone Change to change the zone of the subject property from Community Commercial to General Commercial.

**B. AGENCY COMMENTS**

Comments regarding the zone change request were solicited from the Fire Department, Public Works Department, Douglas County Building Department, County Public Works Department, and Roseburg Urban Sanitary Authority. All comments received are part of the record and have been incorporated, where appropriate, into the conditions of approval at the end of these findings of fact.

**C. PUBLIC COMMENTS**

The Community Development Department notified all owners of adjacent and neighboring properties per ORS 197.610 and RMC 12.10.030.

**Public Testimony in Support**

Letters of support received by City staff were included in the Planning Commission January 3, 2022 agenda packet as Exhibit F and are summarized below:

1. Letter from Dr. Kiran Kaul dated December 14, 2021 owner of Kaul Family Chiropractic and Massage located adjacent to the site at 1844 West Harvard Avenue. Letter states Dr. Kaul has *“eager anticipation for the success of this project and welcome its proximity.”*
2. Letter from Patricia Koch dated December 16, 2021, Executive Director of River Terrace located at 1970 West Harvard Avenue. Letter states, *“Riverview Terrace has many residents that would enjoy the nearby location and amenities to stay fit and healthy. We appreciate the safety and accessibility of the proposed park for our senior community. We are excited and looking forward to the reimagined approach to enjoying the outdoors with innovate and health minded activities.”*
3. E-mail from Alan Liesinger DMD, Harvard Medical Park LLC, forwarded by Cordell Smith dated December 16, 2021. E-mail states, *“As a managing general partner of Harvard Medical Park LLC I would like to endorse the concept and development of Thundering Waters. Any concept that enhances the growth of our youth and their families is worthy of consideration and support.”*
4. Letter from Natasha Atkinson, CEO/Executive Director of Umpqua Homes, Inc. located at 662 SE Jackson Street. Letter states, *“We believe that Douglas County will be greatly served by the addition of a recreation and wellness center. . . we believe Thundering Water will be a great partner to UHI and those we serve.”*
5. Letter from Jessica Hunter, Program Manager, Douglas County Child Welfare dated

- November 23, 2021. Letter states, *“As we look to have children visiting with their parents, caregivers, sibling, and extended family members in the least restrictive setting possible, while promoting a positive experience, the recreation center will offer an alternative location and activity to what is currently available to us.”*
6. Letter from Juliete Palenshus, UC-VEG Executive Director, dated September 23, 2021. Letter on behalf of Umpqua Community Veg Group states, *“Thundering Water will foster social connectedness, improve the quality of life for its patrons, increase property values in the West Harvard area, and exhibit a myriad of healthy behaviors including consuming plant-based foods, incorporating movement, connecting with neighbors and community members, and putting loved ones first.”*
  7. Thundering Water Newsletter December 2021 stating, *“We now have a fiscal sponsor, and we have received several sizable donations towards Douglas County’s new recreation and wellness park!”*

At the Planning Commission’s January 3, 2021 public hearing, public testimony in support of the application was provided by Cordell Smith, President of Thundering Water Board, Teresa Bishow representing the applicant, Knut Torvik representing the property owner, and Jared Cordon, Thundering Water Board Member and Roseburg Public Schools Superintendent.

#### **Public Testimony in Opposition**

Letters of opposition received by City staff were included in the Planning Commission January 3, 2022 agenda packet as Exhibit G and are summarized include:

1. Letter from Brad Phillips, VA National Cemetery Administration Executive Director, Pacific District dated December 21, 2021 stating, *“Based on our initial understanding of the rezoning being requested for a potential adjacent project, NCA has concerns about the close proximity, viewshed, and direct adjacency of that development from within Roseburg National Cemetery. Specifically, that the proposed rezoning and associated development may seriously diminish the contemplative landscape, peaceful serenity, and dignified respectful setting for those we honor with this national shrine final resting place.”*
2. Letter from Jerry and Chrissy Matthews dated December 27, 2021 stating, *“Our son was deployed to Afghanistan and served his country with pride. We chose the Historic Roseburg National Cemetery for our son’s final resting place because of the honor, dignity, respect and tranquility this Cemetery provides. . . We do not believe the zone change to C3 has been proven to be compatible to warrant the approval. The Planning Commission should be considering the zone change in relation to ALL uses permitted within the C3 zone.”*

At the Planning Commission’s January 3, 2022 public hearing, public testimony in opposition was provided by Greta Hamilton, VA National Cemetery Administration and Chrissy Matthews. Section F lists issues raised followed by findings and conditions.

**D. PUBLIC HEARING AND PROCESS**

A public hearing was held on January 3, 2022 regarding the matter of the zone change request. The January 3, 2022 staff report summarized the project, procedures, and applicable criteria for this application. The staff report also included draft Findings of Fact and Order. Prior to the Planning Commission's public hearing, a supplemental staff report was distributed December 30, 2021 recommending specific conditions be applied as allowed in RMC Section 12.10.040(D) to address and attempt to mitigate concerns raised in the two letters of opposition.

**E. APPLICABLE CRITERIA**

The applicable approval criteria for the subject zone change is contained within Roseburg Municipal Code 12.10.040(D):

- a. The rezoning will conform to the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

**Findings:** The property is located within the Roseburg Growth Boundary in an area that is designated Commercial in the Comprehensive Plan. Regarding zoning designations, the current zoning for the property is Community Commercial (C2) and it is surrounded by Professional Office (PO) zoned parcels to the south across W. Harvard, and directly west, and Public Reserve (PR) parcels to the north across the South Umpqua River as well as directly east. The proposed C3 zone conforms to the Comprehensive Plan under the Commercial Comprehensive Plan designation, and therefore does not require a Comprehensive Plan amendment. Findings provided below demonstrate how the proposal conforms to applicable policies, goals and objectives.

In addition, the Roseburg Comprehensive Plan provides the following policies, goals and objectives identified in the Roseburg Comprehensive Plan.

***Natural Resources Policy No. 10***

*The City shall cooperate with the Department of Environmental Quality in developing and implementing ongoing plans and programs necessary to assure compliance with adopted air quality standards, water quality standards, and noise level standards.*

The proposed zone change from C2 to C3 will allow for a wider range of commercial uses on the property. With greater commercial opportunity, future development will necessitate compliance with the standards listed in order to protect the natural resources of the City.

Noise levels generated from the property will be in compliance with DEQ standards and will be comparable to the types of noise generated from nearby Fir Grove Park and Stewart Park.

With the property's close proximity to the South Umpqua River, the applicant indicates that plans to discharge stormwater runoff from future development of the property into the South Umpqua River will occur in compliance with DEQ regulations.

***Natural Resources Policy No. 11***

*The South and North Umpqua Rivers, Newton Creek and Deer Creek are major waterways that are scenic, recreational, and natural resources of the community. They are, however, to be protected, preserved, and maintained for their primary function as drainage courses first. Any measures taken to sustain their primary function shall minimize adverse impacts on scenic, recreational, and natural values.*

The applicant states:

*"The site is in the AE Floodway area which is the main conveyance channel for the South Umpqua River. Floodways can be dangerous in a flood event as water moves through the area at high velocities. Therefore, the applicant will keep the area clear of buildings. Planned improvements in the floodway will be designed to account for potential flooding.*

*The Site Plan shows a potential future extension of the existing Riverfront Park trail system in Fir Grove Park extending to the northeast corner of the subject property. Extending the Riverfront Park trail system from Fir Grove Park to the subject property would encourage patrons to use alternative transportation and improve the community's access to nature and the outdoors. Currently, this section of the riverbank is difficult to monitor making it attractive to transients and subject to illegal camping and dumping of trash and debris. To address public safety concerns and to allow Thundering Water to be closed after hours, a gate may be constructed if the public bike/pedestrian path is extended and connects to Thundering Water."*

In addition to this, the City of Roseburg Municipal Code requires a minimum setback of any structure, impervious surface, retaining wall, or channel alterations to the South Umpqua River of 50 feet (riparian vegetation setback). This required setback would be implemented during any future development on the site. This will minimize adverse impacts on scenic, recreational, and natural values found along this stretch of the South Umpqua River.

***Natural Resources Policy No. 13***

*The development of uses relating to the rivers for public recreation and scenic enjoyment should be encouraged.*

The proposal to change the zoning of the subject property from C2 to C3 will create the opportunity for greater commercial uses, specifically the outdoor recreational use of a miniature golf course. With fewer limitations on the type of use, it should encourage and promote development on the subject property that will enhance public recreation along the South Umpqua River.

The applicant indicates that the zone change and future development of the Thundering Water commercial development will provide opportunities for the community to have improved access to the river for recreation and scenic enjoyment.

***Natural Resources Policy No. 14***

*Mature ground cover and trees, wildlife habitats, and the natural contours of identified significant stream banks shall be preserved. This shall be accomplished with a setback of structural and any other physical development such as parking lots, retaining walls, channel alterations, etc., from identified stream banks unless findings are made, after consultation with the Oregon Department of Fish and Wildlife, that any such activity:*

- a. Will not have a significant adverse effect on streambank erosion, water temperature and quality, or wildlife; or*
- b. Is required for flood control and actions are taken to mitigate such impacts as much as is possible; or,*
- c. Is not required for flood control and will include all actions as are necessary to prevent or sufficiently mitigate any significant immediate or potential streambank erosion, adverse effect on water temperature and quality, or wildlife.*

As mentioned above in the Natural Resources Policy No. 11 Finding, Roseburg Municipal Code requires a minimum setback of 50 feet from the top of a stream bank to any development. This will be enforced with any future projects on the subject property, regardless of the zoning classification. According to the applicant,

*“The policy above is directed towards preserving natural contours and riparian habitats along significant stream banks including the South Umpqua River. The subject property is adjacent to South Umpqua River and design consideration will be given to help preserve wildlife habitats and the natural contours of the riverbank. The applicant will work with the appropriate agencies to determine the top of the riverbank and the 50-foot riparian setback.*

*As shown on two conceptual Site Plans (L1.0 Site Plan and L4.0 Site Plan Alternative), no buildings are proposed within the Floodway. Any site grading or improvements in the Floodway, such as the bike pump track, will be designed to avoid significant adverse effects on streambank erosion, water temperature and quality, or wildlife. Any site grading will take into consideration applicable standards for the Floodway and the riparian setback.”*

***Economic Growth Policy No. 3***

*The City shall encourage economic activities which strengthen the urban area’s position as a regional distribution, trade, and service center.*

The subject property, which sits vacant, is surrounded by a variety of developments and uses, from multi-family development to the west, professional office use to the west and south, and the Roseburg National Cemetery and Fir Grove Park to the east. By changing the zoning from C2 to C3, it would open up the possibility for development on a property that has not been utilized in a commercial capacity for the entirety of its existence. This allowance for greater commercial development

would strengthen the surrounding area's diverse uses, and in regards to the specific desired use of an outdoor recreation center, would attract more service and entertainment-oriented business to this area of West Harvard.

The applicant expounds on this idea further and states:

*“The key amenities such as the miniature golf course will provide additional opportunities for residents to learn about and engage in healthful living and strengthen community resilience. For example, the miniature golf course will:*

- *Include a public education campaign on food choices and healthy eating*
- *Offer an affordable outdoor community recreation space that involves physical movement and appeals to all generations and ages.*

*The community's bowling alley, roller skating rink, YMCA, Boys/Girls Club, movie theaters, virtual arcade, etc. are indoor activities that offer alternative opportunities for healthy activities. Thundering Water will give families in Douglas County in-town, affordable, wholesome, and outdoor family-friendly recreation. Thundering Water will provide jobs and volunteer opportunities that will strengthen the local economy.”*

***Economic Growth Policy No. 4***

*Through the planning process, the City and County shall continue to monitor the supply of developable commercial and industrial sites to ensure opportunity for the expansion of existing and the establishment of new economic enterprises throughout the urban area.*

As already mentioned, the request to change the zoning on the subject property from C2 to C3 is to allow for the establishment of an outdoor recreation attraction. The supply of commercial zoning throughout the city is being monitored, and the change from C2 to C3 will not reduce the amount of developable commercially zone properties, rather allow for a wider variety of commercial uses. This proposed change will hopefully spur on development on this site which the applicant has pointed out will create new job opportunities while helping diversify the local economy.

***Economic Growth Policy No. 9***

*The City shall encourage the development of convention and tourist related facilities in the urban area.*

This proposed zone change is being made by a local corporation to allow for the establishment of an outdoor recreation facility that would consist of a miniature golf course, bicycle pump track, as well as an event building and food cart area. If the zone change is approved and the business is then able to proceed with their plans for the property, it would attract not only local residents, but also individuals visiting the area from out-of-town and could be classified as a tourist-related facility.



