

ROSEBURG CITY COUNCIL AGENDA – JUNE 28, 2021



6-24-2021

Electronic Meeting

Public Access:

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

Facebook Live at 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. Airport Commission Chair Appointment
- B. Shaved Ice Update

5. Commission Reports/Council Ward Reports

6. Audience Participation – In Person via Zoom/See Information on the Reverse

7. Consent Agenda

- A. Minutes of June 14, 2021 Special Meeting
- B. Minutes of June 14, 2021 Meeting
- C. Minutes of June 21, 2021 Special Meeting
- D. OLCC Limited On-Premises Sales for Tengu Sushi & Seafood Buffet LLC located at 1350 NE Stephens Street, Suite 1

8. Public Hearing

- A. Resolution No. 2021-15 – Supplemental Budget and Appropriation Revisions for the General, Library Special Revenue, Hotel/Motel Tax, Street Light/Sidewalk and the Economic Development Funds, Fiscal Year 2020-21
- B. Continued Public Hearing for Ordinance No. 3562 – NE Crescent Street Right-of-Way Vacation, First Reading

9. Resolutions

- A. Resolution 2021-16 - Appropriation Transfer For Fiscal Year 2020-21

10. Ordinances

- A. Ordinance No. 3560 – Amending a Portion of the City’s Zoning Map from C2 (Community Commercial) to C3 (General Commercial), Second Reading
- B. Ordinance No. 3561 – Amending RMC Title 12 Land Use Development Regulations - File No. LUDR-21-002, Second Reading

11. Department Items

- A. Stewart Parkway Pavement Rehabilitation Project Bid Award Recommendation, Project No. 20PW20
- B. Storm Rehabilitation Brooklyn Avenue Project Bid Award Recommendation, Project No. 21PW14

Department Items Continued

- C. Washington Avenue Bore Crossing Project Bid Award Recommendation - 20WA05
- D. 24-inch Transmission Main Hooker Road to Isabell Avenue Project Bid Award Recommendation, Project No. 20WA17
- E. 24-inch Transmission Main Hooker Road to Isabell Avenue Project 20WA17 Consulting Services Task Order No. 3 Authorization

12. Items from Mayor, City Council and City Manager

13. Adjourn

14. Executive Session ORS 192.660(2)

Informational

- A. City Manager Activity Report

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) 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>.

**MINUTES OF THE SPECIAL MEETING
OF THE CITY COUNCIL
June 14, 2021**



Mayor Rich called the special meeting of the Roseburg City Council to order at 6:38 p.m. on June 14, 2021 electronically via Zoom in Roseburg, Oregon.

ROLL CALL

Present: Councilors Bob Cotterell, Alison Eggers, Sheri Moothart, Brian Prawitz, Patrice Sipos and Andrea Zielinski.

Absent: Councilor Beverly Cole

Others Present: City Manager Nikki Messenger, Assistant City Manager/City Recorder Amy Sowa, and Management Assistant Koree Tate.

WARD 2 CITY COUNCIL INTERVIEWS

Mayor Rich reported the City Councilor accepted Sheila Cox's resignation on May 10, 2021. Immediately thereafter, Staff advertised the City Council vacancy through the local news media, social media and the City website, with a deadline of June 8, 2021. Two applications were received for this position from Shelley Briggs Loosley and Jeffrey Weller.

Councilor Prawitz conducted the interview process. Applicant, Shelley Briggs Loosley said she grew up in Eugene, Oregon, graduated from the University of Oregon, worked for Nike in Portland, and then moved to Roseburg. She was hired as the Roseburg Visitors and Convention Bureau Director. She had served on various boards in government, non-profit organizations, local organizations and helped with fundraisers. She was currently the Board Chair for the YMCA and on the City's Homeless Commission. She explained her focus had always been to help others, and her core value was to respect others even if she disagreed. Ms. Briggs Loosley applied for the position because she knew the Council had potential to make Roseburg a better place to live. She was interested in the position previously when Ms. Cox was elected, and when the position opened again, she decided it was a good time to apply. She wanted to serve all citizens equally and a priority for Council would be to concentrate on the homelessness issue, housing, and the other side of COVID-19 to work together and turn the pandemic experience into something positive for growth.

Applicant, Jeffrey Weller, had almost 50 years of experience in the business world as a certified public accountant, and was still active in Oregon and California. He moved to Roseburg five years ago and loved it here. He had been on the City's Budget Committee for the last two years and acquired much insight on the government process. Other local involvement was County Grand Jury secretary, church involvement and blood donor. He had his own personal code of ethics and a willingness to be involved with others to hear what people had to say and accept others for who they were. He was a lifelong learner and appreciated tasks that created further opportunity to acquire more knowledge. Mr. Weller felt City Council was a critical part of the community and Ms. Cox was a great asset to the community. He could bring an unbiased set of values, fresh perspective and did not have any allegiances that would overstep issues. He kept an open mind to hear all possibilities and respected what would be best for the overall community. A suggested goal for Council was to keep eyes, ears, and minds open to what was going on to guide the community for appropriate solutions in regards to COVID-19.

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Homelessness was an unfortunate situation and he was happy to see funds were coming from the State to assist, but they also needed better resources for those who needed them. His final suggestion or goal was for the overall economic stability in the community. Timber used to be the driver, but now they needed to approach other solutions for viability to attract new businesses.

ADJOURNMENT

Mayor Rich explained the Council would vote during the regular Council Meeting and invited the applicants to stay for the results. Mayor Rich adjourned the meeting at 7:03 p.m.



Koree Tate
Management Assistant

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL MEETING
June 14, 2021**



Mayor Rich called the regular meeting of the Roseburg City Council to order at 7:11 p.m. on June 14, 2021 electronically via Zoom in Roseburg, Oregon. Councilor Zielinski led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Bob Cotterell, Alison Eggers, Sheri Moothart, Brian Prawitz, Patrice Sipos and Andrea Zielinski.

Absent: Councilor Beverly Cole

Others Present: City Manager Nikki Messenger, Assistant City Manager/City Recorder Amy Sowa, City Attorney Jim Forrester, Community Development Director Stuart Cowie, Finance Director Ron Harker, Communications Specialist Suzanne Hurt, and Management Assistant Koree Tate.

WARD 2 CITY COUNCILOR APPOINTMENT

Mayor Rich stated interviews were conducted during their 6:30 p.m. Special Meeting. Mayor Rich thanked applicants Shelley Briggs Loosley and Jeffrey Weller for their participation in the interview process. Councilor Cotterell said they had two qualified candidates, but supported Ms. Briggs Loosley as the preferred candidate. Councilor Moothart supported Mr. Weller noting his concern about economics and future growth of the community. Councilor Prawitz appreciated Mr. Weller's contribution on the Budget Committee, but felt Ms. Briggs Loosley would be a big asset to the community as a City Councilor. Councilor's Eggers, Zielinski and Sipos echoed Councilor Prawitz and suggested Ms. Briggs Loosley as the chosen candidate. Mayor Rich agreed and said he supported the decision for Ms. Briggs Loosley.

Councilor Cotterell moved to appoint Shelley Briggs Loosley to fill the Ward 2, Position 1 vacancy, through December 31, 2022. The motion was seconded by Councilor Prawitz and approved with the following vote: Councilors Cotterell, Eggers, Prawitz, Sipos and Zielinski voted yes. Councilor Moothart voted no. Mayor Rich thanked Mr. Weller for his time and congratulated Ms. Briggs Loosley on her appointment. Mayor Rich asked Ms. Briggs Loosley to stay and join the meeting. She would be able to ask questions, but could not vote until she was officially sworn in and took her Oath of Office with Ms. Sowa.

COMMISSION AND WARD REPORTS

Councilor Sipos attended a MedCom Board Meeting to approve the proposed 2021-22 Budget on June 3, 2021. The budget was approved by all board members, and was presented by Jessica Hanson and Fire Chief Bullock. The next meeting would not take place until August.

Councilor Cotterell had a Public Works Commission meeting on June 10, 2021 and discussed several projects that would be presented at the next Council meeting for final approval.

WARD REPORTS

Councilor Prawitz explained he had been contacted by constituents regarding the Stewart Parkway Bridge project and when it would be finalized. He also congratulated Emily Brandt for being named the new Umpqua Valley Arts Association Director.

Councilor Cotterell said that during the Public Works Commission Meeting, Public Works Director Brice Perkins said the Stewart Parkway Bridge End Panel project was four days ahead of schedule and should be finished soon. Ms. Messenger reminded Council the bridge project was planned as a 30-day traffic closure, but because they were ahead of schedule planned to reopen on June 15, 2021.

Councilor Zielinski thanked the Roseburg Police Department for the extra patrols in her Ward, Hucrest area, to help remind drivers to slow down.

AUDIENCE PARTICIPATION

Lan Ha, Wailani Shaved Ice owner, discussed a current petition and community comments received regarding the City's reported oversight for her vendor permit to use at Stewart Park. Her shaved ice became very popular to the point of turning away other business for events. A month into operation, she was told they could not have the permit any longer because of zoning requirements. She had over 2,000 signatures of support for the business to once again be allowed in the park. She asked Council to allow her to operate again on Saturdays and Sundays in Stewart Park. Mayor Rich thanked her for her time and said that since she had an attorney involved, the process had to be between the City attorney and her attorney for responses.

Keith Brooks, Douglas Electric Cooperative General Manager with Paul Bentley, Paul Bentley Architect, was present to discuss their proposed remodel at their current site. Douglas Electric is a public owned electric utility and represents over 10,000 in the community. The headquarters had been in Roseburg since 1938 and on Stephens Street since 1949. Based on safety issues from previous large storms and possible Cascadia event, they decided to go through a demolition process and rebuild their facility. During the site review process they were told by Public Works they would be required to have sidewalks upgraded to City standards. They did not have that added expense available within their budget. Mr. Brooks felt the sidewalks were in good status and did not want the issue of upgrading them to be the factor that deterred them from completing their project. He asked if Council could take into consideration the escalating costs of building and grant a waiver to replace the sidewalks. If they could not proceed with the project, they would have to consider purchasing a building, which would most likely be outside city limits.

Mr. Bentley confirmed construction costs were at a high level with lumber at a 400% increase compared to a few months ago. This project for Douglas Electric came in at \$2 million over budget. It was important to encourage and keep local businesses in Roseburg. He walked the entire site and noted the sidewalks were all complete, no cracks or uplifting issues, and in his opinion, were well in construction tolerance. Douglas Electric was willing to participate if Stephens Street was improved, but the current ask to upgrade the sidewalks was beyond their budget. In response to Mayor Rich, Mr. Brooks said he spoke with the Public Works Director Brice Perkins, to discuss a Local Improvement District (LID) option. He understood any work completed would allow them ten years to pay it off. He agreed that option was better than

being told no, but it still added high costs at the end of the project. Mayor Rich directed him to continue working with Staff and he would discuss the issue with them as well.

Ashley Hicks, per emailed comment, said her neighbor retaliated against her for turning in her dog that killed her ducks. As a result she began the process to have her livestock permit revoked. She asked for a fair decision by letting her keep her city issued livestock permit.

Julie Hammond, per emailed comment, said Ms. Hicks followed the rules to obtain a livestock permit and said there had to be a reason to take back her permit. She felt Ms. Hicks was being targeted from past dealings that had nothing to do with her chickens and asked to have personal feelings not affect the rules that were set and followed.

Jasmine Geyer, per emailed comment, expressed support for Ms. Hicks to keep her livestock permit. It was unfair to revoke the permit over a disgruntled neighbor.

CONSENT AGENDA

Councilor Cotterell moved to approve the following Consent Agenda items:

- A. Minutes of May 24, 2021 Joint Work Study Session
- B. Minutes of May 24, 2021 Meeting
- C. Oregon Community Foundation Grant
- D. Resolution No. 2021-13 Authorizing the City Manager to Negotiate and Execute a Grant Agreement with the state of Oregon Accepting a \$1.5 Million Grant to Establish and Operate A Navigation Center.

The motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one vote no. Ms. Messenger reported the City received notification to receive the Oregon Community Foundation grant funds.

PUBLIC HEARING – RESOLUTION NO. 2021-14 – 2021-2022 BUDGET ADOPTION

Mayor Rich opened the Public Hearing at 7:43 p.m. regarding the 2021-22 Budget Adoption. Mr. Harker reported the budget document was distributed to members of the Budget Committee on May 4, 2021. The budget document was made public by posting on the City website and by making available a hard copy at City Hall on May 4, 2021. City Manager Nikki Messenger presented the budget document and message on May 11, 2021, and a public hearing on possible uses of State Revenue Sharing funds was conducted. The Budget Committee deliberated on the proposed budget, sought public input and approved the budget as presented on May 11, 2021, with no modifications from the proposed budget. The estimated revenue from State Revenue Sharing was \$290,000.00 and would be used to support General Fund services.

As no one else wished to speak, Mayor Rich closed the Public Hearing at 7:47 p.m. Councilor Cotterell moved to adopt Resolution No. 2021-14, entitled, "A Resolution Adopting the 2021-2022 Budget; Levying and Categorizing Taxes for said Tax Year; Electing to Receive State Revenue Sharing; and Making Appropriations." The motion was seconded by Councilor Sipos and approved with the following vote: Councilors Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no. Mayor Rich declared Resolution No. 2021-14 as adopted.

PUBLIC HEARING – ORDINANCE NO. 3560 – AMENDING A PORTION OF THE CITY'S ZONING MAP FROM C2 (COMMUNITY COMMERCIAL) TO C3 (GENERAL COMMERCIAL), FIRST READING

Mayor Rich opened the Public Hearing at 7:48 regarding the amendment of a portion of the City's zoning map. In response to Mayor Rich, no one on Council had ex parte contact or conflict of interest for this topic. Mr. Cowie explained that applicants, Yit Chan and Qiongci Chi, owners of properties at 770 NE Imbler Avenue and 1023 NE Stephens Street (Chi's Chinese Restaurant) submitted an application for a zone change to allow a boundary line adjustment of approximately 2,526 square feet of land between their two adjacent properties. The two properties involved in the boundary line adjustment were zoned differently and therefore the zone change was required to be processed concurrently with the proposed boundary line adjustment. An applicant must have shared zoning to make this happen.

Mr. Cowie said the purpose of the application was to adjust the property line so the western parcel with the restaurant would have ownership and maintenance over the steep hillside that separated the two properties. The property to the east was developed with a single-family dwelling. The owners requested adjustment to occur in the event they needed to sell the house. Currently, the boundary ran along the toe of the slope that separated the properties and on occasion, there was erosion or sloughing issues of the hillside. Those hazards affected the restaurant parking lot. Having ownership of the hillside through a boundary line adjustment would give the lower property owner the ability to better maintain the hillside. He shared a photo to show the parking lot behind Chi's Restaurant and the material added to help stabilize the rock wall. This regulation was to eliminate problems that could occur when having multiple zones located on one property. Therefore, in order for the City to grant approval of the proposed boundary line adjustment, the area being adjusted to the applicant's property was required to simultaneously be changed from the current C2 zoning to C3. That would satisfy the requirements of the City's boundary line adjustment criteria and ensure that the final property boundaries for both parcels reflected the same zoning district boundary. The boundary line adjustment application had been processed concurrently with this zone change application. As a condition of the boundary line adjustment approval, the zone change had to be officially approved.

The proposal went before the Planning Commission for a Public Hearing on May 3, 2021. At that meeting, the Planning Commission approved a motion to adopt the Findings of Fact and Order and referred the request to City Council recommending approval of the proposed zone change. As no one else wished to speak, Mayor Rich closed the Public Hearing at 7:53 p.m. Councilor Cotterell moved to adopt the findings of Fact and Order approved by the Planning Commission for File No. ZC-21-001. The motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no.

Council agreed to proceed with a first reading. Ms. Sowa read Ordinance No. 3560, entitled, "An Ordinance Amending a Portion of the City's Zoning Map from C2 (Community Commercial) to C3 (General Commercial)," for the first time.

PUBLIC HEARING – ORDINANCE NO. 3561 – AMENDING RMC TITLE 12 LAND USE DEVELOPMENT REGULATIONS – FILE NO. LUDR-21-002, FIRST READING

Mayor Rich opened the Public Hearing at 7:56 p.m. regarding the amendment of RMC Title 12 Land Use Development Regulations, File No. LUDR-21-002. Mr. Cowie reported that in 2019, the Oregon Legislature passed House Bill 2001 to help provide citizens with more housing choices, beyond that of a typical detached single-family residence. The passage of HB 2001 was timely because it aligned with the work Staff had done to prepare for the changes. With a grant, they hired 3J Consulting and Jet Consulting. Many of the changes were consistent with State law. It was important to recognize there were options for all types of housing. They were in a unique situation, as part of this criteria was based on the population of the city and the city was currently considered medium sized. At the end of the month they would be required to enact the regulations. He anticipated continued growth and felt Roseburg would be considered a large city soon, so it was best to prepare for the next stage of criteria.

Elizabeth Decker, Consultant for 3J Consulting, discussed the Land Use and Development Regulations that needed updated to meet “Medium City” requirements under HB 2001:

- Permit duplexes where single-family dwellings were permitted.
- Minor revisions to accessory dwelling units (ADUs).

For “Large City” amendments, triplexes, quadplexes, townhouses, cottage clusters were soon to follow in 2022. Middle housing was a traditional alternative to single-family detached and multifamily apartments, smaller in scale, less expensive and missing for the past 75 years. HB 2001 legislation was adopted in 2019 to allow duplexes wherever single-family was permitted and other middle housing in all residential areas. From the Roseburg 2019 Housing Needs Analysis, she noted:

- 35% of Roseburg households were cost burdened; 55% of those were renters.
- Smaller and more varied housing options were needed to meet future housing needs.

Ms. Decker said they worked on the code development process from September 2020 to June 2021. Code audit, draft and final code revisions were informed by stakeholder interviews, advisory committee, open houses and an online survey. Some code update concepts included:

- Amend duplex dwelling definition to allow attached or detached configurations.
- Permit duplexes with the same requirements as single-family detached dwellings.
- Allow duplexes on the same size lots as single-family detached dwellings.
- Revise parking requirement to one per dwelling unit.

Duplexes were part of the development code updates that were proposed to permit duplexes on all lots where single-family detached dwellings (SFDDs) were permitted, to comply with House Bill 2001 and OAR Division 660-046. To summarize the proposed code amendments:

- Revise “two family dwelling” to “duplex” in all references.
- Amend “duplex” definition to allow attached or detached configurations, including manufactured homes.
- Allow duplexes with the same requirements as SFDDs in the Low Density Residential (R10), Single-Family Residential (R7.5, R6), Limited Multi-Family Residential (MR14), Medium Density Multi-Family Residential (MR18) and Multi-Family Residential (MR29) zones. No changes to limit SFDDs in the higher density zones are proposed at this time.

- Allow duplexes on the same size lots as SFDDs and remove separate, larger minimum lot sizes for duplexes. No changes to the minimum lot sizes or minimum lot widths were proposed with this set of code changes, though they were being considered with the second round of code updates.
- No changes to setbacks, height, or lot coverage were proposed; the existing standards for SFDDs will apply equally to duplexes.
- Revised parking requirement to one per dwelling unit, two per duplex.
- Created opportunities for either two separate or one shared driveway on duplex lots.
- Explicitly permit conversion of an existing nonconforming SFDD to a duplex and development of a duplex on an undersized lot of record.
- Amended Accessory Dwelling Unit (ADU) standards to remove any parking requirements.
- Revise duplex definition and ADU standards to allow either a duplex or a SFDD with an ADU on a single lot, but no more than two total dwelling units.

Ms. Decker said these changes could have modest impacts throughout the city.

Ms. Decker discussed ADU revisions where there would be a series of changes to provide clarity that manufactured dwellings could be used as duplexes and ADUs, consistent with probable interpretation under a mix of current state statutes and Department of Land Conservation and Development direction, and what standards they should meet. Single-family dwellings and duplex dwellings could either be site-built or manufactured homes. One change could allow for more, but not all, duplexes to have more than one driveway.

- Expand access options to allow for one shared driveway or two separate driveways:
 - Allow two driveways on corner lots (local streets).
 - Reduce spacing between driveways from 30 feet to 22 feet.
 - Establish minimum and maximum driveway widths from 10 to 24 feet (one or two car driveways).

There would likely be many duplex designs that do best with one, two-car driveway in the center of the lot, but there could be instances where allowing the option for two driveways added more flexibility. Flag lots allowed for lots to take access either via private easement or creation of a flag lot with a “pole” for the driveway. It was suggested to add standards for the minimum width of the easement to a twenty foot easement and twelve feet paved. The other added requirement was to specify the intended mix of dwelling types, including duplexes, to preliminary subdivision plat requirements in order to provide greater certainty for new subdivisions and support infrastructure planning, without limiting ability to develop any individual lot as a SFDD or duplex.

The proposed amendments went before the Planning Commission on May 3, 2021 and they recommended City Council adopt the proposed amendments. Mr. Cowie noted the Planning Commission held a Public Hearing and no one attended, but the public had a lot of opportunity during the six months to participate.

Councilor Prawitz asked how the current density rules compared to the proposed changes. Mr. Cowie said it would enable the allowance for additional dwelling units at a greater density than seen in the past. The new changes provided options and opportunities for a developer looking

at a bare lot to maximize the density for development. Ms. Decker stated it had the potential to increase density. The state juggled with the issue as well, but the number they determined was up to a 3% increase for buildable land inventory to be used. Councilor Cotterell was concerned about mandated density from the State through the House or Senate Bills and losing local control. Mr. Cowie said that was a valid concern. Developers would ultimately make decisions on what could be built economically. The market is what would drive changes to reflect what people wanted. It was important for the City to be compliant with State law, and he thought they would see a number of housing options in the future, especially more middle housing options.

As no one else wished to speak, Mayor Rich closed the Public Hearing at 8:22 p.m. Councilor Cotterell moved to adopt the Findings of Fact and Order approved by the Planning Commission for File No. LUDR-21-002. The motion was seconded by Councilor Eggers and approved with the following vote: Councilors Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no.

Council agreed to proceed with a first reading of Ordinance No. 3561. Ms. Sowa read Ordinance No. 3561, entitled, "An Ordinance Amending Certain Sections of Title 12 of the Roseburg Municipal Code Regarding Land Use and Development Regulations as Set Forth Herein," for the first time.

PUBLIC HEARING – ORDINANCE NO. 3562 – NE CRESCENT STREET RIGHT-OF-WAY VACATION, FIRST READING

Mayor Rich opened the Public Hearing at 8:24 p.m. regarding the NE Crescent Street Right-of-Way (ROW) vacation. Mr. Cowie stated that when the application was submitted on April 7, 2020, Guy Kennerly was the owner of the property and was leasing it to Ryan Beckley, owner of TerraFirma Foundation Systems. On November 2, 2020, the property was sold to Mr. Jay Mason. Mr. Beckley continued to lease the property from the new owner with plans to purchase it in the near future. Although initially i.e. Engineering submitted the application on behalf of the previous owner Mr. Kennerly, they were now acting on behalf of the new owner, Mr. Mason. However, Mr. Beckley was the driving force behind the proposed ROW vacation. Mr. Beckley planned to utilize the vacant ROW to expand his current TerraFirma business. The plat map was from 1909, and portions of the area were vacated in 1975 and deeded to the city.

Chapter 4.06 (Vacation of a Public Way) of the Roseburg Municipal Code (RMC) contained the requirements necessary for Council to authorize a vacation of the ROW. An application must be accompanied by a map and legal description depicting the public way to be vacated, and notarized written consent from all adjacent property owners who would lose access to their property via the public way, if the vacation were to be approved. Written consent had been provided for each of the three adjacent property owners, including written consent from Mr. Mason. In addition, the applicant had to identify the intended use of the public way proposed to be vacated, including location of future structures. The applicant submitted a preliminary site plan identifying the use of the ROW as an expanded parking lot, area for truck circulation and possible footprint for a portion of a future building. RMC Section 4.06.070, required the applicant to submit an appraisal of the public way proposed to be vacated prepared by an appraiser licensed in the State of Oregon. Cascade Charter Company, LLC, completed an appraisal.

Mr. Cowie said that based upon the studies and examinations made within the appraisal by Cascade Charter Company, they had indicated the “as is” market value of the subject property as of May 21, 2020 to be \$80,000. The value was determined utilizing the “Across the Fence Valuation” method. According to the Dictionary of Real Estate Appraisal, the “across-the-fence” method was a land valuation method often used in the appraisal of corridors. The “across the fence” method was used to develop a value opinion based on comparisons to abutting lands. Given that vacated ROW typically lacked little utility as a standalone parcel, the “across the fence” method was utilized determining value of adjacent properties without regard for size and shape. The premise being that the best indication of value for ROW property was the value of similar adjacent or nearby land. Since the appraisal was completed, the applicant had re-adjusted the proposed amount of ROW requested to be vacated. This adjustment was made to the southern end of the ROW in an effort to not impact an additional property owner. That meant that the appraisal was completed with the understanding that the valuation would be based on 24,269 square feet of vacated ROW. However now, as a result of the adjustment, only 23,630 square feet of ROW was requested to be vacated. Based on the way in which the valuation was determined by the appraiser this decrease in the square footage being proposed will not change the overall valuation of the entirety of the ROW.

Mr. Cowie noted that based on information provided by i.e. Engineering to the appraiser, the southerly portion of the ROW had a slope of greater than 25 percent making it extremely difficult to develop. The area greater than 25 percent slope represented approximately 7,653 square feet of the proposed ROW to be vacated, as originally submitted by the applicant. This area was not assigned a dollar value by the appraiser, as it is assumed because of the slope that it will not be developed. Thus, decreasing the amount of ROW to be vacated on the southern end of the property does not decrease the overall value of the property based on the appraiser’s methodology within the report. The value of the property was determined by the appraiser based upon the usable portion of ROW with a slope less than 25 percent located on the northern half of the public way. Information provided by i.e. Engineering showed the useable area to be 16,616 square feet in size. The appraisal indicated that it was only reasonable to project that a knowledgeable and prudent buyer would only be willing to pay for the useable portion of the proposed vacated ROW, although the entire proposed vacated ROW would have to be purchased. Based upon comparison values of property sales both locally and regionally the appraiser determined a market price of \$4.75 per square foot to be applied to only the useable 16,616 square feet of property within the proposed ROW vacation. The calculation provided by the appraisal was:

16,616 Useable Sq. Ft. @ \$4.75/Sq. Ft.	<u>\$78,926</u>
	Rounded to, <u>\$80,000</u>

Based upon the submitted appraisal and Section 4.06.110, which stated that Council shall determine what amount, if any, should be assessed based on the appraisal presented by the applicant, staff recommended that Council value the entirety of vacated ROW at \$80,000.

RMC Section 4.06.110, also indicates that Council may assess such value to the person(s) who shall benefit from the proposed vacation. Typical ROW vacations, mean that the property on either side of the proposed vacation obtain half of the vacated ROW as outlined in RMC Section 4.06.120. In this situation, the two organizations that stand to benefit directly from the ROW vacation are Terra Firma (TL 3500) and RUSA (TL 4100). The other adjacent property

owner, Express Employment (TL 3700) would not obtain a portion of the vacated ROW due to a previous ROW vacation and re-alignment of the public way completed in 1975. This previous ROW vacation negated Express Employment's legal right to obtain a portion of the new proposed ROW vacation. The Division map conveyed the square footage that each property stood to obtain through the proposed ROW vacation as determined by the Douglas County Assessor - Cartography Department. RUSA (TL 4100) would acquire 8,834 square feet of property. TerraFirma (TL 3500) would acquire 14,796 square feet. Utilizing Douglas County Assessor's records staff had calculated the assessed value associated with each portion of the vacated ROW for both TerraFirma and RUSA, utilized the same method as outlined in the appraisal. Staff had applied the same dollar figure of \$4.75 per square foot and has only valued property under 25 percent slope.

At an overall value of \$4.75 per square foot, the total value of the vacated ROW is \$79,496.00.

TerraFirma;	10,537 Sq. Ft. @ \$4.75/Sq. Ft.	\$50,050.75
RUSA;	6,199 Sq. Ft @ \$4.75/Sq. Ft.	\$29,445.25
	Total	\$79,496.00

Mr. Cowie said Staff recommended that Council assess \$50,050.75 to TerraFirma for the 14,796 square feet of vacated ROW they would obtain as part of the vacation process and \$29,445.25 to RUSA for the 8,834 square feet they would obtain. Since the ROW application was submitted April 7, 2020, Mr. Beckley had obtained Site Review (SR-20-089) authorization to excavate, grade, and shotcrete a significant portion of the property he was currently leasing, including neighboring property he had obtained to the east. As part of the excavation project Mr. Beckley obtained a Public Works permit (Pmt. #40-20) to stock pile the excavation material from the grading job on the ROW proposed to be vacated. As a condition of the permit, if the ROW vacation was not completed Mr. Beckley would be required to remove all stock piled material and restore the ROW to pre-existing conditions.

If Council determines a value should be assessed to the property owners who would benefit from the vacation, then each owner would be sent notification of the assessed value and be required to make payment of the specified amount within 30 days of the public hearing. All assessments must be paid in full before the ordinance finalizing the ROW vacation could be completed. If a property owner did not want the vacated ROW, the neighboring property owner can make the payment in order to initiate the process of them acquiring the unwanted ROW. A subsequent boundary line adjustment will be necessary if this occurs in order to transfer ownership of the vacated ROW from one property owner to the other once payment was made. If a property owner objected to the assessment Council may assign to the ROW, the public hearing could be continued until the next scheduled meeting to allow the affected property owners an opportunity to prepare an argument against the assessment set by Council.

In response to Mayor Rich, Mr. Cowie said there were plans at one time to take the road and go up the hill to a neighborhood. The slopes were too steep so it made sense to entertain a vacation of the property. The reason for not cutting the section near the road in half was because it was platted in 1909. At some point, Express Employment put a building there and vacated a portion in 1975. In response to Councilor Prawitz, Mr. Cowie explained the property would be split in half between TerraFirma and RUSA. Councilor Sipos summarized that TerraFirma wanted to purchase the property to expand their business and could work with

RUSA for their half. Mr. Cowie said that was correct and that they did not have plans to build in the sloped area.

Ryan Beckley, TerraFirma owner, thanked Council for their time and Mr. Cowie and his staff. The process had taken him over six years to get to this point. He had over 200 employees and the location in Roseburg was the hub of shared services. They had been over capacity in the space for three years and all staff were working to serve the entire company in the office. Being able to add and expand would be huge for continued growth. The appraiser from Medford based the amount on commercial values, but he could not find examples where the City charged a property owner for a ROW. The most recent might have been the Hanna Heritage Village property that was next to the freeway. He did not remember them going through an appraisal process, but knew they had a land use attorney to assist with everything. Mr. Beckley requested Council to value the ROW vacation how they see fit, but asked if they could make a motion to value it at zero and let him move forward.

Jim Baird, Roseburg Urban Sanitary Authority (RUSA) said he did take the property information to the Board and they were willing to enter a discussion with TerraFirma for them to declare the property as surplus. He did not see value in the ROW and did not have a connector or utilities there. Alex Palm, i.e. Engineering Principal and Civil Engineer, said TerraFirma planned to use part of the ROW for a road. There was a section that was in excess of a 25% slope, and current city limit standards was set at 15% unless there was 200 feet of road to where it could be 20%. He did not see TerraFirma ever using the space for a road because it was too steep. He had been involved with a few ROW projects, and to date, he had not been involved in one that had an adjacent property owner paying for the ROW. He felt this would set a precedent for the city moving forward.

In response to Mayor Rich, Mr. Cowie said this was a large piece of property, but the Hanna Property was large as well. Those types of vacations did not happen frequently, and there had not been a vacation where there was a fee or value assessed. Mr. Beckley was correct that the Hanna's had an attorney, but they were still required to submit an appraisal. The Hanna property was a public use value and the appraisal was done in a different manner to adjust for a zero value. Ms. Messenger said the difference between properties was that typically for vacations, the city reserved corridors for utilities, but this one was unencumbered. She was unaware of similar properties in the past and if there was a charge. In response to Mayor Rich, Mr. Cowie stated whatever Council determined for value would need paid. If RUSA was not interested in the property, they could let Mr. Beckley purchase it all and work out an agreement for a boundary line adjustment, but the value had to be paid by someone.

Mr. Baird noted he had been looking at this property for the last couple of weeks. If Council vacated the property, each party would get their half. If Mr. Beckley wanted all of it, they would have to deem their portion as surplus, have a public meeting, and enter into an agreement. The public notice was better serviced by TerraFirma owning the property over them. Councilor Cotterell summarized that if Council set a value, Mr. Beckley could pay his portion, RUSA their portion and then the agreement would be between them and out of the city's hands. In response to Councilor Prawitz, Ms. Messenger explained this process was not an all or nothing; the appraisal value could be something in between. Appraisers were independent and hiring another person would not be prudent. Mr. Cowie said the Municipal Code required an appraisal to take before Council to determine if that amount was sufficient or if it needed to be lowered.

Mr. Beckley mentioned the Hanna Property attorney retired and could not be hired to assist him with this property. He did not want to see his project delayed and hoped they could make a decision. Councilor Eggers said they needed to be fair to Mr. Beckley, RUSA, but the process seemed overwhelming. Councilor Moothart asked if they could wait to allow Staff to do more research to ensure they treated this item fairly. Mayor Rich agreed it would be nice to have more information as a comparison. Councilor Sipos suggested deducting the appraisal cost from the final assessment total. Councilor Prawitz said they needed a defensible decision so he agreed to see more research before taking a position on the matter. Mr. Baird remembered a vacation for Casa de Belen where it was similar in size and was valued at a dollar. Councilor Elect Briggs Loosley remembered the Casa de Belen project which took place around sixteen years ago. Ms. Messenger reported that the City kept easements for existing utilities that was not buildable lands. After reviewing the Municipal Code, she confirmed Council had the right to continue the public hearing at the next meeting to prepare an argument set by Council. She was happy to bring back more research because each situation was unique.

