

ATTACHMENT A
WESTFIR PLANNING COMMISSION ORDER IN SR2021-001

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Finding 1: The applicant proposes the remodel of an existing structure located on Tax Lot 124, Assessor’s Map 21-35-07-40. This site has an existing address of 47395 Westoak Road, Westfir, Oregon. 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/café. The applicant is David Marchi, dba Crow’s Feet Outpost, and the property owner is Bill Newland.

Consistency with Zoning District

Finding 2: Section 23.2.0.B of the Westfir Development Code (WDC) requires the Planning Commission to review a site plan for additions to an existing development. The only exceptions, which are not relevant to this proposal, is where the application is for a temporary use, a use permitted outright in a residential district, or where a planned unit development, variance or conditional use permit is also required. In the present case, the applicant is remodeling an existing commercial structure.

Conclusion: The remodel of the existing structure on Tax Lot 124 requires a site review permit.

Finding 3: The subject property is zoned Community Commercial. Section 10.2.0 of the WDC lists uses that are outright permitted in the Community Commercial District. These uses include all retail uses that are conducted entirely within a building (10.2.0.A) and eating and drinking establishments other than “drive-in’s” (10.2.0.K). Also listed are residential uses that do not occupy the front 25-feet of a building’s ground floor (10.2.0.N). The proposed grocery store and bicycle shop are retail uses that will be conducted entirely within a building and the tap pad/café qualify as eating and drinking establishments. The proposed residential unit is located on the second floor of the building and will not occupy the front 25 feet of the building’s ground floor facing the principal commercial street. The entrance facing the street will be six-feet wide.

Conclusion: The uses proposed by the applicant’s remodel are outright permitted in the Community Commercial District.

Consistency with the Site Review Approval Criteria of Section 23.6.0 of the WDC.

- 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. ...***

Finding 4: 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.

Conclusion: The proposal is consistent with Section 23.6.0.A of the WDC.

- 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.*

Finding 5. 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 revised site plan, dated 2/07/2022, shows existing trees that will be removed that have diameters of 8" or larger and proposed plantings along the south/southeast side of the parking lot and internal plantings. The site plan generally shows the type of vegetation to be placed and irrigation methods. Many of these plantings are shown in conjunction with proposed noise mitigation berms that are located in several areas of the subject property.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.B of the WDC.

- 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.*

Finding 6: The applicant's revised site plan shows landscape areas which are planted with trees and bushes to provide screening and to prevent encroachment onto or from adjacent properties. Trees along the southeastern perimeter of the subject property will be retained. The applicant is relying upon an 8' tall air-tight fence along the eastern border of Tax Lot 129. (This facility is shown on the Trans Cascadia Excursions' Rendered Site Plan, dated 1/24/2022.) The fence initially planned along the eastern border of the subject property will not be immediately built as sound berms in that area will provide the necessary visual and noise screening.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.C of the WDC.

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

Finding 7: The applicant's revised site plan shows the location of proposed sod, bark/mulch and bunch grass. The remainder of the subject property is occupied by the existing building, existing trees and proposed asphalt and crushed gravel parking. These surfaces are sufficient to prevent erosion and to reduce dust.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.D of the WDC.

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.*

Finding 8: The applicant has made an oral statement to this effect. This provision has been incorporated into Condition of Approval #5.

Conclusion: The applicant’s proposal is consistent with Section 23.6.0.E of the WDC.

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.*

Finding 9: The applicant has submitted a traffic impact study dated January 25, 2022 that was prepared by a transportation engineer. The study employed standard ITE–based trip ratios to the uses proposed by the Crow’s Feet Outpost. When calibrated for a small, rural community, the study predicts that an average of 71 weekday trips and 8 trips during a weekday peak hour would be generated during the summer season. An estimated 47 weekday trips and 6 weekday peak hour trips would be generated during the winter months. The author of the traffic impact study theorized that the prior use of the remodeled building on Tax Lot 124 generated a similar traffic impact when it was primarily a grocery store.