The applicant states:

*“Thundering Water will provide a variety of educational programs and recreation amenities attractive to residents living in the City of Roseburg and the region. Some of the uses, such as the miniature golf, will promote tourism.”*

***Transportation Development Policy No. 3***

*Transportation facilities shall be designed and constructed to minimize noise, energy consumption, neighborhood disruption, cost, and social, environmental, and institutional disruptions, and to encourage the use of public transit, bikeways, and walkways.*

The subject property is located in a well-established part of town with existing roadway infrastructure that handles traffic volumes adequately. With the zone change and subsequent development on the subject property, there will undoubtedly be an increase in traffic volumes on the W Harvard corridor and surrounding roadways. As part of this application submittal, the applicant plans to alleviate some of this traffic generation in order to reduce traffic volumes by encouraging alternate modes of transportation, such as biking with bicycle parking on-site, as well as walking to and from the site with pedestrian-friendly routes on and off of the property. While vehicles are the main beneficiary of the surrounding streets, the existing sidewalks also serve as a reliable mode of transportation for pedestrians. During the time of development, it will be a requirement that these sidewalks meet all city/ADA standards to ensure their safety and functionality for all members of the community.

The applicant states:

*“Development of the site will require the existing access on W Harvard to be eliminated to prevent queuing and to minimize access connections to the street. Listed below are planned public street improvements:*

- Remove and replace the existing ramp at the NW quadrant of the W Harvard @ Keady Court intersection to comply with current city and ADA standards.*
- Remove and replace sidewalk panels on W Harvard that do not meet cross slope standards (2% or less).*
- Remove the existing driveway access on W Harvard and replace with new curb and new 7-foot-wide sidewalk.*

*The improvements listed above will be designed and constructed to minimize noise, neighborhood, social, environmental, and institutional disruptions to the area. Given the site’s proximity to nearby commercial uses, parks, and schools, the improvements to the intersection will encourage the public to bike and walk to the site and nearby amenities.”*

***Transportation Development Policy No. 4***

*Traffic movement on arterial streets should be facilitated by limiting or controlling access wherever possible.*

As mentioned in Transportation Development Policy No. 3, it will be a requirement of any future development on the subject property to eliminate the existing access that leads to the paved parking area on the lot, which will require the primary access to be located on the north stub-out of W Keady Ct. This portion of W Keady Ct. is currently owned by the City of Roseburg, and will require dedication to Public Right-of-Way as part of development on the property. W. Harvard is classified as an Arterial street in the Roseburg Comprehensive Plan, while W Keady Ct. is a designated Cul-De-Sac. This will limit the amount of trips directly accessing W Harvard Ave; a street that already contains a high number of access points in this area. By accessing off W Keady Ct. and having the control of a traffic signal, future development on the subject property will minimize the amount of traffic movement directly onto W Harvard Ave.

***Transportation Development Policy No. 10***

*New developments shall include consideration of improvements which would accommodate public transit and other modes.*

As part of the development criteria for this site, it will be a requirement to designate a portion of this property closest to the river as a future multi-use path via an easement. This path, called the Riverfront Park trail, is outlined in the City of Roseburg's Parks Master Plan. While the timeline of this path extension is unknown, the applicant has indicated that their plans for development have taken this pathway plan into consideration and will accommodate its future installation.

Additionally, the applicant indicates the proximity of the UTRANS bus lines and improvements made to the W Keady/W Harvard intersection will improve pedestrian and bicycle access.

The applicant states:

*"The Umpqua Public Transit District provides service near the site via the Roseburg Greenline bus route and the intersection improvements noted above will encourage more foot traffic on Keady Court. If in the future, the city extends the existing Riverfront Park trail system from Fir Grove Park to Thundering Water it would enhance bike and pedestrian movements."*

***Energy Conservation Policy No. 2***

*The City shall incorporate into its land use and ordinance provisions which encourage new development to utilize density and location, in balance with the requirements of other planning policies, in order to reduce the need to travel, increase access to transit, and permit building configurations which increase the efficiency of space heating in residences.*

The proposed zone change will allow for a greater opportunity for commercial development than the current C2 zoning. By providing this opportunity to the subject property, it will result in better utilization of what is a vacant piece of land in the center of town that is surrounded by already-developed properties. Because of its close proximity to existing infrastructure and access to transit, it will not require extensions of services that would otherwise be costly to developers and city maintenance.

Additionally, the location of the subject property and its proximity to existing parks and walking/bicycle paths make it an ideal location for commercial development that would benefit the surrounding area.

The applicant states:

*“The proximity of Thundering Water to other family activities in the area makes this location highly compatible for an amusement park. The site is located near Fir Grove Fields and Stewart Park which contain soccer fields, a splash pad, disc golf, tennis court, and the Riverfront Park trail system. The site is also close to schools reducing the travel distance to recreational amenities. The location of Thundering Water will encourage patrons to use alternative transportation and improve the community access to nature and the outdoors.”*

***Energy Conservation Policy No. 5***

*The City will encourage and support the development of a resource recovery program as an energy conservation measure.*

The applicant indicates:

*“The applicant plans to carefully consider both energy and water conservation measures in the design of the project. It is anticipated that any water features in the miniature golf course will be recycled and recirculated to support resource recovery and energy conservation.”*

***Parks and Recreation Policy No. 5***

*The City shall take an active role in promoting both the public and private recreation industries in the Roseburg urban area.*

The proposed zone change would allow for “places of amusement” which would allow for the applicant’s proposed development on the property. This zone change would be a decision that would promote a private recreation establishment and would add to the recreation industry within the city of Roseburg. The applicant has pointed out that aside from parks around the city, there is a lack of outdoor options for outdoor family entertainment and recreation. Approving the zone change from C2 to C3 and developing the subject property with the miniature golf course and bicycle pump track would fill a need and provide members of the community as well as tourists with an outdoor option for recreation.

The applicant states:

*“Thundering Water will be operated by a private, nonprofit organization striving to increase recreational opportunities for all ages and provide education on healthy lifestyle and eating choices. The proposed uses will compliment other nearby public and private recreational amenities.”*

***Public Facilities and Services Policy No. 8***

*All new residential plans, industrial and commercial development in the urban area shall make provisions for fire hydrants and fire lanes where applicable.*

The proposed zone change does not allow or approve site development that would trigger fire safety mitigation. Instead, this requirement would be part of a future Site Review application process conducted by the City of Roseburg. However, to provide the applicant with as much helpful information as early as possible in their inquiry to the site and its feasibility for development, the City of Roseburg Fire Department outlined what improvements would be necessary in order to meet this policy. During the time of development, it shall be required that all future facilities be served by adequate level of fire hydrants and fire lanes. If approved, it has been determined that appropriate fire hydrants and fire access to the proposed development would be feasible.

The applicant indicates:

*“There is an existing fire hydrant on the corner of Keady Court and West Harvard Avenue. If additional fire hydrants are required, they will be located no more than 100 feet from the fire department connection, no closer than 40 feet from the building, and no further than 12 feet from an approved Fire Department access road per the National Fire Protection Association requirements.*

*Regarding fire separation and access, the proposed parking lot drive aisle will have a minimum width of 24’ and a fire turnaround where the length of the aisle exceeds 150’. The proposed food trucks will also maintain a 10’ setback from each other and any buildings.”*

***Urban Growth Policy No. 10***

*New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.*

As stated in the Energy Conservation Policy No. 2, new development on the subject property would require minimal service extension due to its close proximity to existing infrastructure. The proposal to change the property zoning from C2 to C3 would maximize the potential use on the property and allow for a wider range of commercial uses on a property that is already provided public services.

The applicant states:

*“The subject property is within the City limits and development can occur with the efficient extension of public infrastructure and minimal impacts on schools, parks, and transportation facilities.*

*Stormwater: City of Roseburg storm water requirements state that any new impervious area greater than 3,000 square feet will require stormwater detention treatment, adequate pipe size, materials, and markings per City standards. Based on the site’s natural grade, stormwater runoff primarily flows to the South Umpqua River. The applicant will obtain DEQ approval for any proposed discharge of stormwater runoff to the South Umpqua River. The applicant also expects to provide*

*all catch basins with an approved infiltration device and a marking of "Do Not Dump, Drains to Stream".*

Sewer: *The parcel was previously served by a non-conforming sewer service. The new development will need to find a new way to provide sewer service in conformance with existing standards. The applicant is exploring the viability of obtaining an easement from the neighboring property on Homewood Court to extend an existing 8" sewer line. Only if necessary, will the applicant consider a direct connection to the sewer line trunk that parallels the river and goes through the subject property.*

Water: *There is an existing 2" water line that extends to the north leg of the W Harvard @ Keady Court intersection. The site is currently served with an active 5/8" water meter. There is an existing 12" water main along the south side of Harvard Avenue. To increase the water service to the site, the applicant is exploring obtaining an easement from the adjacent property owner west of the site to allow a new water line to connect to the existing 8" water line that runs along Homewood Lane.*

Schools & Parks: *The site is located near Fir Grove Park and Stewart Park and the nearest public school is Fremont Middle School. Thundering Water will enhance outdoor recreational opportunities in the area and complement existing facilities.*

Transportation: *The site has historically been underutilized based on the existing Commercial plan designation and C2 zoning. Any development of the site will require some level of improvements such as the removal of the existing driveway on W Harvard Avenue and the construction of a new driveway on the north leg of Keady Court. Please refer to findings on page 7 related to Transportation Development Policy No. 3 and the Sandow Engineering Traffic Impact Analysis prepared for this zone change application."*

#### ***Commercial Development Policy No. 4***

*Community shopping and service facilities shall be located close to major arterials and shall provide adequate parking and service areas. The zoning ordinance, subdivision ordinance, and other appropriate regulations shall include provisions as to siting and development which discourage major customer traffic from outside the immediate neighborhoods from filtering through nearby residential streets.*

The subject property fronts W. Harvard Ave., which has a classification of Major Arterial in the Roseburg Comprehensive Plan. Future development on the subject property will access onto W. Keady Ct. and although it has a lower street classification (cul-de-sac), it terminates at the subject property and will therefore not have a direct impact on nearby residential streets. By requiring access to come off of W. Keady Ct., it will eliminate the existing access on W. Harvard, which will improve the areas already cluttered access points, as well as utilize the existing traffic signal - thus allowing for safer transportation on and off the site by vehicles, bicycles, and pedestrians.

In addition to this, the applicant states:

*"The applicant intends to comply with required off-street parking with the potential use of a shared parking agreement with a nearby property owner. West Harvard*

*Avenue is a major thoroughfare in the City of Roseburg and uses fronting the street are primarily commercial, professional office, or public uses. Therefore, the development will discourage customer traffic from filtering through nearby residential streets as there are none in the vicinity."*

***Commercial Development Policy No. 10***

*Adequate off-street parking and buffer strips shall be provided for all commercial development. When appropriate, transit services and shelters may be provided in lieu of some off-street parking. Parking and loading facilities shall be designed so that ingress and egress driveways do not disrupt the efficient flow of traffic on arterial streets, intrusion into abutting uses is minimized, and safe and convenient pedestrian circulation is provided.*

The subject property currently sits vacant, with no developed improvements to note other than the existing parking lot with access onto W. Harvard Ave. The proposed zone change does not trigger site improvements as mentioned above. Rather, the purpose of the zone change is to determine whether uses allowed in the new zone will be compatible with existing surrounding uses and those uses being proposed are feasible at the proposed location. Future development of the site will occur upon approval of a Site Review and Building Permit to ensure municipal code will be satisfied. These code requirements include adequate off-street parking spaces for the proposed use, as well as proper screening and buffering from adjacent properties zoned Residential and public right-of-way.