Attorney Forrester confirmed they could table the discussion and bring it back to the next meeting. Mr. Cowie said he could look back at the last 4-5 vacation projects to provide to the Council. Councilor Sipos suggested that since the City was not currently paying taxes, she did not see the point of charging a large amount of money for the property. Councilor Zielinski confirmed she was fine to continue the discussion, but wanted to make sure they were not making the process more difficult than it needed to be. Mr. Beckley said he would like direction on what a decision could be. Mr. Palm noted it was a two-part process, first to vacate and second to determine a value. Attorney Forrester discussed the options of a possible motion, to determine if the property was usable or of some use to the City, and if not, the City could vacate the property. In response to Mayor Rich, Ms. Messenger explained the ordinance would be two separate readings and would not be deemed an emergency to have a first and second reading in one meeting. Mr. Cowie added that Mr. Baird had the right to determine if he wanted to pay his portion or not. They needed to have a first reading and give Mr. Baird time to speak to his Board again. Mr. Beckley said the more critical part of the ROW was adjacent to him. It would allow him to progress with egress and work on the design.

In response to Councilor Moothart, Attorney Forrester confirmed the price and first reading needed to happen in one meeting. If the price were to be changed for the second reading, a first reading would be required again. In response to Councilor Cotterell, Mr. Beckley said he was prepared to write a check, but knew it could not move forward without Mr. Baird speaking to his Board. Mr. Baird said he had an attorney reviewing everything and once vacated, they would proceed with their surplus process. Mayor Rich stopped the public hearing at 9:33 p.m. and asked staff to bring back a report to the next meeting for vacation comparisons to continue the public hearing.

PUBLIC HEARING – SALE OF REAL PROPERTY – 1054 NE CEDAR STREET

Mayor Rich called the Public Hearing to order at 9:34 p.m. regarding the sale of real property located at 1054 NE Cedar Street. Ms. Sowa discussed that since the agenda was distributed, new offers had been presented for the property that was registered as derelict by the City in 2018. On January 30, 2020, the City conducted a public auction to foreclose on the property as authorized under RMC 4.04.190. No one from the public bid on this property, so the City chose to purchase the property and it was later deeded to the City on February 3, 2021.

Staff from all City departments confirmed that the property was not needed for public use, and Council declared the property surplus on March 8, 2021. Council directed staff to hire a realtor to market the property and work with staff to determine a fair price. Prior to entering into an agreement with a realtor, staff reached out to several non-profits to see if there was interest in purchasing the property for low-income housing; none were interested in purchasing this property.

The City contracted with John McVeigh, Century 21 realtor, to market this and one other surplus City property. They marketed this parcel for sale at \$75,000. Ten offers were received with three that expired and one rescinded. The remaining six for Council consideration were:

1. \$100,000 from Larry Navilhon for G& N enterprises, LLC – offer expired June 17, 2021 with a closing date no later than June 30, 2021.
2. \$86,100 from William Rossman – offer expired June 17, 2021 with a closing date 14 days after acceptance.
3. \$80,100 from DeAngela Imboden, Shoreline Rental Multiplicand LLC – offer expired on June 16, 2021 with a closing date no later than June 25, 2021.
4. \$80,000 from Pavlo Malovanyi – offer expired June 17, 2021 with a closing date no later than June 30, 2021.
5. \$80,000 from John Erickson – offer expired June 17, 2021 with a closing date no later than June 30, 2021.
6. \$75,000 from Dalia Castillo – offer expired June 15, 2021 with a closing date no later than July 15, 2021.

City funds expended on this property to date equaled \$11,499.42. The real market value as listed on the Douglas County Assessor's page was \$99,178.00; however, due to the condition of the house, the price set by the realtor and Staff was decreased. Selling the property for the price listed in the offer received to date would recoup the costs for the City, including realtor fees and closing costs.

In response to Councilor Eggers, Ms. Sowa said the highest offer was from California and was unaware of their plans for the property. Their proposal gave a cash offer and waived the right for inspection. They were also prepared to go a little higher if another person outbid their offer. Councilor Sipos asked if the City was aware of any of the bidders' plans for the property and which might be the strongest for good finances. Ms. Sowa explained they were all cash offers with one putting down \$5,000.00 earnest money. The realtor felt confident this was a solid offer. In response to Councilor Prawitz, Ms. Sowa confirmed the motion in the agenda memo would need altered to accept the highest bidder due to offers received after the Council packet was posted.

Councilor Cotterell moved to accept the offer of \$100,000 at closing from Larry Navilhon for the property located at 1054 NE Cedar Street. The motion was seconded by Councilor Sipos and approved with the following vote: Councilors Cotterell, Eggers, Moothart, Prawitz, Sipos, and Zielinski voted year. No one voted no.

ORDINANCE NO. 3558 – GRANTING A TELECOMMUNICATIONS FRANCHISE TO SQF, LLC – SECOND READING

Ms. Sowa read Ordinance No. 3558, entitled, “An Ordinance Granting a Telecommunication Franchise to SQF, LLC,” for the second time. Councilor Cotterell moved to adopt Ordinance No. 3558. The motion was seconded by Councilor Zielinski. Roll call vote was taken: Councilors Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no. Mayor Rich declared Ordinance No. 3558 as adopted.

ORDINANCE NO. 3559 – GRANTING A SMALL CELL TELECOMMUNICATION FRANCHISE TO USCOC OF OREGON RSA #5, INC. (U.S. CELLULAR) - SECOND READING

Ms. Sowa read Ordinance No. 3559, entitled, “An Ordinance Granting a Small Cell Telecommunication Franchise to USCOC of Oregon RSA #5, Inc. (U.S. Cellular),” for the second time. Councilor Cotterell moved to adopt Ordinance No. 3559. The motion was seconded by Councilor Prawitz. Roll call vote was taken: Councilors Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no. Mayor Rich declared Ordinance No. 3559 as adopted.

LIVESTOCK PERMIT REVOCATION

On May 24, 2021, Council chose to review the City Manager’s decision regarding the revocation of the livestock permit before making a decision. Following that meeting, staff provided Council with the City Manager’s decision with attachments including Ms. Hicks’ appeal and supporting documentation, for their review. Per Roseburg, RMC 6.04.060(B), Ms. Hicks was allowed to keep her livestock during the appeal process. Mayor Rich read aloud his statement regarding research he conducted on the matter to explain the other side of the story that had not been previously explained. The document was included in the meeting written record.

Councilor Moothart said she understood both sides of the story, but was curious as to why the neighbors changed their mind for the permit. After hearing the Mayor’s research, she now received clarification on the matter of what had taken place. She supported the Police Chief and City Manager’s decision, they followed everything, gave Ms. Hicks time to appeal and the decision needed to stop with a Council decision. Councilor Cotterell moved to affirm the City Manager’s decision regarding revocation of the livestock permit. The motion was seconded by Councilor Sipos and approved with the following vote: Councilors Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no.

ADJOURNMENT

Mayor Rich adjourned the meeting at 10:03 p.m.



Koree Tate
Management Assistant

**MINUTES OF THE SPECIAL MEETING
OF THE CITY COUNCIL
June 21, 2021**



Mayor Rich called the special meeting of the Roseburg City Council to order at 6:02 p.m. on June 21, 2021 electronically via Zoom in Roseburg, Oregon.

ROLL CALL

Present: Councilors Beverly Cole, Bob Cotterell, Alison Eggers, Sheri Moothart, Brian Prawitz, Patrice Sipos and Andrea Zielinski.

Absent: None

Others Present: City Manager Nikki Messenger, Assistant City Manager/City Recorder Amy Sowa, Community Development Director Stuart Cowie, Community Development Associate Planner Richard Hoffman and Management Assistant Koree Tate.

APPEAL OF PLANNING COMMISSION DECISION REGARDING THE APPROVAL OF A SITE PLAN REVIEW FOR WINCO FOODS – FILE NO. SR-21-027

Mayor Rich reviewed the general rules of conduct referenced in the Roseburg Municipal Code. There were two parties to the application, WinCo Foods, and the appellant Sean Malone, an attorney who represented Safe Streets Roseburg. The third group who was qualified for party status during the Planning Commission public hearing was Robert and Susan Smith. Per emailed comment, Robert and Susan Smith, said they had nothing against WinCo, but were concerned about the traffic in the area, and about the added congestion on Stewart Parkway that could impact response times for emergency vehicles to access Mercy Medical Center. The Smith's asked Council to not rush an approval and take time to seek more information to the concerns discussed.

Mayor Rich said that although additional emails had been received by Staff regarding this issue prior to the Council meeting, they were not considered parties to the application and were therefore not included or read aloud. Party status was determined during the Planning Commission's public hearing. Notice of the meeting for Council to review the Planning Commission's decision as required by City code was only sent to established parties as legally required. On April 5, 2021 with all parties present in agreement, the Planning Commission closed the public hearing and voted to leave the record open, with WinCo submitting final written arguments on April 22, 2021. Except upon election of the City Council to take new evidence and accept additional parties, additional emails submitted to the City after April 22, 2021 were not included as part of Council's review.

In response to Mayor Rich, no City Councilors had ex parte contact or a conflict of interest in this matter. Mayor Rich opened the hearing at 6:09 p.m. Mr. Cowie reported that Council received a binder and staff report prior to the meeting. The application was for 2757 NW Stewart Parkway, the former Kmart site. He provided a visual of the area to show zoning designation including Public Reserve areas. Their plan was to not use the structure, but to demolish and construct a slightly smaller building. The Big 5 store would remain in the same location without any changes. As the Mayor mentioned, with all parties present in agreement, the Planning Commission closed the public hearing and voted to leave the record open, subject

to the aforementioned provisions. Therefore, following the April 5th hearing the record was left open as follows:

1. First Seven Days (April 6th – April 12th) – This time frame was for new evidence.
 - a. The City received two written submittals during this timeframe. One from WinCo Foods and one from Safe Streets Roseburg.
2. Second Seven Days (April 13th – April 19th) – This time frame was limited to rebuttal to existing evidence in the record.
 - a. The City received two written submittals during this timeframe. One from WinCo Foods and one from Safe Streets Roseburg.
3. Applicant's final written argument (April 20th – April 22nd) This time frame was limited to the applicant's final written argument.
 - a. The City received final written arguments from WinCo Foods on April 22, 2021.

The Planning Commission had a deliberation and motion on May 3, 2021. Approval and adoption of Findings of Fact and Order was May 17, 2021. Safe Streets Roseburg, represented by Sean Malone, Attorney at Law filed an appeal letter, dated June 1, 2021, which raised issues that reflected the concerns raised by Safe Streets Roseburg, as they were contained within the record. The issues consisted of two main areas of concern:

- The appellant contested that the applicant had failed to design a parking lot that provided safe pedestrian access throughout the site.
- The appellant contested that the traffic impact study (TIS) submitted by the applicant was deficient and that it should include additional items within the scope of the study and should recommend additional physical construction improvements to Stewart Parkway.

Mr. Cowie discussed parking lot changes that would allow more room for customers to get in and out. There were pedestrian walkways added for safety and changes were done to meet City requirements. A concern discussed was the Traffic Impact Study (TIS) and improvements made to Stewart Parkway to connect the parking lot. WinCo planned a no right turn on red sign to help with clear vision issues and moved an access point on the east side of property to create greater separation with a right in and out only to control the access with a median. There was concern for the intersection of Stewart Parkway and Edenbower Boulevard. The applicant said they would provide the City with a signal timing operation model for the project if ODOT determined it was necessary. Signal modification would help with traffic flow in the area, and would be more cost effective verses physical improvements. Mr. Cowie said staff's recommendation was for Council affirm the Planning Commission's decision and adopt the Findings of Fact and Oder.

Councilor Eggers thanked everyone involved in the process. It was a large packet and a lot of information to review. She wanted to know how many attended the public hearing. Mr. Cowie said they had the applicant, and two appellants. Comments received from Robert and Susan Smith established them as a party. Councilor Eggers expressed concern about traffic, but was worried about the Big 5 store keeping their footprint. Mr Cowie confirmed Big 5 owned their portion of the property and had not proposed any changes. In response to Councilor Prawitz,

Mr. Cowie explained that throughout the process, there were no major changes to the application. It was mostly the applicant addressing concerns presented by Safe Streets Roseburg. Other comments submitted were about the location, which was a valid concern, but it was not germane to the criteria. People had the right to put a grocery store near another one. Parking lot changes that were mentioned took place prior to concerns from the public.

Councilor Moothart wanted to know if there would be any plans to cut off the path through the parking lot that led to the Sherms access. Mr. Cowie said nothing would occur on their property, and ODOT would need to review the intersection at Edenbower Boulevard to best determine if traffic signal modification would be needed. WinCo had planned to go above and beyond requirements to make sure the parking lot was wider and safe for customers and pedestrians. In response to Councilor Sipos, Mr. Cowie stated that the safety requirements proposed in the parking lot by WinCo were the same or enhanced from other newer grocery store developments in Roseburg. Mayor Rich wanted to know how many parking spaces Kmart had compared to the 342 spaces shown for WinCo. Mr. Hoffman did not have that number, but thought WinCo would be providing more spaces since they were utilizing the back area near Newton Creek that was not previously identified for parking.

Mayor Rich questioned how Robert and Susan Smith received party status. Mr. Cowie explained that at the time the Planning Commission occurred, the Chair determined who had party status. It could be those that were within a certain distance or those that said they were specifically aggrieved or affected by the application. That was the case for them and the Planning Commission granted them to be a party with the location noted as a concern. Mr. Hoffman explained to the Mayor that regarding the purpose of the walkway that followed the road to Sherms, it was identified as a redevelopment opportunity. If Sherms wanted to tie into the improvements and path, they could do so in the future. The path was a separate concrete walk that would be obvious to drivers. Councilor Prawitz wanted to know how the Stewart Parkway/Edenbower intersection was performing and what criteria was pertinent to the intersection for the application. Mr. Cowie noted that the Council recently amended the mobility standards. Since amending the Municipal Code to change the level of service and volume/capacity (v/c) ratio, it would now stay within and under the numbers. Ms. Messenger said the change in mobility standards came from the Transportation System Plan some time ago. Mr. Hoffman noted WinCo had submitted their application prior to the mobility standard changes. They had shown that the day of opening would likely exceed the intersection, but they offered the timing modifications to assist with the level of service to lessen the wait time at the traffic light.

Kelly Hossanini, Miller Nash Attorney located at 111 SW 5th Avenue, Suite 3400 in Portland, said they were excited to come to Roseburg. Repurposing the former Kmart building was a great place with the surrounding area already a commercial zone. Prior to submitting the site plan, WinCo met with Staff to make sure they understood all requirements before submitting an application. They worked together to design a safe parking lot and came up with the scope for the TIS. The TIS recommended changes to the parking lot, and they incorporated those items in the approved site plan. The Planning Commission was complete and thorough. Councilor Cotterell suggested that there was an infinite number of shoppers in the area and did not see a dramatic traffic increase after the initial surge, and wanted to know how much traffic by volume they anticipated. Brandon Johnson, SGJ Alliance, agreed there was a finite number of grocery shoppers. The traffic numbers went by new trips and did not account for

the other stores that would take trips away from them. In response to Mayor Rich, Ms. Hossanini said the number of spaces was not in the record from the former Kmart parking lot. The parking spaces proposed were to commensurate the size of the store. Whatever Kmart had, it was most likely based on the size of the store, but the Municipal Code now stated the number of parking spaces required based on square footage. Mr. Cowie added that they satisfied code criteria and met the number of required parking spaces. Mr. Johnson said they did follow the background traffic from the day of the application to keep an eye on the numbers. Ms. Hossanini mentioned it was also helpful that WinCo would be a little smaller than the Kmart footprint.

Sean Malone, Safe Streets Roseburg Attorney at 259 E 5th Avenue in Eugene, said he was there to cover two issues related to internal walkways. Kmart ceased operations in 2017, and pedestrians, bicyclists and motorists would see an increase in traffic with a new store. Safe Streets Roseburg worried about traffic impacts with and the Council had the ability to interpret their code regarding safety. He referenced the Roseburg Municipal Code regarding safety. There were islands of parking, and the extent of the pathway was too small to be safe and convenient. The property owner was to provide crosswalks and accessibility throughout the site. There were islands of parking stalls not accessible by walkways or paths, and it was pretty clear they were not accessible by crosswalks. The other half of the issue was safety. He did not think the plan was sufficient to provide safety for pedestrians and they needed to make that a priority.

Councilor Cotterell stated that when the Sherms parking lot was built it did not have what WinCo had proposed. He had not heard about accidents from a lack of walkways and adequate space. Mr. Malone said he could not predict what would happen, but suggested Council prioritize safety. The walkway going west to the entrance was a good idea and a safe way to walk through the parking lot. He wanted to know why they were not seeing that type of separated walkway elsewhere in the design. Councilor Cotterell questioned who was part of the Safe Streets Roseburg group. If people were objecting to WinCo coming to Roseburg then he wanted to know who they were and if they lived in Roseburg. Mr. Malone said he did not have to provide that information. Attorney Forrester interjected that Council was limited to the record and the Planning Commission already approved them with party status so they needed to focus on the record only. Councilor Moothart pointed out that the Sherms side had crowding with other businesses in their lot and did not see how the elimination by WinCo to funnel traffic to a light could be a problem for safety. Traffic would no longer be able to drive fast through the proposed WinCo side. Mr. Malone said he was focusing on the walkway to stalls. There may be improvements that were a good idea, but there were opportunities to increase safety. Councilor Moothart said it came down to common sense.

In response to Mayor Rich, Mr. Malone said each island needed to have access to a safe walkway. There needed to be more than one walking path and it came down to safety throughout. Mr. Malone said two walkways did not seem like enough throughout. Councilor Cotterell questioned on how he arrived to the conclusion that there would be more traffic when on the surface there was a finite number of shoppers who would make a grocery trip. Initially there would be more, but it would settle down. Mr. Malone said the applicant was hoping more people would shop at the store, but he could not determine who or the amount of people that would shop there. The proposal assumed there would be shoppers going to the store. He questioned if it was safe, and if they were providing walkways throughout.

Councilor Sipos noted other parking areas in the city were deemed safe, so she did not see the need to keep adding other levels of safety if WinCo already planned to exceed what was required. It felt like things were just being added to muddy the waters. Mr. Malone said that unless the plans were challenged, they were not going to obtain the things needed. Business as usual did not mean it was correct. Councilor Sipos said it felt like Council was being told they were not doing their due diligence. Attorney Forrester reminded Council they were limited to what was on the record, and questions needed to be kept to what was on the record. He understood questions would come up, but they needed to stick to the record. Councilor Zielinski asked if Mr. Malone could articulate and clarify why he felt there were not enough walkways throughout. Mr. Malone said throughout meant access to everything on site. Throughout would imply there should not be islands of parking stalls with no separation or crosswalk identified. Throughout was not in the City Code, but it meant in every part of a place or object according to the dictionary.

Councilor Cole noted that by the applicant enlarging the parking spaces, it greatly increased safety for pedestrians in the parking lot and thought that should somehow fulfill the issue of addressing the safety concerns. Mr. Malone said his focus was on the internal crossways and crosswalks. Mayor Rich said he had never heard of Safe Streets Roseburg and asked if they were a newly formed group. Mr. Malone said they were formed in the last year and a half and came together for this project. He did not know if they would be involved in other projects because he was hired to represent this specific one.

Ms. Hossanini said the engineer for the project, Dan Zimmerman, was available to talk about the parking lot. He had been designing parking lots for fifteen years for these type of stores. WinCo wanted safety first as well, and went above and beyond what was required in the code. They refined the site plan to ensure that this was going to be a safe location. One thing important to remember was that Mr. Malone focused on the word throughout. They made sure they had a safe parking lot and pedestrian access down to the long sidewalk to the west of the parking lot along the main driveway so pedestrians could get to where they need to go. The city had never interpreted they had to require every island of parking stalls to have their own dedicated sidewalk or crosswalk. This was a grocery store and many shoppers would go to the trunk at the back of their car to unload their groceries. If there were sidewalks a person would have to go between parked cars to get to the back of the vehicle. Mr. Zimmerman added that if walkways were put in every aisle, shoppers would not be able to get a cart off the curb without risk of damaging cars, or they would need wheel stops to avoid damage. They worked hard with City Staff and wanted to be a good neighbor and part of the community, and provide safe access to and from the store. In response to Councilor Moothart, Mr. Zimmerman confirmed there would be a 10-foot sidewalk path at the front of the store, but some areas would be wider.

Mr. Malone said he had two issues and was looking at the code for Roseburg where throughout was not defined. In response to Mayor Rich, Mr. Malone said every place in his opinion needed to have more than two crosswalks. Councilor Prawitz wanted to know if the Planning Commission heard the original set of concerns and if they were addressed in the best way possible. Mr. Malone said he had no qualms about how they were treated by the Planning Commission. His issue was with them not interpreting the word throughout. They focused more on the tangible issue and in the written record the questions were still there.

Ms. Hossanini thanked everyone for reviewing the record. There was a lot of detail that was presented. She appreciated the issues Safe Streets Roseburg presented which was why they spent so much of their time to address those concerns. The Planning Commission believed they too addressed everything and they met the criteria. She asked Council to deny the appeal.

As no one else wished to speak, Mayor Rich closed the hearing at 7:50 p.m. Councilor Cotterell moved to affirm the Planning Commission's decision and adopt the findings of fact and order approved by the Planning Commission for File No. SR-21-027. The motion was seconded by Councilor Sipos. In response to Councilor Eggers, Mr. Cowie confirmed it was a unanimous vote by the Planning Commission. Councilor Eggers said it was nice to see a derelict building be used for something. They were going to improve the lot, have safety features, and in the beginning a lot of people, but said it would level off. Councilor Cotterell was supportive of the request. He knew WinCo would hire people in the area and competition was good for citizens, and was impressed with WinCo dealing with Safe Streets Roseburg. Councilor Prawitz supported more jobs and said it came down to throughout and safety. They had engineers looking at all issues, they were treated fairly and the Planning Commission listened to everything through three meetings. The process was fascinating and he felt good about the project. Councilor Moothart understood the definition from the dictionary that Mr. Malone referenced. It looked like there would be access in the entire front of the store and they were providing a sidewalk to Sherms. People complained about the former Kmart building for years and now something was going to be there that would provide jobs. The County would benefit from the project, and it would be a nice addition to Roseburg.

Councilor Cole complimented the Planning Commission and staff for the outstanding job of presenting the information to them and preparing the meeting. She supported the project, and although many had argued about the location, she knew it was a benefit to renew that area. Councilor Zielinski said WinCo did a good job listening to concerns brought before them, and the Planning Commission did a good job looking at both sides. The design was thoughtful regarding safety and she appreciated the walkway connecting to other things in the area. Councilor Sipos said the whole design was very good and thanked WinCo for all their work. Mayor Rich said he believed WinCo had designed a parking lot that met the standards. He understood that Safe Streets Roseburg wanted to see more, but realistically a person typically did not walk straight down a path, but rather would take the shortest distance. They met requirements and WinCo had the right to go where they wanted. The motion was approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no.

Mayor Rich thanked representatives for WinCo Foods and Safe Streets Roseburg for their time.

ADJOURNMENT

Mayor Rich adjourned the meeting at 8:00 p.m.



Koree Tate
Management Assistant

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



OLCC LIMITED ON-PREMISES LICENSE FOR TENGU SUSHI & SEAFOOD BUFFET, LLC LOCATED AT 1350 NE STEPHENS STREET, SUITE 1 IN ROSEBURG, OREGON

Meeting Date: June 28, 2021
Department: Administration
www.cityofroseburg.org

Agenda Section: Consent Agenda
Staff Contact: Koree Tate, Management Assistant
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Roseburg Municipal Code Chapter 9.12 requires staff review of all applications submitted to the Oregon Liquor Control Commission for a license to sell alcoholic beverages within the City. Upon completion of staff review, the City Recorder is required to submit the application and a recommendation concerning endorsement to the Council for its consideration. Changes to existing licenses must be processed in the same manner.

BACKGROUND

OLCC has received an application from Lihua Li, owner for Tengu Sushi & Seafood Buffet, LLC, located at 1350 NE Stephens Street, Suite 1 for a limited "On-Premises" license. This location was previously the China Buffet under different ownership.

- A. Council Action History.** Chapter 9.12 requires Council to make a recommendation to OLCC on the approval or denial of all liquor license applications submitted by any establishment located inside City limits.
- B. Analysis.** The Police Department previously conducted a background investigation on the applicant and found no reason to deny the application.
- C. Financial and/or Resource Considerations.** The applicant has paid the appropriate fee for City review of the application.
- D. Timing Issues.** The applicant is requesting endorsement from the Council for immediate submittal to OLCC.

COUNCIL OPTIONS

Council may recommend OLCC approval of the application as submitted or recommend denial based on OLCC criteria.

STAFF RECOMMENDATION

Staff recommends Council approval of the application as submitted.

SUGGESTED MOTION

"I MOVE TO RECOMMEND APPROVAL OF THE LIMITED ON-PREMISES LICENSE APPLICATION FOR TENGU SUSHI & SEAFOOD BUFFET, LLC LOCATED AT 1350 NE STEPHENS STREET, SUITE 1 IN ROSEBURG, OREGON."

ATTACHMENTS

Attachment #1 - Subject Application

cc: License Applicant w/copy of agenda
Jonathan Crowl and Amanda Cooper, OLCC Representatives
OLCC License File



LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY	
<input type="checkbox"/> Brewery 1st Location	Date application received and/or date stamp: <u>6/11/2021</u> Name of City or County: <u>City of Roseburg</u> Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied By: _____ Date: _____	
<input type="checkbox"/> Brewery 2nd Location		
<input type="checkbox"/> Brewery 3rd Location		
<input type="checkbox"/> Brewery-Public House 1st Location		
<input type="checkbox"/> Brewery-Public House 2nd Location		
<input type="checkbox"/> Brewery-Public House 3rd Location		
<input type="checkbox"/> Distillery		
<input type="checkbox"/> Full On-Premises, Commercial		
<input type="checkbox"/> Full On-Premises, Caterer		
<input type="checkbox"/> Full On-Premises, Passenger Carrier		
<input type="checkbox"/> Full On-Premises, Other Public Location		
<input type="checkbox"/> Full On-Premises, For Profit Private Club		
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club		
<input type="checkbox"/> Grower Sales Privilege 1st Location		
<input type="checkbox"/> Grower Sales Privilege 2nd Location		
<input type="checkbox"/> Grower Sales Privilege 3rd Location		
<input checked="" type="checkbox"/> Limited On-Premises		OLCC USE ONLY Date application received: _____ By: _____ License Action(s):
<input type="checkbox"/> Off-Premises		
<input type="checkbox"/> Off-Premises with Fuel Pumps		
<input type="checkbox"/> Warehouse		
<input type="checkbox"/> Wholesale Malt Beverage & Wine		
<input type="checkbox"/> Winery 1st Location		
<input type="checkbox"/> Winery 2nd Location		
<input type="checkbox"/> Winery 3rd Location		
<input type="checkbox"/> Winery 4th Location		
<input type="checkbox"/> Winery 5th Location		

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

Tengu Sushi & Seafood Buffet LLC
 (Applicant #1) _____ (Applicant #2)
 _____ (Applicant #3) _____ (Applicant #4)

3. Trade Name of the Business (Name Customers Will See) <u>Tengu Sushi & Seafood Buffet</u>		
4. Business Address (Number and Street Address of the Location that will have the liquor license) <u>1350 NE Stephens St. Ste 1, Roseburg</u>		
City <u>Roseburg</u>	County <u>Douglas</u>	Zip Code <u>97470</u>



Please Print or Type

Applicant Name: Tenju Sushi & Seafood Buffet LLC Phone: 541-945-9888

Trade Name (dba): Tenju Sushi & Seafood Buffet

Business Location Address: 1350 NE Stephens St. Ste 1

City: Roseburg ZIP Code: 97470

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>11:00 AM</u>	to	<u>9:00 PM</u>
Monday	<u>11:00 AM</u>	to	<u>9:00 PM</u>
Tuesday	<u>11:00</u>	to	<u>9:00</u>
Wednesday	<u>11:00</u>	to	<u>9:00</u>
Thursday	<u>11:00</u>	to	<u>9:00</u>
Friday	<u>11:00</u>	to	<u>9:00</u>
Saturday	<u>11:00</u>	to	<u>9:00</u>

Outdoor Area Hours:

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

The outdoor area is used for:

- Food service Hours: _____ to _____
- Alcohol service Hours: _____ to _____
- Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

_____ (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

SEATING COUNT

Restaurant: 112 Outdoor: _____

Lounge: _____ Other (explain): _____

Banquet: _____ Total Seating: 112

OLCC USE ONLY

Investigator Verified Seating: ___(Y) ___(N)

Investigator Initials _____

Date _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Lihua Li Date: 6/8/2021

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



SUPPLEMENTAL BUDGET AND APPROPRIATION REVISIONS FOR THE GENERAL, LIBRARY SPECIAL REVENUE, HOTEL/MOTEL TAX, STREET LIGHT/SIDEWALK AND THE ECONOMIC DEVELOPMENT FUNDS, FISCAL YEAR 2020-21 RESOLUTION NO. 2021-15

Meeting Date: June 28, 2021
Department: Finance
www.cityofroseburg.org

Agenda Section: Public Hearing
Staff Contact: Ron Harker, Finance Director
Contact Telephone Number: 541-492-6710

ISSUE STATEMENT AND SUMMARY

Two issues affect five funds (Library Special Revenue Fund, Hotel/Motel Tax Fund, Street Light/Sidewalk Fund, Economic Development Fund and the General Fund) which need to be addressed in order to comply with Oregon Budget Law.

The first issue is the recent award of a \$65,300 Oregon Community Foundation grant to support the Library's Summer Reading Program. Grant revenues need to be allocated to the Library Special Revenue Fund and to the General Fund to cover increased personnel, materials and services and capital outlay costs. Since appropriations in the Library Special Revenue Fund will increase by more than 10%, a supplemental budget needs to be adopted after a public hearing is held.

The second issue pertains to projections of transient lodging taxes coming in above budget at year-end and the need to increase transfers to the Street Light/Sidewalk and the Economic Development Funds in order to comply with the Roseburg Municipal Code (RMC). Recognition of the unanticipated increase to tax revenues requires a supplemental budget be adopted; however, since appropriations will not increase by more than 10%, a public hearing on this issue is not required.

While the first issue requires a public hearing and the second issue does not, for simplicity and efficiency, both issues are combined into one Council action.

BACKGROUND

A. Council Action History.

None.

B. Analysis.

An appropriation is an authorization granted by the governing body to make expenditures and to incur obligations for specific purposes. It is limited to one fiscal year [ORS 294.311(3)]. Appropriations are a legal limitation on the amount of expenditures that can be made during the fiscal year and on the purposes for which expenditures can be made [ORS 294.456(6)]. After the beginning of the fiscal year, when a local government is operating with the adopted budget, changes in appropriated expenditures sometimes become necessary. Appropriations may be increased or decreased, transferred from one appropriation category to another, or new appropriation categories created.

The method used to amend the budget is determined by the budgetary change needed. If the change involves new appropriations and increased revenues, a new fund, or a new appropriation category or the use of reserved for future expenditure funds, a supplemental budget is usually required. If the change is a transfer of appropriation authority (and the corresponding resources) from one fund to another, or within the same fund, then a resolution transfer is allowed.

Oregon Community Foundation Grant Award (Supplemental Budget action requiring Public Hearing)

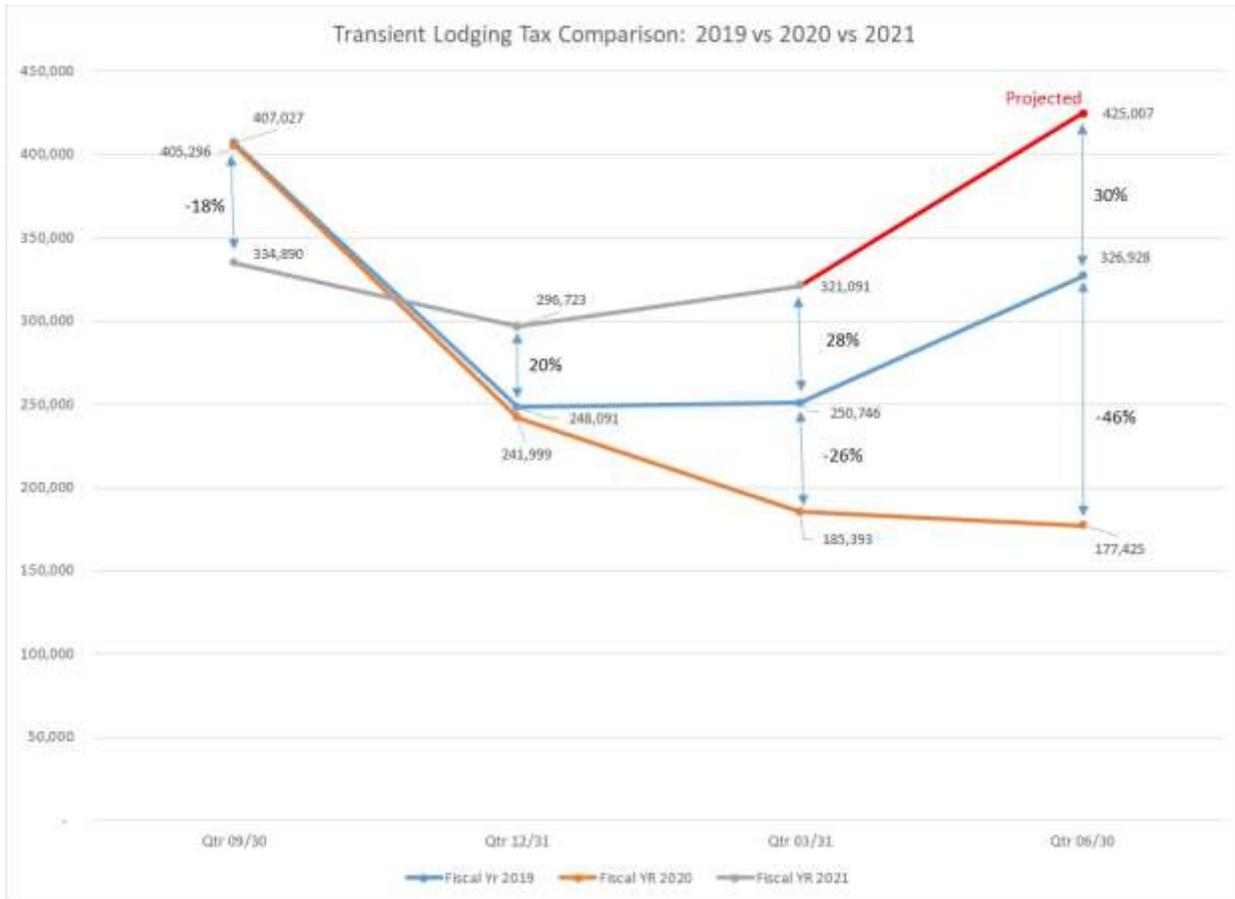
On June 9, 2021, the Oregon Community Foundation awarded the City a \$65,300 grant to fund the Library's Summer Reading Program. The grant provides funding to purchase a minivan which will be wrapped in a graphic promoting the Library program, three part-time summer reading program staff, and swag, craft supplies, prizes and other materials. The minivan will be used to facilitate the program's outreach efforts to engage K-12 grade youth throughout the area.