The application has been reviewed by Lane County Transportation and no additional right–of–way or road improvements were found to be warranted on Westoak Road. However, a new 35’ access entrance way was recommended and this improvement is represented on the applicant’s revised site plan. In addition, this improvement has been mandated by Condition of Approval #3.

Conclusion: The applicant’s proposal is consistent with Section 23.6.0.F of the WDC.

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

Finding 10: The applicant has proposed that a pedestrian pathway joining adjacent Tax Lot 129 be provided to serve as a secondary or emergency accessway from the subject property. This facility has been mandated by Condition of Approval #9.

Conclusion: The applicant’s proposal is consistent with Section 23.6.0.G of the WDC.

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.*

Finding 11: The applicant’s revised site plan calls for the replacement of failed plant materials within 30 days. Common facilities include landscaping and noise–mitigation berms as well as drainage swales. Condition of Approval #11 requires the construction of sound mitigation

berms as recommended by the January 6, 2022 Noise Study and as display on the revised site plan. Condition of Approval #13 requires that common facilities be maintained in perpetuity.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.H of the WDC.

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.*

Finding 12: 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.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.I of the WDC.

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

Finding 13: The City of Westfir does not have a Master Road Plan.

Conclusion: Section 23.6.0.I of the WDC is inapplicable.

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

Finding 14: The remodel proposed by the applicant will have to be consistent with the building code. Condition of approval requires that the remodel conform to the Oregon Building Code.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.K of the WDC.

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

Finding 15: 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. The applicant's revised site plan shows 26 parking spaces. The proposed parking spaces are at a 90° angle, are 9' wide and 18 feet deep. This conforms to the parking space standards in Table 4.050 of the WDC.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.L of the WDC.

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.***

Finding 16: The applicant's revised site plan does not indicate the location or type of lighting that is proposed. The applicant has warranted that all lighting will conform to Section 23.6.0.M of the WDC and this has been made a condition of approval by Condition #7. Compliance with this standard will be verified at the time of building permit approval.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.M of the WDC.

N. Cut and Fill Standards

Finding 17: 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, permanent changes in grade in excess of five feet may be required for the creation of the drainage swales. Condition of Approval #6 requires that the applicant comply with the standards of Section 23.6.0.N of WDC when making cuts and fills on the subject property. Consistent with Section 23.6.0.N.b, cuts or fills shall be revegetated, leaving no exposed soil or rock.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.N of the WDC.

- 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.***

Finding 18: 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 water capacity is more than adequate but that the remodel may require two additional water meters to serve the new uses in addition to the Post Office.

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 has provided sufficient information on his revised site plan to demonstrate that it is feasible to treat the targeted runoff standard (3.6 inch rainfall event) from the increased impermeable surface on the property through the use of three two-foot deep bioswales that collectively cover 1156

square feet of area. The bioswales are sized to accommodate the Condition of Approval #4 requires that a final drainage plan, consistent with the revised site plan, must be submitted to the City Engineer for review and approval prior to the issuance of an occupancy permit.

The city sewer system does not serve the subject property. The Lane County Sanitarian has inspected the existing septic tank system on the subject property. This system is designed to treat 450 gallons of sewerage per day. The Sanitarian has stated that the system must be expanded to treat 1,500 gallons per day. This amount of sewerage requires a larger septic tank and an expansion of the drain field beyond the boundary of the subject property; slightly onto Tax Lot 129. The applicant for the campground proposed for Tax Lot 129 has stipulated approval for the use of that tax lot but the owner of that property must grant an easement to legally allow for this encroachment. Conditions of Approval #5 and #12 ensure the proposed enlarged septic tank system are approved by the owner of Tax Lot 129 and the Lane County Sanitarian prior to the issuance of an occupancy permit.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.O of the WDC.

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

Finding 19: FIRM map 41039C2213F indicates that the subject property does not lie within a flood hazard zone.

Conclusion: The applicant's proposal is consistent with Section 23.6.0.P of the WDC.