The applicant states:

*"Thundering Water anticipates providing sufficient parking on-site to accommodate typical daily use with overflow parking available off-site for peak times or use by employees.*

*The new driveway connection to Keady Court will not disrupt the efficient flow of traffic or pedestrian circulation as it will be the only driveway connection to the right-of-way. Improvements to the intersection will promote walking and should the extension of the Riverfront Park trail system occur, the site and nearby amenities can expect an increase in patrons biking or walking to the site."*

Staff recognizes that because of the zoning of the adjacent properties, buffered parking areas would not be required on the east (Public Reserve zoning) or the west (Professional Office zoning) property lines. However, to respect the privacy of the existing use of the Roseburg National Cemetery (Public Reserve zoning) directly adjacent to the subject property, and with the understanding that the proposed zone change from C2 to C3 could increase the intensity of commercial usage on the property in the future, Staff recommends requiring screening be in place along the east property line of the subject property adjacent to the Roseburg National Cemetery. The existing laurel hedge along the east property line is located on the Roseburg National Cemetery and provides some level of screening. Based on testimony regarding potential noise impacts, Staff recommends requiring the applicant to install a sound wall along the east property line adjacent to the Roseburg National Cemetery and vegetation between the east side of the parking lot and the

Cemetery. The applicant shows this additional mitigation on the Preliminary Site Plan dated February 7, 2022.

***Commercial Development Policy No. 11***

*Zoning regulations governing the siting of commercial development shall take into consideration the relationship of adjacent development in terms of building height, mass, and activity.*

As mentioned previously in Commercial Development Policy No. 10, the subject property is directly adjacent to Professional Office zoning to the west, and Public Reserve zoning to the east. The proposed zone change from C2 to C3 will increase the types of commercial operations that could occur on this property, and that increase ought to be taken into consideration while looking at the existing adjacent development.

Directly east of the subject property is a chiropractic office at 1844 W Harvard Ave., a single-family dwelling at 543 W Homewood Ct., and an assisted living facility at 523 W Homewood Ct.. Directly east is the Roseburg National VA Cemetery.

Per Roseburg Municipal Code, the Community Commercial (C2) classification is intended to provide areas for community shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs on a community-wide basis (RMC12.04.040).

Per Roseburg Municipal Code, the General Commercial (C3) classification is intended to provide areas within which a variety of retail and wholesale business occurs. These areas serve general community-wide and regional commercial needs (RMC12.04.040).

Directly east of the Roseburg National Cemetery is Fir Grove Park, which hosts sporting events and other public uses on a regular basis, including adolescent soccer games. This existing use and its proximity to the Roseburg National Cemetery have operated successfully in conjunction with each other for several years. The cemetery parking lot to the east of the cemetery grounds offers as a buffer from the park's soccer fields. The proposed zone change is to allow for a similar type use as the Fir Grove Park and Steward Park (across the South Umpqua River to the north). In similar fashion as the cemetery, the applicant has indicated their site development designs will include a parking lot between their outdoor recreation facilities and the cemetery grounds to act as a buffer. Based on public testimony, the applicant revised the Preliminary Site Plan to include a sound wall along the east property line adjacent to the Roseburg National Cemetery and vegetation along the east side of the parking lot.

Additionally, the nearby uses to the south - from the Farmer's Market located directly south across W Harvard Ave at the First United Methodist Church, to the medical offices and Freemont Middle School - generate traffic and noise to the surrounding area greater than what would be generated with a new commercial use on the subject property.

The applicant indicates:

*“To minimize impacts to these abutting uses, the site will be screened with fences and landscaping along the property boundaries. There is an existing tall hedge on the Roseburg National Cemetery that provides a dense, vegetative screen along the east side of the subject property. Any development of the subject property will be required to comply with code standards related to building setbacks, parking lot landscaping, and open space. In addition, the building height and mass will be comparable with other commercial buildings in the vicinity.”*

As shown on the Preliminary Site Plan dated February 7, 2022, the applicant will install a sound wall along the east property line adjacent to the Roseburg National Cemetery in addition to a vegetative screen along the east side of the parking lot.

***Resource Area and Hazardous Area Development Policy No. 2***

*Development in the floodplain shall be regulated to preserve and maintain the capability of the floodplain to convey floodwaters discharges and to minimize danger to life and property.*

***Resource Area and Hazardous Area Development Policy No. 3***

*New subdivisions and other development which occurs on property extending into the floodplain should be encouraged to utilize only that portion of the property lying outside the floodplain by employment Planned Unit Development or cluster-type development techniques.*

Both of these policies require proper floodplain mitigation in order to ensure safety of life and property. The applicant has been made aware of the floodplain mapping in the area and how it will affect future development on the property. The proposed zone change would not approve any specific development, and these floodplain mitigation requirements would be enforced during the Site Review process.

The applicant states:

*“The proposed zone change will allow additional uses on the subject property and stimulate redevelopment for Thundering Water. The northern portion of the subject property is in the Floodway. Preliminary Site Plans do not contain any buildings or intensive uses within the Floodway. Instead, the north portion of the site along the river is envisioned for use as a new bike/pedestrian paths, stormwater treatment facilities, and a bike pump track. There may be some intrusion of the parking lot but no permanent enclosed structures. Prior to any grading or improvements within the Floodway, the proposed development will be required to demonstrate compliance with applicable standards.”*

- b. The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area

**Finding:** By proposing a zone change from C2 to C3, the applicant shall address whether or not the change in zoning may cause any compromise to the existing



conditions of public health, safety and welfare to the surrounding area. Both C2 and C3 zones allow for commercial development in some capacity. Many of the permitted uses listed in Roseburg Municipal Code are either the same or similar between these two zones, with the exception of some higher-intensity commercial uses, such as places of amusement, department store, auto dealer, etc. With the potential for a more intense commercial use if the zone change were approved, the applicant has indicated how these criteria regarding public health, safety, and welfare will be met and states:

*“The proposed site is especially suited for Thundering Water based on its location near many local schools, the soccer fields/park, and other commercial uses along W Harvard. The proposed site is also in an ideal location along the south side of the South Umpqua River. Located on the river, the site offers a unique opportunity for Thundering Water to provide views and access to the river. Studies have shown a strong positive correlation between personal health and access to nature. The proposed site is one of the few remaining vacant sites in Roseburg with river frontage and the use will help enhance public health. The proposed use will also address existing public safety issues by cleaning up debris along the riverbank, select thinning of trees and removal of invasive, non-native plants. The proposed use will also result in public street improvements that will enhance safety for all motorists, bicyclists, and pedestrians.*

*The site is of a suitable size and configuration to allow C3 permitted uses that meet fire access circulation requirements. The applicant prepared fire access circulation plans for the two different Site Plans. Both plans meet fire truck turnaround standards.”*

It is determined that the proposed use will help to enhance the welfare of the surrounding area, by providing additional economic opportunities to the vicinity, creating the extension of recreational opportunities provided at nearby Fir Grove Park, and enhancing traffic safety by eliminating a direct access point from the property onto Harvard and instead utilizing the adjacent Harvard/Keaty Court intersection.

The Preliminary Site Plan dated February 7, 2022 and conditions of approval including a sound wall and additional vegetation, provide further mitigation for the welfare of the Roseburg National Cemetery, by still enabling a tranquil spot where people can visit their deceased loved ones.

- c. The zone change is consistent with the safety and performance measures of the transportation system.

**Finding:** The subject property is served by established roadways and existing utility services. The proposal to convert the zoning to C3 will not compromise the existing roadways this property benefits, but the zone change and future development will lead to greater trip counts and traffic generated as a result. Because of this, it was

required of the applicant to conduct a Traffic Impact Study (TIS) to determine if any traffic mitigation strategies were needed during the time of development.

The applicant summarizes the results of the TIS in the following paragraph:

*“The applicant hired Sandow Engineering to prepare a Traffic Impact Analysis (TIA) for the zone change application. The TIA evaluated the transportation impacts per the City of Roseburg criteria, evaluating adjacent roadway and intersection operations with the addition of development traffic for the year of completion and a 20-year future analysis. Since this is a zone change application, the TIA also included an evaluation to show compliance with OAR 660-012-0060, Transportation Planning Rule. The full TIA has been submitted as part of the record.*

*The Sandow Engineering TIA concluded that the zone change would not require any major transportation system improvements. The TIA contained the following findings:*

- The proposed new zone, C3, is consistent with the Comprehensive Plan. As per OAR 660-012-0060(9), the TPR findings can be found to be met.*
- The study area intersections will meet the mobility standards with the development in place.*
- The addition of development trips does not increase queuing conditions at study area intersections.*
- The site access, the intersection of Harvard and Keady, will operate safely and efficiently for all modes of travel.*
- The site will have safe and adequate access for pedestrians and bicycles to and within the site.”*

Based on the TIS findings, there will be no required improvements or alterations to the existing intersections and roadways in the area, aside from the required improvements per Public Works standards at the time of site development (which may include a new gutter valley, W. Keady Ct. improvements, sidewalk improvements, lane striping, etc.). The proposed zone change and future development will not create enough of an increase in traffic to warrant further traffic mitigation to what is already in place. Public Works has reviewed the submitted TIS and concurred with the determinations made. Because the existing infrastructure already sees a fair amount of traffic from the surrounding uses, the proposed zone change and future development will not pose any traffic overload because it has already been designed to handle the numbers this future development will generate.

Because of the existing infrastructure’s adequacy that is stated in the submitted TIS, Staff finds that the zone change as proposed is consistent with safety and performance measures of the Transportation System. Please note that if the zone change is approved, upon submittal of a Site Plan Review Application, revisions or additional analysis specific to the design of the future building may be required as part of the TIS.

F. **FINDINGS & CONDITIONS ADDRESSING SPECIFIC ISSUES RAISED**

RMC 12.10.040(D) states, “Reasonable conditions may be imposed, as are necessary to ensure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Code.” The Code lists examples of conditions including those addressing fences and walls, landscaping, and control of noise or other similar nuisances.

Based on issues raised regarding the proposed zone change, the Supplemental Staff Report presented to the Planning Commission on January 3, 2022, and the Planning Commission’s motion for the applicant to generate additional findings, the following findings have been drafted in an attempt to mitigate the issues raised.

As noted in Section D above, issues were raised that the proposed C3 zoning would allow uses and development that would not be compatible with the adjacent Roseburg National Cemetery and would impact the privacy and tranquility the cemetery currently provides. This section contains a list of the Issues in *italics*, following by Findings and Conditions.

***Issue 1:*** *The C3 zone would allow more intensive uses than the current C2 zone that may seriously diminish the dignified and respectful setting of the adjacent historic Roseburg National Cemetery.*

**Findings:**

According to RMC Table 2-7, the C2 zone permits uses that could generate more noise, odor, vibrations or other similar nuisances than the proposed “Places of Amusement” or “Outdoor Recreational Facilities”. Some of these uses include schools, automobile service station, grocery/hardware/variety stores, manufacturing of handicraft goods, motel/hotel, small scale recycling center, and restaurant/café/ tavern.

According to RMC Table 2-7, the C3 zone permits uses not otherwise permitted in the C2 zone that could generate more off-site impacts. Some of these uses include agricultural supplies/machinery sales rooms, automobile dealers/garages/service stations, brewery, builder’s supplies, mobile home/RV sales, and plumbing/heating/electrical/sheet metal shop.

In accordance with RMC 12.10.040(D)8, Condition 1 below addresses concerns that some of the land uses allowed in C3 could generate noise, vibration, odors, or similar nuisances.

**Condition:**

1. The zone change to C3 shall only expand the existing C2 zone Permitted or Conditionally Permitted uses to include “Places of Amusement” and “Outdoor Recreational Facilities” as identified on the Thundering Water Preliminary Site Plan revised February 7, 2022 (See Exhibit A), namely miniature golf course, pump track, splash pad, boulder/climbing wall, games pavilion, recreation center, and other ancillary uses necessary to assist in these core activities.

**Issue 2:** *The proposed development by Thundering Water may generate visual, noise, and other operational impacts that detract from the peaceful setting of the Roseburg National Cemetery.*

**Findings:**

According to RMC Table 2-8, the C2 and C3 zones both allow 100% lot coverage with zero setbacks unless the property abuts a district other than commercial or industrial in which case the side and rear setbacks shall be the same as the abutting zone.

Land abutting the subject property on the west is zoned commercial (Professional Office) so there is no required setback along the west property line regardless of whether the subject property is zoned C2 or C3.

According to RMC Table 2-3, the PR Public Reserve zone has a minimum 5 foot Side (interior) setback. Land abutting the subject property on the east is zoned PR so the subject property has a minimum 5 foot Side yard setback adjacent to the Roseburg National Cemetery regardless of whether the subject property is zoned C2 or C3.

According to RMC 12.06.030(3)c, parking areas shall be buffered from the interior lot line when abutting residential zones with a landscape strip. The subject property does not abut a residential zone, so regardless of whether the property is zoned C2 or C3 there is no requirement for parking lot buffering along interior lot lines.