Capital outlay and materials and services appropriations totaling \$55,500 will be assigned to the Library Special Revenue Fund. Personnel appropriations totaling \$9,800 will be assigned to the General Fund's Library Department. Revenues in both funds will be increased by a corresponding amount.

Increased Transient Lodging Taxes Projections (Supplemental Budget action not requiring Public Hearing)

RMC 9.16.170 requires that ". . . tax revenues received by the City, after deducting the City's cost of administration and enforcement of the tax, shall be used as follows: 57.25 percent for tourist promotion; 32.89 percent for street lights, signals and sidewalks; and 9.86 percent for economic development."

After a slow start to the 2020-2021 fiscal year's Transient Lodging Tax (TLT) collections, the last two quarters of collections have exceeded pre-pandemic receipts. The first quarter was -18% of pre-pandemic levels while the second and third quarters' collections were 20% and 28% greater than pre-pandemic levels. Based upon the last two quarters, it is reasonable to anticipate that the fourth quarter TLT receipts will be significantly greater than pre-pandemic levels once again. For budgetary purposes in ensuring that the City can comply with the required transfer requirements of RMC 9.16.170, the projected TLT revenues for the fourth quarter is being placed at 30% greater than pre-pandemic levels.



Due to the required distribution provisions of RMC 9.16.170, it is necessary to recognize the projected increase in TLT revenues so that the appropriated transfers out to the Street Light/Sidewalk and the Economic Development Funds can be increased sufficiently. It is proposed to increase tax revenues to \$1,377,800 and transfers-out to \$657,455. Additionally, transfers-in and contingency in the Street Light/Sidewalk fund and reserve for future expenditure in the Economic Development fund needs to be increased to match the transfers-out of the Hotel/Motel Tax fund.

In order to accommodate these changes, the following adjustments are proposed:

General Fund (100)

Resources

Grants \$ 9,800

Expenditures (Library Department)

Personnel \$ 9,800

(Equal changes in resources and expenditures maintain a balanced budget)

Library Special Revenue Fund (270)

Resources

Grants \$ 55,500

Expenditures	
Materials and Services.....	\$ 13,000
Capital Outlay	\$ 42,500
Total:	\$ 55,500
(Equal changes in resources and expenditures maintain a balanced budget)	

Hotel/Motel Tax Fund (240)

Resources	
Taxes	\$ 137,800
Expenditures	
Transfers-out	\$ 137,800
(Equal changes in resources and expenditures maintain a balanced budget)	

Street Light/Sidewalk Fund (290)

Resources	
Transfer from Hotel/Motel Tax Fund	\$ 106,106
Expenditures	
Contingency	\$ 106,106
(Equal changes in resources and expenditures maintain a balanced budget)	

Economic Development Fund (230)

Resources	
Transfer from Hotel/Motel Tax Fund	\$ 31,694
Expenditures	
Reserve for Future Expenditure	\$ 31,694
(Equal changes in resources and expenditures maintain a balanced budget)	

C. Financial/Resource Considerations.

Since the increases in appropriations are accommodated by an equal increase in revenues from grants and taxes, there are no negative impacts to the City's financial condition.

D. Timing Considerations.

Oregon Budget Law requires that appropriation authority be granted prior to the use of appropriation authority and that all budget adjustments must be made prior to June 30, 2021, to address the two issues detailed above.

COUNCIL OPTIONS

- 1) Adopt the attached resolution as written; or
- 2) Adopt the attached resolution with modifications to the fund and/or accounts;
or
- 3) Not adopt the attached resolution.

STAFF RECOMMENDATION

Given the need to comply with Oregon Budget Law, it is staff's recommendation to adopt the attached resolution as written.

SUGGESTED MOTION

"I move to adopt Resolution No. 2021-15 authorizing supplemental budget and appropriation revisions for fiscal year 2020-21."

ATTACHMENTS:

Attachment #1 – Resolution No. 2021-15 entitled "A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET AND BUDGET APPROPRIATION REVISIONS FOR FISCAL YEAR 2020-21"

RESOLUTION NO. 2021 – 15

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET AND BUDGET
APPROPRIATION REVISIONS FOR FISCAL YEAR 2020-21**

WHEREAS, the City of Roseburg, Oregon adopted a budget and appropriated funds for fiscal year 2020-21 by Resolution 2020-11; and

WHEREAS, on June 9, 2021, the Oregon Community Foundation awarded the City a \$65,300 grant to fund the Library's Summer Reading Program. The grant provides funding to purchase a minivan which will be wrapped in a graphic promoting the Library program, three part-time summer reading program staff, and swag, craft supplies, prizes and other materials. The minivan will be used to facilitate the program's outreach efforts to engage K-12 grade youth throughout the area; and

WHEREAS, RMC 9.16.170 requires that “. . . tax revenues received by the City, after deducting the City's cost of administration and enforcement of the tax, shall be used as follows: 57.25 percent for tourist promotion; 32.89 percent for street lights, signals and sidewalks; and 9.86 percent for economic development.”; and

WHEREAS, after a slow start to the 2020-2021 fiscal year's Transient Lodging Tax (TLT) collections, the last two quarters of collections have exceeded pre-pandemic receipts. The first quarter was -18% of pre-pandemic levels while the second and third quarters' collections were 20% and 28% greater than pre-pandemic levels. Based upon the last two quarters, fourth quarter projected TLT receipts will be significantly greater than pre-pandemic levels once again. For budgetary purposes in ensuring that the City can comply with the required transfer requirements of RMC 9.16.170, TLT revenues for the fourth quarter are projected to be 30% greater than pre-pandemic levels; and

WHEREAS, due to the required distribution provisions of RMC 9.16.170, it is necessary to recognize the projected increase in TLT revenues so that the appropriated transfers out to the Street Light/Sidewalk and the Economic Development Funds can be increased sufficiently. Additionally, transfers-in and contingency in the Street Light/Sidewalk fund and reserve for future expenditure in the Economic Development fund needs to be increased to match the transfers-out of the Hotel/Motel Tax fund; and

WHEREAS, ORS 294.471 provides a city may amend the current year adopted budget through the supplemental process when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning; and

WHEREAS, publication requirements have been met as outlined by ORS 294.473 for a supplemental budget; and

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

Section 1 Resources and appropriations in the Fiscal Year 2020-21 budget shall be adjusted as follows:

	<u>Current</u>	<u>Amount</u>	<u>Amended</u>
General Fund (100)			
Resources			
Beginning Fund Balance	7,901,427	-	7,901,427
Interfund Transfers	10,000	-	10,000
Other Revenues	<u>26,240,367</u>	<u>9,800</u>	<u>26,250,167</u>
Total Resources:	34,151,794	9,800	34,161,594
Appropriations			
Library Department	484,585	9,800	494,385
Other Departments	27,548,081		27,548,081
Ending Fund Balance	<u>6,119,128</u>	-	<u>6,119,128</u>
Total Appropriations:	34,151,794	9,800	34,161,594

(To recognize and appropriate Library personnel expense portion of OCF Summer Reading Grant Award.)

Library Special Revenue Fund (270)			
Resources			
Beginning Fund Balance	101,581	-	101,581
Intergovernmental Revenue	158,200	55,500	213,700
Other Revenues	<u>48,000</u>	<u>-</u>	<u>48,000</u>
Total Resources:	307,781	55,500	363,281
Appropriations			
Materials And Services	216,150	13,000	229,150
Capital Outlay	10,000	42,500	52,500
Other & Reserved for Future Expend.	<u>81,631</u>		<u>81,631</u>
Total Appropriations:	307,781	55,500	363,281

(To recognize and appropriate materials and services and capital outlay portions of OCF Summer Reading Grant award.)

PUBLIC HEARING A
ATTACHMENT #1

Hotel/Motel Tax Fund (240)

Resources			
Beginning Fund Balance	621,018	-	621,018
Taxes	1,240,000	137,800	1,377,800
Interest	12,000	-	12,000
Total Resources:	1,873,018	137,800	2,010,818
Appropriations			
Materials & Services	734,432	-	734,432
Transfers	519,655	137,800	657,455
Reserve for Future Expenditure	618,931	-	618,931
Total Appropriations:	1,873,018	137,800	2,010,818

(To recognize projected increase in Transient Lodging Tax Revenues for Fiscal Year 2021 and increasing transfers to other funds required by Roseburg Municipal Code.)

Economic Development Fund (230)

Resources			
Beginning Fund Balance	201,569	-	201,569
Transfers In	119,855	31,694	151,549
Other Revenues	108,000	-	108,000
Total Resources:	429,424	31,694	461,118
Appropriations			
Materials & Services	201,363	-	201,363
Capital Outlay	130,000	-	130,000
Reserve for Future Expenditure	98,061	31,694	129,755
Total Appropriations:	429,424	31,694	461,118

(To recognize projected increase in Transfers-In of TLT revenues from the Hotel/Motel Tax Fund)

Street Light/Sidewalk Fund (290)

Resources			
Beginning Fund Balance	413,403	-	413,403
Transfers In	399,800	106,106	505,906
Other Revenues	6,000	-	6,000
Total Resources:	819,203	106,106	925,309
Appropriations			
Materials & Services	84,335	-	84,335
Capital Outlay	475,000	-	475,000
Contingency	259,868	106,106	365,974
Total Appropriations:	819,203	106,106	925,309

PUBLIC HEARING A
ATTACHMENT #1

(To recognize projected increase in Transfers-In of TLT revenues from the Hotel/Motel Tax Fund)

Section 2 The Finance Director is to make the proper adjustments to the budget.

Section 3 This resolution shall become effective immediately upon adoption by the Roseburg City Council on June 28, 2021.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE 28TH DAY OF JUNE, 2021.**

Amy L. Sowa, Assistant City Manager/ Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



NE CRESCENT STREET RIGHT-OF-WAY VACATION ORDINANCE 3562

Meeting Date: June 28, 2021
Department: Community Development

Agenda Section: Public Hearing
Staff Contact: Stuart Cowie, Director
John Lazur, Associate Planner

www.cityofroseburg.org

Contact Telephone Number: 541-492-6750

ISSUE STATEMENT AND SUMMARY

This memo serves to provide information concerning seven previous right-of-way (ROW) vacation approvals authorized by City Council. It was determined that over the course of the last 14 years, 14 ROW vacations have been approved. Many of the ROW's vacated were minor in nature, with only a small portion or sliver of ROW being vacated and as such no appraisal or value was determined. The six examples provided in this memo identify larger portions of ROW that were vacated, similar to what Mr. Beckley is proposing.

BACKGROUND

A. Council Action History.

Council met on June 14, 2021 concerning the proposed partial ROW vacation of NE Crescent St. During the meeting Council directed staff to provide them with information concerning previous ROW vacation approvals.

B. Analysis.

Based on records contained within the Administration office, staff was able to determine that within the last 14 years, 14 ROW vacation applications have been approved by Council. Eight of these vacations would be considered minor ROW vacations, in which only a small fragment of ROW was vacated as a result of an encroachment or similar type of situation. In these cases, an appraisal was not required and therefore no value was assigned to the ROW being vacated.

The other six ROW vacations were larger in size, and significant enough, in most situations, to require an appraisal. These are listed below, in no particular order. The first item on the list is Mr. Beckley's request to vacate NE Crescent St. This request is listed first, in order to assist in comparing to previous vacation approvals.

1. Beckley; NE Crescent St Vacation – Ord. 3562
 - Zoning: General Commercial (C3)

- Size of Area Vacated: 23,630 Sq. Ft.
 - ROW Description: Undeveloped, 50' wide ROW acces to Garden Valley Blvd., sloping with portions greater than 25%.
 - Appraisal: An appraisal has been submitted utilizing the “across the fence” method, indicating a value of \$80,000. Staff is recommending Council assess a value of \$79,496 based upon the submitted appraisal.
2. Hanna; Cecil/Bethel/Rutter Vacation – Ord. 3471, Adopted 8/25/2016
- Zoning: General Commercial (C3), Mixed Use (MU)
 - Size of Area Vacated: 46,699 Sq. Ft.
 - ROW Description: 40' wide and varying lengths, unimproved, no encroachment, public and private utilities exist, completely surrounded by Hanna ownership
 - Appraisal: An appraisal was required for this vacation. The valuation method utilized within the appraisal is referred to as the “public interest value” method. The appraisal indicates, *“In this appraisal assignment, the client has engaged the appraiser to provide an opinion of **public interest value** in the three public street right-of-ways that are subject of this appraisal. Since most appraisal assignments for real property ask for market value, it is incumbent upon the appraiser to be sure the user of the report is not confusing market value with any other value such as public interest value. As a result, we are stating the requested value parameter of our engagement in this section of the report which is **public interest value** and not market value in order for the user to understand the format and analysis presented in this appraisal.”* This method established a value of \$0 on 9/11/2015.
3. Roseburg Rescue Mission; Sheridan Alley Vacation – Ord. 3451, Adopted 7/13/2020
- Zoning: General Commercial (C3)
 - Size of Area Vacated: 1,508 Sq. Ft.
 - ROW Description: Building encroachment, developed/paved, 17' wide alley ROW with access to SE Lane Ave., utilities underground (gas), completely surrounded by Roseburg Rescue Mission. Area was gated and used as courtyard for at time of vacation for those utilizing the Roseburg Rescue Mission.
 - Appraisal: The value of the ROW was anticipated to be less than \$5,000 and the appraisal requirement was waived by the City Manager per RMC 4.06.070(B).
4. Malhuer Ave. Vacation – Ord. 3273, Adopted 8/13/2007
- Zoning: Single-Family Residential (R6)
 - Size of Area Vacated: 9,000 Sq. Ft.
 - ROW Description: 60' wide x 150" long, unimproved, sloped, utilities within the ROW. PW, PPL & RUSA easements required.
 - Appraisal: An appraisal was required in which the “across the fence” method was utilized. Total value of ROW was \$6,750 on 12/27/2006. Payment was made in full by four surrounding neighbors: \$1,125 (Stark), \$1,125 (Dailey), \$1,125 (Carloni), \$3,375 (Weekly).
5. SE Oak & Cass Vacation – Ord. 3421, Adopted 1/13/2014
- Zoning: General Commercial (C3)

- Size of Area Vacated: 5,760 sq. ft. 18 x 320
- ROW Description: Alleyway between Paul O'Brien Winery and parking lot. Utilities underground (gas), easement for Roseburg Disposal access.
- Appraisal: The value of the ROW was anticipated to be less than \$5,000 and the appraisal requirement was waived by the City Manager per RMC 4.06.070(B).

6. SE Short & Burke Vacation – Ord. 3450, Adopted 10/26/2015

- Zoning: Medium Industrial (M2)
- Size of Area Vacated: 14,920 sq ft.
- ROW Description: Unimproved portions of ROW surrounded by Umpqua Dairy ownership. ROW had been utilized as a gravel parking lot for employee parking, and was proposed to continue to be utilized for employee parking.
- Appraisal: An appraisal was completed using a "market value" method. The appraised value was determined at \$3,730 on 4/2/2015. Staff recommended Council waive any costs for the ROW as the value was lower than anticipated and the cost of paving the parking lot was \$27,685.

7. ODOT/City of Roseburg; Rast Ct. Vacation – Ord. 3276, Adopted 10/22/2007

- Zoning: General Commercial (C3)
- Size of Area Vacated: Swap ODOT to Roseburg 7,114 sq. ft., Roseburg to ODOT 7,114 sq. ft.
- ROW Description: Portion of Rast Ct. adjacent to Stephens St. next to the Public Safety Center. Utilities located ROW, including water, sewer, etc.
- Appraisal: An appraisal was completed utilizing "sales comparison approach" method. The value of the ROW was \$115,000. City paid for appraisals, but properties were traded and of equal value.

C. Financial/Resource Considerations.

RMC Section 4.06.110, provides Council with the ability to determine the value of the ROW to be vacated based upon the appraisal submitted by the applicant. This section also indicates that Council may assess such value to the person(s) who shall benefit from the proposed vacation. Based on the appraisal submitted by the applicant and the analysis provided in the previous Council memo dated June 14, 2021, staff recommends Council assess \$79,496.00 for the entirety of the vacated ROW: \$50,050.75 should be assigned to TerraFirma and \$29,445.25 should be assigned to RUSA.

D. Timing Considerations.

If a value is assigned to the proposed ROW vacation by Council, then it is proposed that the property owners have 30 days to make payment of the specified amount, prior to Ordinance 3562 being adopted.

COUNCIL OPTIONS

After hearing all matters regarding the proposed vacation, Council may:

1. Grant the vacation with conditions, including an assessment of the value;
2. Grant the vacation as proposed without an assessment of the value;
3. Grant the vacation in part and deny it in part;

4. Deny the vacation, as it appears to best serve the public.

STAFF RECOMMENDATION

Staff recommends Council grant the ROW vacation as proposed, assessing \$79,496.00 for the entirety of the vacated ROW: \$50,050.75 assigned to TerraFirma and \$29,445.25 assigned to RUSA. Upon full payment Council should adopt Ordinance 3562.

SUGGESTED MOTION

“I move to approve the proposed NE Crescent St. Right-of-Way vacation, assessing \$79,496.00 for the entirety of the vacated Right-of-Way. \$50,050.75 assigned to TerraFirma and \$29,445.25 assigned to Roseburg Urban Sanitary Authority. Second reading and adoption will not occur until full payment is received.”

If no objections are made by Terra Firma or RUSA concerning the assessment Council may assign the ROW, first reading of Ordinance 3562, may occur, recognizing that second reading will not happen, until the assessed value Council may assign to the vacated ROW is paid in full.

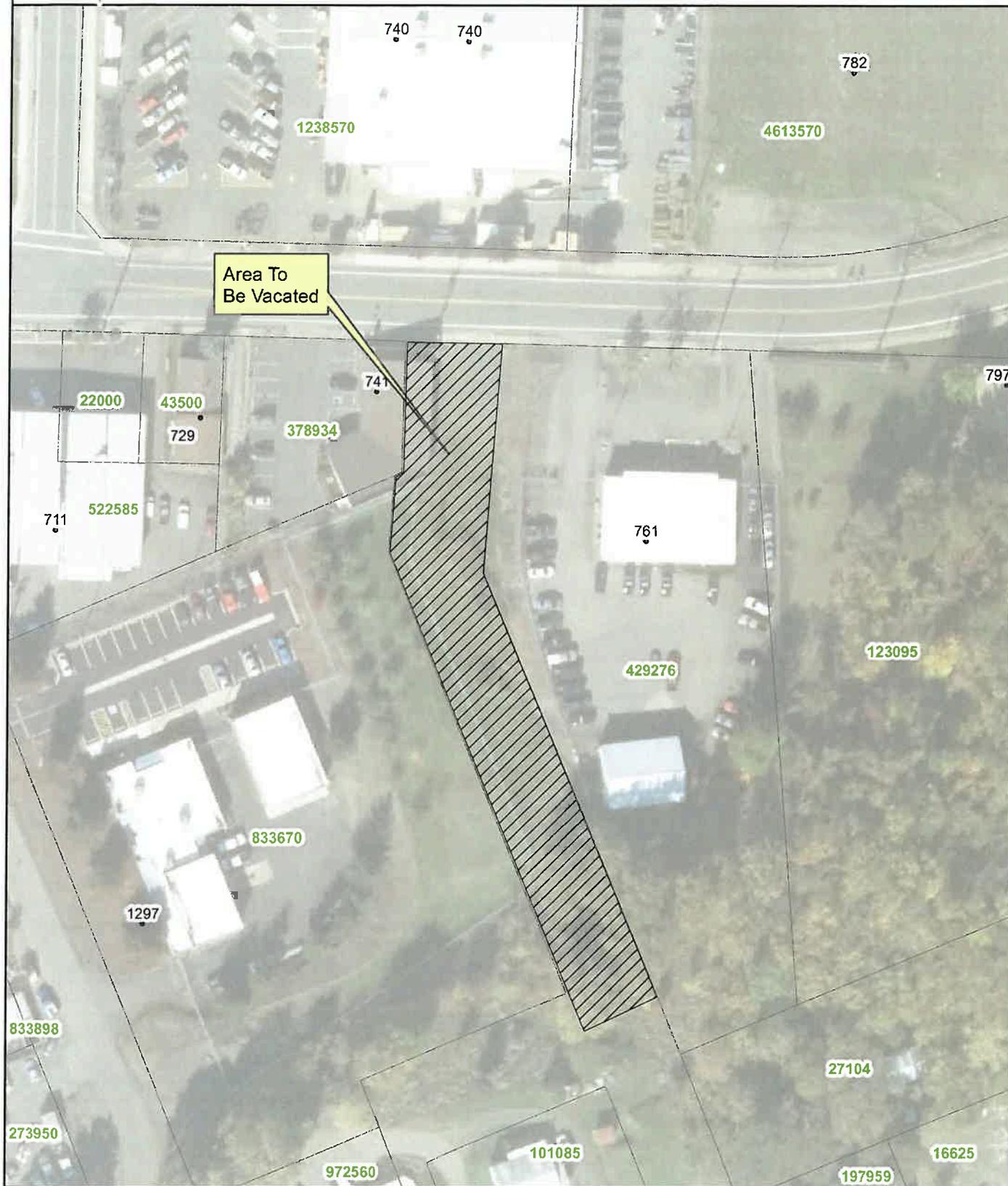
ATTACHMENTS:

- Attachment #1 – Map of Proposed NE Crescent St ROW Vacation
- Attachment #2 – Site Plan (TerraFirma) Future use of Vacated ROW
- Attachment #3 – Appraisal
- Attachment #4 – Division Map
- Attachment #5 – ROW/Fee Title Map
- Attachment #6 – Assessment Distribution
- Attachment #7 – Ordinance No. 3562
- Attachment #8 – Exhibit A to Ordinance No. 3562
- Attachment #9 – City Council Memo – June 14, 2021



Notice of Proposed Vacation of a portion of NE Crescent Street

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



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.

TERRA FIRMA

ROSEBURG OFFICE EXPANSION PRELIMINARY SITE PLAN

PROPERTY INFORMATION:

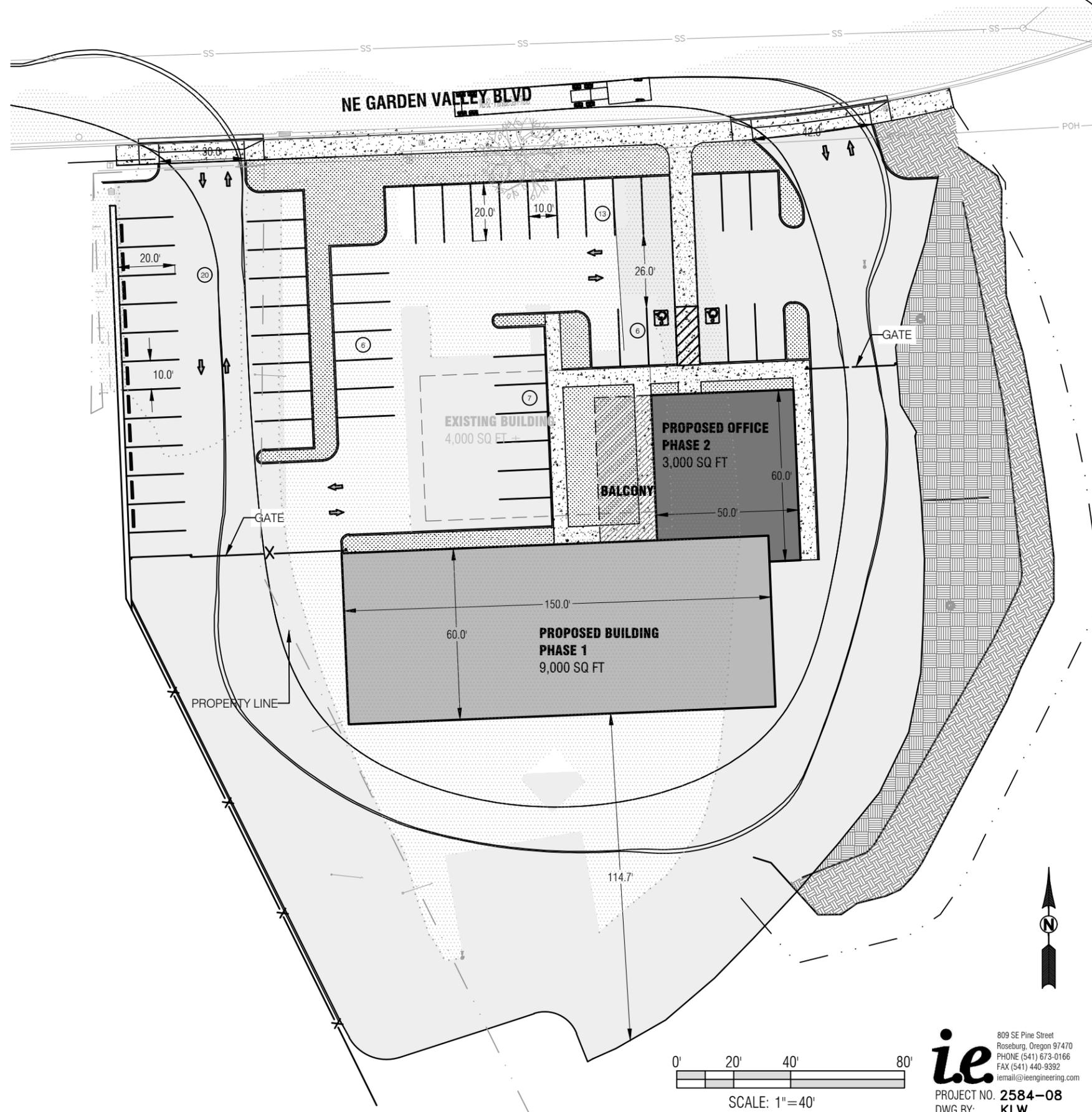
TAX ID: R57018
MAP ID: 270518BB03500
TAX LOT: 3500
ZONE: GENERAL COMMERCIAL (C3)

BUILDING AREA:

PROPOSED BUILDING PHASE 1: 9,000 SQ FT
PROPOSED OFFICE PHASE 2: 3,000 SQ FT

ROSEBURG LUDO REQUIREMENTS:

PARKING REQUIREMENTS: 1/300 SQ FT OF BUILDING FLOOR AREA
PARKING PROVIDED: 52 STALLS INCLUDING 2 ADA STALLS



Z:\JOBS\2584-TerraFirma\2584-08 Roseburg Office Expansion\2584-08 T2 Conceptual Site Plan\Terra Firma Site Plan KWL.dwg
Kristi Woodburn 01. 2021

ie
 809 SE Pine Street
 Roseburg, Oregon 97470
 PHONE (541) 673-0166
 FAX (541) 440-9392
 iemail@ieengineering.com

PROJECT NO. 2584-08
 DWG BY: KLW

APPRAISAL OF:

**0.56 Acre Street Vacation
West of 761 NE Garden Valley
Boulevard
Roseburg, Oregon**

**Prepared For:
TerraFirma Foundation Systems**

**Report Date:
August 17, 2020**

**Date of Value:
May 21, 2020**



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Addenda

- Subject Photographs
- Sale Photographs

Qualifications



CASCADE CHARTER COMPANY, LLC

REAL ESTATE APPRAISALS - CONSULTING

LAWRENCE E. BROWN, MAI CRE (1942 - 1990)
GREGORY S. SCHULER
DAVID M. MATLOCK
MARGARET NELSON-QUIN
BROOKE LEVISON
DEB CHRISTOPHERSON

August 17, 2020

Ryan Beckley
Terraforma Foundation Systems
761 NE Garden Valley Boulevard
Roseburg, Oregon, 97470

Reference: Appraisal of a 0.56 acre proposed street vacation adjacent to the west of the Terraforma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. Our File No. 4732.

Dear Mr. Beckley:

In response to your request, we have personally examined and appraised a 0.56 acre proposed street vacation adjacent to the west of the Terraforma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. The purpose of this appraisal report is to set forth our opinion relative to the "as is" market value of the **fee simple interest** in the subject land to be vacated. It is our understanding that the appraisal report will be utilized by the client for internal decision making purposes. No other purpose, use, or users of the appraisal report are authorized or intended.

This appraisal report is prepared in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP); the Financial Institution's Reform, Recovery, and Enforcement Act of 1989 (FIRREA); and Chapter 12 Code of Federal Regulation Part 34 (12CFR34) of the Office of the Comptroller of the Currency titled, "Real Estate Appraisals." This report is also prepared within the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, the Interagency Appraisal and Evaluation Guidelines (effective December 10, 2010). This appraisal assignment is not based upon a requested minimum valuation, a specific valuation, or the approval of a loan

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Reference is made to the **extraordinary assumptions** presented in The Land section of this report. If any of the extraordinary assumptions as stated herein are found to be false, the opinion of market value as specified in this appraisal report could be impacted.

Based upon the studies and examinations made, the opinion is formed subject to the limiting conditions and assumptions stated herein, that the "as is" market value of the **fee simple interest** in the subject property based upon economic and market conditions effective as of May 21, 2020 is as follows:

**"As Is" Market Value of the
Proposed Acquisition Land (May 21, 2020)**

EIGHTY THOUSAND DOLLARS

\$80,000

The following is a real property appraisal which details the property description, market data, and value analyses which form the primary basis for the opinion of market value as stated in this report.

Respectfully submitted,

CASCADE CHARTER COMPANY, LLC



GREGORY S. SCHULER
Oregon State Certified General Appraiser
License No. C000268
Expiration Date: May 31, 2021



DAVID M. MATLOCK
Oregon State Certified General Appraiser
License No. C001357
Expiration Date: February 28, 2022

CASCADE CHARTER COMPANY, LLC

APPRAISAL PROBLEMS AND ISSUES

The subject is a portion of a public right-of-way totaling 0.56 acre or 24,269 square feet located adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. The purpose of this appraisal is to provide an "as is" market value of the **fee simple interest** of the subject property using techniques typical for right-of-way vacation appraisals. Given a right-of-way, such as the subject street vacation, typically lacks much utility as a standalone parcel, the "across-the-fence" appraisal method is utilized. The "across-the-fence" methodology is the best indication of value of a corridor or right-of-way property is based on the value of similar adjacent or nearby land. In this case, we have concluded the price per square foot of the fee simple interest in the adjacent 1.31 acre Terrafirma site utilizing the land sales by comparison approach. The concluded price per square foot for the adjacent Terrafirma site is then applied to the subject easement area.

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SUMMARY OF SALIENT DATA

Identification

0.56 acre proposed street vacation adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon.

Subject Street Vacation Area

The subject land totals 0.56 acre, or 24,269 square feet according to a survey map provided.

Adjacent Terrafirma Site

The adjacent Terrafirma site totals 1.35 acres, or 58,806 square feet according to Douglas County records.

Effective Date of Value

May 21, 2020

**Final Value Conclusion of
the Proposed Street Vacation**

\$80,000

CASCADE CHARTER COMPANY, LLC

PURPOSE OF APPRAISAL

The purpose of this appraisal report is to set forth our opinion relative to the "as is" market value of the **fee simple interest** in the 0.56 acre proposed street vacation adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon.

CLIENT/INTENDED USE/USERS OF THE APPRAISAL

The client of this appraisal assignment is Terrafirma Foundation Systems. It is our understanding that the intended use of this appraisal is for internal decision making purposes. The intended users of the appraisal document are representatives of the client. No other purpose, use, or users of this appraisal report are authorized or intended.

DATE OF VALUE

The opinion of "as is" market value expressed in this appraisal report is stated effective as of May 21, 2020 assuming economic and market conditions as existing on that date.

DATE OF INSPECTION

The subject property was physically inspected on May 21, 2020.

PROPERTY RIGHTS APPRAISED

The property rights appraised herein pertain to the **fee simple interest** in the real estate which represents the subject of this appraisal.

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DEFINITIONS

Fee Simple Interest

"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015.

Extraordinary Assumption

"An assumption, directly related to a specific assignment, as of the effective date of the appraisal results, which, if found to be false, could alter the appraiser's opinions or conclusions. Comment: Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015 and USPAP, 2016-2017 Edition.

Across the Fence Method

"A land valuation method often used in the appraisal of corridors. The across the fence method is used to develop a value opinion based on comparison to abutting land."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015.

Market Value

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

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1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and,
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

Source: 12 C.F.R. Part 34.42(g); 55 *Federal Register* 34696, August 24, 1990, as amended at 57 *Federal Register* 12202, April 9, 1992; 59 *Federal Register* 29499, June 7, 1994. USPAP 2016-2017 Advisory Opinion 22, Lines 58-70.

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SCOPE OF APPRAISAL

The scope of this appraisal has the primary function of researching pertinent information and developing an opinion relative to the "as is" market value of the 0.56 acre proposed street vacation adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon using techniques typical for right-of-way vacation appraisals. Given a right-of-way, such as the subject street vacation, typically lacks much utility as a standalone parcel, the "across-the-fence" appraisal method is utilized. The "across-the-fence" methodology is a land value concept wherein the subject land is estimated by sales of other land properties without regard for size and shape. Essentially, the premise of this methodology is that the best indication of value of a corridor or right-of-way property is the value of similar adjacent or nearby land. Therefore, we estimated the market value of the fee simple interest of the subject property utilizing the land sales by comparison approach to conclude a price per square foot for the adjacent Terrafirma site and applied the same price per square foot to the subject right-of-way land area. Reference is made to the definition of the "across the fence" valuation presented in the prior section.

