

CITY OF ROSEBURG PLANNING COMMISSION

Monday, February 7, 2022 at 7:00 pm

Electronic Meeting

Public Access: Facebook Live at www.Facebook.com/CityofRoseburg

City website at: <https://www.cityofroseburg.org/your-government/commissions/planning-commission/videos>

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
Ron Sperry Daniel Onchuck Victoria Hawks Janelle James
Jaime Yraguen Shelby Osborn Andy Blondell
3. **APPROVAL OF MINUTES**
 - January 3, 2022 Planning Commission Meeting
4. **ITEMS FOR DISCUSSION**
 - ZC-21-003 – 1802 W Harvard Avenue – Zone Change from C2 to C3 [Quasi-Judicial]
5. **INFORMATIONAL ITEMS**
 - Floodplain Information Map Presentation
6. **BUSINESS FROM STAFF**
7. **BUSINESS FROM THE COMMISSION**
8. **NEXT MEETING – March 7, 2022**
9. **ADJOURNMENT**

The agenda packet is available on-line at:

<http://www.cityofroseburg.org/your-government/commissions/planning-commission/>

The Planning Commission meetings are available to view on the City website the next day at: <https://www.cityofroseburg.org/your-government/commissions/planning-commission/videos>

AMERICANS WITH DISABILITIES ACT NOTICE

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

AUDIENCE PARTICIPATION INFORMATION

The Roseburg Planning Commission welcomes and encourages participation by citizens at all meetings. To allow the Commission to deal with business on the agenda in a timely fashion, we ask that anyone wishing to address the Commission follow these simple guidelines:

To provide comment during virtual meetings, contact the Community Development Department by phone (541-492-6750) or email cdd@cityofroseburg.org by 4:00 p.m. the day of the meeting. Please indicate at that time if ADA accommodations are requested. **Provide your name, address, phone number, whether or not you are a resident of the City of Roseburg and which item on the agenda you wish to speak. You will then be provided with a link and phone number to join the Commission 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 Commission 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 Commission. The Commission reserves the right to delay any action requested until they are fully informed on the matter.

PROVIDING COMMENTS

If you join the meeting via Zoom, please select the "raise hand" button when the Chair 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 Community Development Department, you will be brought into the meeting to speak when the Chair calls for speakers, then moved back to the "waiting room".

CITIZEN PARTICIPATION – AGENDA ITEMS

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

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

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

CITIZEN PARTICIPATION – NON-AGENDA ITEMS

Anyone wishing to speak regarding an item not on the evening's agenda, may do so under "Audience Participation."

Persons addressing the Commission must state their full name and address, including whether or not they are a resident of the City of Roseburg, for the record. All remarks are to be directed to the Commission. For items not on the agenda:

- Presentation should be brief and on a topic of interest to the Planning Commission, such as a general land use matter.
- These presentations are reserved for new material which has not been previously considered.

The Commission will not be taking action on any item presented under Audience Participation and if needed will provide direction to staff for appropriate follow-up.

For further details or information please contact the Community Development Department Monday through Friday, 8-12 and 1-4:30 p.m., closed 12-1 p.m. Tel: 541-492-6750, or e-mail cdd@cityofroseburg.org. Roseburg City Hall, 900 SE Douglas Avenue, Roseburg OR 97470.

**CITY OF ROSEBURG
PLANNING COMMISSION MINUTES
January 3, 2022**

CALL TO ORDER

Chair Sperry called the meeting of the Roseburg Planning Commission to order at 7:05 p.m. on Monday, January 3, 2022 electronically via Zoom.

ROLL CALL

Present: Chair Ron Sperry, Commissioners Victoria Hawks, Dan Onchuck, Shelby Osborn and Jaime Yraguen.

Absent: None

Others present: Community Development Director Stuart Cowie, City Attorney Jim Forrester, Associate Planner John Lazur, Associate Planner Caleb Stevens, and Management Assistant Koree Tate.

APPROVAL OF MINUTES

Commissioner Hawks asked for a correction to the minutes regarding the spelling of Mr. Pedersen. Commissioner Yraguen moved to approve the December 6, 2021 minutes as amended. The motion was seconded by Commissioner Onchuck and approved with the following vote: Chair Sperry, Commissioners Hawks, Onchuck and Yraguen voted yes. No one voted no. Commissioner Osborn abstained due to her December 6, 2021 absence.

AUDIENCE PARTICIPATION

Chair Sperry read the Rules of Conduct when providing comments via Zoom. No one provided comment.

PUBLIC HEARING

ZC-21-003 – 1802 W Harvard Avenue – Zone Change from C2 to C3 [Quasi-Judicial]

Chair Sperry read the procedures for the Quasi-Judicial hearing and opened the public hearing at 7:20 p.m. Mr. Stevens reported that a request for party status was received from Jerry and Chrissy Matthews, whose son was buried in the Roseburg National Cemetery, and from Greta Hamilton, Acting National Cemetery Director, as property owner directly adjacent to the subject property. Chair Sperry disclosed he knew Mr. Cordell Smith from the same congregation of church, but was able to remain objective.