In accordance with RMC 12.10.040(D) subsections 1, 2, 3, 7 and 8, Conditions 2, 3, 4, and 5 below address concerns regarding potential off-site impacts from future development of the subject property.

**Conditions:**

2. The parking lot shall be constructed along the eastern portion of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022.
3. The storm water detention areas shall be constructed and maintained along the eastern portion of the north area of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022.
4. A minimum 5-foot-wide vegetative screen shall be constructed and maintained along the eastern edge of the parking area adjacent to the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6).
5. A minimum 7-foot-tall sound wall shall be constructed along the entire length of the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022.

**Issue 3:** *The zone change from C2 to C3 will increase the maximum building height from 45 feet to 80 feet which may cause development that is incompatible with the Roseburg National Cemetery.*

**Findings:**

According to RMC Table 2-87, the maximum building height in C2 is 45 feet and in C3 is 80 feet. For parcels zoned C3 that abut residentially zoned properties the maximum allowed building height at the property line is 35 feet. Height may be increased above 35 feet by increasing the setback and/or by incorporating step-backs into the design of the building.

Land adjacent to the subject property is zoned PO Professional Office and PR Public Reserve. According to RMC Table 2-87 and Table 2-3, the PO and PR zones have a building height limit of 35 feet. In the PR zone, there is an increased height limit allowance of 60 feet for hospitals, public buildings and religious institutions.

A new 80-foot-tall building on the subject property could diminish the views and peaceful serenity within the Roseburg National Cemetery.

According to RMC 12.10.040(D), *“Reasonable conditions may be imposed, as necessary to ensure the compatibility of a zone change to surrounding uses... such conditions may include, but are not limited to, the following: . . .”* The RMC list of the types of conditions of approval do not prevent other “reasonable conditions” from being imposed that address the specific land uses surrounding the subject property. The Roseburg National Cemetery is a historic property with unique characteristics, and it is reasonable to impose special conditions.

Condition 6 below addresses a concern that the C3 maximum building height would allow new development that could negatively impact the views and tranquility of the Roseburg National Cemetery.

**Condition:**

6. Development on the subject property shall have a maximum building height of 45 feet.

**Issue #4:** *The proposed Thundering Water development does not have adequate parking.*

**Findings:**

The zone change application included two Preliminary Site Plans to illustrate potential development for Thundering Water. The primary difference between the two Preliminary Site Plans was the amount of area dedicated to parking. One Preliminary Site Plan L1 & L2 contained sufficient parking spaces to meet typical weekday use with peak parking demand on the weekends to be met with an off-site shared parking agreement. The other Preliminary Site Plan L3 & L4 contained sufficient parking spaces to meet the peak parking demand and eliminate the need for off-site parking.

The Supplemental Staff Report to the Planning Commission included the Thundering Water Preliminary Site Plan L3 & L4 dated 10/15/21. The Supplemental Staff Report also included an e-mail sent on behalf of Thundering Water dated 12/30/2021 and attaching a Parking Demand Estimate prepared by Sandow Engineering. The Parking Demand Estimate concluded that the total parking demand for peak weekend use was 56 parking spaces.

The Thundering Water Preliminary Site Plan dated February 7, 2022 provides 56 parking spaces meeting the Sandow Engineering Parking Demand Estimate without the need for an off-site parking agreement. According to RMC 12.06.030, any new development on the subject property will require compliance with minimum off-street parking requirements. (Refer to Conditions 7 and 8 in response to Issue #5.)

***Issue #5:** Thundering Water does not yet own the property. How will the City review proposed development to ensure zone change conditions are met?*

**Findings:**

According to RMC Section 12.06.010, Site Plan Review approval will be required prior to development of the vacant site. According to RMC Section 12.06.010.D, Site Plan Review includes a review the RMC and other applicable ordinances. Regardless of ownership, the Zone Change ordinance including the conditions, will be considered by City staff during the Site Plan Review and Building Permit process. Thundering Water is in the process of acquiring funds to purchase and develop the subject property. Based on fundraising efforts, Thundering Water may develop the site in phases.

As noted above, RMC 12.10.040 allows “reasonable conditions” beyond the list of conditions provided in the Code, Conditions 7, 8, and 9 below address concerns about property ownership and City enforcement of Zone Change approval conditions and compliance with the Roseburg Municipal Code.

**Conditions:**

7. Any future development of the property shall fully conform to all applicable standards and requirements of the Roseburg Municipal Code.
8. Any future development of the property shall be subject to an approved Site Plan Review and Building Permit approval.
9. The vegetative screen set forth in Condition 4 and the sound wall set forth in Condition 5 shall be installed prior to City issuance of a certificate of occupancy for any new development on the site.

**III. CONCLUSION**

Upon review of the application, and other materials referenced as File ZC-21-003 and after conclusion of the Public Hearing and all testimony provided herein, the Planning Commission concludes that the application by Cordell Smith, on behalf of Thundering Water, satisfies the approval criteria, therefore warranting the approval of the zone change as requested subject to the conditions listed in Section IV.

**IV. ORDER**

Based on the Findings and Conclusions above, the Planning Commission refers the zone change request to the City Council recommending **APPROVAL** of the zone change, as contained within file ZC-21-003 and subject to the following Conditions:

1. The zone change to C3 shall only expand the existing C2 zone Permitted or Conditionally Permitted uses to include “Places of Amusement” and “Outdoor Recreational Facilities” as identified on the Thundering Water Preliminary Site Plan dated February 7, 2022, namely miniature golf course, pump track, splash pad, boulder/climbing wall, games pavilion, recreation center, and other ancillary uses necessary to assist in these core activities.
2. The parking lot shall be constructed along the eastern portion of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022.
3. The storm water detention areas shall be constructed and maintained along the eastern portion of the north area of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022.
4. A minimum 5-foot-wide vegetative screen shall be constructed and maintained along the eastern edge of the parking area adjacent to the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6).
5. A minimum 7-foot-tall sound wall shall be constructed along the entire length of the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022.
6. Development on the subject property shall have a maximum building height of 45 feet.
7. Any future development of the property shall fully conform to all applicable standards and requirements of the Roseburg Municipal Code.
8. Any future development of the property shall be subject to an approved Site Plan Review and Building Permit approval.
9. The vegetative screen set forth in Condition 4 and the sound wall set forth in Condition 5 shall be installed prior to City issuance of a certificate of occupancy for any new development on the site.



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Ronald Sperry, Planning Commission Chair

Feb. 7, 2022  
Date



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Stuart Cowie, Community Development Director

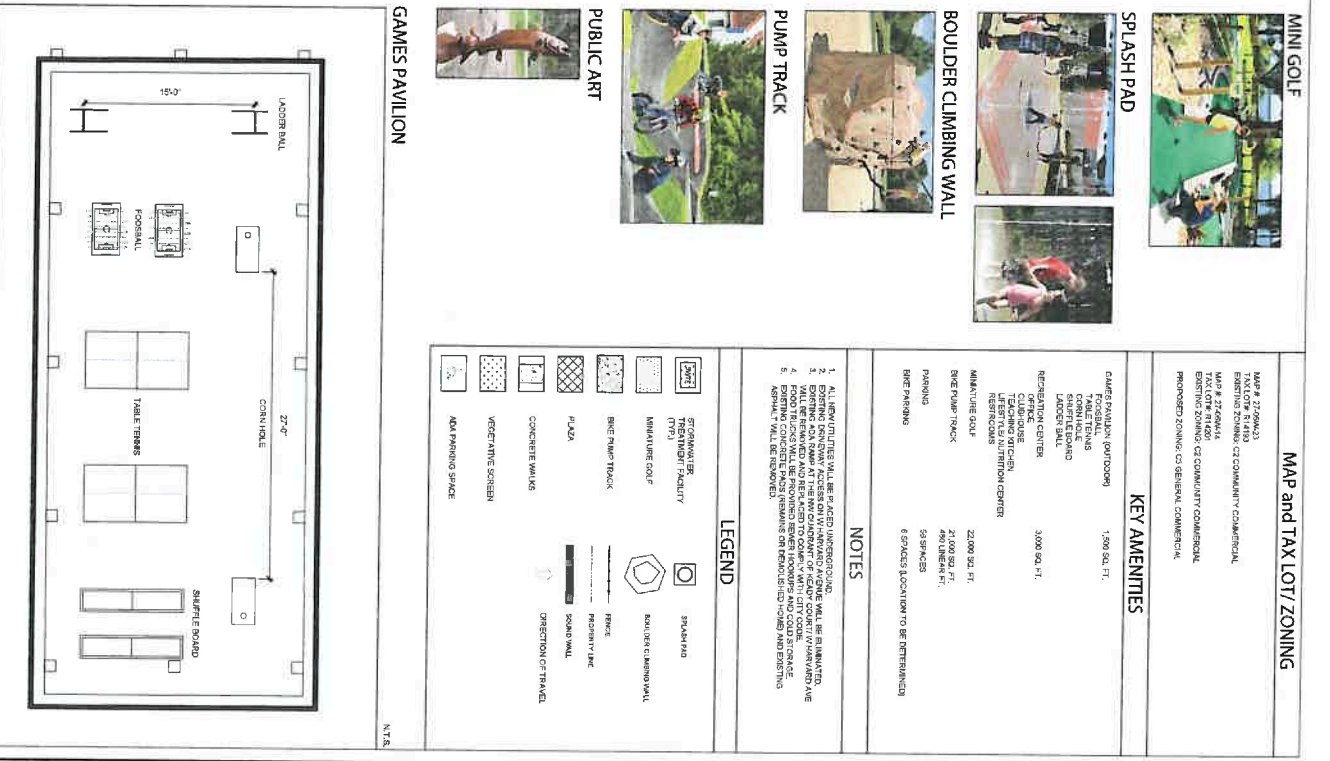
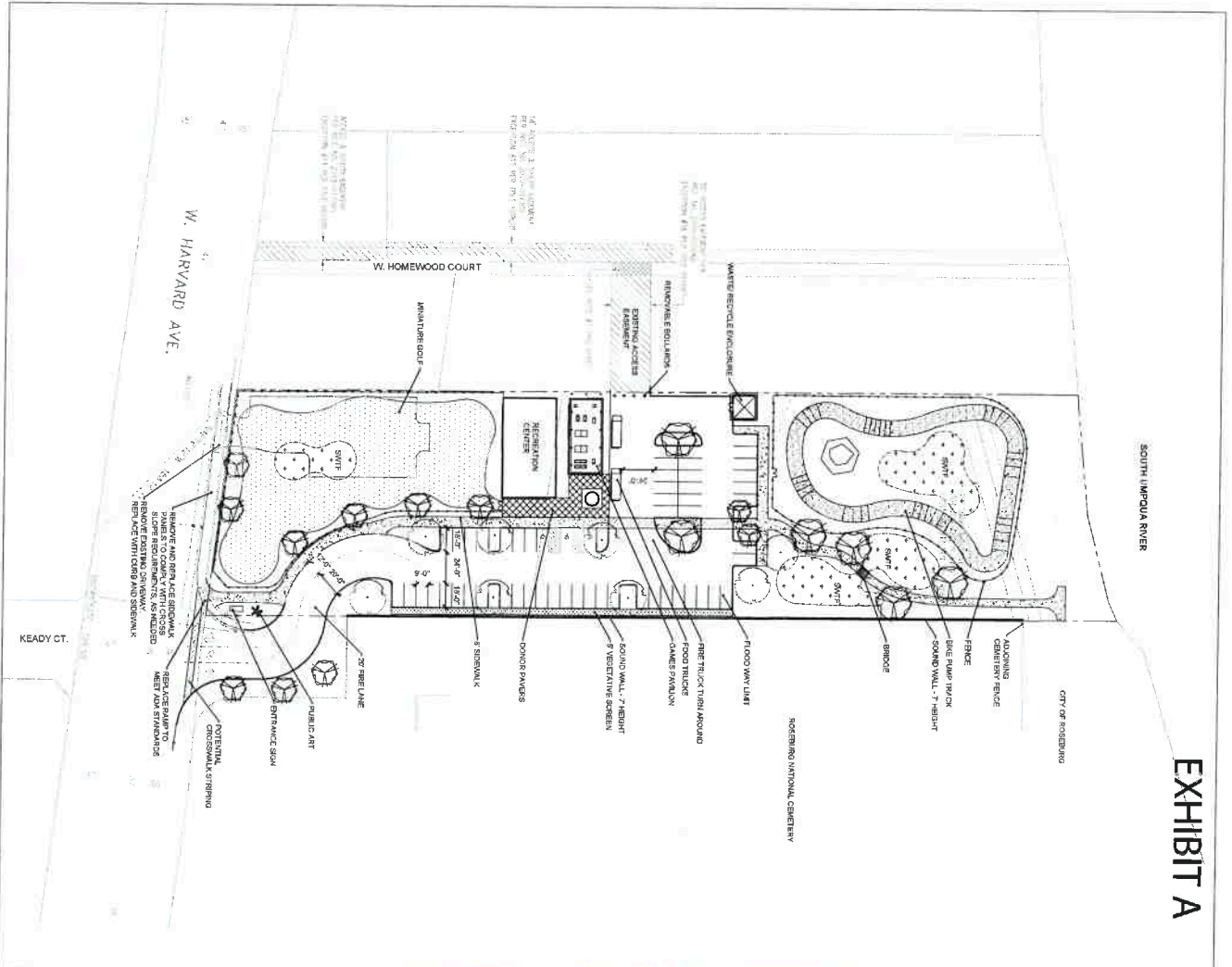
2/7/2022  
Date

