

STAFF REPORT

MPD2023-01

Report Date:	August 14, 2023
Planning Commission	
Hearing:	August 21, 2023
Department File:	MPD2023-01
Applicant & Owners:	Ralph Christensen, Roscoe Divine, and Sunset Investments
Applicant Representative:	Teresa Bishow, AICP, Bishow Consulting, LLC
Map & Tax Lot:	Tax Lot 00132, Assessor's Map 21-35-07-40
Property Address:	None assigned
Acreage:	49 acres
Base Zone:	R-1, R-3, Mixed Use, PRO-S, and Flood Hazard subzone
Comprehensive Plan:	Low Density Residential, High Density Residential, Mixed Use Parks and Open Space, and Public/Government

Staff Responses or paragraphs that contain an asterisk (*) represent criteria or decision points that require the Planning Commission's explicit discretion or interpretation.

I. ISSUES

***Sunset Avenue** – The applicant is proposing the extension of Sunset Avenue to be a private street contained within an access easement. As the plans reflect now, Sunset Avenue would not be open to the public – it would be private. A completely private street, in which has access to the river and the Office Covered Bridge, might cause consternation among the Planning Commission.

Another consideration is if the City accepts Lot 15 as City-owned land for a possible future new City Hall and Fire Department, the road in which the City Hall and Fire Department would be access from would be private with no legal access. Staff see two possible solutions to this matter.

Solution #1: City accept the extension of Sunset Avenue as dedicated right-of-way.

Considerations: Sunset Avenue in its present condition is not improved even close to city standards, as outlined in the Westfir Development Code.

Solution #2: Applicant modify their subdivision and master plan to show Sunset Avenue being placed in a public access easement. The City is not on the hook for the ownership or maintenance of Sunset Avenue, but public use is guaranteed in perpetuity due to the fact it's placed in a public access easement and can legally access Lot 15, should the City accept it.

The Planning Commission may also have their own ideas or solutions on this matter.

***Open Space Tracts** -The applicant has verbally agreed to extend Tract A further south towards the river's edge. This update has yet to be reflected on the tentative subdivision plat or the master plan. The applicant is proposing to dedicate Tract A to the City for a City Park and Open Space. The Planning Commission must consider and decide if they're amendable to receiving accepting

Tract A as public property. If the City accepts Tract A, the City will be responsible for the long-term ownership and maintenance of Tract A.

It is unclear if the applicant will improve Tract A with a pedestrian path to the river or any other park improvements will be made prior to Tract A being accepted by the City, but staff recommend imposing Conditions of Approval #7 of the subdivision (SPP2023-01) to ensure pedestrian access and circulation. There are cost implications of accepting Tract A as a City Park and Open Space as the City will be responsible for its long-term ownership and maintenance and for the space to be improved (in some manner) for use by the public.

Sheets A-1 and A-2 include areas of green that are intended to show park and open spaces. However, Planning Commission must be keenly aware of what the maps are portraying. The only space being offered to the public is Tract A. The public will not have legal access to Tracts B, C, D, E or E. Further, even if these tracts remain under private control, staff advises the Planning Commission to consider requiring the applicant to fully connect the tracts so that there are no gaps and the park and open space is provided for in an open and consistent manner, regardless of ownership and users. Placing a small tract of mixed-use space on both sides of Tract C is not conducive to an attractive pedestrian friendly park and open space. Furthermore, the intensity of development that could occur under the mixed-use zoning designation would likely be heavily hamstrung due to its proximity to the riparian area of the MRWR and its impacts on a sensitive environment.

Modifications – The success of the applicant’s applications relies heavily on their ability to receive several modifications to code standards. A detailed list of the modifications is provided for in this staff report and includes an analysis by staff.