Mr. Stevens stated that the proposed zone change was for 1802 W Harvard Avenue. Cordell Smith, on behalf of Thundering Water, provided an application for a zone change to allow for a wider variety of commercial uses on the property specifically to allow a miniature golf course and outdoor recreation area. The current C2 zoning did not allow for amusement or outdoor recreation facilities. There were three main items to review for zone change criteria:

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

Mr. Stevens explained the underlying comprehensive plan was already zoned for commercial use, but they were looking at the specific policies in the Comprehensive Plan to ensure changes were met. This property was abutted to the South Umpqua River and it was important the property met the natural resource policies if developed. A flood plain map was shown noting the Federal floodway area and how it would hinder the development of anything structural in that flood area to help protect the buffer area for vegetation that was fifty feet from the high bank. The property would need to conform to the surrounding zoning. The Public Reserve zone was where the National Cemetery and Fir Grove Park were located with professional offices across the street and multi-residential to the west. With what the applicant submitted, it did not require a Comprehensive Plan amendment. The Findings provided demonstrated how the proposal conformed to applicable policies, goals and objectives.

When reviewing the site, they looked at roadways, the intersection and the general composition of the surrounding area. Many permitted uses were similar for the zones except a C3 zone allowed some of the higher intensity commercial uses. With the proposed zone change, the applicant had noted it could create new job opportunities while helping diversify the local economy. The applicant would need to enhance traffic safety and use the Keady Court intersection. The development of the site would require the existing access on W Harvard Avenue to be eliminated to prevent queuing and to minimize access connections to the street. City property could be used to allow the entrance to begin from Keady Court to the parking area while providing a necessary buffer. Mr. Cowie noted the City property would be dedicated as public right-of-way, and if the application was approved, that dedication would go to City Council for approval.

Mr. Stevens continued the applicant would mitigate the traffic issues on W Harvard Avenue that had several access points. This would help the area and be consistent with the safety and performance measures of the transportation system. The applicant was required to have a traffic study to recognize the excess traffic that could be generated if development were to take place, and that an engineer would review to see if any changes were needed to the existing infrastructure. The purpose of the study was to look at whether or not there would be negative traffic and safety impacts with the development, or if the traffic would exceed the applicable volume to capacity ratio and/or level of services in the area. The applicant retained Sandow Engineering for the traffic impact study. They determined the subject area would meet the existing infrastructure and traffic mitigation that was currently there and support development to the property. The applicant would need to make improvements to the Keady Court intersection along with other standard requirements for sidewalks, lane striping, parking lot and more.

Mr. Stevens stated there were letters of opposition from Jerry and Chrissy Matthews and Greta Hamilton, Acting National Cemetery Director. Their main concerns were over the specific use and permitted uses in the C3 zoning, and what could potentially develop on the property if the Thundering Water development did not take place or cease to exist in the future. Mr. Stevens reviewed allowed uses in a C3 zoning that were not allowed in C2 zoning.

Mr. Cowie explained that when his office received the letters of opposition, he saw the validity of the concerns that were presented surrounding compatibility of possible uses in the C3 zone that were not necessarily being proposed as part of the Thundering Water use, which was necessitating the need for the zone change. The three criteria that were identified did not talk about compatibility. They talked about the conformity to the comprehensive plan and would identify the safety, public health and would conform to the transportation system. Within that zone change section there was a different Subsection D that talked about how reasonable conditions could be imposed to help ensure the compatibility of a zone change to surrounding uses. In most zone changes special conditions were not applied because it made it challenging

for the department to track. If Thundering Water did not move forward, it opened that property to a number of uses that could occur because of the zone change. The conditions provided was not an exhaustive list, but were designed to help ensure the zone change and use would be made compatible with surrounding uses. After reviewing the letters of opposition, Staff decided to mitigate against those concerns to put together four different conditions that would help to identify this zone change to the specific use that was being proposed as part of the Thundering Water development.

Mr. Cowie continued that the hope was to draft conditions to provide enough flexibility to allow what was needed for their development, but to also go along with the concerns for the Roseburg National Cemetery. The main attractions included a miniature golf course, recreation center, games pavilion, splash pad, pump track and a boulder climbing wall.

The four conditions that Staff proposed included:

Condition #1 – the zone change shall only occur subject to the proposed uses identified in the Thundering Water preliminary site plan L3 and L4, namely miniature golf course, pump track, splash pad, boulder/climbing wall, games pavilion and other ancillary uses necessary to assist in these core activities.

Condition #2 – the parking lot shall be constructed along the eastern portion of the property in a manner similarly to that of the preliminary site plan in order to buffer noise that may be generated from the uses at Thundering Water.

Condition #3 – the storm water detention areas shall be constructed and maintained along the eastern portion of the north half of the property in a manner similar to that of the preliminary site plan in order to buffer noise that may be generated from the uses at Thundering Water.

Condition #4 – the applicant shall provide a 5-foot wide vegetative screen along the eastern edge of the subject property adjacent to the shared property line between the subject property and the National Cemetery. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6).

