

STAFF REPORT

SR2021-001

Date:	November 15, 2021
Department File:	SR2021-001
Applicant:	David Marchi,
Owner:	Robert and Christie Newland
Map & Tax Lot:	Tax Lot 124, Assessor's Map 21-35-07-40
Property Address:	47395 Westoak Road, Westfir, Oregon
Acreage:	0.82 acres
Contiguous Property:	Tax Lots 119 and 129 to the NW, are also owned by the Newlands
Base Zone:	Public Facility/ Community Commercial
Comprehensive Plan:	Public/Government/Community Commercial

I. PROPOSAL

A request for a site review permit for the remodel of an existing structure (grocery store) at 47395 Westoak Road. Required information is found in Section 10.2.0 of the Westfir Development Code (WDC) and required findings are found in Section 23.6.0 of the WDC.

II. BACKGROUND INFORMATION

Setting

The proposed development is located on Tax Lot 124, Assessor's Map 21-35-07-40. Tax Lot 124 is 0.82 acres in size, is occupied with a single structure which houses an 826 square foot post office and a 5,626 square foot vacant area that has, in the past, been a grocery store and fitness center. The portion of the structure occupied by the Post Office is zoned Public Facility and the remainder of the structure is zoned Community Commercial. Figure 1 is a vicinity map of the subject property.

Figure 1



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Proposal

An application for a site review permit was received by the City on September 12, 2021. The proposed project is the remodel of the vacant portion of the structure located at 47395 Westoak Road, Westfir to create space for a grocery store, a retail bicycle store, an accessory area, a second-story residential unit, and a taproom. Figure 2 is a revised site plan of the proposed remodel which reflects parking as proposed. Figure 3 is a revised site plan that reflects parking if the existing post office parking cannot be used.

Figure 2



The proposed remodel will result in a 1,550 square foot grocery store, a 3,000 square foot bike shop, a 1,000 square foot second-story apartment, 360 feet for a kitchen and rest rooms, and 725 square feet for a tap bar. The commercial kitchen will have a dishwasher, three-basin sink, graywater traps and floor drains. The kitchen area will not have a hood/vent system that would be required for a full-fledged restaurant. The taproom will have six to eight stools inside but no tables. It will have a 10-keg tap system, a deli-case for food storage and a commercial deli refrigeration system to make food items. Beer and wine will be served. The applicant also indicates that he intends to contract for up to four (4) food carts that will be parked on asphalt in the northeast quadrant of the lot.¹

¹ The Community Commercial Zone allows retail and service commercial “drive-in uses” as conditional uses. Staff considers a food cart as either a drive-in use or a use that must require a temporary use permit.

III. APPROVAL CRITERIA

Section 23.6.0 of the WDC contains the findings that must be affirmatively met prior to the granting of a site review permit. These findings are as follows:

- A. ***Any dead–end road over 150 feet in length and not maintained by the City shall be considered a cul–de–sac and shall have a right–of–way width with a radius of at least 48 feet. ...***

The proposal does not include a dead–end road or a cul–de–sac. The remodel will take access directly off of Westoak Road. As a condition of approval, it is required that the parking area have an all–weather surface that can support a fully loaded fire truck.

- B. ***The applicant shall consider maintaining existing healthy native trees of at least 8 inches diameter where their destruction is not necessary for construction. Applications shall include a plan showing existing healthy trees of at least 8 inches in diameter and marking those trees proposed for removal.***

An aerial photograph of the subject property, as shown in the vicinity map, shows that the area proposed for the patio to be largely devoid of any major vegetation. The portion of the subject property to the northeast of the existing building, paralleling Westoak Road, is heavily populated with trees.

The applicant’s site plan schematic indicates that under the parking strategy in Figure 3, two trees with a diameter of 8 inches or greater will have to be removed, along with associate brush. No other major vegetation appears to be removed.