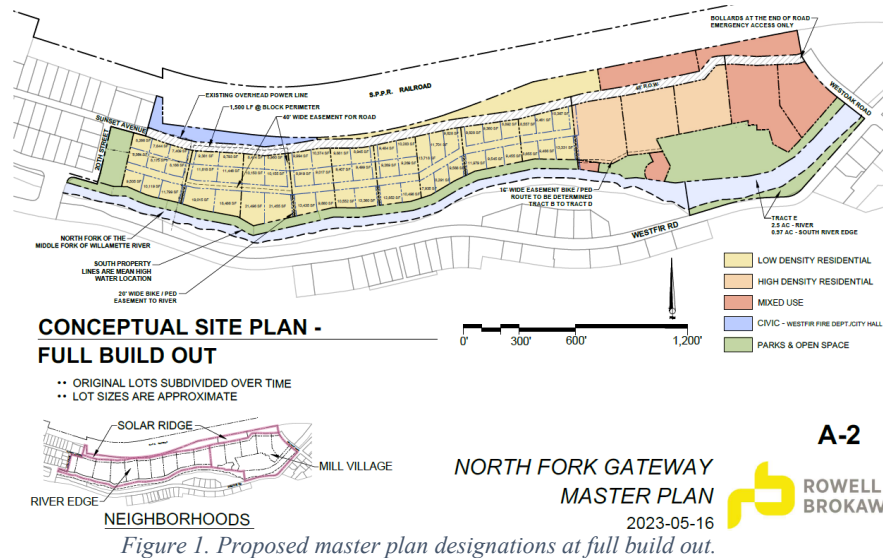
Fire Protection – As recent as August 2023, residents of Westfir were placed under a level-1 evacuation notice due to proximity to the Salmon fire. The State Fire Marshal has been involved in the planning and review stages of the master plan. A development consisting of residential structures without the addition of fire hydrants is possible, but there must be an alternative fire suppression system available. The applicant has not provided a fire safety access and protection plan. Staff believe the failure of the applicant to provide this information can be cited as ground for denial based on Section 26.6.6(B) of the WDC for failure to meet State Fire Code. Staff anticipate the applicant will submit a fire access and protection plan during the public hearing.

***Lot 15 Potential New City Hall and Fire Department** – Planning Commission will have to consider whether to accept the applicant’s offer of deeding Lot 15 to the City of Westfir. There are of course financial considerations and implications of accepting such an offer. The City is not obligated to accept Lot 15 nor is the City requiring the dedication of Lot 15. Applicant is offering Lot 15 to the City on their own accord. If the City declines to accept Lot 15, it will likely be returned to the subdivision as a buildable lot for eventual development of a single-family home, consistent with the master plan.

II. PROPOSAL

A request for approval of a master planned development on the former Mill Site property. The Mill Site's current configuration of zone and plan designations is a result of the previous master planning process that took place in 2009 and was conducted by HGE Associates. The applicant is not proposing any new zone or plan designations, rather a re-organization of the present zone and plan designations to better suit the site and meet the intent of the master plan. The acreage breakdown that the applicant is proposing is approximately 22.8 acres of R-1, 6.8 acres of R-3, 7.7 acres of MU (mixed use), and 11.4 acres of Parks and Open Space. See Figure 1 below for a map of the proposed re-organization of the zone and plan designations.

Figure 1



III. BACKGROUND INFORMATION

Proposal

The proposed development comprises Tax Lot 00132, Assessor's Map 21-35-07-40. Tax Lot 000132 is 76.68 acres in size. However, the applicant is only proposing to include 49 acres in the master planned development. The subject property is currently vacant and consists of bushes and trees and lies directly next to the North Fork Willamette River (NFWR). The property has unimproved access beginning at the terminus of Sunset Avenue. At the eastern end of the property, the property can be accessed by travelling over the Westfir Covered Bridge, but primary and formal access to the property is not proposed via this route.

As seen in Figure 1, the bulk of the site is proposed to be low density residential, probably exclusively resulting in single-family homes. However, the site is proposed to contain a variety

of residential densities, including mixed-use and high-density. The site will also contain Parks and Open Space that will primarily be located along the river bank of the NFWR. Lastly, the applicant is making available to the City of Westfir a parcel zoned and planned for Civic use and possibly the location of a new Westfir Fire Department and City Hall – Lot 15. To staff’s knowledge there have been no agreements made between the applicant and City regarding acceptance of this site. If the City does not want the property, the applicant will revert its use back to residential.

The master plan will progress in phases. Phase 1 will involve 18 lots and encompass 49 acres. Lot 15 is being offered to the City for civic uses. Tract A is being offered to the City as a dedicated City Park and Open Space. Tracts B,C,D and E are proposed to remain private and under the control of a Homeowners Association (HOA). The initial 18 lots involved in Phase 1 will utilize Sunset Avenue as its primary access. The applicant contends the initial creation of 18 lots does not necessitate the extension of City water or any street improvements to Sunset Avenue.

Phase 1 lots will range in size from approximately one acre to 2.8 acres. Each lot involved in Phase 1 is permitted to develop with one single-family detached residence, and the applicant is proposing Phase 1 lots to be serviced by on-site water (wells) and the extension of the City’s sewer line. The applicant states that subsequent phases of the master plan will develop as the individual owners of the large lots submit for land division or development permits. Timing of subsequent development is unknown.