Some of the conditions under Subsection D were so specific that a person would have to know what use was going to be generated. An example was the control of noise, vibration, odors or other similar nuisances. In order to adequately provide control, a person or persons would have to be aware of exactly what that use was that could generate the noise and vibration. Pertaining to Condition #1, Staff said that was a condition that could occur as part of the zone change. Because this was a preliminary site plan, there could be adjustments, but primarily those were the core activities that could occur there. For Condition #2, the applicant was considering a parking lot to the east to allow for a buffer. Above the parking area there was a storm water retention area that would act as a swale to collect storm water and go through the natural cleaning process before making its way to the South Umpqua River.

Mr. Cowie stated for Condition #4, there was a five foot setback from the parking lot itself, but they also needed to have vegetative screening along the property line between the subject property and the National Cemetery. Currently the National Cemetery maintained a hedge with their fence, but this would add back-to-back hedges for more vegetative screening and lessen noise impacts. Those conditions were not included in the findings and staff report, but were created after receiving the letters of opposition and concern. The whole purpose of adding the conditions was to help mitigate those valid concerns in regards to the cemetery. The Planning Commission had a few options to 1) direct the applicant to prepare findings of fact referring the request to the City Council with a recommendation that City Council approve

the zone change request, subject to the conditions identified in the supplemental staff report; 2) Continue consideration of the request; or 3) Direct staff to prepare findings of fact referring the request to City Council with a recommendation that City Council deny the zone change request.

In response to Commissioner Onchuck, Mr. Cowie explained that if this were to be approved with specific conditions, they needed to produce a Findings of Fact and City Council could adopt a Resolution with an intent to rezone the property. The Resolution would address the specific conditions for the property and a timeframe reasonable for the developer to complete. Once conditions were satisfied, an Ordinance would be drafted and the zone would change to C3. Staff would need to ensure those conditions continued on the property. If they were to vacate in the future, the new owner would need to comply, but the property could also be changed and put the zoning back to the C2 zoning. The other option would be an Ordinance for City Council approval with specific conditions, and if not met, the property would change back to C2 zoning. Chair Sperry questioned why the applicant did not apply for a variance rather than the zone change. Mr. Cowie pointed out that the proposed use was not allowed in the C2 zone and was the reason for the request. This was a specified use that would only be allowed in a C3 zone. The difference was that Staff applied conditions to help mitigate against concerns and to ensure compatibility with the neighboring cemetery. A variance was not an option or method that they could utilize.

Chair Sperry said when looking at the health and welfare of the community, and although he did not have family at the National Cemetery, he did think that others went there to find peace, meditate or commune with those who had passed. He wanted to make sure the criteria had been met for requirements to the zone change. If the conditions were imposed, he wanted to know how likely the zone would go back to C2 to keep in the conformance of the nature and surrounding properties. Mr. Cowie said it was difficult to predict what would happen in the future and hoped the proposed plan would be successful and in harmony with the surrounding neighbors. The proposed uses were very similar to the uses that were allowed in Fir Grove Park. Staff would require a restrictive deed covenant that would follow the allowed uses. If a new business were to come in they would have to abide by that restrictive deed so it allowed an extra step in the process. Commissioner Hawks expressed concern for people visiting the National Cemetery and the sound level. It seemed the property could not hold a lot of people and did not want to see a tall building. The National Cemetery had been there a long time and would not be going away. Mr. Cowie explained that was why they had the conditions so it would remain at the proposed lower height.

Chair Sperry asked how restrictive this could be in relation to noise or noise mitigation. Mr. Cowie said there were a number of different things the Commission could do to mitigate the concerns and compatibility of the property, but warned the more minute the conditions became, it was harder for Staff to regulate.

Cordell Smith, Thundering Water applicant, 734 Valley Road in Roseburg, explained that in his profession he spent a lot of days and hours treating complications with chronic disease. A lot of what he did as health care provider dealt with disease care, and Douglas County was one of the sickest areas in the state. He moved to the area over eleven years ago and had a very busy practice, which included a needed expansion due to the demand for his service. He estimated that 82% of diseases were preventable with simple lifestyle and nutrition changes. Mr. Smith wanted to bring education to a younger audience and catch diseases before they occurred. The location was initially discussed to place near the interstate with a family fun center in mind, but then decided that was not needed. He wanted to bring to the community something that encouraged physical movement and unite generations. The property was 3.5 acres and would not have the normal louder activities. After reaching out to the National

Cemetery director, he felt it was a great way to honor fallen soldiers by increasing health and happiness. They fought and died for a reason and his goal was to be respectful of the neighbors and make sure all were satisfied.

In response to Chair Sperry, Mr. Smith confirmed he did not yet own the property, but had raised over \$100,000 and was waiting for grants to assist with the rest of the cost. Teresa Bishow, Bishow Consulting, discussed the zone change did conform to the Comprehensive plan. The property was already zoned for commercial use. There were current plan policies that supported the change that included recreation uses along the river, strong local economy, safe multi-modal transportation system, healthy community and provided economic opportunities. Ms. Bishow said the site was suitable compared to other recreational site uses for a C3 zone and, it required the same interior yard setbacks as adjacent zones. Thundering Water's goal was to promote healthy lifestyles and eating choices with recreation and wellness activities for all ages and ability levels.