**Planning Commission Members:**

- Ronald Sperry, Chair
- Daniel Onchuck, Vice Chair
- Victoria Hawks
- Jamie Yraguen
- Shelby Osborn

Exhibit A – Thundering Water Site Plan Dated February 7, 2022





**EXHIBIT A**

**PRELIMINARY SITE PLAN 2-7-22 THUNDERING WATER**

1802 WEST HARVARD AVENUE  
ROSEBURG, OR 97471

**THE SATRE GROUP**  
370 West 4th, Suite 201, Eugene OR 97401  
Phone: 541-388-4546 Fax: 541-541-4377  
www.satregroup.com

**PROJECT INFORMATION**

Project Number	358
Drawn By	nd
Checked By	nd
Date	1.17.22

**L3.0**

© 2021, THE SATRE GROUP

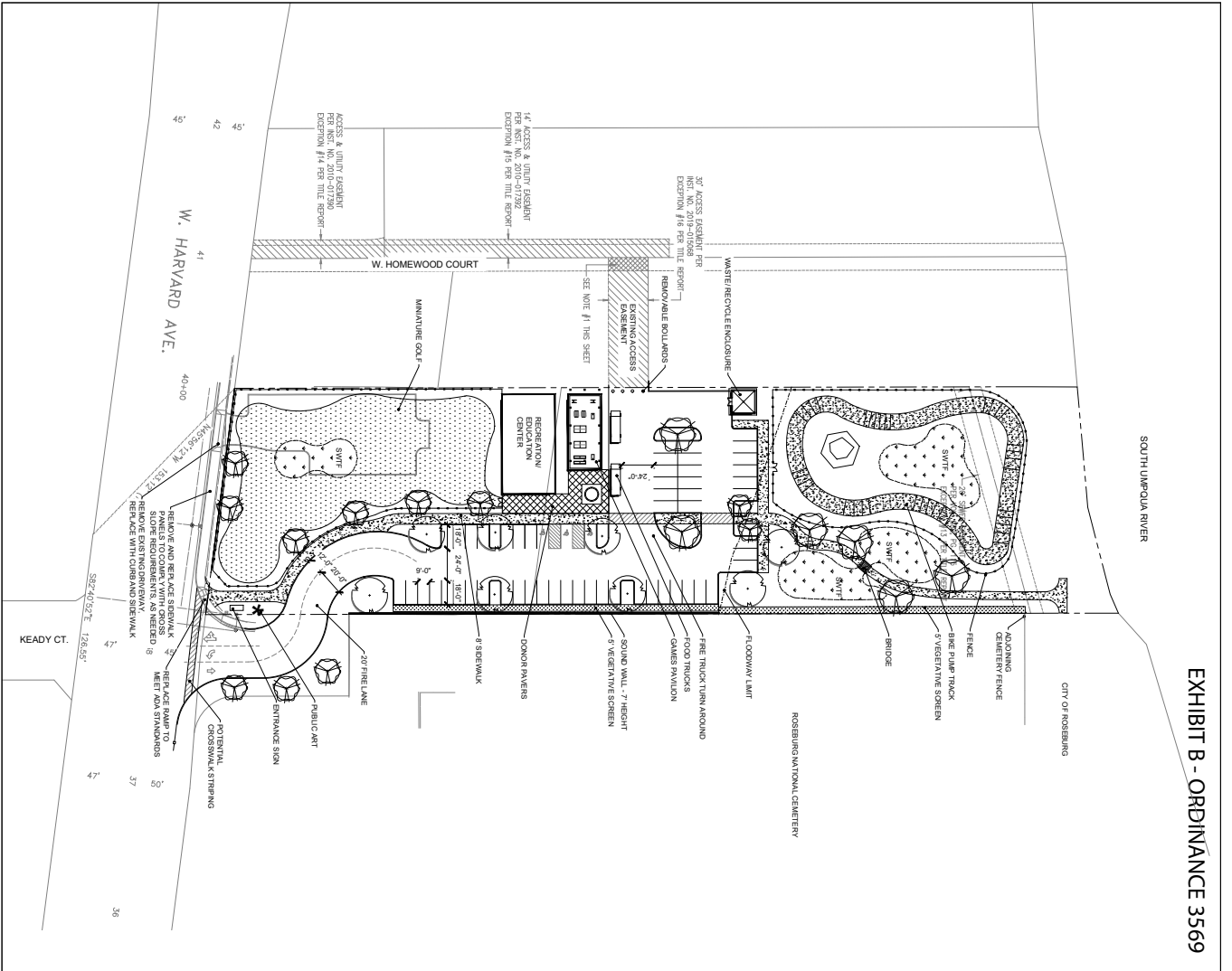


EXHIBIT B - ORDINANCE 3569

**MINI GOLF**

**MAP and TAX LOT ZONING**

MAP # 27-20W-13  
EXISTING ZONING C2 COMMUNITY COMMERCIAL  
MAP # 27-20W-14  
TAX LOT # 11-101  
EXISTING ZONING C2 COMMUNITY COMMERCIAL  
PROPOSED ZONING C3 GENERAL COMMERCIAL

**GAMES PAVILION**

KEY AMENITIES	
GAMES PAVILION (OUTDOOR)	1,870 SQ. FT.
FOOTBALL CORN HOLE	
SHUFFLE BOARD	
LAZIOB BALL	
REGISTRATION CENTER	3,000 SQ. FT.
CLUBHOUSE (INDOOR)	
RESTROOMS	
LIRESITTE/NUTRITION CENTER	
MANITURE GOLF	22,000 SQ. FT.
BIKE PUMP TRACK	21,000 SQ. FT.
	480 LINEAR FT.
PARKING	96 SPACES
BIKE PARKING	6 SPACES (LOCATION TO BE DETERMINED)

**BOULDER CLIMBING WALL**

**LEGEND**

- STORMWATER TREATMENT FACILITY
- MANITURE GOLF
- BIKE PUMP TRACK
- PLAZA
- CONCRETE WALKS
- VEGETATIVE SCREEN
- ADA PARKING SPACE
- SPLASH PAD
- BOULDER CLIMBING WALL
- PROPERTY LINE
- SOUND WALL
- DIRECTION OF TRAVEL

**PUMP TRACK**

**NOTES**

- ALL NEW UTILITIES WILL BE PLACED UNDERGROUND.
- EXISTING DRIVEWAY ACCESS FROM HARVARD AVENUE WILL BE MAINTAINED.
- EXISTING DRIVEWAY ACCESS FROM HOMECOURT AVENUE WILL BE MAINTAINED.
- ALL UTILITIES WILL BE PLACED UNDERGROUND.
- EXISTING CONCRETE PAVEMENT REMAINS OR REPAIRED HOME AND EXISTING ASPHALT WILL BE REPAIRED.

**PUBLIC ART**

**GAMES PAVILION**

LAZIOB BALL

FOOTBALL

SHUFFLE BOARD

TABLE TENNIS

CORN HOLE

27'-0"

5'-5"

N.T.S.

**ORDINANCE NO. 3569**

**AN ORDINANCE AMENDING A PORTION OF THE CITY'S ZONING MAP FROM C2 (COMMUNITY COMMERCIAL) TO C3 (GENERAL COMMERCIAL).**

**WHEREAS**, a land use application (ZC-21-003) was submitted to the Community Development Department September 10, 2021, by the owners of the property Harvard Medical Park LLC, on behalf of the applicant, Cordell Smith, Board President of Thundering Water, for property identified as 1802 W Harvard Avenue to re-zone 3.30+/- acres of property from C2 to C3; and

**WHEREAS**, the Planning Commission held a Public Hearing on File No. ZC-21-003 after duly and timely notice on January 3, 2022; and

**WHEREAS**, the Planning Commission adopted Findings of Fact and Order supporting a recommendation to approve the Zone Change on February 7, 2022; and

**WHEREAS**, the City Council held a Public Hearing on File No. ZC-21-003 after duly and timely notice on February 28, 2022;

**NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:**

**SECTION 1:** The City Council hereby takes official notice of the Planning Commission's Findings of Fact dated February 7, 2022, recommending approval of the proposed Zone Change.

**SECTION 2:** Based on the evaluation detailed in the Planning Commission's Findings of Fact and Order, it has been determined that the proposal complies with the standards identified within Roseburg Municipal Code Section 12.10.040 (Zone Change).

**SECTION 3:** The City Council hereby adopts the Planning Commission's Findings of Fact and Order regarding the proposed Zone Change, except for Conditions #1-5.

**SECTION 4:** The City Council hereby adopts Council's Findings of Fact and Order dated March 14, 2022 regarding the proposed Zone Change, and amending Conditions #1-5.

**SECTION 5:** The City Council hereby approves the Zone Change from C2 (Community Commercial) to C3 (General Commercial) as indicated on the map on attached Exhibit "A" and subject to the following conditions continuing in perpetuity:

1. The zone change to C3 shall only expand the existing C2 zone Permitted or Conditionally Permitted uses to include "Places of Amusement" and "Outdoor Recreational Facilities" as identified on the Thundering Water Preliminary Site Plan dated February 28, 2022 (see Exhibit "B"), namely miniature golf course, pump track, splash pad, boulder/climbing wall, games pavilion, recreation center, and other ancillary uses necessary to assist in these core activities.
2. The parking lot shall be constructed along the eastern portion of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022.

3. The storm water detention areas shall be constructed and maintained along the eastern portion of the north area of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022.
4. A minimum 5-foot-wide vegetative screen shall be constructed and maintained along the eastern edge of the parking area adjacent to the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6).
5. Outside the floodway of the South Umpqua River, a minimum 7-foot-tall sound wall shall be constructed along the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Inside the floodway of the South Umpqua River, a minimum 5-foot-wide vegetative screen shall be constructed along the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 28, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6), including one row of evergreen shrubs at least 6 feet in height at the time of planting.
6. Development on the subject property shall have a maximum building height of 45 feet.
7. Any future development of the property shall fully conform to all applicable standards and requirements of the Roseburg Municipal Code.
8. Any future development of the property shall be subject to an approved Site Plan Review and Building Permit approval.
9. The vegetative screen set forth in Condition 4 and the sound wall set forth in Condition 5 shall be installed prior to City issuance of a certificate of occupancy for any new development on the site.