- C. ***The applicant shall provide a plan showing regular maintenance of any walls, fences, hedges, screen plantings or landscape areas to: (i) prevent encroachment on adjacent properties or unsafe conditions; (ii) maintain their original character; and (iii) provide necessary and normal replacement.***

The applicant’s site plan schematic does not show existing or proposed fencing that buffers the proposed uses for adjacent residential uses. However, the subject property abuts Tax Lot 129, which is subject to a conditional use permit for a recreational camping operation. The applicant in that proposal has stipulated that he would be constructing a 6 foot–high wooden fence entirely around his property with a pedestrian access into the subject property. This access will serve as a secondary, emergency access.

As mentioned above, the applicant hasn’t provided a diagram of existing vegetative cover or the exact nature of proposed landscaping.

- D. ***The applicant shall provide for the planting of ground cover or other surfacing where necessary to prevent erosion or to reduce dust.***

The applicant’s site plan schematic shows the landscaped area but does not provide details about what landscaping will be provided.

- E. ***The applicant shall include a statement that no occupancy of the proposed structures will occur until water, sewer and drainage facilities and services are available to serve the proposed use.***

This requirement should be made a condition of approval. Lane County Transportation has commented that drainage from the subject property cannot be directed towards the County's roadside ditches as their capacity is limited to runoff from the roadway.

- F. *Based on the transportation impacts as shown by a traffic impact study submitted by the applicant, the development shall provide adequate adjacent right of way and road improvements to accommodate anticipated traffic generation.***

The proposed remodel is not anticipated to generate sufficient traffic to warrant a traffic impact study. Lane County transportation has recommended that only one access be used for the property and that is the access to the new development. Currently there is only one access and that is to the Post Office. The applicant's site plan shows a new single access that would be used by all of the development on the property.

- G. *A secondary or emergency accessway shall be provided for emergency ingress or egress.***

Lane County would probably not allow a secondary access onto Westoak Road. However, permanent access onto the Trans Cascadia property (Tax Lot 129) to the northwest provides sufficient emergency access.

- H. *The applicant shall provide a plan showing regular maintenance of common facilities and structures to improve or maintain their original character and to provide necessary and normal replacement.***

Common facilities probably generally relate to landscaping. In this respect, the applicant has not submitted a landscaping plan. The applicant has indicated that the parking lot would be improved to city standards.

Other common facilities are the drainage necessary to contain stormwater to the subject property. Under the site plan depicted in Figure 2, there will be 3,200 square feet of new parking lot paving which would need 960 cubic feet of water retention under a flood control event (3.6 inches of rainfall). The applicant proposes a swale on the north end of the property that would be one and one-half feet deep as well as a catch basin in the parking area to allow drainage up to the swale. If the site plan depicted in Figure 3 was implemented, there would be 7,366 square feet of new parking lot paving that would require 2,219 cubic feet of water retention. This would require swales that are two feet deep as well as the previously mentioned catch basin. Water falling on the patio would not require stormwater treatment since the patio will be designed to allow the water to fall through the panels and be treated by the soil beneath that structure.

- I. *For development on slopes of greater than 15 percent, the applicant shall provide certification from a registered geotechnical engineer that the proposed development and placement of structures will not cause or be subject to erosion or landslide.***

There are no slopes on the developed portion of the subject property that are equal to or exceed 15 percent slope. Slopes along a small portion of the southeastern area of the subject property have slopes of between 16 and 20 percent and possibly slightly over 20 percent. The steeper portion of the subject property is heavily forested.

J. *The proposed development conforms to the City of Westfir’s Master Road Plan.*

Westfir does not have a Master Road Plan as it does not own any streets. The County Transportation Department notes that Westoak Road is a collector and, as such, requires a limited number of approaches. The City Engineer notes that the access to Westoak Road should be limited to a single 35-foot access point.

K. *Any proposed improvements will conform to the City of Westfir’s minimum structural specifications.*

Westfir’s minimum structural specifications are generally found in the building code. This criterion can be made a condition of approval.