Ms. Bishow explained the change was consistent with transportation safety and performance measures. The TIA findings concluded that the transportation planning rule findings were met, intersections would meet mobility standards, site access at Harvard Avenue and Keady Court would operate safely and there would be improved, safe and adequate access for pedestrians and bicycles. During the site plan they discussed adding a buffer to the east side of the property. A portion of the small parking area was close to the west property line and would also have a buffer. The main components of the site plan were determined by what would most appropriately fit with the surrounding area. They had no problems with meeting the conditions suggested by Staff and commended them for their time and work on the conditions in response to the letters of opposition. To address Commissioner Hawks, the only building proposed was rectangular in shape, 3,000 square feet and was unlikely to be a two-story. The applicant could accept a fifth condition, if needed, to address the building height of up to forty-five feet. Ms. Bishow said her office was in downtown Eugene at 375 West 4th Avenue, Suite 204.

Jared Cordon, Roseburg School District Superintendent, 42 Winter Creek Lane in Roseburg, thanked the Commission for bringing a forward thinking Comprehensive Plan that promoted more family friendly activities in Roseburg. As a superintendent and parent, he was always interested in investments that helped children and families at large and promoted life-long learning and wellness. Children would benefit in the types of activities presented, along with it being low cost and accessible for multigenerational interactions. In the Parks and Recreation Policy, it stated the City would take an active role in promoting both public and private recreation industries in the Roseburg Urban Area. Thundering Water would provide Roseburg with a unique program venue that would strengthen the community, and provide a safe place that would promote kids to be off the computer and phone screens while promoting lifelong learning and wellness.

Knut Torvik, General Manager for Harvard Medical Park, 1072 Harris Hills Drive in Roseburg, represented the seller of the property and thought this was a tremendous opportunity and community asset for what Thundering Water presented. It fit their mission and was excited to have it as a potential use for the property. That property location was the only undeveloped waterfront lot in the city and it fit the neighborhood uses and community needs. In response to Chair Sperry, Mr. Torvik confirmed the property was in escrow and would close later in 2022.

Chair Sperry said it was time to hear from the parties who opposed the zone change. In response to Chair Sperry, Mr. Cowie confirmed it was not a conflict to have testimony from Chrissy Matthews as she was not the Staff person handling the minutes for the meeting.

Greta Hamilton, Acting National Cemetery Director, was not a supporter or proponent, nor was she ethically able to take a side due to her position. She was an advocate for the veteran community. The National Cemetery mission was to ensure that they could provide a dignified burial and a place where families could reflect. They did not allow people to ride bicycles, picnic, or have non-service dogs in the cemetery to help keep with the dignity and surroundings for families. Those rules were offered as a thank you for their service. The cemetery was a place that held a lot of sacrifice and sorrows, and it was important to keep to a specific atmosphere for those who visit. She appreciated the five foot vegetation, but with new requirements when building a cemetery, they now asked for a twenty foot buffer. She would like to work with the committee to determine what's best for the families. The cemetery had been there over 125 years with more than 6,300 burials, so she stressed the importance of keeping it a dignified area and haven for those who had lost their loved ones.

Chrissy Matthews, 5837 Garden Valley Road in Roseburg, said she was speaking as a mother who buried her 19 year old son in the Roseburg National Cemetery. She went there for the peace and comfort as the last resting place where she was able to be with him. She appreciated City Staff for recognizing the concerns and objections for Thundering Water and felt the C2 zone was a recognition that commercial use should be limited to certain intensities and scopes. Zoning in general meant compatibility and it was not stated in the first three of the criteria. If uses for the amusement park were the same for Fir Grove Park, it would not be listed in a C3 zone, which was the most intense commercial zone. She did not see how the zone change and use enhanced or was compatible with the National Cemetery. She understood that some may not understand her stance if they did not have a loved one there, but she appreciated Mr. Smith's health vision even if it did not make sense to change the entire zoning for one use next to the cemetery. Chair Sperry said he appreciated her testimony and knew she did not take the matter lightly.

Mr. Smith expressed there was no way he could ever relate to what Ms. Matthews had been through with the loss of her son. One of the first steps taken towards development was to reach out to the National Cemetery. As far as compatibility, he noted around that area currently there were concerts across the river, events at the Art Center and soccer games on the east side of the cemetery. It had always been hallowed grounds for the fallen soldiers and he did not want to let their sacrifice be in vain. There was a need to have healthier families and felt that was compatible with the freedoms for which those fallen soldiers fought. The community needed to improve health and wellness for the lives here and lost. Teresa Bishow said she appreciated the testimony and concerns about potential impacts. As they went through the refined next steps of the site plan, they could see how to make the property a great resource for the community while respecting concerns.

Chrissy Matthews asked the Commission to consider that if this zone change was so compatible with the cemetery, then they would have not had to create conditions to make the property compatible. Greta Hamilton agreed that Ms. Matthews made a good point and it felt like they were trying to make something fit that did not belong.