**ADOPTED BY THE CITY COUNCIL THIS 28TH DAY OF MARCH 2022.**

**APPROVED BY THE MAYOR THIS 28TH DAY OF MARCH 2022.**

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**LARRY RICH, MAYOR**

**ATTEST:**

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**AMY L. SOWA, ASSISTANT CITY MANAGER/RECORDER**

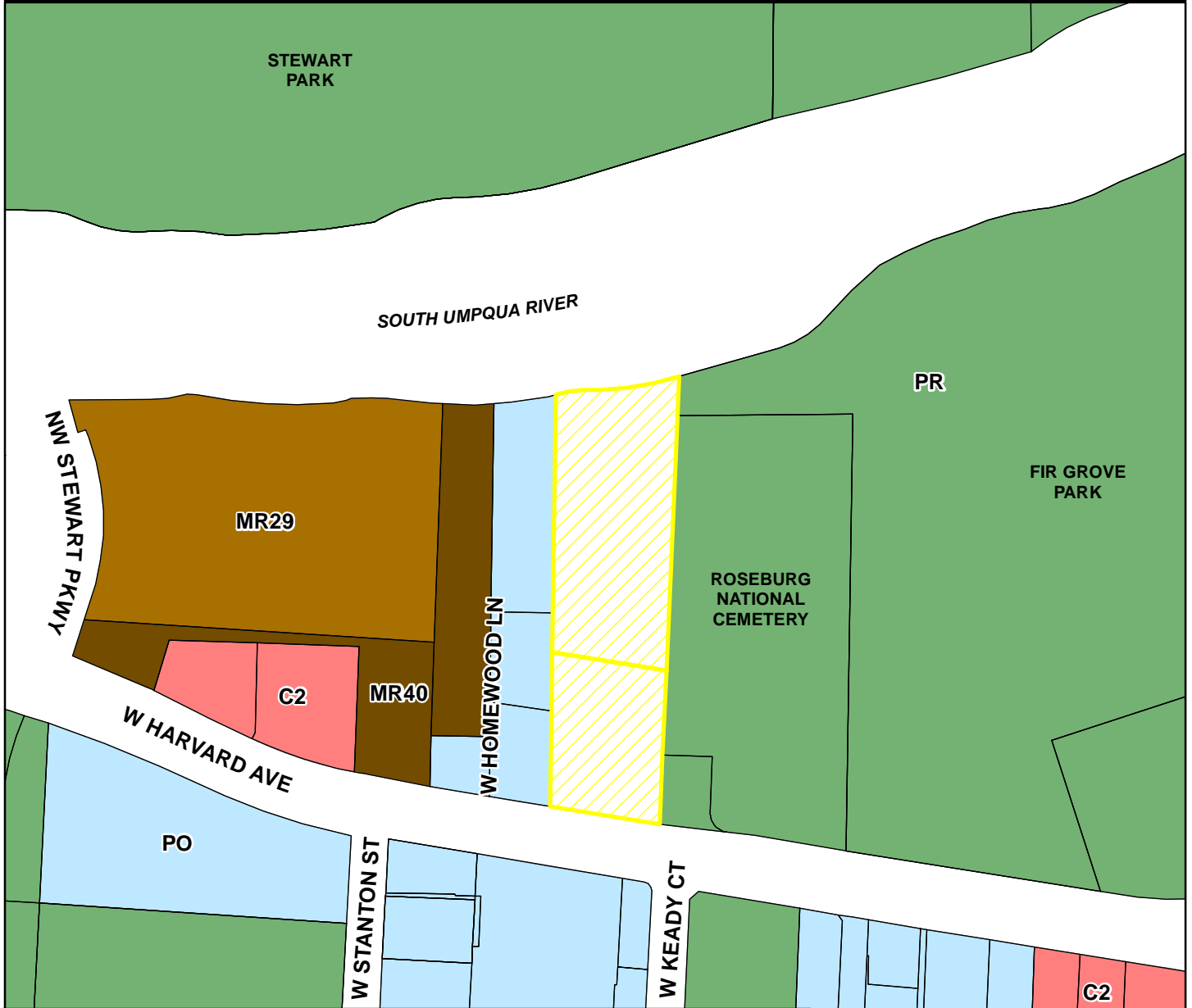
# ZC-21-003 EXHIBIT "A"


## Zone Change from

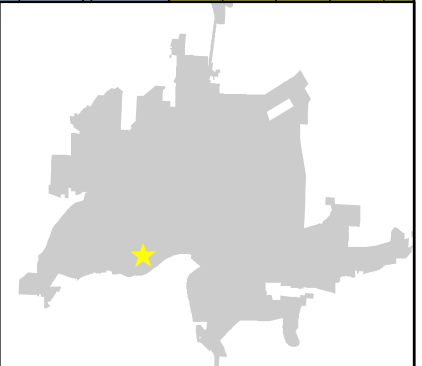
## Community Commercial (C2) to General Commercial (C3)

1802 W Harvard Ave., Roseburg, OR 97471  
T27S R06W SEC23AA TL00200 & SEC14DC TL01700  
R14193 & R14201

Community Development Department | 900 SE Douglas Ave., Roseburg, Oregon 97470 | 541-492-6750



	Subject Property
	PR [Public reserve]
	PO [Professional Office]
	C2 [Community Commercial]
	MR29 [Multiple-Family Residential]
	MR40 [High Density Multiple-Family Residential]
	R7.5 [Single-Family Residential]



Map is for informational purposes only and is not suitable for legal, engineering or surveying purposes. The City of Roseburg is not responsible for map errors, omissions, misuse, or misinterpretation. Not for determining legal ownership or identification of property boundaries.

EXHIBIT B - ORDINANCE 3569

MAP and TAX LOT ZONING

MAP # 27-28W-23  
 EXISTING ZONING C2 COMMUNITY COMMERCIAL  
 MAP # 27-28W-14  
 TAX LOT # 14.001  
 EXISTING ZONING C2 COMMUNITY COMMERCIAL  
 PROPOSED ZONING C3 GENERAL COMMERCIAL

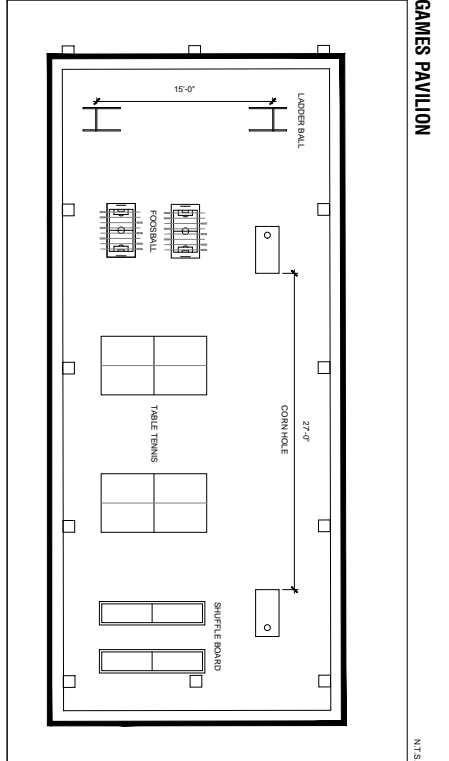
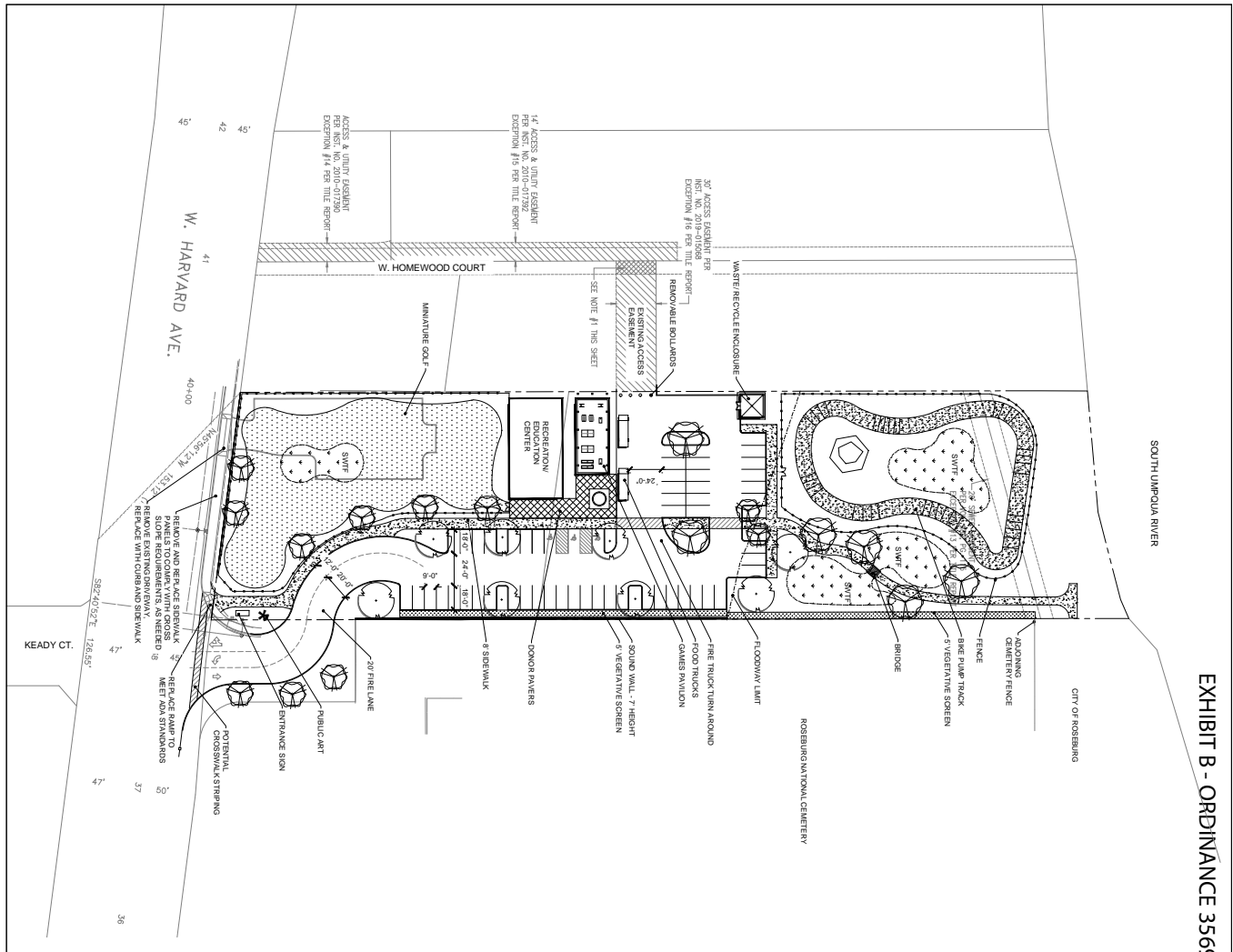
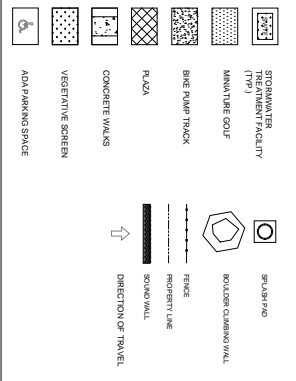
KEY AMENITIES

GAMES PAVILION (OUTDOOR)	1,930 SQ. FT.
FOOSBALL COURT	
SHUFFLE BOARD	
LOBBY BALL	
REGISTRATION CENTER	3,000 SQ. FT.
CLUBHOUSE (INDOOR)	
LIBRARY/ NUTRITION CENTER RESTROOMS	
MANATURE GOLF	22,000 SQ. FT.
BIKE RAMP TRACK	21,000 SQ. FT.
PARKING	480 LINEAR FT.
BIKE PARKING	96 SPACES
	6 SPACES (LOCATION TO BE DETERMINED)

NOTES

1. ALL NEW UTILITIES WILL BE PLACED UNDERGROUND.
2. EXISTING DRIVEWAY ACCESS FROM HARVARD AVENUE WILL BE MAINTAINED.
3. EXISTING DRIVEWAY ACCESS FROM HOMEWOOD COURT WILL BE MAINTAINED.
4. ALL UTILITIES WILL BE RELOCATED TO COMPLY WITH CITY CODE.
5. EXISTING CONCRETE PAVES REMAINS OR REWORKED (HOBBS AND EXISTING ASPHALT WILL BE REMOVED).

LEGEND



**PROJECT INFORMATION**

Project Number: 2021-001

Drawn By: [Name]

Checked: [Name]

Date: 02/27/21

Phase: PRELIMINARY PHASE

**L3.0**

**PRELIMINARY SITE PLAN 2-28-22 THUNDERING WATER**

1802 WEST HARVARD AVENUE  
 ROSEBURG, OR 97471

**THE SATRE GROUP**  
 375 West Main Suite 201, Eugene OR 97401  
 Phone: 541.686.4540 Fax: 541.686.4577  
 www.satregroup.com

THE SATRE GROUP, LAND USE PLANNERS, LANDSCAPE ARCHITECTS AND ENVIRONMENTAL ENGINEERS, CONSULTS WITH THE CITY OF EUGENE AND THE ROSEBURG CITY AND COUNTY DEPARTMENTS TO PREPARE AND SUBMIT PLANS FOR THE DEVELOPMENT OF PUBLIC RECREATION FACILITIES. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR CONTAINED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE SATRE GROUP. IN THE EVENT OF UNAUTHORIZED REUSE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL HOLD THE SATRE GROUP HARMLESS.