L. *The applicant shall submit a parking plan showing that parking is provided consistent with existing City standards for the property’s zoning.*

The Applicant’s original site plan showed 17 parking spaces to serve the Post Office and the proposed remodel. This parking scheme is reflected in Figure 2. However, there is some concern that the Post Office’s parking spaces may not be available as they are partially located within the right-of-way of Westoak Road. In the event that these spaces will not be available, the applicant proposes the parking scheme shown in Figure 3.

In either parking scheme, and based upon the uses proposed and the square footage involved, the Westfir Development Code would require 24 parking spaces for all of the development on the subject property. However, the applicant has pointed out that a large percentage of the expected clientele will be from the Trans Cascadia camping development that is located adjacent to the Crow’s Feet remodel. Since the Code does not require that off-street parking be provided on the same property subject to development, the applicant has proposed that the seven additional parking spaces be provided nearby on the Trans Cascadia property (Tax Lot 129). The applicant in the Trans Cascadia project has given written permission to use the Trans Cascadia project for the remaining off-street parking requirement.

M. *Lighting Standards:*

- 1. *Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be contained to the target area.***
- 2. *All exterior lights shall be designed, located, installed and directed in such a manner as to prevent glare across the property lines.***
- 3. *All exterior building lighting for security or aesthetics will be full cut-off or shielded type, not allowing any upward distribution of light.***

The applicant’s plans are not yet specific enough to identify the proposed lighting but it is sufficient that a condition of approval require that any lighting meet the lighting standards criteria; which is consistent with the applicant’s stated intent.

N. *Cut and Fill Standards*

No significant cut or fill is proposed as the project will consist of remodeling an existing structure, laying a patio area, and paving the driveway and parking area. However, significant cuts may be required for the creation of the drainage swales. As a condition of approval, it is recommended that the applicant comply with the standards of Section 23.6.0.N of WDC when making cuts and fills on the subject property.

O. *Public facilities are adequate to accommodate the proposed development or provisions will be made in the course of development to upgrade public facilities to meet existing City standards.*

The existing structure on the subject property is already served with water and an 8-inch watermain fronts the property. The Westfir Water and Sewer Operator has noted that the remodel may require two additional water meters to serve the new uses in addition to the Post Office.

A 1,500 gallon concrete septic tank was installed in December of 2015 and 450 feet of new drainfield. The capacity of the system is 450 gallons per day. As the proposed patio will cover the existing septic tank, an access door to the tank will have to be provided. The drainfield cannot be covered by the patio and the revised site plans show the drainfield to be located beyond the proposed patio.

Drainage is not permitted into the Westoak Road right-of-way. The project will create additional impermeable surfaces with the creation of the patio and the paved parking lot. The applicant must provide sufficient information to demonstrate that it is feasible to treat the runoff from the increased impermeable surface on the property.

P. *Where applicable, that all criteria and standards relating to development in a flood hazard area have been met.*

The subject property is not located within a flood hazard area.

IV. CONCLUSION

The Planning Commission can make the following decisions:

- A. Denial of the site review permit for failure to meet one or more of the required findings.
- B. Delay the ultimate decision by keeping the record open and or through a continuance of the hearing to allow the applicant to supply additional information.
- C. Approve the proposed site review. If approval is granted, staff would recommend the following conditions:
 - 1. The driveway and parking area must be composed of an all-weather surface that will support the weight of a fire truck.
 - 2. A 35-foot wide access must be constructed at the intersection of the driveway and Westoak Road must be constructed. This will require a Facility Permit from Lane County.

3. A final drainage plan must be submitted to the City Engineer for approval prior to the issuance of an occupancy permit for the remodel project. The County's drainage ditch adjacent to Westoak Road cannot be used for runoff from the property as the ditch is designed only for runoff from the road.
4. No occupancy permit for the proposed structure shall be approved until water, sewer and drainage facilities and services are available to serve the proposed use.
5. Cuts and fills shall comply with Section 23.6.0.N. of the WDC.