Infrastructure

The applicant is proposing to use the existing road (Sunset Avenue) that extends the entire length of the property as the primary road for access. The applicant contends that the total paved width of Sunset Avenue is no less than 20-feet, but the topographic survey shows width varies from 9-foot wide to 18-foot wide (see Sheet 2, Topographic Survey). The applicant contends some of the existing pavement of Sunset Avenue is covered by undergrowth and the existing width of this portion of Sunset Avenue is sufficient for shared use by motor vehicles, bikes, and pedestrians during Phase 1.

Subsequent development, beyond what is allowed in Phase 1, will trigger full street improvements from the end of Sunset Avenue to and through the proposed lot being divided or increased in development intensity. Full street improvements will include construction of a minimum 8-foot-wide multi-use path on the south side of Sunset Avenue for bike and pedestrian circulation. The applicant is proposing that the extension of Sunset Avenue conform to street standards that are outside of what’s contained in the Westfir Development Code (WDC). The City Engineer has reviewed the applicant’s proposal for street standards and recommends streets conform to the adopted standards contained in the WDC.

Storm drainage will be accomplished with open vegetated drainage ways (ditches) which allow for natural storm drainage. No storm water drainage system using buried piping is proposed except where necessary for street crossings. This type of storm water system is consistent with other areas throughout Westfir.

The applicant is not proposing extension of any City water services for Phase 1. Instead, individual lot owners will be solely responsible for obtaining the necessary permits to construct wells, or at their discretion, pay to extend City water to their lot. The City Engineer does not believe this proposal to be acceptable. The City Engineer has reviewed the applicant's proposal for water service and recommends the City's water system be extended to serve all units and to provide a loop in the City's water system. The City has invested heavily in upgrades to its municipal water system and has the capacity to serve all proposed lots in the development and the stubs of the water system are conveniently located at both ends of the property.

The applicant is not proposing to add any new fire hydrants with Phase 1. The applicant's plan for fire hydrants is that as the City water lines are extended with subsequent development or at the volition of an individual property owner, fire hydrants will be added every 200 feet or at intersections as determined by the State Fire Marshal. Staff have sent referral comment to the State Fire Marshal. The State Fire Marshal commented that there is not enough information shown on the plans to indicate whether fire department access is satisfactory. Moreover, the applicant has not submitted a fire access and protection plan. Staff find this can be cited as grounds for denial based on Section 26.6.6(B) of the WDC for failure to meet the appropriate state fire code laws.

The applicant is proposing to extend City sewer lines in Phase 1. See Sheet 1 for conceptual sewer extension lines. As subsequent development continues eastward, the developer or subdivider of any lot will be responsible for concurrently extending the sewer line to serve the development. There is disagreement between the applicant and the City Engineer on the type of sewer system that is to serve the subdivision. The City Engineer recommends a gravity sewer system be designed and constructed and that the sewer system reach further down south (towards the river) in order to capture the entire parcel. Staff recommend the Planning Commission implement Condition of Approval #2 of the subdivision application (SPP2023-01).

The City's sewer system has capacity to serve the development at full build-out. Underground electric service will be provided by Lane Electric Cooperative. The applicant will extend underground electrical lines to serve all lots in Phase 1 prior to final plat approval. See Sheet C1 for conceptual utility plan.

IV. APPLICANT REQUESTED MODIFICATIONS

To make the project work, the applicant is requesting several modifications of code standards. Staff find some of the modifications acceptable, but not all. The requested modifications are summarized below.

WDC 28.6.13 Block Length. Block length shall not exceed 1200 feet.

The intent of WDC 28.6.13 is to not create large block lengths that result in long stretches of buildings or lots that are unbroken and do not create long stretches without an intersection. Such a standard is more applicable in an urban environment to create a pedestrian friendly environment. Staff do not object to the applicant's requested modification because the area being

developed is not a typical urban environment and the immediate area being developed will be developed with traditional single-family homes. In this instance, larger lots may be beneficial because of their ability to further subdivide in the future. The means of going through the master planning process permits the decision-making body to waive or modify some development standards. Staff feel such a modification to block lengths in a reasonable standard that can be waived or modified by Planning Commission.

WDC Table 6.4.1, Table 8.4.1, and Table 9.4.0, Average Minimum Lot Size. The average minimum lot size of lots created through subdivision shall be 9,500 square feet or more.

The initial 18 lots created in Phase 1 will all be over an average of 9,500 square feet. However, as the initial 18 lots further subdivide into smaller lots, they might not be able to meet the 9,500 square foot minimum average lot size. However, judging by Sheet A-2, no lot or parcel at full build-out will fall below 8,000 square feet, which is the overall minimum lot size for the R-1, R-3 and MU zones. An 8,000 square foot minimum lot size is still quite large and should be plenty to accommodate a substantial home and space for drain fields, if necessary. Staff have no objection to the applicant's requested modification.