The scope of the process involved in the research, analysis, and presentation of the appraisal conclusion is inclusive of the following:

1. Discussions in order to accurately identify the nature and objective of the assignment;
2. A preliminary study is conducted in order to determine what information is required and the sources of the information; i.e., development consultants, title companies, real estate agencies, planning representatives, etc.;
3. General information relating to the subject region and specific information relating to the immediate subject area and the property itself is then assembled;
4. An analysis of demographic and economic trends in the subject region is conducted;
5. Based on the information reviewed, determinations are made in regard to the highest and best use of the property;

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6. Information is assembled pertaining to market data for use in the various valuation approaches prepared for the subject. The sources of the market data primarily include the following:
 - Real estate database
 - County records
 - Representatives of local real estate agencies
 - Real estate appraisers
 - Property managers and ownership representatives
7. Unless stated otherwise, the market data presented in the sales comparison section of this report are verified with a buyer, seller, agent, or other representative involved in or knowledgeable of the transactions;
8. The subject property as well as the market data are reviewed with pertinent differences noted. In addition, the neighborhood boundaries of the subject are defined and the land use characteristics of the market area identified;
9. Summary information pertaining to the market data is presented in this report. The usefulness and applicability of the data collected are reviewed with comparisons applied where appropriate in relation to the subject property;
10. The results of the valuation approach utilized are thoroughly examined and a reconciliation or correlation of final value concluded;
11. An appraisal is presented with supporting information categorized and placed into the appraisal work file;
12. The competency of the appraisers in terms of providing reasonable and supportable conclusions of value is based upon experience in valuing properties having utility similar to the subject. This experience includes the appraisal of property types similar to the subject which are located within the local and regional market area which encompasses the subject community.

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LEGAL DESCRIPTION

The complete 0.56 acre metes and bounds legal description identifying the subject property was not submitted for our review.

PROPERTY OWNERSHIP AND HISTORY

Fee title to the subject proposed right-of-way is presently vested in the City of Roseburg. To our knowledge, there have been no listings or market transfers of the subject property in the three year period prior to the effective date of this appraisal.

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EXPOSURE AND MARKETING TIME

Exposure time may be defined as follows:

"The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale of market value on the effective date of the appraisal; Comment: Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015 and USPAP, 2016-2017 Edition.

Marketing time may be defined as follows:

"An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, 2015.

It is noted that exposure time is presumed to precede the achievement of the market value conclusion as stated herein. The overall concept of reasonable exposure noted in the previous Definition of Market Value also assumes an adequate, sufficient, and reasonable effort in marketing. Additionally, marketing and exposure periods specifically associated with commercial land similar to the subject parcel are not directly identified by nationally recognized investor surveys such as PwC or Real Estate Research Corporation (RERC). As a result, research through Regional Multiple Listing Service (RMLS) of commercial land sale transactions within the Roseburg market was conducted. The marketing time for the commercial land sold in the direct market area ranged between one to 1,297 days with an average of 452 days, or 14.86 months over the past eight quarters.

Based upon the nature of the subject property, an appropriate exposure and marketing period is estimated at 12 to 18 months. This estimated period is representative of the overall nature of the property, is based upon the opinion of market value concluded in this report and represents a reasonable time period for adequate exposure to the open market. This timeframe is deemed appropriate considering the

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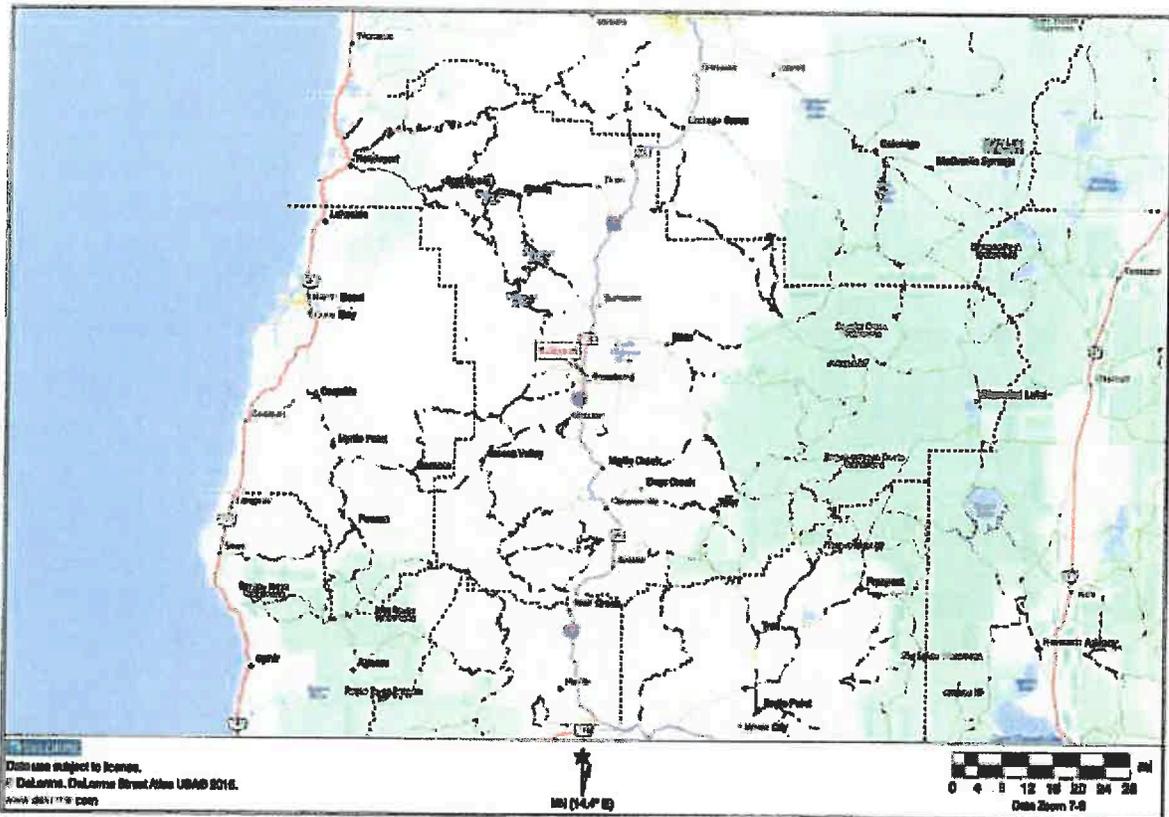
subjects' positioning within the local real estate market. In this particular instance, the projected exposure and marketing periods estimated are considered to be the same length of time for the subject.

We are not able to project how the COVID-19 pandemic will affect the exposure and marketing time for the real estate market. Therefore, the recent national property trends and market sale transactions provide the primary indicators for our marketing and exposure time estimates at this time.

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LOCATION ANALYSIS

The subject property is located adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. Following is a description of Douglas County and a discussion of demographic and economic factors as well as a description of the subject's immediate surroundings. Reference is made to the following map which depicts the location of the subject relative to the surrounding region.



Roseburg and Douglas County

Roseburg is located within the central portion of Douglas County in southwestern Oregon. The city is situated along both sides of Interstate 5 approximately 125 miles north of the California border. Roseburg serves as the county seat and is the largest city in the area. Other major communities within Douglas County include Sutherlin, Reedsport, Winston, Myrtle Creek, and Canyonville. Distances from Roseburg to notable cities are as follows:

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Eugene.....	72 miles north
Portland.....	180 miles north
Seattle.....	352 miles north
Medford.....	97 miles south
Sacramento.....	404 miles south
San Francisco.....	460 miles south

From a geographic standpoint, one of the most positive features of the Roseburg area is its central location along Interstate 5 within southwestern Oregon's scenic Douglas County. The Pacific Coast is located only 80 miles to the west with Diamond Lake (79 miles) and Crater Lake National Park (99 miles) located to the east.

Douglas County exhibits a temperate climate. Extremes of any weather condition in this area are very rare. Low and high temperatures generally range between 34 and 48 degrees in January and 53 and 84 degrees in July. Snowfall is rare on the valley floor and summer humidity is low. Average annual rainfall is approximately 33 inches. The mild climate combined with the close proximity to ocean beaches, skiing, fishing, and other recreational opportunities, has resulted in many seasonal tourists becoming full-time residents.

Population

Douglas County has generally experienced a steady increase in population from 1990 to 2019. The primary reason for population growth throughout Douglas County in the 1990s was in-migration. The popularity of the area as a retirement location, in addition to the desirable quality of life available in a more rural setting, are positive factors that continue today. Reference is made to the following table which provides a population summary for Roseburg, Douglas County, and the unincorporated areas of the county.

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Historic Population

Year	Roseburg	Unincorporated Areas	Douglas County	Oregon
2019	24,890	58,430	112,250	4,236,400
2018	24,820	58,250	111,735	4,195,300
2017	24,015	58,685	111,180	4,141,100
2016	22,820	59,140	110,395	4,076,350
2015	22,500	59,065	109,910	4,013,845
2010	21,660	57,945	107,690	3,844,195
2005	20,790	54,833	102,905	3,628,700
2000	20,125	54,967	100,900	3,436,750
1990	17,069	54,838	94,700	2,842,321

Source: Population Research Center, Portland State University.

Population within Roseburg as well as other communities within the county is expected to remain relatively stable over the next few years. This is due primarily to the following:

- Over the last decade, the natural resource driven economy of has undergone significant change within the commercial fishing and wood product manufacturing sectors.
- An out migration of the younger workforce in search of higher paying jobs.
- Overall industry modernization cutbacks and downsizing have left many communities with an older workforce.

Economy

Lumber and Wood Products

The lumber and wood products industry has historically provided the base for the Douglas County economy. Several non-manufacturing industries such as transportation and wholesale trade are also closely related to lumber and wood products production. Approximately 15 percent of total employment in Douglas County is related to manufacturing.

Analysts predicted a significant decline in lumber and wood products employment levels due to the restrictions of logging on Bureau of Land Management

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and national forest lands. Forecasts in late 1992 called for over 4,000 jobs to be lost statewide by the end of 1994. However, a national housing boom created a demand for wood products from local manufacturers. At the same time, private landholders increased their timber harvest adding to the supply of raw logs. The increased supply provided by these trends helped local wood products manufacturers maintain their staffing levels. Actual job losses in the wood products industry statewide were much lower than expected between 1992 and 1994. Due to the dominant role played by the lumber and wood products industry in Douglas County, the better-than-expected performance within this industry has benefited the local economy. However, it is acknowledged that a further diversification of the local economy would help offset the effects of future declines in the potentially volatile timber market.

Agriculture

In addition to lumber and wood products, the agricultural industry benefits from the mild climate of the area and contributes close to \$90 million to the local economy. Major crops include berries, nuts, apples, and melons. The climate boasts an average 217-day growing season. The Douglas County area has been compared geographically and climatologically with Italy and southern France which could account for the recent growth in vineyards and vintners in the area. Douglas County is also a major supplier of sheep, cattle, and a variety of other livestock and exotic animals.

Manufacturing

As mentioned previously, a further diversification of the economic base in the region would benefit the larger surrounding Douglas County area. Indicative of this trend, several major employers have relocated to the area in order to take advantage of the favorable business climate and quality of life issues.

Healthcare

Residents of Roseburg and the entire Douglas County area have access to a number of good quality medical facilities. Comprehensive prevention, education, diagnosis, and treatment services are available through the following:

- Mercy Medical Center
- Columbia-Douglas Hospital
- Roseburg Veterans Affairs Medical Center

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In addition, a wide range of specialized care is available at centers devoted to cancer care, dialysis, outpatient surgery, and other medical needs.

Employment

The following table details the employment figures for Douglas County by category for May 2020 with comparisons to the prior year.

**Douglas County
Nonfarm Payroll and Employment**

	May 2020	May 2019	Change
Total NonFarm	34,480	38,510	-4,030
Total Private	27,720	30,630	-2,910
Mining, Logging, Construction	2,700	2,760	-60
Manufacturing	4,290	4,870	-580
Trade, Trans. & Utilities	6,640	6,900	-260
Information	230	270	-40
Financial Activities	1,370	1,490	-120
Professional/Business Services	3,270	3,630	-360
Education/Health Services	5,520	5,830	-310
Leisure & Hospitality	2,650	3,530	-880
Other Services	1,050	1,350	-300
Government	6,760	7,880	-1,120

Source: Oregon Employment Department, July 2020.

Employment Trends

From May 2020 to May 2019, all of the employment sectors experienced declines in job growth in Douglas County over the one year period with the leisure and hospitality reporting the largest decrease. These decreases are due in part to the Covid-19 pandemic.

Unemployment

As of May 2020, the unemployment rate in Douglas County was 14.7 percent reflecting an increase from the May 2019 rate of 4.4 percent. The following table summarizes civilian labor force statistics for Douglas County.

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**Douglas County
Employment/Unemployment**

	May 2020	May 2019	Change
Civilian Labor Force	47,183	45,903	1,280
Employed	40,226	43,868	-3,642
Unemployed	6,957	2,035	4,922
Unemployment Rate	14.7%	4.4%	--

Source: Oregon Employment Department, July 2020.

In an attempt to diversify the economy, efforts are being made to attract new industry to the area. The Coos-Curry-Douglas County Development Board has played an integral part in a tri-county effort. The addition of the Cow Creek Gaming Center has succeeded in attracting tourists and recreation seekers as well as adding needed employment opportunity. In addition, wholesale and retail trades have been given a boost by the addition of Ingram Books and WinCo Foods distribution centers. Additionally, Costco opened a 148,000 square foot store in Roseburg. The big box complex also provides a 16-pump gas station. It is expected that the region will also see continued growth in both social and health care services.

Transportation/Linkage

The larger surrounding Douglas County area is well served by public transportation. The Interstate 5 freeway extends in a north/south direction through the center of Roseburg, with the Pacific Ocean accessible to the west via State Highways 42 and 138. State Highway 138 also extends eastward to State Highway 97 on the east side of the Cascade Mountains and represents a major access route within the central portion of the state. Air transportation for the area is provided by the following:

- Roseburg Regional Airport along the east side of Interstate 5 which accommodates private charters and air freight.
- The Eugene Airport located approximately 75 minutes north is served by major carriers such as United, Delta, Allegiant, and Alaska/Horizon.

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- The Rogue Valley International Medford Airport in Medford located 95 miles south is served by United, Delta, Allegiant, and Alaska/Horizon.

Rail service for the Douglas County area is provided by the Central Oregon and Pacific Railroad which accommodates freight service only. Passenger service is available through Amtrak in Eugene. In addition, Greyhound bus lines provide passenger bus service throughout the area.

Education

Within Roseburg, School District No. 4 includes a four-year high school, two three-year middle schools, and nine elementary schools. Total enrollment is approximately 6,700 students. There are also several private schools, nursery and day care facilities, as well as a non-profit alternative school for grades seven to 12.

Umpqua Community College (UCC) is a two-year public institution located on campus which is seven miles north of Roseburg. UCC offers educational programs and adult basic instruction, technical and vocational training, liberal arts studies, and professional transfer courses. Approximately 15,000 students attend one or more classes at UCC each year.

Conclusions

Douglas County offers a quality living environment that will continue to attract new residents to the area. The relatively low cost of living and rural atmosphere are attractive and long-term growth potential appears optimistic. With ever increasing importance being placed upon quality of life issues, Douglas County's long-term growth potential appears optimistic.

The Douglas County economy which was largely dependent upon lumber and timber-related industries has diversified with new growth sectors emerging. Continued diversification of the local economy is expected to create new employment opportunities for the area over the long term.

Immediate Surroundings

The subject property is located adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon. A graphic

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depiction of the immediate area surrounding the subject property is presented as follows.



Trend

The overall trend of development within the immediate area surrounding the subject property represents a combination of commercial and residential properties. The subject is located in a transitional area with near exclusively commercial uses located to the west and residential uses to the east. NE Stephens Street (Highway 99) is located a short distance to the west and is representative of a primary thoroughfare extending north and south with commercial development along both sides of the roadway. The Interstate 5 Interchange is located in the distance to the west.

Conclusion

Due to the nature of the surroundings, no distinct foreseeable change in the land use characteristics for the immediate area is anticipated.

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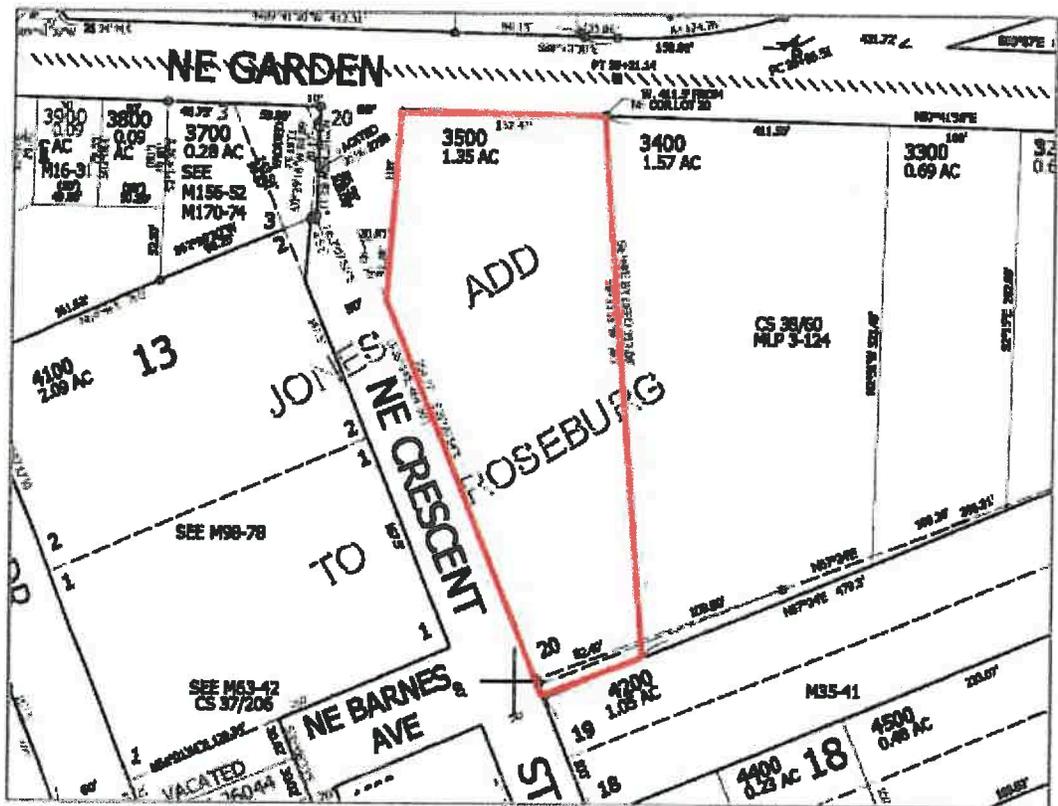
THE LAND

Location

The subject property is located adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon.

Shape and Size

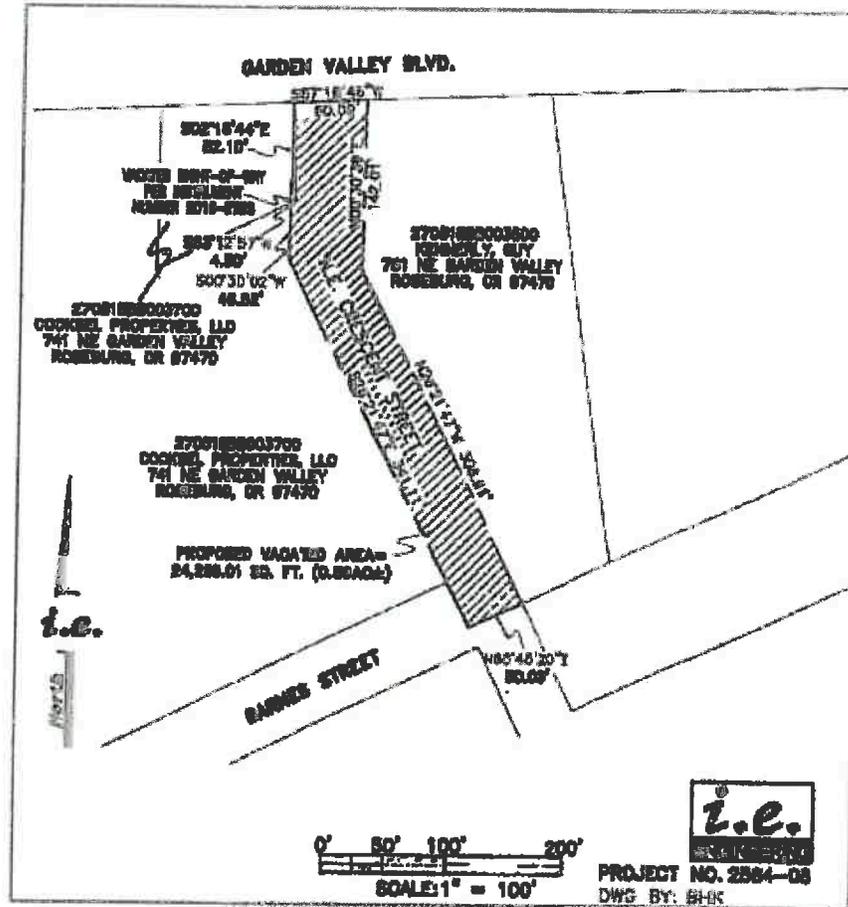
The adjacent Terrafirma site is irregular in shape and totals 1.35 acres or 58,806 square feet based upon Douglas County records. The following plat map and aerial provide a graphic depiction of the site.



Subject Street Vacation Area

The subject street vacation area totals 0.56 acre or 24,269 square feet based upon a survey map provided. The following survey map and aerial provide a graphic depiction of the street vacation site.

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Topography

The subject parcel has sloping topography from east to west.

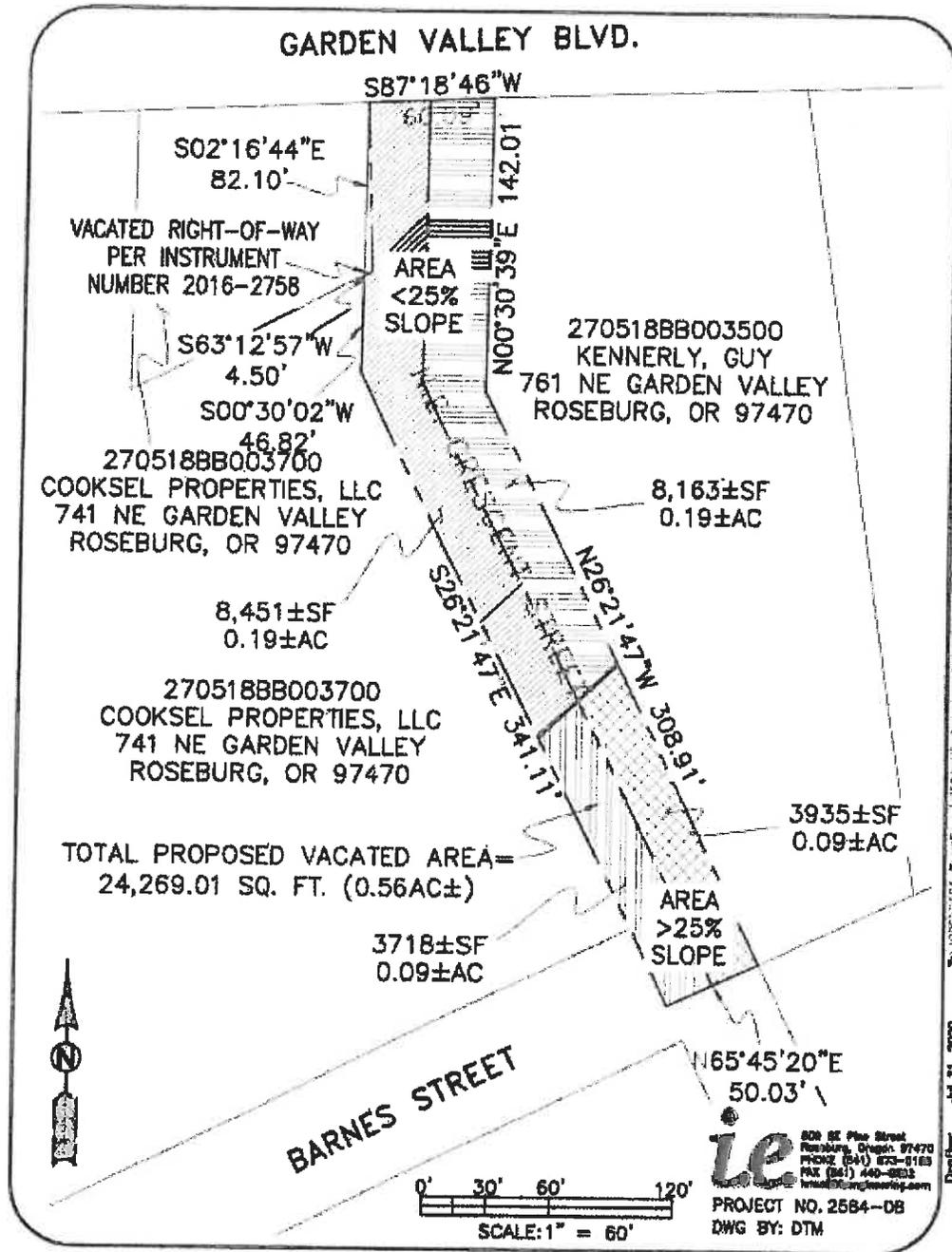
Useable Area

According to i.e. Engineering in Roseburg, the southerly portion of the right-of-way has slope greater than 25 percent. i.e. Engineering indicates that, in the Roseburg area, trying to develop on a slope greater than 25 percent is next to impossible. The area of greater than 25 percent slope represents 7,653 square feet of the proposed street vacation right-of-way. Thus, the useable portion of the right-of-way is reduced to 16,616 square feet. Our calculation follows:

Total Right-of-Way Vacation	24,269 Sq. Ft.
Less: Unusable Area	<u>7,653 Sq. Ft.</u>
Useable Area Remaining	<u>16,616 Sq. Ft.</u>

Reference is made to the slope calculation as prepared by i.e. Engineering on the following page.

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Soils

No soils report has been provided for our review. This appraisal is subject to an **extraordinary assumption** that the soil is of sufficient load-bearing capacity to support future building improvements on-site. This opinion is supported by the historic existence of improvements on the subject site as well as on nearby parcels.

No adverse environmental hazards or contaminants pertaining to solids, liquids, or gases were observed at the property during our personal examination. This

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appraisal is subject to the **extraordinary assumption** that no toxic waste, groundwater contamination, or environmental problems exist at the property. In the event such problems did exist, the ultimate impact of such conditions could adversely influence the opinion of market value as stated herein. The identification of the absence or existence of any potential environmental problems is best determined by qualified engineers and is not within the scope of our expertise as real estate appraisers.

Utilities

According to the property owner, all the usual and necessary public utilities are available to the adjacent Terrafirma site; however, this was not independently verified by the appraisers.

Zoning

The subject is located within the C3 (General Commercial) zoning district as administered by the City of Roseburg.

The General Commercial 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.

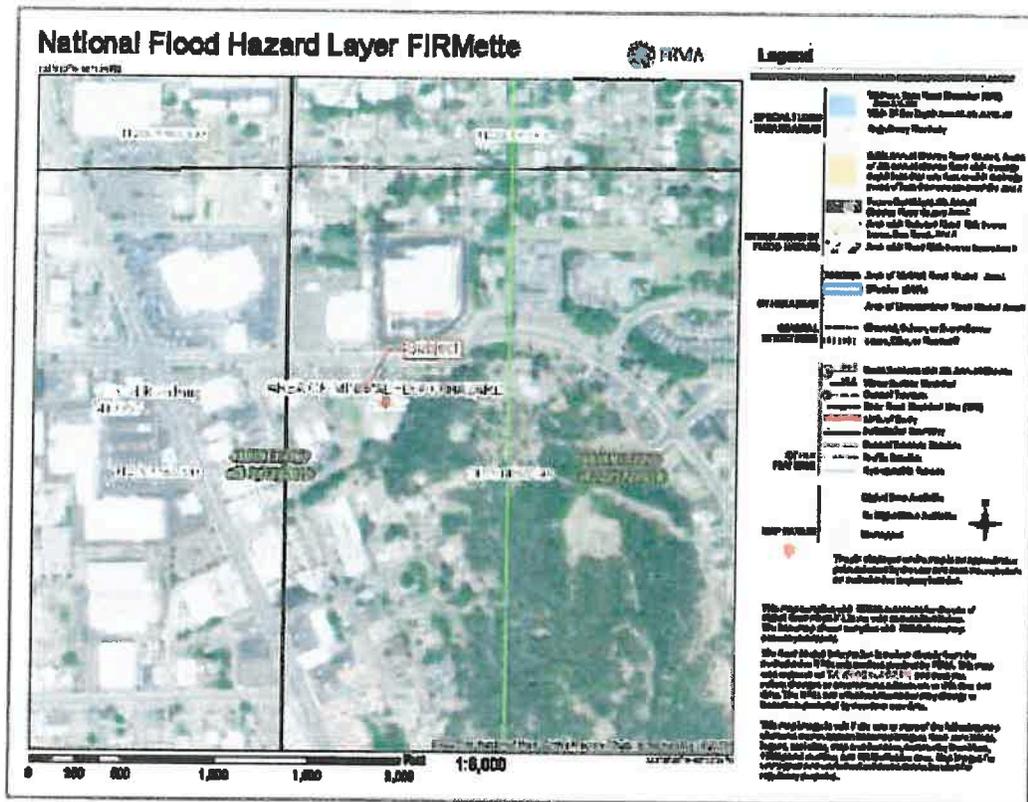
Easements and Encroachments

A preliminary title report was not provided for our review. Upon personal inspection of the subject property, it appears there are no adverse easements or encroachments which could potentially inhibit the overall utility or value of the property. This appraisal is subject to an **extraordinary assumption** that no adverse easements or encroachments exist at the subject. The identification of such is best determined by qualified individuals and is not considered to be within the scope of this appraisal assignment.

Flood Zone Rating

A review of FEMA Map No. 41019C1726F, dated May 3, 2011, indicate the subject property is located within Flood Zone X, areas of minimal flood hazard. A copy of the FEMA flood map follows.

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Access

The subject property currently has access from NE Garden Valley Boulevard.

Street

NE Garden Valley Boulevard border the northerly boundary of the subject. This asphalt-concrete paved roadway extends in an easterly-westerly direction having two lanes, one in each direction. Additional roadway improvements include concrete curbs, gutters, and sidewalks on both sides of the road.

Summary

The subject street vacation acquisition site totals 0.56 acres or 24,269 square feet zoned General Commercial. The adjacent TerraFirma site is reportedly served by all necessary public utilities and there are no apparent easements or encroachments that could adversely affect the property.

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HIGHEST AND BEST USE

Highest and best use may be defined as the reasonably probable and legal use of vacant land or an improved property which is physically possible, legally permissible, financially feasible, and results in the highest value. The four criteria examined in determining the highest and best use of the subject property include the following:

1. **Physically Possible** - A use for which the site is physically suitable or adaptable.
2. **Legally Permissible** - A use which is or will be permitted under existing or reasonably obtainable zoning regulations.
3. **Financially Feasible** - A use for which there is an economic, social, and/or market demand.
4. **Maximally Productive** - A use which is compatible with the nature and condition of surrounding land uses.

Based on the criteria examined, it is our opinion that commercial development represents the highest and best use of the subject parcel when combined with the adjacent Terrafirma site as vacant. Specifically, commercial land use is consistent with current governmental constraints; the property is regarded as physically suitable in order to accommodate this form of development; commercial use is compatible with current zoning and the trend of development in the area; and this form of development is considered financially feasible under current market conditions.

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ASSESSED VALUATION AND TAXES

As a result of Oregon Ballot Measures 47 and 50, which limit taxable values and property taxes, real estate taxes in Oregon beginning in 1998 are based on a percentage of the real market value. The ballot measures also limit future tax increases to a maximum level of three percent per year. The parent tract is located within the city of Roseburg Tax Code Area 451.

The street vacation acquisition area under appraisal is not taxed as it is owned by the City of Roseburg.

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LAND VALUE BY COMPARISON

The land sales comparison approach is the most common method utilized to determine land value. This method generally expresses land value on the basis of price per square foot relative to purchase price.

As mentioned previously, given a right-of-way, such as the subject street vacation, typically lacks much utility as a standalone parcel, the "across-the-fence" appraisal method is utilized. The "across-the-fence" methodology is that the best indication value of a corridor or right-of-way property is the value of similar adjacent or nearby land. Therefore, we estimated the market value of the fee simple interest of the adjacent Terrafirma site utilizing the land sales by comparison approach to conclude a price per square foot to be applied to the subject land area. The sales assembled for comparison to the subject land are summarized in the following chart.

Land Sales Summary

Sale No.	Identification	Size Acres/ Sq. Ft.	Zoning	Sale Date	Sale Price	
					Total	/Sq. Ft.
1	4815 NE Stephens St. Roseburg Source: RMLS No. 15226377 Verification: Agent	1.52/ 66,211	C3	Listing	\$369,000 332,100 Adj.	\$5.57 5.02 Adj.
2	588 NE Winchester St. Roseburg Source: RMLS No. 18507254 Verification: Agent	0.91/ 39,640	C3	Listing	159,000 143,100 Adj.	4.01 3.61 Adj.
3	NWC of Harvard Ave. and Bellows St. Roseburg Source: Douglas County Verification: Buyer	1.21/ 52,708	C3	7/20	300,000	5.69
4	328 NE Winchester St. Roseburg Source: RMLS No. 19812288 Verification: Deed No. 2019-18330	0.59 25,700	C3	11/19	185,000	7.20
5	295 SE Fowler St. Roseburg Source: RMLS No. 18492030 Verification: Deed No. 2019-16835	0.18/ 7,841	PO	10/19	57,500	7.33
6	810 SE Stephens St. Roseburg Source: RMLS No. 19265883 Verification: Deed No. 2019-12839	0.19/ 8,276	C3	8/19	40,000	4.83

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Land Sales Summary

Sale No.	Identification	Size Acres/ Sq. Ft.	Zoning	Sale Date	Sale Price	
					Total	/Sq. Ft.
7	2345 W. Harvard Ave. Roseburg Source: RMLS No. 15437925 Verification: Deed No. 2019-7564	0.16/ 6,970	PO	5/19	35,000	5.02
8	2935 NE Diamond Lake Blvd. Roseburg Source: RMLS No. 17030656 Verification: Deed No. 2018-19450	0.68/ 29,621	C3	12/18	90,000	3.04
Average						\$5.22

Land Sales Discussion

When analyzing the sales assembled in relation to the subject land, the following factors are given particular consideration in the comparative process:

- Property rights conveyed
- Financing terms
- Conditions of sale
- Market conditions
- Location
- Physical characteristics
 - Size
 - Topography
 - Off-sites
- Zoning

The sales assembled for comparative purposes are analyzed based on the factors noted. A summary of the general characteristics of the sales data is inclusive of the following:

Property Rights Conveyed

To our knowledge, the market sales reportedly involved the conveyance of fee simple title. Therefore, the sales are regarded as similar to the subject with respect to property rights conveyed.