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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### ORDINANCE NO. 3571 AMENDING RMC SECTION 7.04.005 "DEFINITIONS" and 7.04.170 "INOPERATIVE, WRECKED, DISMANTLED OR ABANDONED VEHICLES"

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Meeting Date: March 14, 2022  
Department: Police Department  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

Agenda Section: Ordinances  
Staff Contact: Chief Gary Klopfenstein  
Contact Telephone Number: 541-492-6760

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#### ISSUE STATEMENT AND SUMMARY

Staff proposes to amend Roseburg Municipal Code Section 7.04.005, titled "Definitions," and Section 7.04.170, titled "Inoperative, wrecked, dismantled or abandoned vehicles" to reflect both current practice/procedures and needed updates.

#### BACKGROUND

##### A. Council Action History.

Council last made amendments to Section 7.04.005 in 1999 and Section 7.04.170 in 1996.

##### B. Analysis.

Staff has identified areas in Section 7.04.005 and Section 7.04.170 of the Municipal Code that need to be updated. Additionally, procedures for handling abandoned vehicles need to be added to Section 7.04.170. Staff reviewed the Abandoned Vehicle ordinances of multiple cities and used applicable language from their ordinances to draft the updates to the attached ordinance. Below are the main proposed amendments to Section 7.04.005 and Section 7.04.170:

- Defined *Abandoned Vehicles*, to include addressing hazardous materials.
- Added *Unlawful* (vehicles) language.
- Differentiated between vehicles on private and public property.
- Changed the allowed time for Abandoned Vehicles on public property to 24 hours.
- Added language allowing for property retrieval for 30 days.
- Added a Vehicle Compliance section to ensure abandoned vehicles leave the city for at least 30 days, or move out of the area, following a pre-tow notice.
- Added the procedures that the Police Department currently utilize during the pre- and post-tow process.

**C. Financial/Resource Considerations.**

There is no financial impact.

**D. Timing Considerations.**

There are current situations with some RVs in the City in which health concerns are affecting public property. Adopting the ordinance with an emergency clause to make it effective upon adoption will provide the tools to address these situations immediately.

**COUNCIL OPTIONS**

Council has the following options:

- Proceed with first reading of the ordinance, followed by second reading and adoption; or
- Request additional information; or
- Do nothing

**STAFF RECOMMENDATION**

Staff recommends that Council proceed with first reading of the ordinance, followed by suspension of the rules, second reading and adoption of the ordinance with an emergency clause making it effective immediately.

**SUGGESTED MOTION**

If Council concurs with Staff's recommendation, Council will need to request first reading of the ordinance, after which the following motions would be appropriate:

***"I MOVE TO SUSPEND THE RULES AND PROCEED WITH SECOND READING OF ORDINANCE NO. 3571, AN ORDINANCE AMENDING SECTIONS 7.04.005 AND 7.04.170 OF THE ROSEBURG MUNICIPAL CODE AND DECLARING AN EMERGENCY."***

***"I MOVE TO ADOPT ORDINANCE NO. 3571."***

**ATTACHMENTS:**

Attachment #1 - Ordinance No. 3571



**ORDINANCE NO. 3571**

**AN ORDINANCE AMENDING SECTIONS 7.04.005 AND 7.04.170 OF THE  
ROSEBURG MUNICIPAL CODE AND DECLARING AN EMERGENCY**

**WHEREAS**, Sections 7.04.005, "Definitions," and 7.04.170, "Inoperative, wrecked, dismantled or abandoned vehicles," of the Roseburg Municipal Code need amending to reflect both current practice and needed updates; and

**WHEREAS**, the proposed amendments will bring Roseburg Municipal Code more in line with other Oregon cities, and provide clarity to the inoperative, wrecked, dismantled, unlawful or abandoned vehicles ordinance.

**NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:**

**SECTION 1.** Section 7.04.005, "Definitions," is hereby amended as follows:

- A. "Abandoned vehicle" means a vehicle that has been deserted, relinquished or has one or more of the following existing conditions:
1. The vehicle license plate or registration sticker has expired or has been canceled or altered, or the vehicle has a license plate from another vehicle;
  2. The vehicle has no license plates or registration sticker;
  3. The records of the Oregon Department of Transportation identify the vehicle as sold and the current owner of the vehicle has not registered the vehicle as required by state law;
  4. The vehicle appears to be inoperative or disabled;
  5. The vehicle appears to be wrecked, partially dismantled or junked; including but not limited to vehicles that lack an engine, transmission, wheel, tire, door, body panel, windshield, window, or any other part or equipment necessary to operate safely on the highway of this state;
  6. The vehicle is leaking gray or black water, or leaking any other hazardous material that creates an environmental or health risk.

\* \* \* \* \*

P. "Vehicle" means a device in or by which a person or property is or may be transported or drawn upon a public highway, excluding a device moved by human power or used exclusively upon stationary rails or tracks, and including, but not limited to, a vehicle body, engine, transmission, frame or other major part.

**SECTION 2.** Section 7.04.170, "Inoperative, wrecked, dismantled, **unlawful** or abandoned vehicles," is hereby amended as follows:

- A. Storage.
1. No person shall cause or allow an **inoperative, wrecked, dismantled,** neglected or discarded vehicle to remain upon ~~public or~~ private property within the City for more than five days unless the vehicle is completely

enclosed within a legally permitted building, or unless it is stored by a licensed business enterprise dealing in junked vehicles lawfully conducted within the City.

2. No person shall cause or allow a vehicle to be parked or left standing on public property for more than 24 hours.
- B. Abandoned Vehicles. No person shall cause or allow a vehicle to be abandoned, upon public ~~or private~~ property within the City for more than 24 hours. This section shall not apply to a vehicle that has been abandoned as defined by state law nor to a vehicle that constitutes a hazard as defined by state law. A vehicle that is abandoned or that constitutes a hazard shall be dealt with pursuant to the provisions of state law.

A vehicle so parked or left standing may be taken into custody by the Police Chief or their designee and shall be held at the expense of the owner of the vehicle. The Police Chief or their designee may use department personnel, equipment, and facilities for removal and storage of the vehicle or may hire other personnel, equipment, and facilities for that purpose.

A vehicle that is believed or known to be actively used as a form of temporary occupancy that is towed under this section will be held at the tow yard or a secured location for a period of at least 30 days. During that time, upon furnishing proof of ownership, or authorization from the Police Chief or their designee, valuables and personal property contained within the vehicle will be released. Retrieval of the vehicle will require owner compliance with rules established by the tow company and state law.

Any vehicle that is leaking gray or black water, or leaking any other hazardous material that creates an environmental or health risk, may be immediately taken into custody by the Police Chief or their designee and shall be held at the expense of the owner of the vehicle. The Police Chief or their designee may use department personnel, equipment, and facilities for removal and storage of the vehicle or may hire other personnel, equipment, and facilities for that purpose.

1. Vehicle compliance

- a. It is no defense to any of the prohibited acts of this ordinance that the vehicle has moved to a different location in the City of Roseburg.
  - i. Vehicles that have been subjected to the pre-tow investigation and notice for a violation of this ordinance, that have not complied, that have moved to a different location within the City of Roseburg, that are within 30 days of the initial pre-tow investigation and notice, and that are still on public property in the city limits, will not require a second pre-tow investigation and notice prior to being towed;
- b. Public roadway. Vehicle(s) that have been subjected to the pre-tow investigation and notice under A(2) of this ordinance, that are parked along a public roadway will need to move more than one city block to become compliant;

- c. Public right-of-ways, parking lots, and park systems. Vehicle(s) that have been subjected to the pre-tow investigation and notice under A(2) of this ordinance, that are parked on a public right-of-way, in a public parking lot or within a park system will need to fully leave the premises in order to become compliant.
2. Towing and storage liens
    - a. A person who, at the request of the Chief of Police or their designee, takes a vehicle into custody under the provisions of this chapter shall have a lien on the vehicle and its contents for reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may sell the vehicle to satisfy the lien. The lien that attaches to the vehicle and its contents shall be a possessory chattel lien in accordance with ORS 87.152 and may be foreclosed in the manner provided in ORS 87.152 to 87.212. If the appraised value of the vehicle is \$500 or less, the vehicle may be disposed of in the manner provided in ORS 819.215.
    - b. If the vehicle is taken into custody under the provisions of this chapter and held by the City rather than by a private entity, the vehicle and its contents shall be disposed of in the manner provided in ORS 819.210 to 819.110.
  3. Pre-tow investigation and notice.

The Police Chief or their designee investigating a violation of RMC 7.04.170 shall:

    - a. Conduct a routine investigation to identify the owner and request removal of the vehicle;
    - b. Failing to discover the owner by such process, make a diligent inquiry as to the name and address of the owner by examining the vehicle for a license plate, vehicle identification number (VIN), make, model, style, or any other information that will aid in the identification of the owner. When such vehicle is required by law to be registered with the Oregon Department of Transportation, the Chief of Police or their designee shall inquire by license and/or VIN number with the appropriate division for the name and address of the owner;
    - c. Whether or not the owner is identified, affix a pre-tow notice upon the vehicle where it can be easily seen;
    - d. A vehicle found in violation of RMC 7.04.170 may be taken into custody with authorization of the Chief of Police or their designee.
  4. Contents of pre-towing notice.

Notices placed under RMC 7.04.170 shall contain the following information:

    - a. The name of the officer or other City employee issuing the notice;
    - b. That if the vehicle is not removed within the date/time specified, the vehicle will be towed and taken into custody for violation of this chapter;
    - c. The vehicle will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents;
    - d. The vehicle and its contents may be sold to satisfy the towing and storage charges if they are not paid;

- e. The owner may request a hearing, before the vehicle is towed, to contest the proposed custody and removal;
  - f. The owner may challenge the reasonableness of any towing and storage charges at the hearing;
  - g. Contact the Roseburg Police Chief in writing not more than five days (excluding Saturday, Sunday, and holidays) from the date of the notice. The request must state grounds as to why the custody and removal is not justified;
  - h. If the vehicle is towed, its location may be obtained by contacting the Roseburg Police Department.
5. Post-towing notice.
- a. After an abandoned or hazardous vehicle has been towed pursuant to this chapter, notice shall be mailed within 48 hours of removal (excluding Saturday, Sunday, and holidays) to the owner. The notice shall contain the following information:
    - i. That the Roseburg Police Department has removed the vehicle. The applicable statute or ordinance by which the vehicle was towed is cited;
    - ii. The location of the vehicle;
    - iii. That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of notice and daily storage charges;
    - iv. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by the date specified;
    - v. That the owner is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and to contest the reasonableness of the towing charges if a hearing is timely requested;
    - vi. If a hearing is desired, the owner must request a hearing within five days (excluding Saturday, Sunday, and holidays) from the mailing date of the notice. The request must be made in writing to the Police Chief. The request must state the grounds as to why the custody and removal is not justified;
    - vii. That the vehicle and its contents may be reclaimed by presenting proof of ownership, payment of towing and storage charges, or the deposit of cash security, or a bond equal to the charges, with the appropriate authority.
  - b. If the vehicle is registered in Oregon Department of Transportation records, notice may be addressed to the owner at the latest respective address shown by those records. If the vehicle is not registered, reasonable efforts shall be made to ascertain the name and address of the owner so that notice may be mailed, if reasonably possible, within the time period outlined in this section.
  - c. Notice is considered given when a certified letter addressed to the owner of the vehicle, return receipt requested, and postage prepaid is mailed

within 48 hours (excluding Saturday, Sunday, and holidays) after the vehicle is taken into custody.

6. Tow Hearing.
  - a. Upon request of the owner, a hearing shall be held before the Municipal Judge. If the vehicle has not been taken into custody before the hearing request, it will not be removed unless it is a hazard;
  - b. A hearing shall be set within 72 hours (excluding Saturday, Sunday, and holidays) of receipt of the request and the owner shall be notified;
  - c. Towing and storage charges set by law, ordinance, or rule or that comply with law, ordinance, or rule are reasonable for purposes of this hearing;
  - d. Hearings may be informal in nature, but the presentation of evidence shall be consistent with the presentation of evidence required for contested cases under ORS 183.450.
  
7. Decision of hearing.

If the Municipal Judge finds that:

  - a. The action of the Police Chief or their designee is valid:
    - i. The vehicle will be held in custody until the costs of the hearing, towing, and storage are paid by the owner;
    - ii. If the vehicle has not yet been towed, its removal shall be ordered.
  - b. The action of the Police Chief or their designee is invalid:
    - i. Order the immediate release of the vehicle to the owner;
    - ii. Find that the owner is not liable for towing or storage charges incurred prior to the hearing;
    - iii. Order the City to satisfy towing and storage charges incurred prior to the hearing.
  - c. The Municipal Judge shall provide a written statement of the results of the hearing to the person requesting the hearing;
  - d. The action of the Municipal Judge is final.
  