As no one else wished to speak, Chair Sperry closed the Public Hearing at 8:50 p.m. Commissioner Onchuck moved to direct the applicant to prepare Findings of Fact for the zone change, reference as File ZC-21-003, referring the request to City Council with a recommendation that Council approve the zone change request subject to the conditions identified in the Supplemental Staff Report. The motion was seconded by Commissioner Osborn. Chair Sperry said he was in favor of restrictions to not allow a building more than 45 feet in height. Considering the health and welfare was important, including those that visited the cemetery for peace and closure. Commissioner Hawk noted there were other places already zoned properly and would seem more appropriate to use an approved zone. Instead

of trying to make this property work, she suggested other locations that were on the bus line and reachable by vehicles, trails and bicycles. Commissioner Yraguen took pause with testimony from Ms. Hamilton and Ms. Matthews, but it was also about getting a good neighbor with a good cause who was willing to make it work for all. This is what the applicant chose and Staff had done a good job presenting information. Commissioner Osborn noted the layout complemented the surrounding area of the bike path and said the youth needed something like this in the area, and was grateful the applicant took the approach to benefit the community. The motion was approved with the following vote: Chair Sperry and Commissioners Onchuck, Osborn and Yraguen voted yes. Commissioner Hawks voted no. Chair Sperry thanked all those involved with the Public Hearing.

PUBLIC HEARING

LUDR-22-001 – Add Mini-retail Businesses in PR zone [Legislative]

Chair Sperry read the procedures for the Quasi-Judicial hearing and opened the Public Hearing at 9:05 p.m. No one was identified with a conflict of interest.

Mr. Lazur reported that the proposal was to amend the outright uses for the Public Reserve (PR) zone in parks. The PR zone was typically for government buildings, schools, churches and park properties. The code amendment proposed to allow mini-retail businesses, or uses that were commonly referred to as food trucks or mobile vendors, to be permitted outright in any public reserve to match what was currently allowed in commercial or industrial zones. As years go on, Staff found problem areas that needed adjusted as with any new code. Currently, food trucks were allowed in the PR zone through a special use permit, park permit or as part of special events such as Music on the Half Shell or Umpqua Brew Festival. They were trying to allow more freedom and flexibility for mini-retail businesses to locate in parks, around government buildings, schools and other public oriented uses. Staff proposed a slight modification to allow them in the PR Zone and removing language that seemed overly verbose.

Like other mini-retail businesses in other zones, they would all be subject to the same regulations. Throughout the process, they reached out to the Public Works and Parks Departments and found they would be modifying their code and making their own changes. Any owners of a PR zoned property could impose their own rules and regulations for food trucks, but they could not be less restrictive than this. They also did not allow drive-up services, only walk-up orders. Mr. Cowie shared there was one person in support of the proposed change name Lan Ha, owner of Wailani Shaved Ice. Before food trucks were allowed, Staff was not really regulating it. If a school had a special event, Staff had a hands-off approach. For changes in the park, this was going to be a two-step process. The Parks Department would draft a new Parks policy around parameters for food trucks. The only party interested in this change was Lan Ha who provided a letter and qualified as party status.

As no one else wished to speak, Chair Sperry closed the Public Hearing at 9:17 p.m. Commissioner Hawks moved to adopt the Findings of Fact and Order as presented, and recommend the Planning Commission recommend City Council approve the proposed text amendments File No. LUDR-22-001. The motion was seconded by Commissioner Yraguen and approved with the following vote: Chair Sperry, Commissioners Hawks, Onchuck, Osborn and Yraguen voted yes. No one voted no.

BUSINESS FROM STAFF

No business was presented.

BUSINESS FROM COMMISSION

Commissioner Yraguen asked for a WinCo update. Mr. Cowie explained it was appealed to City Council who upheld the Planning Commission decision and in December, they went

through the Land Use Board of Appeals hearing. They too upheld the City's decision to allow WinCo to move forward with their plans. He had not heard as to a timeframe to begin and they still needed to finalize their site review process.

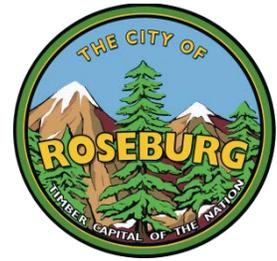
Commissioner Hawks questioned if the variance for 1025 W Copper Court had been completed. Mr. Stevens explained the applicant needed to go through the site review process and noted the variance was not infinite. Mr. Cowie added they had a year in which the variance would be valid.

ADJOURNMENT - The meeting adjourned at 9:24 p.m. The next meeting is scheduled for Monday, February 7, 2022.



Koree Tate
Management Assistant

**CITY OF ROSEBURG
PLANNING COMMISSION
MEMO**



FILE NO. ZC-21-003

MEETING DATE: FEBRUARY 7, 2022

TO: Planning Commission
FROM: Stuart Cowie, Community Development Director
Caleb Stevens, Associate Planner
SUBJECT: Zone Change No. ZC-21-003

SUMMARY:

Cordell Smith, on behalf of Thundering Water, and Teresa Bishow of Bishow Consulting have submitted the attached Findings of Fact and Order as requested by the Planning Commission at the end of the public hearing held January 3, 2022 for Zone Change No. ZC-21-003. The Findings of Fact reflect the conditions of approval described in the Supplemental Staff Report, distributed by Staff on December 30, 2021. These conditions were required to be included as part of the findings, when the Planning Commission directed the applicant to prepare the Findings of Fact and Order document. These conditions were included based on Roseburg Municipal Code (RMC) 12.10.040(D), which indicates conditions may be imposed, as are necessary to ensure the compatibility of a zone change to surrounding uses. The following listed conditions are included in order to mitigate the concerns raised at the public hearing and to help ensure greater compatibility with the adjacent Roseburg National Cemetery. The conditions include;