Financing Terms

The sales are indicative of cash transactions or purchases involving financing at market rates. Subsequent to a review of the available information,

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financing is not determined to have a significant impact on sale price in the comparison process. We are not aware of the financing terms of Sale Nos. 1 and 2 which are representative of two property listings.

Conditions of Sale

The conditions of sale element of comparison is intended to consider the impact of any atypical motivation on the part of the buyer or seller with respect to the transactions presented. Sale Nos. 1 and 2 represent two property listings as opposed to actual closed sale transactions and are therefore deemed superior to the subject since typically a lower level of pricing than the listing price is ultimately negotiated. As a result, a quantitative downward adjustment of 10 percent is applied to the listings. The seller of Sale No. 3 had some potential exposure from the buyer as the buyer had invested money in the interior design of a proposed project that the seller decided not to build. As a result, the buyer believes he got a "good deal" on the purchase price. Thus, the conditions of sale are inferior for Sale No. 3. The remaining sales are considered similar in terms of conditions of sale when compared to the subject.

Market Conditions

This comparison factor pertains primarily to date of sale considerations which are intended to reflect changes in market conditions which have taken place over time. The sales are examined based upon the direction of change between the sale date of the transactions and the effective date of this appraisal. Specific factors indicative of the market at the time the sales occurred are also reviewed. All of the sales are considered indicative of prevailing market trends based upon the sale date relative to the effective date of this valuation.

Location

Primary considerations included in the location analysis are representative of the following:

- Quality and nature of surrounding development
- Property prominence and access
- Proximity to major transportation routes
- Market demographics

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The subject is located along an interior roadway within a developed and primary commercial area of Roseburg. The subject further benefits from a location directly across from a recently constructed Coastal Farm & Ranch retail building. With this in mind, the majority of the sales are located within secondary commercial areas considered slightly inferior as compared to the subject. The exceptions are Sale Nos. 3 and 4. Sale No. 3 benefits from its location on an Interstate 5 freeway interchange and is considered superior. Sale No. 4 benefits from a corner location a signalized intersection. Given the high traffic exposure, Sale No. 3 exhibits a slightly superior location as compared to the subject.

Size

The subject Terraforma site totals 1.35 acres in size. Typically, smaller parcels command a higher per square foot price than larger sites with all other factors being equal. Therefore, when comparing the size of the subject, Sale Nos. 1, 2, and 3 are considered most similar with the remaining sales considered superior.

Topography

The subject exhibits generally level topography with steep sloping on the easterly and the southerly portion of the property. With this in mind, all the sales have generally level topography considered slightly superior as compared to the subject.

Off-Sites

All of the sales are considered similar in terms of off-site improvements to the subject.

Zoning

All of the land transactions exhibit commercial zoning which would allow for development and operations similar to that which is allowable at the subject.

As an aid in determining the level of achievable pricing for the subject, a qualitative analysis of the market sales with respect to the elements discussed previously is detailed in the following analysis.

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Qualitative Analysis Summary

Sale No.	1	2	3	4	5	6	7	8
Property Rights Conveyed	Sim.							
Financing Terms	---	---	Sim.	Sim.	Sim.	Sim.	Sim.	Sim.
Conditions of Sale	---	---	Inf.	Sim.	Sim.	Sim.	Sim.	Sim.
Market Conditions	Sim.							
Location	Inf.	Inf.	Sup.	Sup.	Inf.	Inf.	Inf.	Inf.
Physical Characteristics								
Size	Sim.	Sim.	Sim.	Sup.	Sup.	Sup.	Sup.	Sup.
Topography	Sup.							
Off-Sites	Sim.							
Zoning	Sim.							

Based upon the comparisons applied among the sales data and the subject, the following represents our summary of the qualitative analysis which details the range of pricing indicators established for the property sales in relation to the subject.

Qualitative Analysis Summary

Sale No.	Sale Date	Sale Price/ Sq. Ft.	Indicator
8	12/18	\$3.04	Low
2	Listing	3.61	Low
6	8/19	4.83	Medium
1	Listing	5.02	Medium
7	5/19	5.02	Medium
3	7/20	5.69	High
4	11/19	7.20	High
5	10/19	7.33	High

As indicated, the range of per square foot pricing represented by the data is from \$3.04 to \$7.33 per square foot with an average of \$5.22 per square foot. The medium indicators form a tighter range of pricing from \$4.83 to \$5.02 per square foot with an average of \$4.96 per square foot.

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Only one of the medium indicators, Sale No. 1 which is a listing, is similar in size to the subject. Sale No. 1 totals 1.52 acres while the subject totals 1.35 acres. The other two medium indicators, Sale Nos. 6 and 7 are very small parcels. To compare the subject to these "postage stamp" sales is tenuous at best. It is acknowledged that there is a lack of larger commercial land sales in the Roseburg and Douglas County area. As a result, we have also included regional land sales in Josephine and Jackson Counties. Following are the regional sales summary.

Land Sales Summary

Sale No.	Identification	Zoning	Acre/ Sq. Ft.	Sale Date	Sale Price	
					Total	/Sq. Ft.
Josephine County						
1	2214 NE Industry Dr. 36-05-21A, 302 Grants Pass Source: FMLS No. 103000294 Verification: Deed No. 2019-009104	I	4.06/ 176,854	7/19	\$525,000	\$2.97
2	114 Assemble Cir. 36-05-21A, 303 Grants Pass Source: FMLS No. 103000242 Verification: Deed No. 2019-008477	I	1.45/ 63,162	7/19	192,000	3.04
3	3020 Canal Ave. 36-06-27AA, 500 Grants Pass Source: Buyer Verification: Feed No. 2019-007203	GC	1.41/ 61,420	6/19	211,500	3.44
	Average					\$3.15
Jackson County						
1	5408 Bierson Way 36-2W-36D, 123 Medford Source: FMLS No. 102978918 Verification: Deed No. 2020-024210	I-L	0.71/ 30,928	7/20	145,000	4.69
2	4825 Airway Dr. 37-1W-6BB, 420 Medford Source: FMLS No. 103006706 Verification: Deed No. 2020-017553	I-L	0.84/ 35,590	5/20	180,000	4.92
3	199 S. Haskell St. 37-2W-10AD, 300 Central Point Source: FMLS No. 103010097 Verification: Deed No. 2020-011991	GC/ TOD	0.46/ 20,038	4/20	125,000	6.24

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Land Sales Summary

Sale No.	Identification	Zoning	Acre/ Sq. Ft.	Sale Date	Sale Price	
					Total	/Sq. Ft.
4	291 Furry Rd. 38-1W-10CA, 7600 Phoenix Source: SOMLS No. 2996081 Verification: Deed No. 2019-16642	C-H	1.25/ 54,450	6/19	350,000	6.43
5	S. Pacific Hwy. 38-1W-25B, 601 & 701 Talent Source: SOMLS No. 2999722 Verification: Deed No. 2019-11461	C-H	1.67/ 72,745	4/19	400,000	5.50
6	Self-Storage Site 4003, 4009, 4017, and 4019 S. Pacific Hwy. 38-1W-09A, 1100 and 1200 Phoenix Source: Listing Broker Verification: Listing Broker	G-C	3.57/ 155,509	3/18	875,000	5.82 5.96 ⁽¹⁾ Adj.
7	77 Oak Grove Rd. 37-2W-26CA, 500 Medford Source: SOMLS No. 2986747 Verification: Deed No. 2018-1041	C-H	2.16/ 94,090	1/18	620,000	6.59
Average						\$5.76

The Josephine County sales have prices ranging from \$2.97 to \$3.44 per square foot with an average of \$3.15 per square foot. The size range of these sales is from 1.41 to 4.06 acres. Sale Nos. 2 and 3 in Josephine County are considered the closest to the subject in terms of size. These two sales are given the most consideration. It should be noted that Sale Nos. 1 and 2 are zoned industrial, but they are located within a business park which allows a variety of service commercial uses.

The Jackson County sales have prices ranging from \$4.69 to \$6.59 per square foot with an average of \$5.76 per square foot. The size range of these sales is from 0.46 to 3.57 acres. Sale Nos. 4 and 5 in Jackson County have sizes most similar to the subject. It should be noted that Sale Nos. 1 and 2 are zoned light industrial in the city of Medford which allows for a variety of service commercial as well as some retail uses; thus the light industrial zoning is considered somewhat similar to the commercial zoned sales.

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It is our opinion that the subject Terrafirma property would have pricing above the Josephine County sales but below the Jackson County sales. The midpoint between the averages of the Josephine County and Jackson County sales is \$4.46 per square foot. It is acknowledged that to use these regional sales as a comparison to the subject in Roseburg is less than desirable; however, given the fact that there is a lack of commercial land sales in the Roseburg and Douglas County market area for which to compare the subject, we have given consideration to the regional sales in our final value conclusion for the subject property as well.

Based upon our analysis, we conclude a market price per square foot for the Terrafirma site to range between \$4.50 and \$5.00 or say \$4.75 per square foot. This level of pricing takes into account location of the Terrafirma site as well as the sloping topography along the easterly and southerly portion of the property.

Across the Fence Valuation

As indicated previously, the subject property is a proposed street vacation to be acquired by the adjacent property owner to the east. The street vacation area to be acquired totals 0.56 acres or 24,269 square feet. As discussed previously, there is 7,653 square feet of the proposed right-of-way vacation that has slope above 25 percent. In our opinion, it is only reasonable to project that a knowledgeable and prudent buyer would only be willing to pay for the useable portion of the proposed vacated right-of-way which is 16,616 square feet, although the entire proposed vacated right-of-way of 24,269 would have to be purchased.

Applying the concluded pricing of \$4.75 per square foot to the useable portion of the proposed acquisition area results in a final value for the subject proposed street vacation area. Our calculation is as follows.

16,616 Useable Sq. Ft. @ \$4.75/Sq. Ft.

\$78,926

Rounded to, \$80,000

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VALUATION

Based upon the studies and examinations made, the opinion is formed, subject to the limiting conditions and assumptions stated herein, that the "as is" market value of the fee simple interest in the subject property as of May 21, 2020 is as follows:

**"As Is" Market Value of the
Proposed Acquisition Land (May 21, 2020)**

EIGHTY THOUSAND DOLLARS

\$80,000

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ASSUMPTIONS AND LIMITING CONDITIONS

This report is made expressly subject to the following assumptions and limiting conditions:

1. No responsibility is assumed by the appraisers for matters which are legal in nature.
2. No opinion of title is rendered, and the property is appraised as though free of all encumbrances and the title marketable.
3. The appraisal covers the property described only, and the legal description is assumed to be correct.
4. No survey of the boundaries of the property has been made. All areas and dimensions furnished to the appraisers are assumed to be correct.
5. Information concerning market and operating data, as well as data pertaining to the property appraised, was obtained from others and/or based on observation. This information has been verified and checked, where feasible, and is used in this appraisal only if it is believed to be reasonably accurate and correct. However, such information is not guaranteed, and no liability is assumed resulting from possible inaccuracies or errors regarding such information or estimates.
6. The data contained herein comprises the pertinent data considered necessary to support the value estimates. We have not knowingly withheld any pertinent facts, but we do not guarantee that we have knowledge of all factors which might influence the value of the subject property. Due to rapid changes in the external factors, the value estimates are considered reliable only as of the effective date of the appraisal.
7. The appraisers assume there are no hidden or unapparent conditions of the property, subsoil, or structures that would render it more or less valuable. The appraisers assume no responsibility for such conditions, or for engineering required to discover such factors. It is assumed no soil contamination exists as a result of chemical drainage or leakage in connection with any production operations on or near the property. In addition, the existence (if any) of potentially hazardous materials, such as asbestos, used in the construction or maintenance of the improvements or disposed of on-site, has not been considered. The

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undersigned appraisers acknowledge they are not qualified to render an opinion with regard to the presence of toxic materials, and recommend an environmental scientist be retained to determine the exact status of the property. No environmental impact studies were requested nor performed with regard to this appraisal, and the appraisers hereby reserve the right to alter, amend, revise, or rescind any portion of the value or opinions expressed herein based on any subsequent data discovered which could significantly impact the market value of the property.

8. The distribution of total valuation estimate in this report between land and improvements (if any) applies only under the existing or reported program of utilization. The separate valuation for land and improvements (if present) must not be used in conjunction with any other appraisal and is invalid if so used.
9. The assumption has been made that all required licenses, consents, permits, or other legislative or administrative authority, local, state, federal, and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.
10. The property is appraised as though operated under competent and responsible ownership and management.
11. Opinions of value contained herein are estimates. There is no guarantee, written or implied, that the subject property will sell for such amounts. It assumes there is full compliance with all applicable federal, state, local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
12. It is assumed that all applicable zoning and use regulations and restrictions have been complied with unless nonconformity has been stated, defined, and considered in the appraisal report.
13. The appraisers are not required to give testimony or to be in attendance in court or before other legal authority by reason of this appraisal without prior agreement and arrangement between the Client and appraisers.
14. Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute.

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15. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers or the firm with which they are connected, or any reference to the Appraisal Institute or to the MAI or RM designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, prospectus for securities, or any other public means of communication without prior written consent and approval of the appraisers.
16. The appraisers assume no responsibility for any costs or consequences arising due to the need or the lack of need for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for flood hazard insurance.
17. The liability of the appraisers' company, its owner and staff, is limited to the Client only. There is no accountability, obligation, or liability to any third party. The appraisers are in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally.
18. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. The appraiser has not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative impact upon the value of the property. Since the appraiser has no direct evidence relating to this issue, possible noncompliance with the requirements of the ADA in estimating the value of the property has not been considered.

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CERTIFICATION

The undersigned appraisers certify that they have personally analyzed a 0.56 acre proposed street vacation adjacent to the west of the Terrafirma facility located at 761 NE Garden Valley Boulevard in Roseburg, Oregon; and to the best of their knowledge and belief,

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is our personal unbiased professional analyses, opinions, and conclusions.
3. We have no past, present, or prospective direct or indirect interest in the property that is the subject of this report and no personal interest or bias with respect to the parties involved.
4. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. Our compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. The appraisal assignment was not based on a required minimum valuation, a specific valuation, or the approval of a loan.
7. We are competent to appraise the property that is the subject of this report based on our previous experience appraising similar type properties.
8. The reported analyses, opinions, and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. As of the effective date of this report, Gregory S. Schuler and David M. Matlock have completed the certification requirement with respect to continuing education for certified general

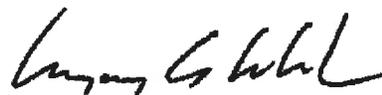
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appraisers within the State of Oregon. As of the date of this report, Gregory S. Schuler has completed the Standards and Ethics Education Requirements for Practicing Affiliates of the Appraisal Institute.

11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
12. Gregory S. Schuler and David M. Matlock find the content and conclusions of the appraisal and the report were prepared in accordance with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Institute. Gregory S. Schuler has made a personal exterior inspection of the subject property and exterior inspections of the majority of the market properties.
13. No one provided significant appraisal or appraisal review assistance to the person(s) signing this certification.
14. The appraisers have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the prior three year period immediately preceding acceptance of this assignment.

Respectfully submitted,

CASCADE CHARTER COMPANY, LLC



GREGORY S. SCHULER
Oregon State Certified General Appraiser
License No. C000268
Expiration Date: May 31, 2021



DAVID M. MATLOCK
Oregon State Certified General Appraiser
License No. C001357
Expiration Date: February 28, 2022

ADDENDA

Subject Photographs



Easterly

Views along NE Garden Valley Boulevard at the subject frontage

Westerly





View south across the subject from NE Garden Valley Boulevard



View south across the subject

Sale Photographs



Sale No. 1



Sale No. 2



Sale No. 3



Sale No. 4



Sale No. 5



Sale No. 6



Sale No. 7

**QUALIFICATIONS
GREGORY S. SCHULER**

Employment

1981 to Present: Principal with Cascade Charter Company, LLC in Medford, Oregon. Real estate appraiser specializing in industrial, commercial, and special use properties.

2004 to 2007: CEO of First Charter Companies in Jacksonville and Medford, Oregon. First Charter Real estate development, construction, and marketing.

1994 to 2000: Secretary/Treasurer of Commercial Real Estate Advisors, Inc. (CRA), Medford, Oregon. Commercial and retail real estate development, construction, and leasing.

1976 to 1980: Pulver & Leever Commercial Real Estate, Medford, Oregon. Real estate marketing specializing in commercial and industrial sales and leasing.

Professional Affiliations

State Certified General Appraiser:

Oregon
California

License No. C000268
License No. AG017213

Associate Member, Appraisal Institute

Licensed Real Estate Broker, State of Oregon. License No. 780401812

Appraisal Courses

Uniform Standards of Professional Appraisal Practice
Basic Valuation Procedures
Small Hotel/Motel Valuation
Federal Land Exchanges
Technical Inspection of Real Estate
Appraisal Review – General
General Appraiser Sales Comparison Approach
Litigation Appraising: Specialized Topics and Applications
Oregon Land Use Law
Right of Way Appraisals
Oregon Water Law
Update and Review of Oregon Law and the Appraiser
Identifying Comparable Properties
Eminent Domain

Education

Bachelor of Science degree in Business and Marketing, Oregon State University, 1973.



Appraiser Certification and Licensure Board
State Certified General Appraiser
28 hours of continuing education required

GREGORY S SCHULER
CASCADE CHARTER COMPANY, LLC
2800 BIDDLE RD
MEDFORD, OR 97504

License No.: C000268

Issue Date: June 01, 2019

Expiration Date: May 31, 2021

A handwritten signature in cursive script, reading "Gae Lynne Cooper", is written over a horizontal line.

Gae Lynne Cooper, Administrator

**QUALIFICATIONS
DAVID M. MATLOCK**

Employment

2012 to Present: Associate with Cascade Charter Company, LLC in Medford, Oregon. Real estate appraiser specializing in industrial, commercial, and special use properties.

Professional Affiliations

State Certified General Appraiser:

Oregon

License No. C001357

Appraisal Courses

Uniform Standards of Professional Appraisal Practice
Appraisal Principles
General Appraiser Market Analysis and Highest and Best Use
Real Estate Finance Statistics and Valuation Modeling
General Appraiser Site Valuation and Cost Approach
General Appraiser Sales Comparison Approach
General Appraiser Income Approach
Small Hotel/Motel Valuation
Comparative Analysis
Commercial Appraisal Review
Expert Witness for Commercial Appraisers

Education

Bachelor of Science degree in Business Management, Southern Oregon University.



Appraiser Certification and Licensure Board
State Certified General Appraiser
26 hours of continuing education required

DAVID M MATLOCK
CASCADE CHARTER COMPANY, LLC
2800 BIDDLE RD
MEDFORD, OR 97504

License No.: G001357

Issue Date: March 01, 2020

Expiration Date: February 28, 2022

Chad Koch, Interim Administrator

SEE M15-2
M15-3

PUBLIC HEARING B
ATTACHMENT #4

SEE CS 38/66
CS 42/139
M126-28

7000
14
3600
0.17
AC

3601
0.14
AC

3500
0.09
AC

2300
1.62
AC

SEE M102-41
CS 42/219
M4-10

SEE M99-34
M157-58
M165-27

M19-19
SW COR
S C BRADEN
DLC NO 37

NE GARDEN

NE GRANDVIEW
DR
4-51
AMENDED

4000
0.59
AC

3900
0.09
AC

3800
0.09
AC

3700
0.28
AC

SEE
M156-52
M170-74

3500
1.35
AC

3400
1.57
AC

+14,796 sq ft
+0.34 AC
VAC ROW

+8,834 sq ft
+0.20 AC
VAC ROW

ADD

ROSEBURG
4-51

DR

SEE M98-78

JOINED

TO

NE CRESSENT
ST

ROSEBURG

NE BARNES
AVE

1/16
COR

SEE M63-42
CS 37/206

NE BARNES
AVE

ST

19

M35-41

2800
0.74
AC

2801
0.45
AC

VACATED
2004-26044

1700
1.12
AC

1600
0.21
AC

1601
0.07
AC

1500
0.14
AC

SEE
M135-58

4300
17
0.23
AC

4400
0.23
AC

SEE MLP 3-19
M115-34

2801
0.45
AC

SEE CS 58-297
SEE M40-64

VACATED

1700
1.12
AC

1600
0.21
AC

1601
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1500
0.14
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SEE
M135-58

4300
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4400
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SEE MLP 3-19
M115-34

2801
0.45
AC

SEE M40-64
M161-21

VACATED

1700
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SEE
M135-58

4300
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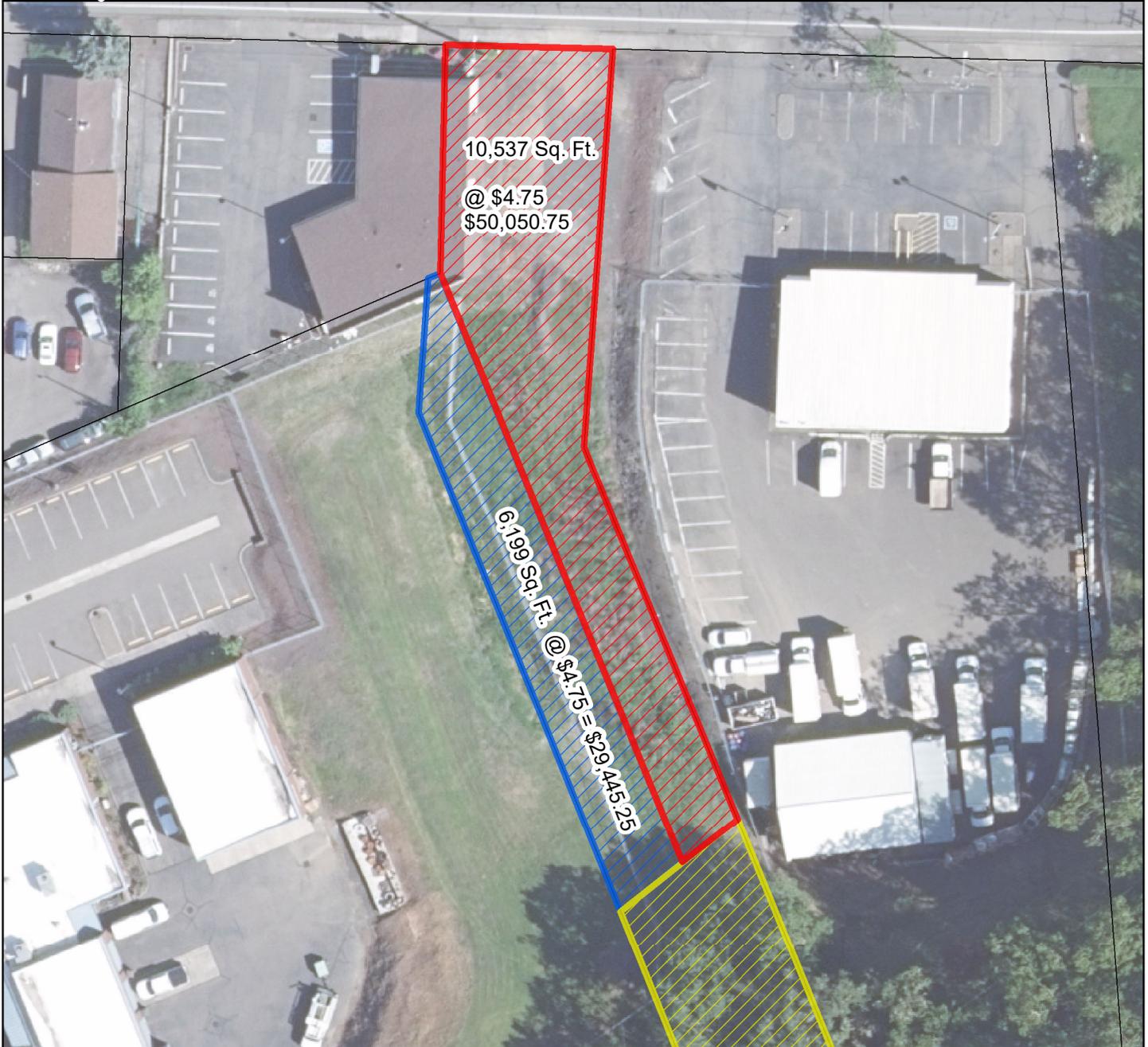
SEE MLP 3-19
M115-34



Proposed Vacation of a portion of NE Crescent Street

PUBLIC HEARING B
ATTACHMENT #6

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



Crescent ROW

NAME

-  RUSA ROW portion < 25% Slope
-  TerraFirma ROW Portion < 25% Slope
-  Property > 25% Slope
-  Parcels

ORDINANCE NO. 3562
AN ORDINANCE VACATING A PORTION OF NE CRESCENT STREET
RIGHT-OF-WAY IN THE CITY OF ROSEBURG

WHEREAS, pursuant to Roseburg Municipal Code Chapter 4.06, upon receipt of a report from the Community Development Department, the City Recorder initiated proceedings to vacate a portion of NE Crescent St. right-of-way in the City of Roseburg, more particularly described in Section 1 of this ordinance and shown on the map attached hereto as Exhibit "A" of this ordinance; and

WHEREAS, the City Recorder published a notice of a public hearing on the proposed vacation to be held before the Roseburg City Council on June 14, 2021, in The News-Review, a newspaper of general circulation in the City of Roseburg, Oregon, on May 30 and June 6, 2021, posted said notice at or near each end of the vacation area and mailed the same to all affected property owners, not less than 14 days prior to the date of the hearing, all of which more fully appear in the proof of publication, posting and mailing on file in the City Recorder's Office; and

WHEREAS, such public hearing was duly held before the Roseburg City Council on the above-mentioned date, and all persons desiring to be heard on said matter were heard;

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

SECTION 1. A variable width strip of land being a portion of the Crescent Street Right-of-Way located in the Northwest Quarter of Section 18, Township 27 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, more particularly described as follows:

Beginning at a point on the South Right-of-Way boundary of Garden Valley Boulevard, being the most Northerly corner of that tract of land described as PARCEL 3 in Instrument Number 2019-04123, Deed Records of Douglas County, also being the most Northerly corner of vacated Crescent Street Right-of-Way as described in the City of Roseburg Ordinance 3454, Instrument Number 2016-02758, Deed Records of Douglas County; Thence leaving said South Right-of-Way boundary, Southerly along the East boundary of said PARCEL 3, being the East boundary of said vacated Crescent Street Right-of-Way, coincident with the Westerly Right-of-Way boundary of said Crescent Street, South 02°16'44" East, 82.10 feet to the Southeast corner of said PARCEL 3, being the Southeast corner of said vacated Crescent Street Right-of-Way; Thence Westerly along the South boundary of said PARCEL 3, being the South boundary of said vacated Crescent Street Right-of-Way, coincident with the Westerly Right-of-Way boundary of said Crescent Street, South 63°12'57" West, 4.50 feet to the Southwest corner of said vacated Crescent Street Right-of-Way, being the Northeast corner of that tract of land described in Instrument Number 1989-04976, Deed Records of Douglas

County; Thence Southerly along the East boundary of said Instrument Number 1989-04976, coincident with the Westerly Right-of-Way boundary of said Crescent Street, South 00°30'02" West, 46.82 feet; Thence continuing along said East boundary and its Southerly extension, coincident with the Westerly Right-of-Way boundary of said Crescent Street, South 26°21'47" East, 329.26 feet to the intersection of said Westerly Right-of-Way boundary and the centerline of Barnes Street; Thence leaving said Westerly Right-of-Way boundary at a right angle, North 63°38'13" East, 50.00 feet to a point on the Westerly boundary of that tract of land described in Instrument Number 2020-19100, Deed Records of Douglas County, being on the Easterly Right-of-Way boundary of said Crescent Street; Thence Northerly along said Westerly boundary, coincident with said Easterly Right-of-Way boundary the following courses: North 26°21'47" West, 295.20 feet; Thence North 00°30'39" East, 142.01 feet to the Northwest corner of said Instrument Number 2020-19100, being on the aforementioned South Right-of-Way boundary of said Garden Valley Boulevard; Thence Westerly along said South Right-of-Way boundary, South 87°18'46" West, 60.09 feet to the point of beginning and there terminating.

The above described strip of land contains 23,627.97 Square Feet, more or less. (0.54 Acres, more or less).

SECTION 2. The title to the property being vacated by this ordinance shall attach to the lands bordering on such equal portions in accordance with ORS 271.140.

SECTION 3. Pursuant to ORS 271.150, the City Recorder is hereby directed to file a certified copy of this ordinance and the map attached hereto as Exhibit "A" with the Douglas County Clerk, Douglas County Assessor and Douglas County Surveyor.

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS ____ DAY OF _____, 20__.

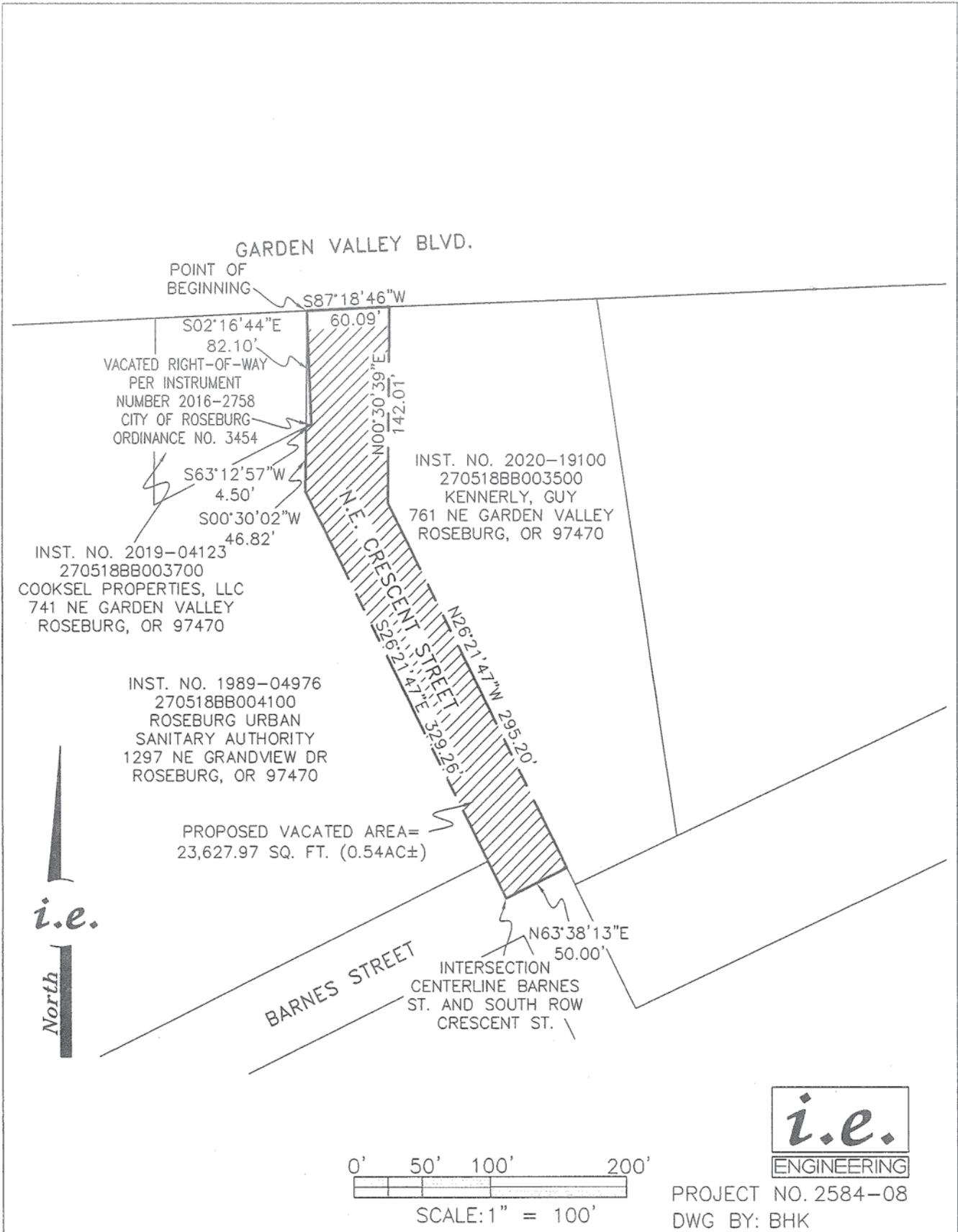
APPROVED BY THE MAYOR THIS ____ DAY OF _____, 20__.

LARRY RICH, MAYOR

ATTEST:

AMY L. SOWA, ASSISTANT CITY MANAGER/CITY RECORDER

EXHIBIT " A "



**ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY**



**NE CRESCENT STREET RIGHT-OF-WAY VACATION
ORDINANCE 3562**

Meeting Date: June 14, 2021
Department: Community Development
www.cityofroseburg.org

Agenda Section: Public Hearing
Staff Contact: Stuart Cowie, Director
Contact Telephone Number: 541-492-6750

ISSUE STATEMENT AND SUMMARY

On April 7, 2020, Alex Palm, with i.e. Engineering, Inc., on behalf of Guy Kennerly submitted a right-of-way (ROW) vacation application for portions of NE Crescent St., which is unimproved ROW south of NE Garden Valley Blvd. between the businesses TerraFirma (761 NE Garden Valley Blvd.), Express Employment Professionals (741 NE Garden Valley Blvd.), and Roseburg Urban Sanitary Authority (RUSA) (1297 NE Grandview Dr.).

The proposed ROW vacation will vacate .54 acres or 23,630 square feet of property. Attachment #1, is a map with an aerial photo identifying the portion of ROW to be vacated.

BACKGROUND

A. Council Action History.

None

B. Analysis.

When the application was submitted on April 7, 2020, Guy Kennerly was the owner of the property and was leasing it to Ryan Beckley, owner of TerraFirma Foundation Systems. On November 2, 2020, the property was sold to Mr. Jay Mason. Mr. Beckley, continues to lease the property from the new owner with plans to purchase it from Mr. Mason in the near future. Although initially i.e. Engineering submitted the application on behalf of the previous owner Mr. Kennerly, they are now acting on behalf of the new owner, Mr. Mason. However, Council should be aware that Mr. Beckley is the driving force behind the proposed ROW vacation. As indicated further within this report, Mr. Beckley plans to utilize the vacant ROW to expand his current TerraFirma business.