8. Failure to appear.

If the person requesting the hearing does not appear at the scheduled hearing, the Judge shall enter an order supporting the removal and assessment of towing and storage costs.
  
9. Exemption from notice and hearing requirements.

A vehicle that is being held as part of any criminal investigation is not subject to any part of this chapter.

**SECTION 3.** All other Sections, Subsections and Paragraphs of Chapter 7.04 of the Roseburg Municipal Code shall remain in full force and effect as currently written.

**SECTION 4.** The emergency clause for this ordinance is necessary to address immediate concerns related to abandoned vehicles within the City of Roseburg to preserve the peace, health and safety of the city.

**SECTION 5. Effective Date:** This ordinance will take effect immediately upon adoption by the Council.

**ADOPTED BY THE ROSEBURG CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
**LARRY RICH, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**AMY L. SOWA, ASSISTANT CITY MANAGER/RECORDER**

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## ODOT SAFE ROUTES TO SCHOOL PROGRAM – GRANT APPLICATION

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**Meeting Date: March 14, 2022**

**Department: Public Works**

[www.cityofroseburg.org](http://www.cityofroseburg.org)

**Agenda Section: Department Items**

**Staff Contact: Brice Perkins, PW Director**

**Contact Telephone Number: 541-492-6730**

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### ISSUE STATEMENT AND SUMMARY

Staff seeks approval to apply for an ODOT Safe Routes to School Program grant for the Douglas Avenue Improvements Project. The issue for Council is whether to authorize the grant application.

### BACKGROUND

#### **A. Council Action History.**

Council authorized staff to submit a Safe Routes to School grant application for the Douglas Avenue Street Improvement Project at the September 24, 2018 meeting. Council again authorized staff to submit the grant application at the August 24, 2020 meeting.

#### **B. Analysis.**

In 2017, the Oregon Legislature passed House Bill 2017, which included dedicated funding for a statewide Safe Routes to School (SRTS) program. For the 2022 – 2023 biennium, \$26 million has been programmed in the competitive infrastructure grant program. ODOT is currently accepting grant applications for infrastructure projects intended to reduce barriers for students walking and biking to schools.

Staff is proposing to submit an application for an improvement project on Douglas Avenue east of Deer Creek. Douglas Avenue is currently a narrow street with no shoulders on either side. Improvements may include curb, gutter, sidewalks, bike lanes, utility upgrades, and an enhanced crosswalk treatment near Eastwood Park. The intent would be to provide a safe pedestrian route to the multi-use path that runs along the east side of Eastwood Park to a pedestrian bridge that crosses Deer Creek and connects to Eastwood Elementary School.

Douglas Avenue is identified as a critical route in the adopted Bicycle and Pedestrian Plan. Currently, students are bussed from Douglas Avenue to Eastwood Elementary School. In the afternoon, what could be a five minute walk becomes a 45 minute bus ride for children who live across the street from Eastwood Park.

In August 2020, the City submitted an SRTS grant application to ODOT for the Douglas Avenue project but did not receive funding.

**C. Financial/Resource Considerations.**

The current SRTS grant application amount is approximately \$2,000,000. Not all construction elements are eligible for grant funding. As a result, the City's portion could be \$1,800,000 to \$2,000,000. The adopted Five Year Capital Improvement Program includes funding in the Transportation and the Sidewalk/Streetlight Fund to be utilized as grant match. In addition, this area and project are included in the Diamond Lake Urban Renewal Plan.

**D. Timing Considerations.**

The grant application is due March 18, 2022. In order to meet this deadline, Council must take action at the March 14, 2022 meeting.

**COUNCIL OPTIONS**

The Council has the following options:

- 1) Authorize staff to submit an application for an ODOT Safe Routes to School Program Grant, or
- 2) Do not authorize staff to submit an application for the grant.

**STAFF RECOMMENDATION**

The Public Works Commission discussed this grant application at their March 10, 2022 meeting. The results of that discussion will be presented at the Council meeting.

**SUGGESTED MOTION**

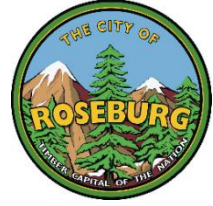
***"I MOVE TO AUTHORIZE SUBMISSION OF A GRANT APPLICATION FOR THE SAFE ROUTES TO SCHOOL PROGRAM FOR IMPROVEMENTS TO DOUGLAS AVENUE."***

**ATTACHMENTS:**

None



# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## CITY MANAGER ACTIVITY REPORT

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**Meeting Date: March 14, 2022**

**Department: Administration**

**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section: Informational**

**Staff Contact: Nikki Messenger, City Manager**

**Contact Telephone Number: 541-492-6866**

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### ISSUE STATEMENT AND SUMMARY

At each meeting, the City Manager provides the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your March 14, 2022, meeting, the following items are included:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items
- City Manager Weekly Messages



Agenda  
Department Head Meeting  
PSC Umpqua Conference Room  
March 1, 2022 - 10:00 a.m.

1. IT Updates – BW
  - A. In-person Council Meetings/Livestreaming
2. February 28, 2022 City Council Meeting Synopsis
3. March 14, 2022 City Council Meeting Agenda
4. March 14, 2022 Urban Renewal Meeting Agenda
5. Review Tentative Future Council Meeting Agendas
6. Documents, Events, or Grants to review and/or sign
  - A. Special Event Permit – March 18, The Wine Destination
  - B. Summer Reading Program Book Giveaway Grant Check List
7. Department Items
  - A. COVID Updates (NM/JV)
  - B. KMTR Updates (SH)



Agenda  
Department Head Meeting  
PSC Umpqua Conference Room  
March 7, 2022 - 10:00 a.m.

1. March 14, 2022 City Council Meeting Agenda
2. March 14, 2022 Urban Renewal Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign
  - A.
5. Department Items
  - A. COVID Updates (NM/JV)
  - B. KMTR Updates (SH)

## TENTATIVE FUTURE COUNCIL AGENDA



### Unscheduled

- IAFF Contract
- Umpqua Basin Urban Services Agreement
- Urban Growth Boundary Swap

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### March 28, 2022

#### Mayor Reports

- A. Child Abuse Prevention Month Proclamation
- B. National Library Week Proclamation

#### Consent Agenda

- A. Minutes of March 14, 2022
- B. Termination of Declaration of Emergency

#### Ordinances

- A. Ordinance No. 3569 – Amending a Portion of the City's Zoning Map from C2 (Community Commercial) to C3 (General Commercial), Second Reading

#### Department Items

- A. Broccoli Street Storm Drain Improvements Bid Award, Project 21PW16
- B. ADA Ramp Improvements Bid Award Recommendation, Project 22PW05
- C. 18-inch Water Main, Diamond Lake Boulevard – Kester to Sunshine Design
- D. Calkins/Troost/Harvard Storm Projects Design, Project 21PW08

#### Informational

- A. City Manager Activity Report

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### April 11, 2022 (In-person)

#### Mayor Reports

- A. Recognition of City Volunteers and Volunteer Recognition Month Proclamation
- B. Arbor Day Proclamation

#### Consent Agenda

- A. Minutes of March 28, 2022
- B. 2022 OLCC Annual License Renewal Endorsement

#### Resolutions

- A. Resolution No. 2022-08 – Authorizing the Dedication of City Owned Real Property for use as Public Right-of-Way
- B. Resolution No. 2022-09 - Support of Roseburg Public Schools Bond Levy

#### Informational

- A. City Manager Activity Report

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### April 25, 2022

#### Mayor Reports

- A. Historic Preservation Month Proclamation
- B. Bike to School Day Proclamation
- C. Blue Zones Day Proclamation

#### Consent Agenda

- A. Minutes of April 11, 2022

#### Special Presentation

- A. Umpqua Economic Development Partnership Annual Report

#### Department Items

- A. Stephens Street ADA Ramp Upgrade Bid Award Recommendation, Project 22PW01

Informational

- A. City Manager Activity Report
- B. Finance Quarterly Report
- C. Municipal Court Quarterly Report

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**May 9, 2022**

Mayor Reports

- A. EMS Week Proclamation
- B. National Public Works Week Proclamation

Consent Agenda

- A. Minutes of April 25, 2021

Informational

- A. City Manager Activity Report

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**May 23, 2022**

Consent Agenda

- A. Minutes of May 9, 2021

Resolutions

- A. Annual Fee Adjustments
  - Resolution No. 2022- -- - General Fees
  - Resolution No. 2022- -- - Water Related Fees

Informational

- A. City Manager Activity Report

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**June 13, 2022**

Consent Agenda

- A. Minutes of May 23, 2022

Public Hearing

- A. Resolution No. 2022 - -- - 2022-2023 Budget Adoption

Informational

- A. City Manager Activity Report

**Urban Renewal Agency Board Meeting**

Consent Agenda

- A. Minutes of June 14, 2021

Public Hearing

- A. Resolution No. UR-2022-01 – 2022-2023 Budget Adoption

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**June 27, 2022**

Consent Agenda

- A. Minutes of June 13, 2022

Informational

- A. City Manager Activity Report

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**July 11, 2022**

Mayor Reports

- A. Parks and Recreation Month Proclamation

Special Presentation

- A. Roseburg Public Library UCAN AmeriCorps Member Presentation by Lydia Rathe

Consent Agenda

- A. Minutes of June 27, 2022

Executive Session ORS 192.660(2)(i) – City Manager Evaluation

Informational

- A. City Manager Activity Report
- 

**July 25, 2022**

Consent Agenda

- A. Minutes of July 11, 2022

Informational A

- A. City Manager Activity Report
  - B. Quarterly Financial Report
  - C. Municipal Court Quarterly Report
- 

**August 8, 2022**

Consent Agenda

- A. Minutes of July 25, 2022

Informational

- A. City Manager Activity Report
- 

**August 22, 2022**

Consent Agenda

- A. Minutes of August 8, 2022

Informational

- A. City Manager Activity Report
- 

**September 12, 2022**

Mayor Reports

- A. Constitution Day and Week Proclamation

Consent Agenda

- A. Minutes of August 22, 2022

Informational

- A. City Manager Activity Report
- 

**September 26, 2022**

Consent Agenda

- A. Minutes of September 12, 2022

Informational

- A. City Manager Activity Report
-

**Friday Message**  
**March 4, 2022**

- Department heads have been working on their FY 2022-23 budgets. General fund requests were submitted to Ron and me on Tuesday, and all other funds are due today. Next step will be compiling all of the different funds and then meeting with individual department heads to discuss and refine.
- Last week, I participated in the Regional “Super ACT”, a combination of representatives from the Southwest Area Commission on Transportation (SWACT) and the Rogue Valley ACT. The joint meeting was to hear presentations on and rank the regional submissions for this year’s Connect Oregon grant program. I have also been asked to participate in the statewide committee that will make a final recommendation to the Oregon Transportation Commission. Those meetings are scheduled for April 6 and 7.
- On Thursday, I attended the South Coast Development Council’s monthly meeting (virtually). This organization is similar to the Partnership, and serves communities between Florence and Brookings. It was very interesting to hear what is happening in their economic development efforts and see the energy around the possibilities on the southern Oregon coast.
- Work continues on the navigation center operating agreement. The Homeless Commission recommended the Council award the contract to United Community Action Network (UCAN) at their meeting on Monday morning. This item is scheduled for Council consideration at your next meeting.
- HB 5202 – AKA the “Christmas Tree Bill” was adopted by both the Oregon House and Senate yesterday. The bill included \$5 million for the Southern Oregon Medical Workforce Center. The funding will come from the state General Fund (as opposed to the previous bill for \$10 million in lottery funds). More details to come about this exciting development!
- On Wednesday, I attended a portion of the Douglas County Childcare Coalition’s monthly meeting. There is a lot of momentum around the initiatives they are carrying forward. They are currently working with Douglas County on a potential CBDG grant to fund the efforts, including incentives and additional resources to promote new and additional childcare facilities or increasing capacity.
- The statewide indoor mask mandate will end (in most cases) on Friday night, March 11 at 11:59 p.m. Healthcare workers (i.e. Fire Department employees) will still be required to wear masks when providing patient care. Masks will be optional for all other employees. We are planning for the return to in-person Council meetings, starting in April.
- Meetings next week: Public Works Commission – Thursday, 3/10 @ 3:30 p.m. via Zoom