- 1. The zone change to C3 shall only expand the existing C2 zone Permitted or Conditionally Permitted uses to include "Places of Amusement" and "Outdoor Recreational Facilities" as identified on the Thundering Water Preliminary Site Plan dated February 7, 2022, namely miniature golf course, pump track, splash pad, boulder/climbing wall, games pavilion, recreation center, and other ancillary uses necessary to assist in these core activities.*
- 2. The parking lot shall be constructed along the eastern portion of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022.*
- 3. The storm water detention areas shall be constructed and maintained along the eastern portion of the north area of the property in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022.*
- 4. A minimum 5-foot-wide vegetative screen shall be constructed and maintained along the eastern edge of the parking area adjacent to the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022. Vegetative screening in this area shall meet the requirements as identified in RMC Section 12.06.030(T)(5) & (6).*

In addition to the above conditions that were recommended by Staff, the applicant has also included the following conditions in their Findings based on concerns discussed during the January 3, 2022 public hearing;

5. *A minimum 7-foot-tall sound wall shall be constructed along the entire length of the shared property line between the subject property and the Roseburg National Cemetery in a manner similar to the Thundering Water Preliminary Site Plan dated February 7, 2022.*
6. *Development on the subject property shall have a maximum building height of 45 feet.*
7. *Any future development of the property shall fully conform to all applicable standards and requirements of the Roseburg Municipal Code.*
8. *Any future development of the property shall be subject to an approved Site Plan Review and Building Permit approval.*
9. *The vegetative screen set forth in Condition 4 and the sound wall set forth in Condition 5 shall be installed prior to City issuance of a certificate of occupancy for any new development on the site.*

STAFF RECOMMENDATION:

Staff has determined that the applicant has adequately addressed RMC Section 12.10.040(C) – “Criteria for a Zone Change” as provided within their application and attached Findings of Fact and Order. Staff has also considered RMC Section 12.10.040(D) “Zone Change – Conditions of Approval” as the applicant has provided conditions that attempt to mitigate the concerns outlined within the letters of opposition received and presented to Planning Commission during the January 3, 2022 meeting. Based upon these considerations, Staff recommends that the Planning Commission adopt the Findings of Fact as presented and refer the request to City Council with a recommendation that Council approve the zone change request, subject to the conditions identified in the Applicant’s Findings of Fact.

OPTIONS:

- Adopt the Findings of Fact and Order as presented, and refer the request to City Council with a recommendation that City Council approve the zone change request, subject to the conditions identified in the Applicant’s Findings of Fact.
- Do not adopt the Findings of Fact and Order as presented.

SUGGESTED MOTION:

I MOVE TO ADOPT THE FINDINGS OF FACT AND ORDER AS PRESENTED, AND REFER THE REQUEST TO CITY COUNCIL, RECOMMENDING THAT COUNCIL APPROVE THE ZONE CHANGE, REFERENCED AS FILE NO. ZC-21-003, SUBJECT TO THE CONDITIONS IDENTIFIED IN THE APPLICANT’S FINDINGS OF FACT.

ATTACHMENTS:

Findings of Fact and Order (including Preliminary Site Plan dated February 7, 2022.)

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

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

I. NATURE OF APPLICATION

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

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

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

II. FINDINGS OF FACT

A. EXISTING CONDITIONS

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

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

B. AGENCY COMMENTS

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

C. PUBLIC COMMENTS

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

Public Testimony in Support

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

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

November 23, 2021. Letter states, “As we look to have children visiting with their parents, caregivers, sibling, and extended family members in the least restrictive setting possible, while promoting a positive experience, the recreation center will offer an alternative location and activity to what is currently available to us.”

6. Letter from Juliete Palenshus, UC-VEG Executive Director, dated September 23, 2021. Letter on behalf of Umpqua Community Veg Group states, “Thundering Water will foster social connectedness, improve the quality of life for its patrons, increase property values in the West Harvard area, and exhibit a myriad of healthy behaviors including consuming plant-based foods, incorporating movement, connecting with neighbors and community members, and putting loved ones first.”
7. Thundering Water Newsletter December 2021 stating, “We now have a fiscal sponsor, and we have received several sizable donations towards Douglas County’s new recreation and wellness park!”