Chapter 4.06 (Vacation of a Public Way) of the Roseburg Municipal Code (RMC) contains the requirements necessary for Council to authorize a vacation of the ROW. As outlined within RMC Section 4.06.020, an application must be accompanied by a map and legal description depicting the public way to be vacated, and notarized written consent from all adjacent property owners who would lose access to their property via the public way, if

the vacation were to be approved. Written consent has been provided for each of the three adjacent property owners, including written consent from Mr. Mason, the new property owner of the TerraFirma parcel. In addition, the applicant must also identify the intended use of the public way proposed to be vacated, including location of future structures. The applicant submitted a preliminary site plan (Attachment #2) identifying the use of the ROW as an expanded parking lot, area for truck circulation and possible footprint for a portion of a future building.

RMC Section 4.06.070, requires the applicant to submit an appraisal of the public way proposed to be vacated prepared by an appraiser licensed in the State of Oregon. Attachment #3 is a copy of an appraisal submitted by the applicant completed by Cascade Charter Company, LLC. The report was completed August 17, 2020. Section 4.06.110, indicates that prior to granting any vacation of public way, City Council shall determine what amount, if any, should be assessed for the value of the public way based on the appraisal presented by the applicant.

Based upon the studies and examinations made within the appraisal by Cascade Charter Company, they have indicated the “as is” market value of the subject property as of May 21, 2020 to be \$80,000. This value was determined utilizing the “Across the Fence Valuation” method. According to the Dictionary of Real Estate Appraisal, the “across-the-fence” method is a land valuation method often used in the appraisal of corridors. The “across the fence” method is used to develop a value opinion based on comparisons to abutting lands. Given that vacated ROW typically lacks little utility as a standalone parcel, the “across the fence” method is utilized determining value of adjacent properties without regard for size and shape. The premise being that the best indication of value for ROW property is the value of similar adjacent or nearby land.

Since the appraisal was completed, the applicant has re-adjusted the proposed amount of ROW requested to be vacated. This adjustment was made to the southern end of the ROW in an effort to not impact an additional property owner. This means that the appraisal was completed with the understanding that the valuation would be based on 24,269 square feet of vacated ROW. However now, as a result of the adjustment, only 23,630 square feet of ROW is being requested to be vacated. Based on the way in which the valuation was determined by the appraiser this decrease in the square footage being proposed will not change the overall valuation of the entirety of the ROW.

Based on information provided by i.e Engineering to the appraiser, the southerly portion of the ROW has a slope of greater than 25 percent making it extremely difficult to develop. The area greater than 25 percent slope represents approximately 7,653 square feet of the proposed ROW to be vacated, as originally submitted by the applicant. This area was not assigned a dollar value by the appraiser, as it is assumed because of the slope that it will not be developed. Thus, decreasing the amount of ROW to be vacated on the southern end of the property does not decrease the overall value of the property based on the appraiser’s methodology within the report. The value of the property was determined by the appraiser based upon the usable portion of ROW with a slope less than 25 percent located on the northern half of the public way.

Information provided by i.e. Engineering shows this useable area to be 16,616 square feet in size. The appraisal indicates that it is only reasonable to project that a knowledgeable and prudent buyer would only be willing to pay for the useable portion of the proposed vacated ROW, although the entire proposed vacated ROW would have to be purchased.

Based upon comparison values of property sales both locally and regionally the appraiser determined a market price of \$4.75 per square foot to be applied to only the useable 16,616 square feet of property within the proposed ROW vacation. The calculation provided by the appraisal is as follows:

16,616 Useable Sq. Ft. @ \$4.75/Sq. Ft.	<u>\$78,926</u>
	Rounded to, <u>\$80,000</u>

Based upon the submitted appraisal and Section 4.06.110, which states that Council shall determine what amount, if any, should be assessed based on the appraisal presented by the applicant, staff recommends that Council value the entirety of vacated ROW at \$80,000.

RMC Section 4.06.110, also indicates that Council may assess such value to the person(s) who shall benefit from the proposed vacation. Typical ROW vacations, mean that the property on either side of the proposed vacation obtain half of the vacated ROW as outlined in RMC Section 4.06.120. In this situation, the two organizations that stand to benefit directly from the ROW vacation are Terra Firma (TL 3500) and RUSA (TL 4100) (See Attachment #4 Division Map).

The other adjacent property owner, Express Employment (TL 3700) will not obtain a portion of the vacated ROW due to a previous ROW vacation and re-alignment of the public way completed in 1975 (See Attachment #5 ROW/Fee Title Map). This previous ROW vacation negates Express Employment's legal right to obtain a portion of the new proposed ROW vacation.

(Attachment #5 ROW/Fee Title Map) identifies the public way subject to the vacation highlighted in blue. The portion highlighted in red within the same attachment indicates the re-alignment of the ROW in 1975, which was conveyed to the City through fee title per two Warranty Deeds transferring property to the City for street purposes. As this property was to be used for street purposes this portion of property will be transferred via the ROW vacation process.

(Attachment #4 Division Map), conveys the square footage that each property stands to obtain through the proposed ROW vacation as determined by the Douglas County Assessor- Cartography Department. RUSA (TL 4100) will acquire 8,834 square feet of property. TerraFirma (TL 3500) will acquire 14,796 square feet.

PUBLIC HEARING
ATTACHMENT #9

Utilizing Douglas County Assessor's records staff has calculated the assessed value associated with each portion of the vacated ROW for both TerraFirma and RUSA, utilizing the same method as outlined in the appraisal. Staff has applied the same dollar figure of \$4.75 per square foot and has only valued property under 25 percent slope. See Attachment #6.

At an overall value of \$4.75 per square foot, the total value of the vacated ROW is \$79,496.00.

TerraFirma;	10,537 Sq. Ft. @ \$4.75/Sq. Ft.	<u>\$50,050.75</u>
RUSA;	6,199 Sq. Ft @ \$4.75/Sq. Ft.	<u>\$29,445.25</u>
	Total	<u>\$79,496.00</u>

Staff recommends that Council assess \$50,050.75 to TerraFirma for the 14,796 square feet of vacated ROW they will obtain as part of the vacation process and \$29,445.25 to RUSA for the 8,834 square feet they will obtain.

Please note that since the ROW application was submitted April 7, 2020, Mr. Beckley has obtained Site Review (SR-20-089) authorization to excavate, grade, and shotcrete a significant portion of the property he is currently leasing, including neighboring property he has obtained to the east. As part of the excavation project Mr. Beckley obtained a Public Works permit (Pmt. #40-20) to stock pile the excavation material from the grading job on the ROW proposed to be vacated. As a condition of the permit, if the ROW vacation is not completed Mr. Beckley will be required to remove all stock piled material and restore the ROW to pre-existing conditions.

If Council determines a value should be assessed to the property owners who will benefit from the vacation, then each owner will be sent notification of the assessed value and will be required to make payment of the specified amount within 30 days of the public hearing. All assessments must be paid in full before the ordinance finalizing the ROW vacation can be completed. If a property owner does not want the vacated ROW, the neighboring property owner can make the payment in order to initiate the process of them acquiring the unwanted ROW. A subsequent boundary line adjustment will be necessary if this occurs in order to transfer ownership of the vacated ROW from one property owner to the other once payment is made.

If a property owner objects to the assessment Council may assign to the ROW, the public hearing can be continued until the next scheduled meeting to allow the affected property owners an opportunity to prepare an argument against the assessment set by Council.

If no objections are made during the course of the public hearing, first reading of Ordinance 3562, may occur, recognizing that second reading will not happen, until the assessed value Council may assign to the vacated ROW is paid in full.

C. Financial/Resource Considerations.

RMC Section 4.06.110, provides Council with the ability to determine the value of the ROW to be vacated based upon the appraisal submitted by the applicant. This section also indicates that Council may assess such value to the person(s) who shall benefit from the proposed vacation. Based on the analysis provided above staff recommends Council assess \$79,496.00 for the entirety of the vacated ROW: \$50,050.75 should be assigned to TerraFirma and \$29,445.25 should be assigned to RUSA.

D. Timing Considerations.

If a value is assigned to the proposed ROW vacation by Council, then it is proposed that the property owners have 30 days to make payment of the specified amount, prior to Ordinance 3562 being adopted.

COUNCIL OPTIONS

After hearing all matters regarding the proposed vacation, Council may:

1. Grant the vacation with conditions, including an assessment of the value;
2. Grant the vacation as proposed without an assessment of the value;
3. Grant the vacation in part and deny it in part;
4. Deny the vacation, as it appears to best serve the public.

STAFF RECOMMENDATION

Staff recommends Council grant the ROW vacation as proposed, assessing \$79,496.00 for the entirety of the vacated ROW: \$50,050.75 assigned to TerraFirma and \$29,445.25 assigned to RUSA. Upon full payment Council should adopt Ordinance 3562.

SUGGESTED MOTION

“I move to approve the proposed NE Crescent St. Right-of-Way vacation, assessing \$79,496.00 for the entirety of the vacated Right-of-Way. \$50,050.75 assigned to TerraFirma and \$29,445.25 assigned to Roseburg Urban Sanitary Authority. Second reading and adoption will not occur until full payment is received.”

ATTACHMENTS:

- Attachment #1 – Map of Proposed NE Crescent St ROW Vacation
- Attachment #2 – Site Plan (TerraFirma) Future use of Vacated ROW
- Attachment #3 – Appraisal
- Attachment #4 – Division Map
- Attachment #5 – ROW/Fee Title Map
- Attachment #6 – Assessment Distribution
- Attachment #7 – Ordinance No. 3562
- Attachment #8 – Exhibit A to Ordinance No. 3562

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



RESOLUTION 2021-16 APPROPRIATION TRANSFER FOR FISCAL YEAR 2020-21

Meeting Date: June 28, 2021
Department: Finance
www.cityofroseburg.org

Agenda Section: Resolutions
Staff Contact: Ron Harker, Finance Director
Contact Telephone Number: 541-492-6710

ISSUE STATEMENT AND SUMMARY

As the City nears fulfillment of its 2020-21 fiscal year, accounting accommodations need to be made in order to properly record and present financial transactions resulting from the foreclosure of two properties; namely, 1054 NE Cedar and 154 SE Mosher. Proper recording of the foreclosed properties' transactions requires adoption of an appropriation transfer to get them listed on the City's fixed assets.

BACKGROUND

A. Council Action History.

March 8, 2021: Council declared 1054 NE Cedar and 154 SE Mosher surplus to the City's needs and directed them to be listed with a local realtor at a price agreed upon by Staff and the realtor.

June 14, 2021: Council accepted an offer of \$100,000 on 1054 NE Cedar.

B. Analysis.

An appropriation is an authorization granted by the governing body to make expenditures and to incur obligations for specific purposes. It is limited to one fiscal year [ORS 294.311(3)]. Appropriations are a legal limitation on the amount of expenditures that can be made during the fiscal year and on the purposes for which expenditures can be made [ORS 294.456(6)]. After the beginning of the fiscal year, when a local government is operating with the adopted budget, changes in appropriated expenditures sometimes become necessary. Appropriations may be increased or decreased, transferred from one appropriation category to another, or new appropriations categories created.

In order to properly record and report the financial transactions of the foreclosed properties at 1054 NE Cedar and 154 SE Mosher, the City needs to expense the value of the properties at their Real Market Value (RMV). Since the City accepted an offer of \$100,000 for 1054 NE Cedar on June 14, 2021, the City needs to expense this property at the \$100,000 sale price. As the City has yet to receive an offer on the 154 SE Mosher property, the City needs to expense this property at the listed price of \$37,500 as set by the City's Realtor.

The City's current budget does not include appropriation authority to expense these financial transactions. Consequently, an appropriation transfer of \$137,500 from the General Fund's Contingency to the General Fund's Non-Departmental's Other Requirements is required.

In order to accommodate these changes, the following adjustments are proposed:

General Fund (100)

Expenditures (Non-Departmental)

Contingency \$-137,500

Other Requirements..... \$ 137,500

(Changes in appropriations are offsetting thereby maintaining a balanced budget)

C. Financial/Resource Considerations.

Since the appropriation transfer is to accommodate financial disclosures there will not be any actual use of funds; consequently, there are not any detrimental financial impacts to the General Fund.

D. Timing Considerations.

Oregon Budget Law requires that appropriation authority be granted prior to the use of appropriation authority and that all budget adjustments must be made prior to June 30, 2021, to address the issue at hand.

COUNCIL OPTIONS

- 1) Adopt the attached resolution as written; or
- 2) Adopt the attached resolution with modifications to the fund and/or accounts;
or
- 3) Not adopt the attached resolution.

STAFF RECOMMENDATION

Given the need to comply with Oregon Budget Law, it is staff's recommendation to adopt the attached resolution as written.

SUGGESTED MOTION

"I move to adopt Resolution No. 2021-16 authorizing a budget re-appropriation for fiscal year 2020-21."

ATTACHMENTS:

Attachment #1 – Resolution No. 2021-16 entitled "A RESOLUTION AUTHORIZING A BUDGET RE-APPROPRIATION FOR FISCAL YEAR 2020-21"

RESOLUTION NO. 2021 – 16

**A RESOLUTION AUTHORIZING A BUDGET RE-APPROPRIATION FOR
FISCAL YEAR 2020-21**

WHEREAS, the City of Roseburg, Oregon adopted a budget and appropriated funds for fiscal year 2020-21 by Resolution 2020-11; and

WHEREAS, to properly record and report the financial transactions of the foreclosed properties at 1054 NE Cedar and 154 SE Mosher, the City needs to expense the value of the properties at their Real Market Value (RMV); and

WHEREAS, the City accepted an offer of \$100,000 for 1054 NE Cedar on June 14, 2021; therefore, the City needs to expense this property at the \$100,000 sale price; and

WHEREAS, the City has yet to receive an offer on the 154 SE Mosher property; therefore, the City needs to expense this property at the listed price of \$37,500 as set by the City’s Realtor; and

WHEREAS, the City’s current budget does not include appropriation authority to expense these financial transactions. Consequently, an appropriation transfer of \$137,500 from the General Fund’s Contingency to the General Fund’s Non-Departmental’s Other Requirements is required; and

WHEREAS, ORS 294.463 allows appropriations to be transferred within a fund and between funds after the budget has been adopted.

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

Section 1. Resources and appropriations in the Fiscal Year 2020-21 budget shall be adjusted as follows:

	<u>Current</u>	<u>Amount</u>	<u>Amended</u>
General Fund (100)			
Appropriations			
Non-Departmental (Contingency)	1,000,000	(137,500)	862,500
Non-Departmental (Other Req.)	201,000	137,500	338,500
Other Departments	26,841,466		26,841,466
Ending Fund Balance	<u>6,119,128</u>	-	<u>6,119,128</u>
Total Appropriations:	34,161,594	-	34,161,594

To provide required appropriation authority for the proper accounting of the City's foreclosed properties financial transactions.

Section 2. The Finance Director shall make the proper adjustments to the budget.

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 28th DAY OF JUNE, 2021.**

Amy L. Sowa, Assistant City Manager/Recorder

ORDINANCE NO. 3560

**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-21-001) was submitted to the Community Development Department February 10, 2021, by Yit Chan and Qiongci Chi, owners of properties identified as 770 NE Imbler Ave. and 1023 NE Stephens St. to re-zone approximately 2,526 sq. ft. of land between their two properties from C-2 to C3; and

WHEREAS, the zone change approval is necessary to obtain a subsequent boundary line adjustment (BLA-21-004) upon adoption of this ordinance; and

WHEREAS, the Planning Commission held a Public Hearing on File No. ZC-21-001 after duly and timely notice on May 3, 2021; and

WHEREAS, the Planning Commission adopted Findings of Fact and Order supporting a recommendation to approve the Zone Change;

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 May 3, 2021, recommending approval of the proposed Zone Change.

SECTION 2: The City Council hereby adopts the Findings of Fact and Order regarding the proposed Zone Change.

SECTION 3: 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 4: 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".

ADOPTED BY THE CITY COUNCIL THIS 28TH DAY OF JUNE 2021.

APPROVED BY THE MAYOR THIS 28TH DAY OF JUNE 2021.

LARRY RICH, MAYOR

ATTEST:

AMY L. SOWA, ACM/CITY RECORDER

ORDINANCE NO. 3561

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 12 OF THE
ROSEBURG MUNICIPAL CODE REGARDING LAND USE AND DEVELOPMENT
REGULATIONS AS SET FORTH HEREIN.**

WHEREAS, after reviewing the recommendation of the Planning Commission after conducting a public hearing on May 3, 2021.

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

SECTION 1. Section 12.02.090 entitled "Definitions" is hereby amended to read as follows:

"Accessory dwelling unit" means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. An accessory dwelling unit may either pass inspection for compliance with the International Building Code (IBC) standards or meet the definition of a manufactured home.

"Duplex." See "Dwelling, Duplex" definition.

"Dwelling, single-family" means a building or portion thereof designed and used exclusively for and containing facilities for the occupancy of one (1) family, and having housekeeping facilities for only one (1) family.

"Dwelling, duplex" means two (2) attached or detached dwelling units on one lot or parcel. This definition shall not include a single-family dwelling and an accessory dwelling unit.

"Dwelling unit" means one (1) or more habitable rooms that includes provisions for sleeping, cooking, eating and sanitation for one family in compliance with International Building Code (IBC) standards. This definition shall include manufactured dwellings as defined herein. Synonymous with "dwelling."

"Family" means one or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than five (5) additional persons, who live together in one dwelling unit; or one (1) or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five (5) additional persons, who live together in one dwelling unit.

"Lot, flag" means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or "pole" to the main part of the lot used for building, which is located behind another lot that has street frontage. There are two distinct parts to the flag lot; the development area or "flag" which comprises the actual building site, and the access strip or "pole" which provides access from the street to the flag.

"Lot measurements" means:

1. Depth of a lot shall be the distance from the midpoint of the front lot line to the midpoint of the rear lot line.
2. Width of a lot shall be considered to be the average distance between side lot lines measured parallel to the front lot line. The "pole" of flag lots is not included when computing lot width.

"Manufactured dwelling" means:

1. "Manufactured Dwelling" for purposes of this Code is synonymous with "manufactured home" and "mobile home" and means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, and that is being used for residential purposes.
2. "Manufactured Dwelling" does not include any building or structure constructed to conform to the State of Oregon One and Two Family Dwelling Code, as adopted by the State Building Codes Division.
3. "Manufactured Dwelling" does not mean a "recreational vehicle."

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction, as defined in ORS 446.003.

"Zero-lot-line house" means a principal residential building containing one dwelling unit located on a single lot that is either unattached to another dwelling unit, or attached to only one other dwelling unit by a common wall. The building is shifted to one side of the parcel so that there is a more usable side yard on one side of the building and very little or no private yard on the other side.

SECTION 2. Section 12.04.030 entitled "Residential Districts" is hereby amended as follows:

TABLE 2-4: RESIDENTIAL—ALLOWED USES

USE CATEGORY	R10	R7.5	R6	MR14	MR18	MR29	MR40	STANDARDS
Specific Use								
RESIDENTIAL								
1) Single-Family Dwelling	P	P	P	P	P	P	-	-
2) Duplex Dwelling ^[1]	P	P	P	P	P	P	-	
3) Townhouses	C	C	C	P	P	P	P	12.04.030(E)
4) Multifamily Dwelling	-	-	-	P	P	P	P	12.04.030(F)
5) Mobile Home Parks	-	-	-	P	P	-	-	12.10.120
6) Accessory Dwelling Unit ^[2]	P	P	P	P	P	P	P	12.04.030(C)
7) Boarding and Rooming Houses	-	-	-	P	P	P	-	-
8) Family Day Care Home	P	P	P	P	P	P	P	-
9) Residential Home	P	P	P	P	P	P	P	-

10) Residential Facility	C	C	C	P	P	P	P	-
11) Severe Event Shelter	P ^[6]	12.08.060						
PUBLIC/CIVIC								
12) Religious Institutions	P	P	P	C	C	C	C	-
13) Parks and Playgrounds	C	C	C	C	C	C	-	-
14) Public/Semi-public Buildings and Uses	C	C	C	C	C	C	-	-
15) Schools	-	-	-	C	C	C	-	-
COMMERCIAL								
16) Ambulance Service	-	-	-	-	-	C	C	-
17) Bed and Breakfast Facilities	C	C	C	C	C	C	C	12.08.040(K)
18) Convenience Commercial Uses ^[5]	-	-	-	-	-	-	C	-
19) Day Care Facility	C	C	C	C	C	C	C	-
20) Nursing Home	-	-	-	-	C	C	-	-
21) Privately-Operated Kindergarten	-	-	-	C	C	C	-	-
22) Telecommunications Facilities	C	C	C	C	C	C	C	12.08.030
23) Temporary Sales Office ^[3]	P	P	P	P	P	P	P	-
24) Uses Permitted in PO Zone ^[4]	-	-	-	C	C	C	C	

^[1]Conversion of an existing legal non-conforming single-family dwelling to a duplex is allowed, provided that the conversion does not increase the non-conformity. In any case, the number of dwelling units on a lot or parcel may not exceed two, including any accessory dwelling units.

TABLE 2-5. RESIDENTIAL PARCEL AND BUILDING STANDARDS

DISTRICTS	R10	R7.5	R6	MR14	MR18	MR29	MR40
Minimum Lot Area (sq. ft.)							
Single-Family and Duplex Dwelling	10,000	7,500	6,000	6,000	6,000	6,000	-
Townhouses ^[1]	4,500	3,600	3,000	2,400	2,400	2,400	2,400
Multifamily Dwelling ^[4] (Min. Lot Area/Lot Area per dwelling unit)	-	-	-	10,000/3,000 ^{[2] [3]}	10,000/2,350 ^[3]	10,000/1,500 ^{[3] [4]}	30,000/800 ^{[3] [4]}
Residential Facility or Home (Min. Lot Area/Lot Area per five (5) beds) ^[5]	10,000/4,700	10,000/4,700	10,000/4,700	10,000/4,700	10,000/4,700	10,000/3,000	10,000/2,200
Minimum Lot Width (feet) ^[1]	60	60	60	60	60	60	-

Coverage	55%	55%	55%	70%	80%	80%	80%
Setbacks (feet) ^[7]							
Front	20	20	15	15	15	15	10
Rear	10	10	10	[6]	[6]	[6]	[6]
Side (interior)	5	5	5	[6]	[6]	[6]	[6]
Side (exterior)	10	10	10	10	10	10	10
Maximum Building Height (feet)	35	35	35	35	45	60	80

C. Accessory dwelling units. Accessory dwelling units shall conform to the following standards:

1. Accessory dwelling units are exempt from the housing density standards and minimum lot areas of residential zoning districts.
2. A maximum of one (1) accessory dwelling unit is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor);
 - a. A detached accessory dwelling unit shall not exceed 1000 square feet in floor area, or 75% of the primary dwelling's floor area, whichever is smaller.
 - b. An attached or interior accessory dwelling unit shall not exceed 1000 square feet of floor area, or 75% of the primary dwelling's floor area, whichever is smaller. However, accessory dwelling units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling unit would be more than 1000 square feet;
3. Accessory dwelling units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
 - a. Conversion of an existing legal non-conforming structure to an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity.
4. Accessory dwelling units shall comply with the street improvement standards of Subsection 12.06.010(D)(1) and sidewalk improvement requirements of Subsection 12.06.020(E)(1), if applicable, except that street or sidewalk improvements are not required for interior accessory dwelling units in which no increase to the size of the total gross floor area on the property occurs.

D. Manufactured homes.

1. Individual manufactured homes placed as a single-family dwelling outside of a mobile home park or as a duplex dwelling shall comply with the following standards:
 - a. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

- b. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade.
 - c. The manufactured home shall have a pitched roof, with a slope of at least a nominal three (3) feet in height for each 12 feet in width.
 - d. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Community Development Director.
 - e. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of the single-family dwellings constructed under the state building code as defined in ORS 455.010.
 - f. The manufactured home shall have a garage or carport constructed of like materials. The Director may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.
 - g. Unless inconsistent with the above, the manufactured home and the lot upon which it is sited shall also be subject to all other development standards applicable to the single-family or duplex dwelling.
2. Individual manufactured homes placed as an accessory dwelling unit shall comply with Subsection 12.04.030(D)(1)(b), (c), (d) and (e). The manufactured home shall comply with all other applicable standards for accessory dwelling units.
 3. Individual manufactured homes are not permitted in any area designated in the Comprehensive Plan or in Section 12.04.110 as an historic district, or to any residential land immediately adjacent to an historic landmark.

E. Screening.

F. Townhouses.

G. Multiple-family dwellings.

SECTION 3. Section 12.04.100(D) entitled "Hillside Development Overlay – Development criteria and standards" is hereby amended as follows:

1. Density Transfers: The permitted density established by the underlying zoning may be increased for lands in the Hillside Development Overlay by transferring the rights to develop an area of land with qualifying slopes to another location contiguous to said areas. The area to be developed does not need to be within the Overlay. In addition to increasing the density of one portion of land by not developing another portion, the density may be further increased based on the total area of the undeveloped land and the "Level" for which the grade of the slopes qualify (see below). The total acreage of undeveloped slopes may be combined to determine the number of additional dwelling units, however, the

number of additional dwelling units shall be based on whole numbers and not portions thereof. For example, if 1.95 acres of Level 2 and 0.5 acre of Level 3 are undeveloped, the total number of dwelling units that may be added to the density transfer is five (5) based on the following calculation: $(1.95\text{ac} \times 2 \text{ du}) + (0.5\text{ac} \times 4\text{du}) = 5.9$ dwelling units.

- a. Level 1 - the density increase for sites with slopes greater than 12% and up to 25% shall be increased by one (1) unit per acre of the qualifying sloped area.
 - b. Level 2 - the density increase for sites with slopes greater than 25% and up to 35% shall be increased by two (2) units per acre of the qualifying sloped area.
 - c. Level 3 - the density increase for sites with slopes greater than 35% shall be increased by four (4) units per acre of the qualifying sloped area.
 - d. For the purposes of calculating density for this section, duplexes shall count as one unit.
4. Lot Size. Minimum lot sizes and dimensions in the Hillside Development Overlay shall be established upon approval of a land division or Planned Unit Development based on the following minimum standards:
- a. Minimum lot area may deviate from the standards of this Code based on the adjusted density granted by a Density Transfer, but no lot shall be less than 3,000 square feet for a single-family dwelling or duplex.

SECTION 4. Section 12.04.120(D) entitled “West Avenue Residential Overlay – Development Standards” is hereby amended as follows:

- D. Development Standards. Existing Dwellings of Record may be continued, replaced, repaired or converted to a duplex dwelling within the existing footprint. Any proposed alterations, expansion or additions shall be subject to the following:

SECTION 5. Section 12.06.020(A) entitled “Public Improvement Requirements – Access, Parking and Loading” is hereby amended as follows:

- A. Access, parking and loading. Arrangement of parking, loading, internal circulation and driveways shall be reviewed for safety, convenience, and mitigation of potential adverse impacts on neighboring properties, the operation of public facilities, and on the traffic flows of adjacent and nearby streets.
1. Driveway access shall be from adjacent streets of the lowest classification. Driveway access to arterial and collector streets may be permitted if no reasonable alternative street access exists or where heavy use of local streets is inappropriate due to traffic impacts in residential areas.
 - a. For a duplex dwelling with frontage on two local streets, access may be permitted on both streets provided that the distance from the intersection complies with Table 3-1: Minimum Driveway Spacing.
 2. Where a proposed development abuts an existing or proposed Arterial or Collector Street, the development and off-street improvements shall be designed to minimize traffic conflicts.
 3. Bus turn out lanes may be required consistent with an adopted transit plan.

4. Additional improvements or design modifications necessary to resolve identified transportation conflicts may be required by the Public Works Director.
5. Driveways shall be designed to allow safe and efficient vehicular ingress and egress in accordance with City of Roseburg Public Works Standards.
6. Except where specified in an adopted access management plan, minimum separation between a standard driveway (measured from the end of the curb radius at the driveway or the top of the transition) and the nearest intersection curb return (measured at the end of the curb radius at an intersection or the top of the transition) or between two driveways (except driveways for single-family residential and duplex on local street on abutting lots) on the same side of the street shall be as shown in Table 3-1: Minimum Driveway Spacing.

TABLE 3-1: MINIMUM DRIVEWAY SPACING

LAND USE	STREET TYPE		
	ARTERIAL	COLLECTOR	LOCAL
Industrial	500'	200'	150'
Commercial/ Public Land	500'	200'	75'
Multi-family Residential	500'	200'	75'
Single-family Residential and Duplexes	500'	200'	30' ^[1]

^[1] May be reduced to 22 feet between two driveways on the same lot.

7. Distances shown in Table 3-1 may be reduced in the following circumstances:
 - a. Access is from a one-way street.
 - b. The driveway is designed and marked "right turn entrance only."
 - c. The driveway is marked "exit only" and is designed to prevent left turns.
 - d. Exceptions to this requirement may be granted by the Community Development Director when recommended by the Public Works Director. Evaluations of exceptions shall consider the posted speed for the street on which access is proposed, constraints due to lot patterns, and effects on the safety and capacity of the adjacent Public Street, bicycle, and pedestrian facilities.

SECTION 6. Section 12.06.030 entitled "Site Improvement Requirements" is hereby amended as follows:

- G. Garbage container areas. New Development, except single-family and duplex dwellings, shall provide a Garbage and Recycle Container area that shall be screened per Subsection 12.06.030(F). Multifamily housing complexes shall also provide recycling containers for at least four (4) principal recyclable materials. Garbage and Recycle Container Areas shall meet the following construction design standards:

1. All containers must be placed on a hard level surface.
 2. All containers shall have a minimum clear area 65 feet long by 12 feet wide in front with no obstructions.
 3. This area must be on the same cross slope as the container (level).
 4. The clear area and hard level surface under the container must be flush (No curbs or drops).
 5. The unobstructed area must have no more than a two percent (2%) slope front to back.
 6. Enclosures shall have a minimum of 18 feet overhead clearance over the entire clear area.
 7. Any enclosure shall have a minimum opening of ten (10) feet centered in front of the clear area.
 8. Any enclosure gates shall open past 90 degrees.
 9. All enclosures shall have a curb or other stop at least four (4) inches high and a minimum of six (6) inches in front of back wall or fence.
 10. Developments proposing to deviate from these requirements shall submit written approval from the designated service provider prior to City consideration.
 11. Uses having cooking grease contained for recycling purposes shall provide appropriate containment areas within the garbage container area that has curbs and an approved grate trap.
- H. Off-street parking. At the time of erection of a new structure, the addition of dwelling units, at the time of enlargement except for enlargement of a single-family or duplex dwelling, or at the time of a change in the use of an existing structure, off street parking spaces and bicycle parking spaces shall be provided in accordance with this Section and Table 3-3: Minimum Parking Spaces Required, except as otherwise provided. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified, the area measured shall be the gross floor area of the building, excluding restrooms, hallways, mechanical spaces, elevators, stairwells, and space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors. Where the resulting number of spaces is a fraction of a parking space, any fraction under one-half shall be disregarded and any fraction of one-half (½) or more shall count as one (1) space.

TABLE 3-3: MINIMUM PARKING SPACES REQUIRED

LAND USE	MINIMUM VEHICULAR PARKING SPACES	BICYCLE PARKING SPACES
1) RESIDENTIAL		
a) Single-family dwelling	2 per dwelling unit	N/A
b) Duplex dwelling	1 per dwelling unit	N/A
c) Multi-family dwelling		1 per unit for developments with 4+ dwelling units
i) One-bedroom units	1.5 per dwelling unit	
ii) Two-bedroom units	1.75 per dwelling unit	
iii) Three+ bedrooms units	2 per dwelling unit	

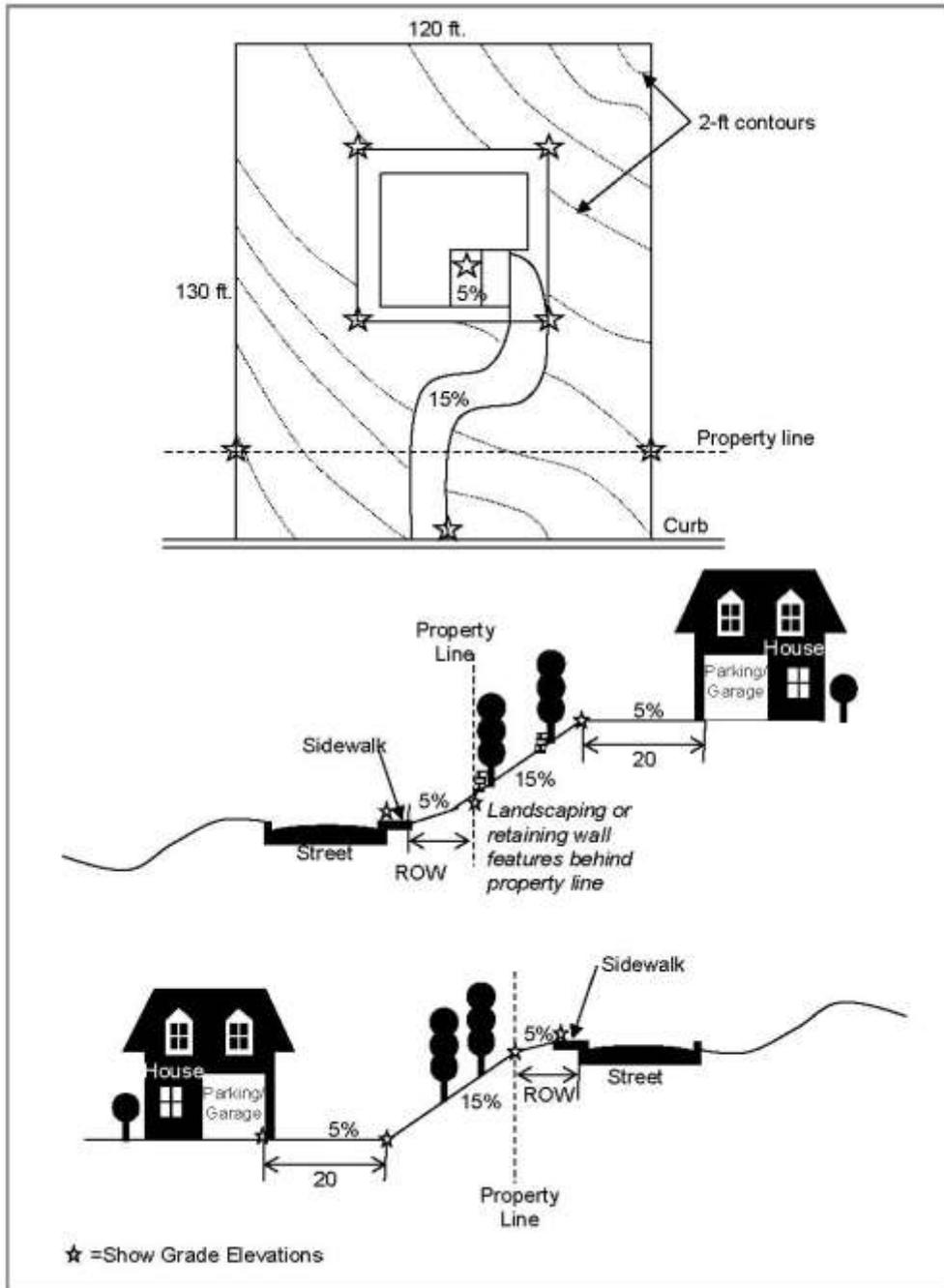
d) Townhouse	2 per dwelling unit	N/A
e) Residential Home	1 for every 2 rooms	N/A
f) Bed and Breakfast	2 plus 1 space per guest room	N/A

Q. Parking area and driveway design. All public or private parking areas, parking garages and public spaces, shall be designed, laid out and constructed in accordance with the provisions of this Section.

1. Driveway Specifications. Groups of three or more parking spaces, except those in conjunction with a single-family dwelling, a duplex dwelling, or a townhouse on a single lot, shall be served by a driveway that does not require backward movement or other maneuvering of a vehicle within a street, other than an alley. Driveways shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site. Two-way and one-way driveways for commercial and multi-family development shall not be less than 20 feet and 12 feet wide, respectively, nor shall any driveway have a width in excess of 40 feet.
 - a. Driveways for commercial and industrial sites, as well as residential developments that require 10 or more off-street parking stalls, shall have at least 20 feet of uninterrupted travel length as measured from the nearest curb return where access to a Collector, or lower classified, street is provided, and at least 40 feet from an Arterial street. For the purposes of this Section, "uninterrupted" shall refer to the lack of parking stalls, access aisles, ingress or egress of stacking areas, and other features that have the potential to create situations of conflicting travel paths for vehicles entering a site.
2. Driveway Specifications – Residential. For a single-family dwelling, a duplex dwelling or a townhouse on a single lot, the minimum driveway width shall be 10 feet with a maximum width of 24 feet.
3. Driveways and Maneuvering Aisles. Driveways shall be aligned with maneuvering aisles so as to facilitate safe and convenient ingress and egress.
4. Access Grades. Driveways used to access onsite parking and as further defined by Figure 3-2: Driveway Access Grade, shall comply with the following criteria:
 - a. Maximum grade of any portion of a driveway from a property line to the face of a garage shall not exceed 15% at any point and shall be graded to allow clearance to pass an automobile 18 feet in length.
 - b. Maximum grade of driveway between the back of curb to the property line, within the right-of-way, shall not exceed five percent (5%) and shall be graded to allow for clearance to pass an automobile 18 feet in length.
 - c. When it is determined necessary at the time of site plan review to provide emergency apparatus access, access drives exceeding 30 feet in length are to provide a paved area that is a minimum 20 feet wide and 20 feet long from the face of the garage or at the end of the driveway not exceeding five percent (5%) grade.
5. Driveway Location in relation to Intersections. Except for single-family dwellings, duplex dwellings and townhouses, the minimum distance between driveways and intersections shall be as provided in Subsection 12.06.020(A) of this Code.
If the subject property is not of sufficient width to allow for separation between driveway and intersection as provided, the driveway shall be constructed as far

from the intersection as possible, while maintaining the five (5) foot setback between the driveway and property line as required.

FIGURE 3-3: DRIVEWAY ACCESS GRADE



6. Driveway Location in Relation to Intersections - Single-Family, Duplex Dwellings and Townhouses. The minimum distance between driveways and intersections shall be 30 feet.
7. Driveway Location in relation to Lot Lines. Access driveways shall not be located closer than five (5) feet to an interior side lot line, except that common access driveways (not exceeding 40 feet in width) to two (2) adjacent properties may be

provided at the common lot line when a common driveway agreement is executed on a form provided by the Director and recorded with the County Clerk.

Driveways serving residential garages shall have a minimum depth of 20 feet from the property line from which access is provided, unless zoning district setbacks are five (5) feet or less, but in no case shall the length of driveways serving residential garages be between five (5) and 20 feet.

8. Number of Accesses Permitted. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe traffic circulation and carrying capacity of the street. The location, width, and number of accesses to a public street may be limited for developments that are subject to site plan review provisions of this Code.
 - a. Duplex dwellings are allowed two access points provided they meet the location standards of this section and the minimum driveway spacing standards in Table 3-1.
9. Common Access Points. Common access points at a property line are encouraged and, in some instances, may be required in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.
10. Parking Area Marking. Access driveways to parking areas having 10 or more spaces shall be clearly marked to indicate one way or two way access. Two-way driveways shall have a painted centerline at least four (4) inches in width and at least 10 feet in length beginning at the interior edge of the sidewalk; or, where sidewalks are not present, at a point five (5) feet from the curb line; or, where neither sidewalks or curbs are present, at a point five (5) feet from the edge of the paved street surface.

S. Parking area improvements.

1. Surfacing. All parking areas, vehicle maneuvering areas and access driveways shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, brick, or concrete paver blocks. In all residential districts, a minimum of two and one-half (2½) inches asphalt over four (4) inches of aggregate base will be provided or four (4) inches of Portland cement concrete. In all other districts, either three (3) inches asphalt over four (4) inches aggregate base or a single pavement of five (5) inches of Portland cement concrete is required. All parking areas, except those in conjunction with a single-family or two-family dwelling on a single lot, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.
2. Perimeter Curb. All parking areas except those required in conjunction with a single- or two-family dwelling shall provide a curb of not less than four (4) inches in height located at the edge of the paved surface.
3. Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area shall comply with Subsection 12.06.030(E) of this Code.
4. CBD Off-Street Parking Lighting. Lights shall comply with Subsection 12.06.030(E) and shall be a maximum of 20 feet in height. The height of the light standards shall be measured from the elevation of the adjacent pavement of the parking area.
5. Striping. All parking spaces, except those in conjunction with a single-family or duplex dwelling, shall be sufficiently marked with painted stripes four (4) inches

in width or other permanent markings acceptable to the Director and otherwise comply with Subsection 12.06.030(K) of this Code.

6. Wheel Bumper. All parking stalls fronting a sidewalk, alleyway, street, property line, or building, shall provide a secured wheel bumper not less than four (4) inches in height, nor less than six (6) feet in length, and shall be centered and set back a minimum of two and one-half (2½) feet from the front of the stall.
 7. Drainage Facilities. All parking areas shall provide drainage facilities in conformance with City of Roseburg Public Works Standards.
- T. Landscaping and buffering. The purpose of this Section is to enhance the appearance of land development, reduce noise, glare and urban heat island effects, improve air quality, filter and minimize stormwater runoff, mitigate possible adverse effects of higher intensity land uses and foster quality land development. The design of the parking area landscaping shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.
1. Application. Parking area landscaping and buffering standards shall apply to all public and private outdoor parking areas that provide for four (4) or more spaces or to any paved vehicular use area 3,000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use, excluding single-family and duplex dwellings. Parking areas include all surfaces acceptable per Subsection 12.06.030(S) of this Code that facilitate vehicle parking including, but not limited to, parking spaces, driveways and maneuvering aisles. Parking area landscaping and buffering will be required when any of the following occur:
 - a. New development occurs;
 - b. Existing development is expanded or modified that results in a 20% increase or greater in building gross floor area;
 - c. Existing development is expanded, modified or the use is changed in any way that results in at least a 10% increase in required off-street parking spaces. Landscaping requirements shall be based on the expanded parking area, not the entire parking area that existed prior to the expansion or modification.
 - d. An existing parking lot containing at least four (4) parking spaces or 3,000 square feet of parking area is excavated and reconstructed, or an existing gravel or dirt parking lot is converted to a surface in conformance with Subsection 12.06.030(S) of this Code.
 - e. Exemptions. Any paved vehicular area which provides fewer than 10 total spaces shall be exempt from the interior lot line buffering and interior parking area landscaping requirements. Areas used specifically as a utility storage lot or a truck loading area shall also be exempt from interior parking area landscaping requirements.
 2. Specifications for Trees and Plant Materials. The following standards apply to all landscaping areas specified in this Section:
 - a. Deciduous Trees. Deciduous shade or ornamental trees shall be a minimum of six (6) feet in height above ground, one and one-half (1½) inch caliper measured six (6) inches above ground.

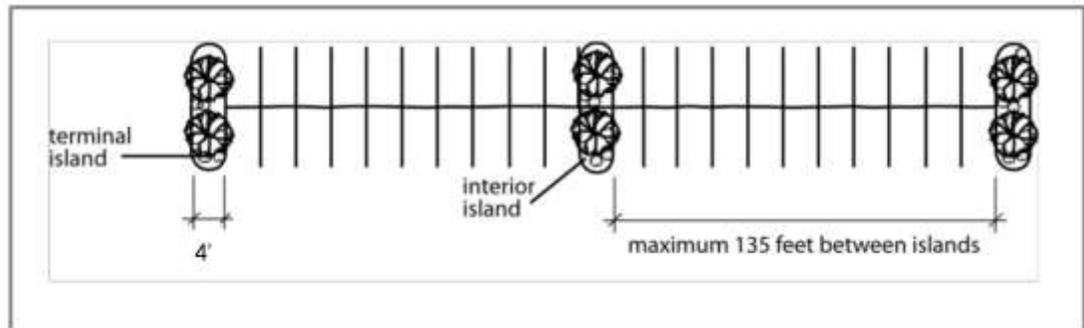
- b. Conifer or Evergreen Trees. Coniferous or evergreen trees shall be a minimum of six (6) feet in height above ground.
 - c. Acceptable and Prohibited Trees. Trees selected shall be varieties that avoid root damage to pavement and utilities. Medium and large mature stature trees shall require approval from the City. Trees listed in Table 3-8: Prohibited Street Trees, are strictly prohibited. Trees listed in Table 3-8 are prohibited for use as street trees as their roots cause damage to sewers, pavements, and sidewalks. Furthermore, these trees are prohibited for planting in a parking lot buffer area adjacent to a street or right-of-way.
 - d. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size.
 - e. Living ground cover. Living ground cover consists of small drought-tolerant plants that shall be fully rooted and shall be well branched or leafed.
 - f. Non-living ground cover. Non-living ground cover shall consist of a decorative treatment of bark, rock, or other attractive ground cover that does not create an impervious surface.
 - g. Lawns. Lawns shall consist of grasses, including sod, or seeds. Lawns shall provide 100% coverage and be weed free.
3. Parking Area Buffering. Parking areas shall be buffered from the required areas listed below with a minimum five (5) foot wide strip of landscaping materials.
- a. Required Buffer Areas. The parking area (including stacking areas for drive-through uses) shall be buffered from the following areas:
 - b. Street frontage. The parking area shall be buffered from adjacent linear street frontage, exclusive of driveway entrances, pedestrian entrances, and exits, with the designated landscaping strip.
 - c. Interior Lot Lines. The parking area shall be buffered from the interior lot line when abutting residential zones with the designated landscaping strip. Where screening is required in Paragraph 12.06.030(U)(5), the screening area shall be incorporated into the landscaping strip. This requirement shall not in any way prohibit joint access driveways between two (2) or more adjacent parking areas.
 - d. Buffer Area Landscaping Standards. Minimum landscaping acceptable per 50 linear feet of required buffer area is as follows:
 - i. One (1) tree at least six (6) feet in height;
 - ii. Five (5) five-gallon or eight (8) one-gallon shrubs;
 - iii. The remaining area shall be treated with ground cover, or lawn;
 - iv. Trees shall be installed at locations that allow at least two (2) feet of space between the trunk and any curb or paved surface. Additionally, trees shall be evenly spaced throughout the landscaping strip, except that they shall not be located within 10 feet of a fire hydrant or utility pole. Shrubs may be installed anywhere within the landscaping strip without regard for uniformity, however, shrubs shall not be installed within four (4) feet of a tree trunk nor within three (3) feet of a fire hydrant.

TABLE 3-8 PROHIBITED STREET TREES

COMMON NAME	BOTANICAL NAME
Evergreen Conifers >8' wide; > 8' tall	Numerous species
Poplar and related species	Populus species
Black Locust	Robinia psuedoacacia
Box Elder (except varigated)	Acer negundo
Sycamore	Platanus species
Siberian Elm	Ulmus pumila
American Elm	Ulmus americana
Walnut	Juglans species
Weeping Willow	Salix babylonica
Commercial Fruit Trees	Numerous species
Catalpa	Caltalpa speciosa
Tree of Heaven	Ailanthus altissima
English Hawthorn	Crataegus monogyna
Royal Empress Tree	Paulownia tomentosa
Big Leaf Maple	Acer macrophyllum
Horse Chestnut/Buckeye	Aesculus species
Fruiting Mulberry	Morus alba
Osage Orange	Maclura pomifera
Weeping varieties of trees: (e.g., cherry, mulberry, crabapple)	Numerous species
Female Ginkgo	Ginkgo biloba

4. Interior Parking Area Landscaping. Area landscaped to meet minimum interior parking area landscaping requirements shall be located within or adjoining the paved parking lot area, not in required buffering or screening areas. The minimum amount of landscaping required shall be based on all paved areas within a parking lot (e.g., parking spaces, maneuvering aisles, driveways). This requirement shall not in any way prohibit a developer from grouping the required interior landscaping area in one or more sections of the parking lot.
 - a. No less than five percent (5%) of the total area within the paved parking area shall be landscaped. For every 160 square feet of the minimum five percent (5%), one (1) tree at least six (6) feet high and five (5) one-gallon shrubs or two (2) five-gallon shrubs shall be planted with the remaining area treated with ground cover. Trees shall be situated properly to ensure the tree trunk is at least two (2) feet from any curb or paved area.
 - b. Landscaped Islands. Landscaped islands must be provided to define maneuvering aisles and break up long rows of parking spaces by providing at least one landscaped (interior) island every 135 feet or 15 parking spaces, whichever is less. Any parking stall row that ends adjacent to a maneuvering aisle, regardless of the aisle's length, must have a landscaped (terminal) island at that end of the parking row. Islands shall be:
 - i. Bordered by a paved surface on at least two sides;

- ii. Surrounded by a perimeter curb not less than four (4) inches high;
- iii. At least four (4) feet wide (as measured from the outside of curb to the outside of curb) and equal the length of adjoining parking spaces, as measured from the outside edge of the curb;
- iv. Planted with at least one (1) tree and five (5) one-gallon shrubs or two (2) five-gallon shrubs per 100 square feet of island area with the remaining area treated with ground cover;
- v. Situate trees properly to ensure the tree trunk is at least one and one-half (1.5) feet from any curb or paved area.



5. **Parking Area Screening.** All public and private parking areas, including service and access driveways, which abut residentially zoned properties shall be screened along and immediately adjacent to any interior property line in order to mitigate possible adverse effects (e.g. noise, lighting, and other site-related and operational impacts). Parking area screening is supplemental to other landscaping standards and does not exclude other screening or landscaping provisions contained within this Code. The screening standard shall apply to all parking areas and service drives or to any paved vehicular use area 3,000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use, except those in conjunction with single-family dwellings, duplex dwellings and townhouses. The placement of screening materials shall adhere to the Clear Vision Standards in Subsection 12.08.040(F) of this Code. Screening shall be located at a distance not more than five (5) feet from the subject property line.
 - a. **Minimum Screening Area Requirements.** The minimum improvements within a screening area shall consist of the following:
Screening shall consist of either one (1) row of evergreen shrubs at least six (6) feet in height at the time of planting an earth berm combined with specified evergreen plantings that forms a sight and noise buffer at least six (6) feet in height at the time of installation. The slopes of the earth berm shall not exceed 2:1 and both faces of the slope shall be planted with ground cover and shrubs. Bark mulch or other non-living materials shall not be used as the ground cover for an earthen berm. Evergreen plantings shall include at least five (5) five-gallon shrubs or ten (10) one-gallon shrubs for each 100 linear feet of required screening area.
6. **Irrigation of Required Landscaping.** All required landscaped areas must be provided with a piped underground water supply irrigation system, unless a licensed landscape professional submits written verification that the proposed

plant materials do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit from Public Works.

7. Landscape Plan Submittal Requirements. A Landscape Plan, drawn to scale, must accompany Site Plan Review applications. The plan must show the following elements, drawn to scale, in conjunction with the requirements of this Code:
 - a. Type of landscaping, or other screening materials, including name of plant species. Heights of landscaping materials shall also be noted.
 - b. Location and size of landscaped areas on the development site.
 - c. Abutting land uses and/or zones.
 - d. If existing trees and plant materials are proposed to be preserved, methods for the protection of the plant material shall be noted. This shall include the drip line measurements for trees (see Subparagraph (11) below for information on Landscape Area Credit for the Preservation of Existing Trees).
 - e. Plan for underground irrigation system.
8. Performance Guarantees. Certificates of Occupancy may be issued prior to the complete installation of all required landscaping if an adequate bond or other security is submitted to the Director for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed within nine months of the issuance of a Certificate of Occupancy. The form of such written authorization and the security shall be submitted to the City Attorney for review and approval.
9. Clear Vision. All buffering and landscaping material shall not encroach into the Clear Vision areas at the intersections of streets or at the intersection of a street and driveway, as defined in Subsection 12.08.040(F) of this Code.
10. Installation and Maintenance of Landscaped Areas. Plant materials shall be installed, staked and maintained to current industry standards. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner, free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.
11. Landscape Area Credit for Preservation of Existing Trees. A system of landscape area credits has been established as an incentive for property owners and developers to preserve existing trees and to include them in the landscape plan for proposed developments.
 - a. Criteria for Landscape Credit. Tree(s) preserved on the development site may reduce the total landscaped area required for interior parking lots. Credit shall be considered for approval if a qualified arborist or landscape professional submits the following information to the Director:
 - i. A statement confirming that the size, health, and physical appearance of the tree(s) warrant landscape credit. Trees of 25 inches or greater in circumference measured at a height of four (4) feet above grade are considered significant.
 - ii. A protection plan for the trees' health during construction. This shall include verification of the radius of the drip line area or an area recommended by a licensed landscape professional. The drip line area shall be defined as the ground area and vegetation measured from the

outermost branches to the trunk of the tree. Existing trees may be considered preserved if no cutting, compacting, or grading of the soil takes place between the trunk of the tree and the area five (5) feet outside of the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located five (5) feet outside the drip line.

- iii. A plan for future maintenance of the tree(s).
 - b. Landscape Credit System. The Director shall grant landscape credit based on the total area of the preserved tree drip line. The area of the drip line shall be directly credited toward the required landscaping area for interior parking lots. In order to secure credit, the entire area within the drip line of the preserved tree must be protected from encroachment unless an alternative is otherwise approved by the Director.
 - c. Limits to Landscape Area Credit. Landscape credits for preserved trees shall not eliminate or reduce the parking area screening and buffering requirements. Landscape credit shall be applied only to the required interior parking area landscaping. Credit for preserved trees shall be limited to 60% of the total interior parking area landscaping requirement. The remaining 40% shall be provided according to Paragraph 12.06.030(T)(4). Landscape credit shall not be granted for trees preserved within a required Riparian Habitat Protection Area.
- U. Central business district (CBD) parking lot landscaping.
1. Adjacent to Streets. Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area.
 - a. The landscaping strip shall be at least five (5) feet wide.
 - b. For every 25 feet, five (5) five-gallon or eight (8) one-gallon shrubs shall be planted. The remaining area shall be treated with ground cover.
 - c. The landscaping shall be designed and maintained to screen cars from view from the street and shall be approximately 36 inches tall.
 - d. Screening materials may include a combination of plant materials, solid masonry walls, raised planters, or other screening devices that meet the intent of this requirement and have been approved by the Director.
 - e. Plant materials, walls, or structures within a clear vision area shall not exceed 36 inches in height.
 2. Interior Parking Lot Landscaping.
 - a. A minimum of two percent (2%) of the parking lot interior area shall be landscaped. For every 100 square feet of the minimum two percent (2%), one (1) tree at least six (6) feet high and five (5) one-gallon shrubs or two (2) five-gallon shrubs shall be planted with the remaining area treated with ground cover.
 - b. Parking lots with more than 100 spaces shall provide appropriate entry features consisting of a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.
- V. Variance for parking/landscaping standards. The Director may reduce the number of parking spaces and landscape area through an Administrative Variance procedure pursuant to Subsection 12.10.010(F) of this Code for lots 10,000 square feet or less,

or lots developed prior to the adoption of this Code. The Director may grant reductions only if, on the basis of investigation and evidence submitted that a lot is 10,000 square feet or less, or existing developments are unable to meet the parking and landscaping provisions due to existing lot and building configurations. The application for variance shall be reviewed according to the following criteria:

1. The proposed development will not conflict with the purposes of this Code and adopted policies of the Comprehensive Plan and any other plans or policies adopted by the approving authority;
2. The proposed development will not adversely affect existing traffic or the eventual development of abutting properties any more than if the development were to occur according to the standards of the Code.
3. The proposal is compatible with existing development and character of adjoining properties.

W. Internal walkways.

1. Purpose. The objective of this Section is to accomplish the construction of an efficient, connected, and safe system of pedestrian circulation, coordinated within and between various urban developments, by providing walkways and sidewalks for pedestrian access from and within urban developments and via extensions to street sidewalks.
2. Exceptions. The requirements of this Section shall not apply to single-family and duplex dwellings.
3. Locations. Each property in all Zoning Districts being newly developed or redeveloped in accordance with Subsection 12.06.010(D) shall provide internal sidewalks and walkways, subject to the requirements and exceptions set forth in this Section.
 - a. Each property subject to the provisions of this Section shall provide pedestrian walks at or around the building of sufficient extent to provide safe and convenient pedestrian passage commensurate with the character of the development and the nature of the intended use of the building.
 - b. Each such property shall provide pedestrian walkways, crosswalks and other pedestrian facilities to allow safe and convenient pedestrian access throughout the site, particularly to routes between main building entrances and adjacent pedestrian destinations, including uses on adjoining properties, public sidewalks, and transit stops. Where the nature of the development is such that several buildings utilize a common internal pedestrian walkway system, such internal walkway system shall extend to the street sidewalk and shall serve to meet the requirements of this Section.

The ends of all raised walkways, where the walkway intersects a drive, parking aisle or street shall provide ADA accessible ramps.

4. Design Standards.

- a. Surface. Pedestrian walks and accessway surfaces shall provide a minimum three (3) foot wide paved with permanent hard-surfaced material, such as concrete, stone, brick, or tile. Only all-weather, non-skid paving shall be used in walk construction.
- b. Stairs. Where stairs are employed, the riser to tread proportion shall be designed to normal stair standards. Handrails shall be provided where the number of risers of adjoining grade difference requires the protection afforded by rails, as determined by the Uniform Building Code of the State of

- Oregon. Any flight of stairs, if it be on a pedestrian route, shall have the same riser to tread dimension. Stairs shall be constructed of concrete, metal or approved walkway material.
- c. Lighting. Night lighting sufficient to ensure safe pedestrian use shall be provided where stairs, curbs, ramps, or other potential hazards occur.
 - d. Curbs. Pedestrian walks adjoining automobile circulation lanes or parking areas shall be raised six (6) inches, or curbed, painted or constructed of different (contrasting) materials to define the pedestrian walk.
 - e. Markings. Where pedestrian walks must cross parking areas or automobile circulation lanes, the pedestrian walk shall be defined by use of a contrasting paving, such as white concrete in an asphalt area, visually obvious paint stripes, or other clearly defined pattern.
 - f. Crosswalks. Where a walkway crosses a parking area containing more than ten (10) parking spaces, a driveway, or a street, the walkway shall be clearly marked with contrasting paving materials, which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.
5. Review of Plans by Community Development Director. Before a development permit is issued, plans for pedestrian walks shall be reviewed by the Community Development Director to determine that the provisions and objectives of this Section are to be accomplished. To the extent practicable, such review shall be in conjunction with all other development plan reviews required by this Code, and may be incorporated into the general site plan review process as provided for in Section 12.06.010: Site Plan Review.

SECTION 7. Roseburg Municipal Code Section 12.08.010 entitled “Supplemental Regulations – Nonconforming uses” is hereby amended as follows:

- A. Nonconforming uses. Except as is hereinafter provided by this Code, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Code or at the time of a change in the official zoning map may be continued, although such use does not conform with the provisions of this Code.
- B. Changes in nonconforming uses. A nonconforming use may be changed only to a use conforming to the zone in which it is located. Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use.
- C. Increase of nonconforming uses. A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this Code may be granted by administrative action subject to the provisions of this Code. Conversion of a lawfully established nonconforming single-family dwelling to a duplex dwelling shall be permitted, provided that it does not increase the nonconformity of the structure and otherwise meets the development standards of the Zoning District in which it is located.
- D. Vested right. Nothing contained in this Code shall require any change in the plans, construction, alteration, or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Code, provided the structure, if nonconforming or intended for a nonconforming use, is

- completed and in use within two (2) years from the time construction was commenced.
- E. Discontinuance of nonconforming use. When a nonconforming use of a structure or property is discontinued for a period in excess of one (1) year, the structure or property shall not thereafter be used except in conformance with the zone in which it is located.
 - F. Unlawful use not a nonconforming use. No unlawful use of property existing at the time of passage of this Code shall be deemed a nonconforming use.
 - G. Restoration of a nonconforming building or structure.
 - 1. A nonconforming building or structure which is damaged by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to an extent that the cost of repair or restoration of the building or structure, conforming to current building codes, would exceed 80% of the market value contained in the records of the Douglas County Assessor, shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Building Official. If the building or structure and use thereof is not terminated, it may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed, provided that the restoration is commenced within a period of one (1) year and is diligently prosecuted to completion.
 - 2. The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.
 - H. Conveyance of nonconforming use. Nothing in this Code shall be construed to limit the sale, transfer, or other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this Code.
 - I. Restoration of conforming use on nonconforming lot. Nothing in this Code shall be construed to prevent the reconstruction or replacement of a pre-existing building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this Code.
 - J. Special status of dwelling units. Notwithstanding the restrictions of any other Section of this Code, all dwellings existing in commercial districts (PO, CBD, C1, C2, C3) and built before the date of this provision (September 24, 2008) are considered conforming to the base district. If any building on said properties is destroyed by acts described in Subsection 12.08.010(G) (i.e., not intentionally destroyed), it may be rebuilt to the standards of the MR29 zoning district provided that the number of dwelling units is not increased except that a single-family dwelling may be rebuilt as a duplex, subject to the regulation of any applicable Overlay District. A Building Permit for the replacement dwelling must be obtained within 12 months after the date the dwelling unit was destroyed. If said permit expires prior to completion of the replacement dwelling, the special status of the dwelling unit provided by this Section is revoked and only uses allowed by the applicable zoning district will be permitted. If an existing dwelling is converted to a permitted commercial use, the special status granted herein is rescinded and the use of the property must thereafter conform to the requirements of the applicable zoning district.

SECTION 8. Roseburg Municipal Code Section 12.10.010(J) entitled “General Provisions – Ministerial decisions by the Director” is hereby amended as follows:

- J. Ministerial decisions by the Director. The Community Development Director shall have the authority to review the following applications as ministerial decisions and shall follow the procedures provided by this Code and by state law to accomplish such review:
1. Approval of final plat map (Subsection 12.12.010(S) of this Code);
 2. Common Boundary Line Adjustments (Subsection 12.12.010(U) of this Code);
 3. Signs Permit (Section 12.08.02 of this Code);
 4. Home Occupations;
 5. Residential Site Plan Review (Section 12.06.010 of this Code).

SECTION 9. Roseburg Municipal Code Section 12.12.010 entitled “Partitions and subdivisions” is hereby amended as follows:

- E. Requirements and standards for preliminary plans. The following are the requirements and standards to which the preliminary plan and improvement plan of a subdivision or partition or common boundary line adjustment must conform:
1. Conformity with the Comprehensive Plan. All divisions of land and common boundary line adjustments shall conform to the Roseburg Urban Area Comprehensive Plan with respect to the type and intensity of use, population densities, locations, and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by comprehensive plan goals, policies or maps.
 2. Conformity with Chapter 12.04 (Zoning) of this Code. All divisions of land and common boundary line adjustments, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 12.04 of this Code.
 3. Variance from Subdivision Provisions. Variance from the strict application of the standards and provisions of this Section may be granted by the Approving Authority when such standards and provisions would impose unusual practical difficulty on the applicant. Application for a variance as authorized by this Section shall be heard by the Approving Authority concurrently with the proceedings for preliminary plat approval. The criteria for granting a variance shall be the same as that required in Subsection 12.10.050(B). However, if the variance is a modification to the standards of Subsections 12.12.010(F), 12.12.010(G), 12.12.010(I) and 12.12.010(L), the variance shall also address the following criteria:
 - a. Physical or topographic conditions make it impractical to satisfy the street or walkway connection requirements of this Section. These conditions include, but are not limited to, controlled access streets, steep slopes, wetlands, floodplains, or water bodies where a connection could not reasonably be provided. Grades too steep for streets may provide an accessway.
 - b. Buildings or other existing development on adjacent lands physically preclude a street or accessway connection now or in the future considering the potential for redevelopment.
 - c. Streets or accessways would violate provisions of existing leases, easements, agency access standards, or similar restrictions that are

demonstrated to be legally beyond the control of and not entered into by the applicant, developer, or property owner.

- d. Abutting undeveloped or underdeveloped property is within the 100-year floodplain.
4. Relation to Adjoining Street System and Bicycle System. A subdivision or partition shall provide for the continuation of major and secondary streets existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. The connecting street network shall have capacity to support the proposed land uses. Connections shall also be made for pedestrian, bicycle, and vehicle access to schools, parks, employment, and recreation areas. Where the Approving Authority finds that topographic conditions make such continuation or conformity impractical, appropriate exceptions to this requirement shall be made.
5. Conform with requirements of Subsection 12.04.090(X) of this Code (Subdivision and Partitioning Proposals).
6. Future Subdivision or Partition of Lots or Parcels. Where the subdivision or partition will result in a lot or parcel which in the judgment of the Approving Authority is likely to be further divided in the future, the Approving Authority may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this Code and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record by having a deed restriction filed with the County Clerk.
 - a. If a subdivision or partition is created which contains lots or parcels of sufficient size to otherwise qualify for future re-division, and the Approving Authority does not require special provisions for future re-division as specified in this Subsection, the Approving Authority may attach a condition to such subdivision or partition preventing any future re-division of the lots or parcels. Such condition shall be a special deed restriction and shall be filed with the County Clerk.
7. Access.
 - a. Every lot or parcel created by partition or subdivision or common boundary adjustment shall have direct access to a public street or road except as provided in this Section.

A lot or parcel shall be considered to have direct access to a public street or road if:

- i. The lot or parcel abuts a public street or road; and
 - ii. The public street or road abutting the lot or parcel provides actual, practical and usable physical access to the lot or parcel.
- b. Access to a lot or parcel created by partition or subdivision or common boundary line adjustment may be accomplished by a private easement of way established by deed or by creation of flag lots, if:
 - i. The Approving Authority finds that such private easement or flag lot is the only reasonable method of providing sufficient access to the rear portion of

an unusually narrow and deep lot, otherwise large enough to warrant partitioning.

- ii. There is an express grant or reservation of an easement in a document recorded in the office of the County Clerk or the flag lot is created through a recorded final plat or final partition plat.
 - iii. No more than one (1) lot or parcel will be provided access via the easement or flag lot.
 - iv. Residential use of a lot or parcel provided access via an easement or flag lot will be limited to a single-family or duplex dwelling.
 - v. The easement or the “pole” portion of the flag lot must meet the following standards:
 - (1) The minimum street frontage shall be 20 feet. The width of the remaining street frontage of the parent lot or parcel must also be a minimum of 20 feet.
 - (2) The minimum paved driveway width shall be 12 feet.
 - (3) The easement or flag lot driveway shall be consolidated with the driveway on the parent lot or parcel to the greatest extent practicable.
 - (4) Parking along any portion of the driveway within the easement or “pole” portion is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.
 - vi. Commercial uses establish common access points in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.
8. Special Investigations Required. In addition to the information and data submitted in fulfillment of other Sections of this Code, the sub-divider may be required to accomplish special investigations, studies and reports concerning soil, geologic and foundation conditions, floodplain elevation and other conditions determined by the Approving Authority to be of concern. Such information, reports, etc. shall be submitted for review by the Approving Authority. The information and findings may form the basis for conditions to be applied by the Approving Authority to the subdivision plan and improvements.