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

Public Testimony in Opposition

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

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

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

D. PUBLIC HEARING AND PROCESS

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

E. APPLICABLE CRITERIA

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

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

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

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

Natural Resources Policy No. 10

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

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

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

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

Natural Resources Policy No. 11

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

The applicant states:

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

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

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

Natural Resources Policy No. 13

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

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

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

Natural Resources Policy No. 14

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

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

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

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

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

Economic Growth Policy No. 3

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

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

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

The applicant expounds on this idea further and states:

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

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

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

Economic Growth Policy No. 4

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

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

Economic Growth Policy No. 9

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

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

The applicant states:

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

Transportation Development Policy No. 3

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

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

The applicant states:

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

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

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

Transportation Development Policy No. 4

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

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

Transportation Development Policy No. 10

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

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

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

The applicant states:

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

Energy Conservation Policy No. 2

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

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

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

The applicant states:

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

Energy Conservation Policy No. 5

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

The applicant indicates:

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

Parks and Recreation Policy No. 5

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

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

The applicant states:

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

Public Facilities and Services Policy No. 8

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

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

The applicant indicates:

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

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

Urban Growth Policy No. 10

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

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

The applicant states:

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

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

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

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

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

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

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

Commercial Development Policy No. 4

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

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

In addition to this, the applicant states:

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

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

Commercial Development Policy No. 10

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

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

The applicant states:

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

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

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

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

Commercial Development Policy No. 11

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

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

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

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

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

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

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

The applicant indicates:

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

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

Resource Area and Hazardous Area Development Policy No. 2

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

Resource Area and Hazardous Area Development Policy No. 3

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

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

The applicant states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Findings:

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

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

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

Condition:

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

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

Findings:

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

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

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

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

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

Conditions:

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

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

Findings:

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

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

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

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

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

Condition:

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

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

Findings:

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

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

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

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

Findings:

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

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

Conditions:

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

III. CONCLUSION

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

IV. ORDER

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

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

Ronald Sperry, Planning Commission Chair

Date

Stuart Cowie, Community Development Director

Date

Planning Commission Members:

Ronald Sperry, Chair

Daniel Onchuck, Vice Chair

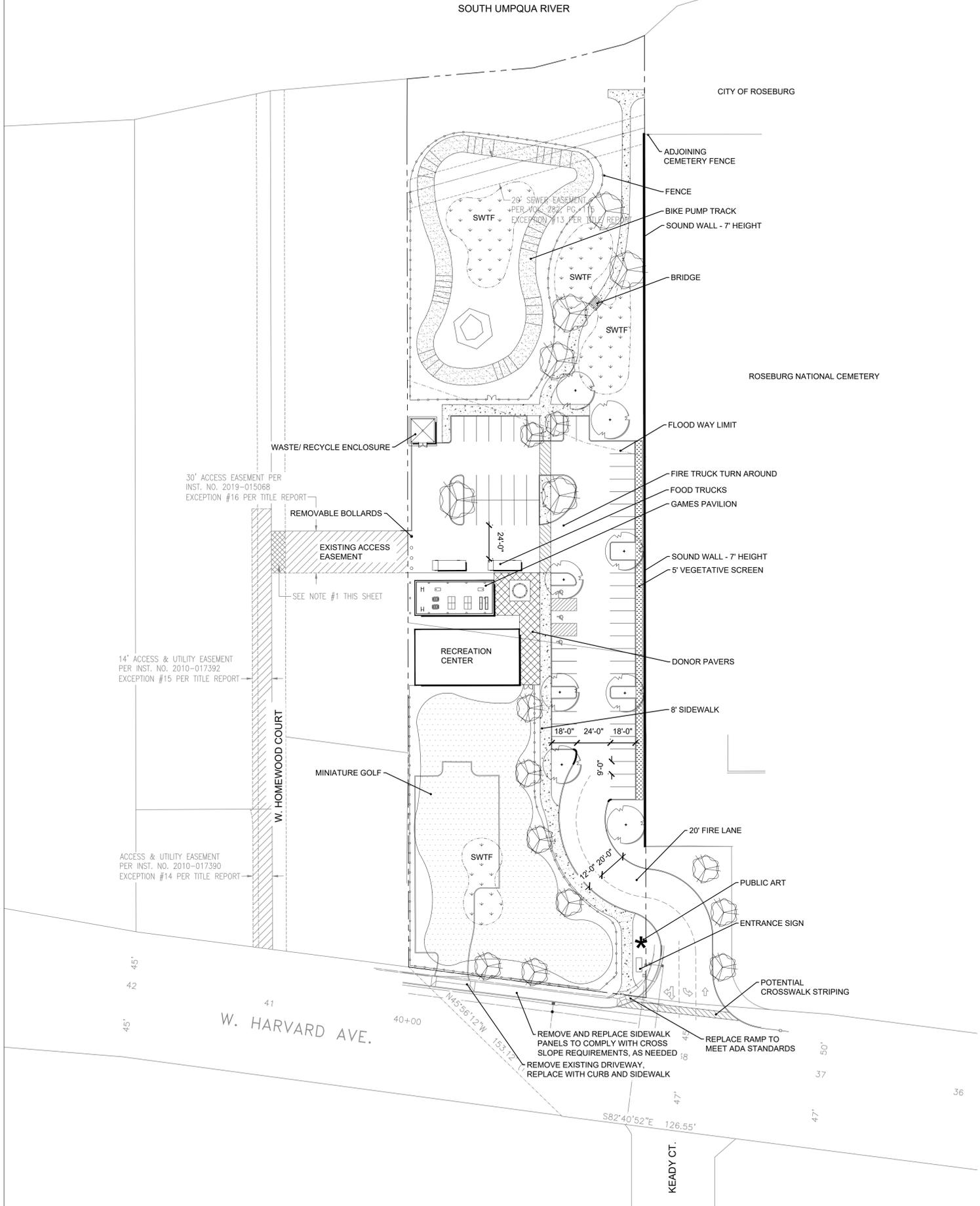
Victoria Hawks

Jamie Yraguen

Shelby Osborn

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

EXHIBIT A



MINI GOLF



SPLASH PAD



BOULDER CLIMBING WALL



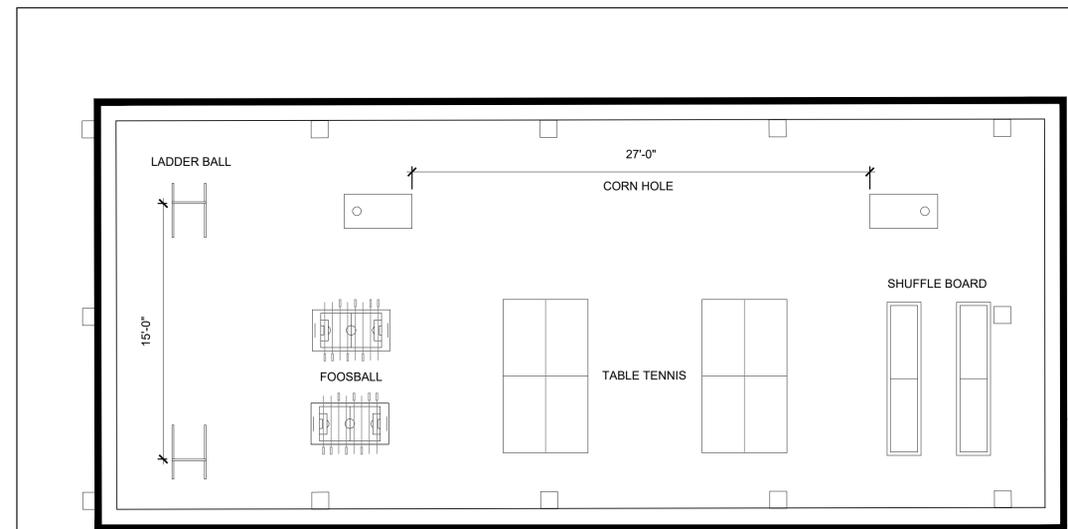
PUMP TRACK



PUBLIC ART



GAMES PAVILION



MAP and TAX LOT/ ZONING

MAP #: 27-06W-23
 TAX LOT#: R14193
 EXISTING ZONING: C2 COMMUNITY COMMERCIAL

MAP #: 27-06W-14
 TAX LOT#: R14201
 EXISTING ZONING: C2 COMMUNITY COMMERCIAL

PROPOSED ZONING: C3 GENERAL COMMERCIAL

KEY AMENITIES

GAMES PAVILION (OUTDOOR) FOOSBALL TABLE TENNIS CORN HOLE SHUFFLE BOARD LADDER BALL	1,500 SQ. FT.
RECREATION CENTER OFFICE CLUBHOUSE TEACHING KITCHEN LIFESTYLE/ NUTRITION CENTER RESTROOMS	3,000 SQ. FT.
MINIATURE GOLF	22,000 SQ. FT.
BIKE PUMP TRACK	21,000 SQ. FT. 480 LINEAR FT.
PARKING	56 SPACES
BIKE PARKING	6 SPACES (LOCATION TO BE DETERMINED)

NOTES

- ALL NEW UTILITIES WILL BE PLACED UNDERGROUND.
- EXISTING DRIVEWAY ACCESS ON W HARVARD AVENUE WILL BE ELIMINATED.
- EXISTING ADA RAMP AT THE NW QUADRANT OF KEADY COURT/ W HARVARD AVE WILL BE REMOVED AND REPLACED TO COMPLY WITH CITY CODE.
- FOOD TRUCKS WILL BE PROVIDED SEWER HOOKUPS AND COLD STORAGE.
- EXISTING CONCRETE PADS (REMAINS OR DEMOLISHED HOME) AND EXISTING ASPHALT WILL BE REMOVED.

LEGEND

	STORMWATER TREATMENT FACILITY (TYP.)		SPLASH PAD
	MINIATURE GOLF		BOULDER CLIMBING WALL
	BIKE PUMP TRACK		FENCE
	PLAZA		PROPERTY LINE
	CONCRETE WALKS		SOUND WALL
	VEGETATIVE SCREEN		DIRECTION OF TRAVEL
	ADA PARKING SPACE		



THE SATRE GROUP
 375 West 4th, Suite 201, Eugene OR 97401
 Phone: 541.686.4540 Fax: 541.686.4577
 www.satregrp.com

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PRELIMINARY SITE PLAN 2-7-22 THUNDERING WATER

1802 WEST HARVARD AVENUE
 ROSEBURG, OR 97471

SCALE 1" = 40' - 0"

Revisions	#	Date	Description
	1	10-15-21	PER PRE-21-042
	2	1-10-22	REVISIONS
	3	2-7-22	REVISIONS

Project Number	2134
Drawn By	HL
Checked	JL
Date	1/27/22
Phase	PRELIMINARY PHASE

L3.0