F. Platting and mapping standards - Streets and roads.

7. Culs-de-Sac. Culs-de-Sac and other permanent dead-end streets shall be prohibited unless the Approving Authority finds:

- a. The configuration with the cul-de-sac is the minimum necessary to address the constraint;
 - b. The application of the standard is impractical due to one or more of the following circumstances:
 - i. Physical or topographic conditions make it impractical to satisfy the street connection requirements of this Code. These conditions include, but are not limited to, controlled access streets, steep slopes, wetlands, floodplains, or water bodies where a connection could not reasonably be provided. Grades too steep for a street may not be too steep for an accessway.
 - ii. Buildings or other existing development on adjacent lands physically preclude a street or accessway connection now or in the future considering the potential for redevelopment.
 - iii. Streets or accessways would violate provisions of existing leases, easements, agency access standards, or similar restrictions that are demonstrated to be legally beyond the control of and not entered into by the applicant, developer, or property owner.
 - iv. Abutting undeveloped or underdeveloped property is within the 100-year floodplain.
 - c. If a determination is made under Subsection 12.12.010(F)(7)(a-b) that a permanent dead-end street is necessary, it shall provide adequate access for emergency vehicles, as determined by the Fire Chief, and it shall not serve more than 20 single-family dwellings, or any combination of residential, multi-family or commercial uses generating more than 200 vehicles per weekday.
- M. Platting and mapping standards - Lots and parcels.
1. General Size and Frontage Requirements
 - a. Width. Each lot and parcel shall meet the minimum lot width stipulated in the Zoning District where located as specified in Section 12.04.030 of this Code.
 - b. Depth. Each lot and parcel shall have an average depth between the front and rear lot lines of not less than 80 feet and not more than two and one-half (2½) times the average width between the side lines. Each double frontage lot and parcel shall have an average depth between the front and rear lot lines of not less than 120 feet unless a lesser depth is approved by the Approving Authority necessitated by unusual topographical conditions.
 - c. The Approving Authority may authorize the reversal of average minimum lot and parcel dimension with respect to width and depth upon a finding that such reversal is necessitated by unusual topographic conditions or that such reversal would facilitate improved subdivision or partition design.
 - d. Area. Each lot shall meet the minimum lot area stipulated in the Zoning District where located. Except, however, the Approving Authority shall allow a maximum of 30% of the lots in a subdivision to contain less than the minimum lot area otherwise required in the applicable zoning district, provided that the average area of all lots in the subdivision must be at least the minimum specified in the applicable Zoning District, but in no case shall any lot contain less than 85% of the minimum area specified for the applicable Zoning District.

NOTE: The minimum areas required in this and other Sections of this Code are intended to be ultimate minimums which may often be impractical and impossible in terrain which presents development difficulties, such as steep slopes. In such cases, the requirements of suitability of access and buildability of each lot, which must be adequately demonstrated in the review process, will often rule out the possibility of approval of lots at the absolute minimum, and as a result, a larger lot size may be required.

e. Frontage. Except as otherwise permitted for townhouses, each lot and parcel shall have frontage of not less than 40 feet upon a street having a proposed right-of-way width of at least 50 feet, except that a lot or parcel on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 20 feet upon a street, measured on the arc. In the case of flag lots or partitioning of odd-shaped lots with narrow frontages, the minimum lot frontage shall be 20 feet.

f. Exceptions.

i. Subdivisions Developed as a Planned Unit. The Approving Authority may use discretion to authorize the relaxation of lot and parcel size and frontage requirements as specified herein where the applicant presents a plan satisfactory to the Approving Authority whereby the entire subdivision will be designed and developed in accordance with the provisions of Section 12.12.020 of this Code.

ii. Land Zoned for Commercial Use. The Approving Authority may use discretion to authorize relaxation of the lot or parcel size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this Code.

iii. Lot or Parcel Retained for Future Subdivision or Partition. The Approving Authority may use discretion to waive frontage requirements where a lot or parcel will be retained by the applicant, and future subdivision or partition of such lot or parcel will be the highest and best use thereof, and such use will be best protected by the creation of a reserve strip separating such lot or parcel from any street.

iv. Open Space in a Subdivision. The Approving Authority may use discretion to waive the minimum lot size requirement for any lot that is created for the dedication of a public park or open space where the total net area equal to at least 10% of the land affected by the subdivision equals less than the minimum lot size for the underlying zone. Such lots so designated shall be protected from future development by either a deed restriction or a conservation easement and plainly indicated as such on the final plat.

R. Preliminary subdivision plan approval. The approval of a preliminary subdivision plan is an administrative action subject to the provisions of Subsection 12.10.010(I) of this Code.

1. Application for Preliminary Subdivision Plan Approval.

a. An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 12.10 of this Code.

- b. The applicant shall file with the Director a preliminary subdivision plan and five (5) additional copies, together with such other data and plans as may be required by other Sections of this Code, or the Approving Authority, and together with other supplementary information required by below Paragraph 12.12.010(R)(2) of this Code to demonstrate the design and objectives of the subdivision.
 - c. The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals 100 feet, or one (1) inch equals 50 feet.
 - d. The Community Development Director shall notify the applicant within 30 working days if it is found that the application for preliminary subdivision plan approval is incomplete or if additional information is needed.
2. Information Required in the Preliminary Subdivision Plan.
- a. The proposed name of the subdivision.
 - b. North point, scale, and date of the drawing.
 - c. Appropriate identification clearly stating the map is a preliminary plan.
 - d. Names and addresses of the landowners, sub-divider, and the engineer, surveyor, land planner, or landscape architect responsible for designing the subdivision.
 - e. The tract designation or other description according to the real estate records of Douglas County (Township, Range, Section, Tax Lot Number, Assessor's Tax Account Number, Lot Number, Block Number, and Subdivision or metes and bounds description).
 - f. The boundary line (accurate in scale) of the tract to be subdivided and approximate acreage of the property.
 - g. Contour lines based upon USGS data having the following intervals:
 - i. One-foot contour intervals for ground slopes up to five percent (5%).
 - ii. Two-foot contour intervals for ground slopes between five percent (5%) and ten percent (10%).
 - iii. Five-foot contour intervals for ground slopes exceeding ten percent (10%).
 - h. 100-year flood elevation data shall be provided and shown on the preliminary partition and subdivision plats. Applicant shall show boundaries of the 100-year flood and floodway on preliminary and final partition and subdivision plats.
 - i. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of un-subdivided land.
 - j. The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features, such as section lines, political subdivision boundary lines, and school district boundaries.

- k. Existing sewers, water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.
- l. Location, acreage, and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations, if any.
- m. Proposed plan for draining surface water from the development and accepting offsite runoff water, and a description of any effects on adjacent properties.
- n. The proposed street pattern or layout showing the name and widths of proposed streets and alleys, and curve radii of centerline and rights-of-way.
- o. Private streets and all restrictions or reservations relating to such private streets.
- p. Easements, together with their dimensions, purpose, and restrictions on use.
- q. List proposed suppliers of utility services and show locations of proposed facilities for sanitary sewer, storm drain, water lines, electric/telephone, fire hydrants, street lights, etc.
- r. Proposed blocks, numbered in consecutive order.
- s. Proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.
- t. Proposed dwelling types.
- u. Parks, playgrounds, recreation areas, parkways, walkways, bikeways, signs, landscaping, and open space for public use, and any other special features that are proposed to be part of the subdivision.
- v. Zoning classification of the land and Comprehensive Plan Map designation.
- w. Draft of proposed restrictions and covenants affecting the plat.
- x. Predominant natural features such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards.
- y. Show minimum setback lines if more restrictive than provided for in this Code.

SECTION 10. Roseburg Municipal Code Section 12.12.020(F) entitled "Planned Unit Development – PUD standards and criteria in residential districts" is hereby amended as follows:

- F. PUD standards and criteria in residential districts. A PUD must meet the development standards of this Section and those applied in conditions of approval pursuant to Subsection 12.12.020(B).
 - 1. Minimum Site Size. A parcel to be developed as a PUD in any residential district shall be a minimum of four times the minimum lot size required for a single-family dwelling in the underlying district.
 - 2. Permitted Uses. The following uses are permitted subject to the general standards of this Section:
 - a. Residential Uses. Single-family dwellings, duplex dwellings, mobile homes conforming to the standards established in Section 12.10.100 of this Code, multi-family dwellings, including townhouses, apartments and

- condominiums, and accessory buildings such as garages, storerooms, woodsheds, hobby shops, laundries, playhouses, or similar and related uses may be permitted.
- b. Commercial Uses. Retail commercial uses may be permitted in a PUD if the Approving Authority determines that they are designed to serve primarily the residents of the PUD. The Approving Authority may require that the applicant submit a market analysis demonstrating that the amount of land proposed for commercial use is needed for, and realistically can be supported in, commercial use by the residents of the PUD.
 - c. Other Uses. If designed to serve primarily the residents of a PUD, the following uses may be permitted. If designed to serve residents of adjacent areas, as well, the following uses may be permitted by the Approving Authority if it finds that such use is consistent with the purposes of Subsection 12.12.020(A) and with the surrounding Zoning District:
 - i. Public and semi-public buildings, including schools, Religious Institutions, libraries, community centers, fire stations, pump stations, and substations.
 - ii. Park, playground or golf course.
 - iii. Privately-operated kindergartens or day nurseries.
3. Density Criteria. The number of dwelling units in a PUD shall not exceed the number that would be allowed on the net acreage of the site developed at minimum lot sizes in the underlying Zoning District, except that the Commission may allow an increase of up to 15% if it finds that such increase is compensated by the provision of amenities described in Paragraph 12.12.020(B)(1) and can be reasonably accommodated on the site without adversely affecting public facilities, significant landscape features, or properties and uses in the vicinity.
 4. Lot Sizes. Where lots are proposed, size and shape shall be determined with consideration given to the types of structures contemplated and the privacy and safety needs of the residents. Appropriateness shall be demonstrated.
 5. Building Spacing and Yard Requirements.
 - a. General Requirements. A preliminary development plan shall provide for reasonable light, ventilation, safety separation and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to avoid adverse impact on neighboring low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.
 - b. Yard Requirements - Detached Dwellings. Yard requirements (setbacks) for detached dwellings in a PUD shall be as established by the applicable zoning district, except that one side yard may be reduced or eliminated, providing the adjoining side yard of the abutting lot shall be increased by an amount equal to the reduction, or by 50% over the minimum side yard requirement of the applicable zoning district, whichever is less.

- c. Yard Requirements - Attached Dwellings. Yard requirements for attached dwellings in a PUD shall be as established by the applicable zoning district, except that two (2) single-family dwellings may be attached along one common lot line and may also have a garage or carport attached along the same common line, provided the conditions of Paragraph 12.12.020(F)(5) are satisfied.
- d. Front Yard Variation. In a PUD, front yards may be varied so as to facilitate a staggered effect to avoid monotony and enhance the aesthetics of the development, provided the following requirements are met:
 - i. The average front yard of no more than every three (3) consecutive dwellings along a street shall be no less than the minimum requirement of the applicable zoning district, and in no case shall a front yard be less than ten (10) feet.
 - ii. Front and side yards of corner lots shall not be varied under the provisions of this Section if such variation would result in encroachment into the required clear vision area otherwise established by this Code.
- e. Zero-Lot-Line Development.
 - i. All lots utilizing zero-lot-line attached development shall be clearly identified on the development plan. Once approved, such specified lots shall be considered fixed and shall not be transferable except as provided for in Subsection 12.12.020(L).
 - ii. Zero-lot-line development shall comply with the parcel and building standards of the applicable Zoning District except as modified or supplemented by the following design standards.
 - A. A zero-lot-line house development must consist of at least two contiguous parcels with frontage on the same street.
 - B. Zero-lot-line house developments require that the planning for all house locations be done at the same time.
 - C. The interior side setback on one side of the lot containing a zero-lot-line house may be reduced to as little as zero. The zero or reduced setback side of a zero-lot-line house may not abut a street and may not abut a lot that is not part of the zero-lot-line house development. On the "non-zero" side, a setback must be provided equal to at least two times the minimum side setback requirement of the subject Zoning District.
 - D. Driveways may not be located in the required side setback.
 - E. Eaves on the side of a house with a reduced setback may not project over the property line.
 - F. When the zero-lot-line building's exterior wall or eaves are set back less than two (2) feet from the abutting property line, a perpetual maintenance easement at least five (5) feet in width and of a length equal to the depth of the structure it benefits as measured from the front property line, must be provided on the parcel abutting the zero-lot-line property line, which must be kept clear of structures that would prevent maintenance of the zero-lot-line house. A copy of the

06/28/2021

recorded easement (unless the dwelling units are joined by a common wall) must be provided prior to site plan approval. This provision is intended to ensure the ability to conduct maintenance on the zero-lot-line house.

- G. The side of the house which faces the reduced or zero-lot-line setback of the parcel on which it is situated shall not have windows, doors or other openings that allow for visibility. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

SECTION 11. All other Chapters, Sections and Subsections of Title 12 of the Roseburg Municipal Code shall remain in full force & effect as written.

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS 28TH DAY OF JUNE, 2021.

APPROVED BY THE MAYOR THIS 28TH DAY OF JUNE, 2021.

LARRY RICH, MAYOR

ATTEST:

AMY L. SOWA, ASSISTANT CITY MANAGER/CITY RECORDER

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



STEWART PARKWAY PAVEMENT REHABILITATION PROJECT BID AWARD RECOMMENDATION – 20PW20

Meeting Date: June 28, 2021
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The City recently received bids for the Stewart Parkway Pavement Rehabilitation Project. The issue for the City Council is whether to award the construction contract.

A. Council Action History.

On December 8, 2014, Council awarded a Five Year Pavement Management Program engineering contract to Murraysmith. That contract has subsequently expired. However, Murraysmith completed design of the Stewart Parkway Pavement Rehabilitation Project.

B. Analysis.

The pavement rehabilitation work will include an asphalt grind and inlay on Stewart Parkway from approximately 500 feet south of NW Harvey Ave. to the north end of the Umpqua River bridge, approximately 1,300 feet in length.

The construction bid documents were advertised on May 19, 2021 and bids were opened on June 2, 2021. One bid was received and is summarized below:

No.	Bidder	Total Bid Amount
1	Knife River Materials	\$149,744.56
	<i>Engineer's Estimate</i>	<i>\$152,374.00</i>

C. Financial/Resource Considerations.

The FY 21-22 Transportation Fund budget includes \$1,200,000 for design and construction of transportation projects. Total project costs are estimated below.

Construction	\$ 149,744.56
Contingency (10% of const.)	\$ 14,974.46
<u>CM Services by City Staff</u>	<u>\$ 0.00</u>
<i>Total Estimated Costs</i>	<i>\$ 164,719.02</i>

D. Timing Considerations.

The project is budgeted in FY 21-22 and the Notice to Proceed will be issued in July. The Contractor is allowed 60 calendar days to complete the project.

COUNCIL OPTIONS

The Council has the following options:

1. Award the contract to the lowest responsible bidder, Knife River Materials for \$149,744.56; or
2. Request additional information; or
3. Reject all bids

STAFF RECOMMENDATION

Funds have been budgeted and are available to construct the project. The low bidder submitted all required documentation and is considered responsive. The Public Works Commission discussed this project at their June 10, 2021 meeting and unanimously recommended awarding the project to the lowest responsible bidder, Knife River Materials, for \$149,744.56. Staff concurs with this recommendation.

SUGGESTED MOTION

"I move to award the Stewart Parkway Pavement Rehabilitation Project to the lowest responsible bidder, Knife River Materials for \$149,744.56."

ATTACHMENTS:

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



STORM REHABILITATION BROOKLYN AVE. PROJECT BID AWARD RECOMMENDATION – 21PW14

Meeting Date: June 28, 2021
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The City received construction bids for the Storm Rehabilitation Brooklyn Ave. Project. The issue for the City Council is whether to award the construction contract.

A. Council Action History.

On June 10, 2019, Council awarded the 2019 Storm Cured-In-Place-Piping (CIPP) Project.

On August 24, 2020, Council awarded the 2020 Storm CIPP Project.

B. Analysis.

In December of 2015, staff identified a failing storm drainage pipe on Harvard Avenue. The pipe was aluminum spiral Ultra Flo piping and the bottom had corroded out of it prematurely. As a result of that failure, staff began investigating all of the Ultra Flo that had been previously installed within the City and found similar issues with pipe installed in the late 1980's and early 1990's. In order to address this issue, the City has been installing CIPP within the existing pipes to restore the structural integrity of the pipe and extend its useful life.

This project consists of rehabilitation of approximately 365 feet of 48-inch diameter and 515 feet of 54-inch diameter storm drain pipe utilizing CIPP methods. This project is located in the undeveloped portion of Brooklyn Ave. starting at Vine Street and continuing west through the Safeway parking lot to Stephens Street.

The project was advertised on May 10, 2021. Bids were opened on June 3, 2021. Six bids were received and are outlined below.

No.	Bidder	Total Bid Amount
1	Allied Trenchless	\$429,925.00
2	Insituform Technologies	\$496,235.00
3	Whitaker Construction	\$549,627.00
4	TSE Construction	\$580,445.00
5	Michels Corp.	\$587,940.00

6	Iron Horse	\$624,600.00
	<i>Engineer's Estimate</i>	<i>\$470,110.00</i>

C. Financial/Resource Considerations.

The FY 21-22 Storm water budget includes \$1,350,000 for storm drainage capital improvement projects. The project was designed in-house and staff will be providing construction management. Total project costs are estimated below.

Construction	\$429,925.00
Contingency (5%)	\$ 21,496.25
<u>CM Services by City Staff</u>	<u>\$ 0.00</u>
Total	\$451,421.25

D. Timing Considerations.

This project is budgeted in FY 21-22 and the Notice to Proceed will be issued in July. The contractor is allowed 120 calendar days to complete the work.

COUNCIL OPTIONS

The Council has the following options:

1. Award the contract to the lowest responsible bidder, Allied Trenchless for \$429,925.00; or
2. Request additional information; or
3. Reject all bids

STAFF RECOMMENDATION

Funds have been budgeted and are available to construct the project. The low bidder submitted all required documentation and is considered responsive. The Public Works Commission discussed this project at their June 10, 2021 meeting and unanimously recommended awarding the project to the lowest responsible bidder, Allied Trenchless for \$429,925.00. Staff concurs with this recommendation.

SUGGESTED MOTION

"I move to award the Storm Rehabilitation Brooklyn Ave. Project to the lowest responsible bidder, Allied Trenchless for \$429,925.00."

ATTACHMENTS:

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



WASHINGTON AVENUE BORE CROSSING PROJECT BID AWARD RECOMMENDATION – 20WA05

Meeting Date: June 28, 2021
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The City received bids for the Washington Avenue Bore Crossing Project. The issue for the City Council is whether to award the construction contract.

A. Council Action History.

On August 24, 2020, the City Council awarded a Consulting Services Contract to McMillen Jacobs Engineering, Inc. to provide consulting services for the Washington Avenue Bore Crossing Project.

B. Analysis.

The Washington Avenue Bridge was constructed in 1961 and is owned and maintained by the Oregon Department of Transportation (ODOT). In 1976, a 12-inch diameter welded steel water main was installed across the bridge. The water main is supported under the bridge deck, hanging and exposed at either end of the bridge. The portion of the water main that passes across the bridge extends through the inside of the bridge's concrete box girders. The pipe has experienced severe coating failure and corrosion, requiring City staff to repair multiple leaks. Due to the location of the pipe within the bridge box girders, repairs are performed using Confined Space Entry safety protocols. Replacement of the pipeline using horizontal directional drilling will eliminate the confined space risk.

On August 24, 2020 the City Council Awarded a Consulting Services Contract to McMillen Jacobs Engineering, Inc. to provide consulting services for analysis, design, bidding, and construction management services to replace the existing water main on the Washington Avenue Bridge with a new alignment crossing the South Umpqua River using horizontal directional drilling.

The project was advertised for bids on May 4, 2021 and bids were received on May 25, 2021. One bid was received and is summarized below.

#	Bidder	Total Bid Amount
1	Pacific Underground Co. Drilling and Excavation	\$ 1,115,694.76

	<i>Engineer's Estimate</i>	<i>\$ 1,112,100.00</i>

C. Financial/Resource Considerations.

The FY 2021-22 Water Fund budget includes \$1,375,000 for water main replacement projects. The total project costs are estimated below:

Construction		\$ 1,115,694.76
CM Services (McMillan Jacobs)		\$ 49,456.00
Contingency (7.5%)		\$ 83,677.11
Total		\$ 1,248,827.87

D. Timing Considerations.

The project is budgeted in FY 21-22 and the Notice to Proceed will be issued in July. The Contractor is allowed 120 calendar days to complete the project.

COUNCIL OPTIONS

The Council has the following options:

1. Award the contract to the lowest responsible bidder, Pacific Underground Co. Drilling and Excavation for \$1,115,694.76; or
2. Request additional information; or
3. Reject all bids

STAFF RECOMMENDATION

Funds have been budgeted and are available to construct the project. The low bidder submitted all required documentation and is considered responsive. The Public Works Commission discussed this project at their June 10, 2021 meeting and unanimously recommended awarding the project to the lowest responsible bidder, Pacific Underground Co. Drilling and Excavation for \$1,115,694.76. Staff concurs with this recommendation.

SUGGESTED MOTION

"I move to award the Washington Avenue Bore Crossing Project to the lowest responsible bidder, Pacific Underground Co. Drilling and Excavation for \$1,115,694.76."

ATTACHMENTS:

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



24-INCH TRANSMISSION MAIN HOOKER ROAD TO ISABELL AVENUE PROJECT BID AWARD RECOMMENDATION – 20WA17

Meeting Date: June 28, 2021
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The City received bids for the 24-inch Transmission Main Hooker Road to Isabell Avenue Project. The issue for the City Council is whether to award the construction contract.

A. Council Action History.

On September 28, 2020, the City Council Awarded a Master Engineering Contract to Murraysmith for Phases II and III of the 24-inch Transmission Main Replacement Project and authorized Task Order No. 1 for design of Phase II of the project from Hooker Road to Isabell Avenue.

B. Analysis.

The City of Roseburg utilizes two major water transmission mains that are 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 was installed in 1934.

In 2010, the City adopted the current Water System Master Plan, which recommends replacement of the 1934 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 scheduled for replacement is from Hooker Road to Isabell Avenue.

The Phase II project was advertised for bids on May 6, 2021 and bids were received on June 2, 2021.

Two bids were received and they are summarized below.

#	Bidder	Total Bid Amount
1	Cradar Enterprises, Inc.	\$2,479,043.00
2	Laskey – Clifton Corp.	\$2,658,590.00
	Engineer's Estimate	\$2,347,215.00

C. Financial/Resource Considerations.

The FY 21-22 Water Fund budget includes \$7,142,500 for capital projects. The total project costs are estimated below:

Construction		\$ 2,479,043.00
Construction Mgt. Support	(Murraysmith)	\$ 73,144.00
Construction Mgt. Support	(i.e. Engineering)	\$ 34,560.00
Contingency	(7.5%)	\$ <u>185,928.23</u>
Total		\$ 2,772,675.23

Bids for the project are well above the engineers estimate due to significant increases in material costs. It is staff's opinion that material costs will remain high for the near future.

Award of this contract may necessitate a budget adjustment in the Water Fund at some time in the next fiscal year.

D. Timing Considerations.

The project is budgeted in FY 21-22 and the Notice to Proceed will be issued in July. The Contractor is allowed 120 calendar days to complete the project.

COUNCIL OPTIONS

The Council has the following options:

1. Award the contract to the lowest responsible bidder, Cradar Enterprises, Inc. for \$2,479,043.00; or
2. Request additional information; or
3. Reject all bids

STAFF RECOMMENDATION

Funds have been budgeted and are available to construct the project. The low bidder submitted all required documentation and is considered responsive. The Public Works Commission discussed this project at their June 10, 2021 meeting and unanimously recommended awarding the project to the lowest responsible bidder, Cradar Enterprises, Inc. for \$2,479,043.00. Staff concurs with this recommendation.

SUGGESTED MOTION

"I move to award the 24-Inch Transmission Main Hooker Road to Isabell Avenue Project to the lowest responsible bidder, Cradar Enterprises Inc. for \$2,479,043.00."

ATTACHMENTS:

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



24-INCH TRANSMISSION MAIN HOOKER ROAD TO ISABELL AVENUE PROJECT 20WA17 CONSULTING SERVICES TASK ORDER NO. 3 AUTHORIZATION

Meeting Date: June 28, 2021
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

Staff recently negotiated a proposed scope and fee for limited construction management (CM) services for the 24-Inch Transmission Main Hooker Road to Isabell Avenue Project. The issue for the Council is whether to authorize a task order for the CM services.

A. Council Action History.

On September 28, 2020, the City Council Awarded a Master Engineering Contract to Murraysmith for Phases II and III of the 24-inch Transmission Main Replacement Project and authorized Task Order No. 1 for design of Phase II of the project from Hooker Road to Isabell Avenue.

B. Analysis.

The scope of work for CM services includes pre-construction services, request for information support, proposal request and change order preparation, submittal review, review of pay requests, limited inspection services, preparation of record drawings, and other miscellaneous services.

C. Financial/Resource Considerations.

Task Order No. 3 for construction management services has been negotiated with Murraysmith at a cost not to exceed \$73,144.00. The FY 21-22 Water Fund budget includes \$7,142,500.00 for design and construction of capital projects.

D. Timing Considerations.

If Council awards the construction project, construction could begin in July. Accordingly, it would be appropriate to authorize the CM services task order as soon as practical after award of the construction project.

COUNCIL OPTIONS

The Council has the following options:

1. Authorize a task order for construction management services with Murraysmith for an amount not to exceed \$73,144.00; or
2. Request additional information; or

3. Not authorize the task order, which will require another solution for CM and may delay the project.

STAFF RECOMMENDATION

The Public Works Commission discussed this task order at their June 10, 2021 meeting. The Commission recommended the City Council authorize the task order with Murraysmith for CM services for the 24-Inch Transmission Main Hooker Road to Isabell Avenue Project for an amount not to exceed \$73,144.00.

SUGGESTED MOTION

“I move to authorize Task Order No. 3 with Murraysmith for construction management services for the 24-Inch Transmission Main Hooker Road to Isabell Avenue Project for an amount not to exceed \$73,144.00.”

ATTACHMENTS:

None



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

CITY MANAGER ACTIVITY REPORT

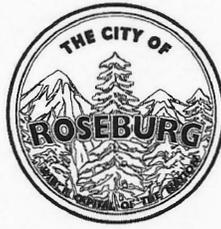
Meeting Date: June 28, 2021
Department: Administration
www.cityofroseburg.org

Agenda Section: Informational
Staff Contact: Nikki Messenger, City Manager
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

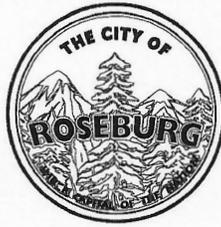
At each meeting, the City Manager provides the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's 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 June 28, 2021 meeting, the following items are included:

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



Agenda
Department Head Meeting
Electronically via Zoom
June 15, 2021 - 10:00 a.m.

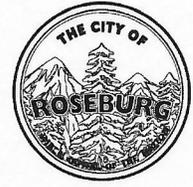
1. IT Updates/Information – BW
2. Review June 14, 2021 City Council Special Meeting/Regular Meeting Agenda/Urban Renewal Agency Board Meeting Synopsis
3. Review June 21, 2021 Special Meeting Agenda
4. Review June 28, 2021 Meeting
5. Review Tentative Future Council Meeting Agendas
6. Documents, Events, or Grants to review and/or sign
 - A. 4th of July Block Party Outdoor Permit
 - B. Graffiti Cruzin' and Viewin' at TenDown and Splitz Loudspeaker Permit
7. Department Items
 - A. COVID Impacts, Changes, Numbers and/or Updates (NM)
 - B. KMTR News Segment Update (SH)



Agenda
Department Head Meeting
Electronically via Zoom
June 21, 2021 - 10:00 a.m.

1. Review June 28, 2021 Meeting
2. Review Tentative Future Council Meeting Agendas
3. Documents, Events, or Grants to review and/or sign
 - A. Neighborhood 4th of July Block Party and Parade
 - B. Ride For 22 Military Suicide Awareness Parade
4. Department Items
 - A. COVID Impacts, Changes, Numbers and/or Updates (NM)
 - B. KMTR News Segment Update (SH)

TENTATIVE FUTURE COUNCIL AGENDA



Unscheduled

- Airport Fees for Fire Agency Services
- Parklet Update
- Prohibited Camping Updates
- Umpqua Basin Urban Services Agreement

July 12, 2021

Mayor Reports

- A. Parks and Recreation Month Proclamation

Special Presentation

- A. Roseburg Public Library RARE Participant Presentation by Katie Fischer

Consent Agenda

- A. Minutes of June 28, 2021

Public Hearing

- A. Ordinance No. 3563 - Zone Change – Kohlhagen Apartment Parking Lot, First Reading
- B. Resolution No. 2021-17 – Establish a Special Revenue Fund – American Rescue Plan Act (ARPA)

Ordinance

- A. Ordinance No. 3562 – NE Crescent Street Right-of-Way Vacation, Second Reading

Informational

- A. City Manager Activity Report

Executive Session ORS 192.660(2)(s) - IAFF Labor Negotiations

July 26, 2021

Consent Agenda

- A. Minutes of July 12, 2021

Public Hearing

- A. Resolution No. 2021-18 - Roseburg Regional Business Education Program CDBG Grant Closeout

Resolutions

- A. Resolution No. 2021-19 - Reclassification of the Assessment Fund to Special Revenue Fund

Ordinances

- A. Ordinance No. 3563 - Zone Change – Kohlhagen Apartment Parking Lot, Second Reading

Department Items

- A. 2021 Total Maximum Daily Load Implementation Plan Update

Informational

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

August 9, 2021

Consent Agenda

- A. Minutes of July 26, 2021

Informational

- A. City Manager Activity Report
-

August 23 2021

Consent Agenda

- A. Minutes of August 9, 2021

Department Items

- A. 5-Year Pavement Management Plan

Informational

- A. City Manager Activity Report

Executive Session

- A. City Manager Annual Evaluation
-

September 13, 2021

Mayor Reports

- A. Constitution Day and Week Proclamation
- B. City Manager Compensation

Consent Agenda

- A. Minutes of August 23, 2021

Informational

- A. City Manager Activity Report
-

September 27, 2021

Consent Agenda

- A. Minutes of September 13, 2021

Informational

- A. City Manager Activity Report
-

October 11, 2021

Consent Agenda

- A. Minutes of September 27, 2021

Informational

- A. City Manager Activity Report
-

October 25, 2021

Consent Agenda

- A. Minutes of October 11, 2021
- B. Cancellation of November 22, 2021 Meeting

Department Items

- A. 2021 Oregon Public Library Statistical Report

Informational

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

November 8, 2021

Consent Agenda

- A. Minutes of October 25, 2021
- B. Cancellation of December 27, 2021 Meeting

Informational

- A. City Manager Activity Report

Executive Session ORS 192.660(2)

- A. Municipal Court Judge Annual Performance Evaluation
-

December 13, 2021

Mayor Reports

- A. Municipal Court Judge Compensation

Consent Agenda

- A. Minutes of November 8, 2021

Informational

- A. City Manager Activity Report
-

January 10, 2022

Mayor Reports

- A. State of the City Address
- B. Commission Chair Appointment
- C. Commission Appointments

Commission Reports/Council Ward Reports

- A. Election of Council President

Consent Agenda

- A. Minutes of December 13, 2021

Informational

- A. City Manager Activity Report

Friday Message

June 11, 2021

- Staff has been working with KC Bolton, who has agreed to chair the “Immediate Needs” City Manager ad-hoc committee, to appoint committee members. The committee will work on prioritizing the most urgent needs for unhoused individuals/families and identifying ways to meet those needs. The first committee meeting is scheduled for next Tuesday, June 15 at 3:00 p.m.
- Information continues to trickle out regarding the American Rescue Plan Act (ARPA) funds. The latest estimate from the League of Oregon Cities includes \$5.2 million for Roseburg. The State of Oregon has not requested the funding yet and has 30 days from receiving funding to distribute to cities. As such, the first payment of 50% is not expected until late July or early August. The funding has to be obligated by the end of 2024 and spent by 2026.
- The Planning Commission met on Monday to review a zone change proposal requested by Neighborworks Umpqua for property located south of SE Lane Avenue.
- The Public Works Commission met on Thursday and made several bid award recommendations that will be presented to Council at its June 28 meeting.
- Staff received notification today that the Roseburg Public Library was awarded a grant from the Oregon Community Foundation to provide additional summer programming. This funding will allow the library to hire additional summer seasonal staff and purchase a vehicle to help deliver books and STEM supplies to various sites served by the Lunchbox Express. Congrats to Kris and her staff!
- KMTR has now allocated two spots every week for staff/mayor/council to talk about topics of interest. Each spot is 45 seconds and gives us an opportunity to highlight positive things happening in the City. Thanks to Suzanne for all of her work in coordinating this effort!
- The StoryWalk is currently up in Fir Grove and will move to Eastwood Park next week.
- The Council has a very full agenda Monday night. As always, please let us know if you have any questions on any of the agenda items!
- Meetings next week (virtual via Zoom):
 - Council Special Meeting – Council Interviews – Monday 6/14 @ 6:30 pm
 - Council Regular Meeting – Monday, 6/14 @ 7 pm
 - Urban Renewal Board Meeting – Monday, 6/14 immediately following Council meeting

Friday Message June 18, 2021

- The (Homeless) Immediate Needs ad-hoc committee held their first meeting on Tuesday. The group plans to begin meeting every two weeks, with the next meeting scheduled for Monday, June 28.
- Much of this week's LOC weekly call dealt with the regional shortage of chlorine. Chlorine is used as a disinfectant in both water and wastewater treatment plants. A chlorine plant in Longview, Washington experienced a major electrical failure earlier this week and is expected to be out of commission for up to two weeks. Many Oregon cities are asking customers to reduce water usage. The City of Roseburg is fortunate to have recently received a large shipment of disinfectant and does not anticipate having to issue voluntary (or mandatory) water curtailment orders. The City will suspend hydrant flushing activities until this situation is resolved.
- Amy Sowa, Suzanne Hurt, Mayor Rich and I met with the News Review's publisher and managing editor on Tuesday to express concerns regarding the perceived lack of accuracy and fairness of recent articles involving the City.
- Staff from Community Development and Public Works continued conversations with Douglas Electric regarding the redevelopment of their property. Earlier today, Keith Brooks emailed the following to Stuart Cowie:
"I agree that we see a path forward with a revision of our plan that will mitigate the need to replace the sidewalks. We will be getting you new drawings to reflect the revisions this coming week. We really appreciate the city's work in helping us find a way to meet it's necessary code requirements and keep the project on track at the same time. I feel like the city administration is our partner on this project. Again, thanks for your help, it is appreciated more than you know."
- I met with Wayne Patterson on Tuesday and discussed future plans for the Partnership.
- John Lazur and I met virtually Thursday with CCD representatives working on an economic recovery plan and provided comments and suggestions on their draft plan (so far).
- We received a very nice YouTube video from our Sister City – Kuki City. You can view it by clicking on this link: https://www.youtube.com/watch?v=7w3Hnrf_Mwg
- Women's Just for Fun Golf kicks off its summer series Monday night. Please see the attached flyer.
- StoryWalk moves to the Half Shell next week.
- Meetings next week:
 - City Council Special Meeting – Monday, 6/21 @ 6:00 p.m.