Bike & Pedestrian Standards

The applicant is not proposing any bike or pedestrian improvements in Phase 1. The applicant is proposing for bicyclists and pedestrians to share the existing Sunset Avenue in its present condition but has proposed to add 2-feet of road surface to the extension of Sunset Avenue (see Condition of Approval #3 of the subdivision SPP2023-01). Future phases will include a new multi-use path along the south side of Sunset Avenue. See Sheet A-2 for site plan full build out. Section 28.7.1 of the WDC requires development of sidewalks adjacent to all public streets, including the development of single-family homes.

*Staff do not find the applicant's proposal to defer bicycle and pedestrian improvements to subsequent and unknown phases of the master plan acceptable, but Planning Commission should review and consider this matter.

Streetlights

The applicant is proposing not to add any streetlights associated with Phase 1. Section 28.15.0 of the WDC requires street lighting to be provided within all developments including on new streets and existing streets for which development has 200 or more feet of frontage.

*Planning Commission will have to consider if they want streetlights in the development. As it stands now, the applicant's proposal does not conform to the adopted standards of the WDC.

Cottage Cluster Developments

The WDC does not address the development or permissibility of cottage cluster developments. Staff believe the WDC needs to be amended to allow cottage clusters and for the city decision makers to adopt reasonable standards and regulations on cottage clusters. Staff do not believe

allowing cottage clusters through the master planned process is the appropriate process to permit these types of dwelling units in Westfir. If the applicant wishes to permit cottage clusters in the master plan, staff believe the applicant must first submit for a development code amendment.

IV. APPLICABLE APPROVAL CRITERIA & FINDINGS OF FACT

25.1.0 General.

[...]

C. The Planning Commission shall approve the Master Plan prior to City approval of a related subdivision or site plan application; however, the Master Plan may be reviewed concurrently with a zone change application, discretionary use application, variance application and any other application or approval sought by the applicant related to the Master Plan.

D. Subject to prior approval of a Master Plan, a separate subdivision or site plan application shall be approved for each phase. The Master Plan shall be the basis for the evaluation of all phases of development on any issues that it addresses. Phases may be combined for consideration.

Staff Response: The applicant has requested concurrent review of all three applications: master planned development approval, zone change approval, and tentative subdivision plat approval. Accordingly, the applications will be processed concurrently and on the same timeline. If approved, the master plan shall be the controlling plan for the basis of elevation of all subsequent phases of development on the subject property.

E. Approval of a Master Plan shall be effective for up to seven (7) years; however the approved Master Plan time limit may be extended pursuant to Section 25.7.0.

Staff Response: If approved, the master plan shall be effective for up to seven years. Extensions may be authorized in accordance with Section 25.7.0 of the WDC.

25.2.0 Applicability. The Master Plan process shall apply when initiated by an applicant when the following criteria are met:

A. The development area is under one ownership; or

B. If the development area has multiple owners, then all owners of record have consented in writing to the Master Plan review process; and

C. The development area is five acres or greater. Notwithstanding the foregoing, the City Planner may determine that the proposed development is inappropriate as a Master Plan and the application will not be accepted.

Staff Response: The subject property has multiple owners and have jointly filed the applications and the development site is larger than five acres.

25.3.0 Review

A. Master Plans shall be reviewed under Type III procedure.

B. A Pre-Application review is required prior to submittal of an application for Master Plan Approval.

C. Pursuant to Section 3.2.0, a complete application together with all required materials shall be accepted by the City Recorder prior to review of the request.

Staff Response: Normally a master planned development would be reviewed under the Type III procedure. However, in the present case, the applicant has submitted three land use applications for review. Section 3.2.3(E) of the WDC allows for the consolidation of applications to be processed and reviewed concurrently. Furthermore, when permits are consolidated, the deciding body, to the greatest extent possible, shall apply concurrent notice, public hearing and decision-making procedures to the permits and zone changes which have been consolidated for review. It for this reason, the applicants will be processed concurrently as a Type IV process because the highest-level review of application being reviewed is an amendment to the Zone and Plan map, therefore all applications are elevated to the same review process.

25.4.0 Master Plan Submittal Requirements A Master Plan shall contain all of the elements prepared in a clear and legible manner necessary to demonstrate that the requirements of this Code are being fulfilled and shall include but not be limited to the following:

[...]

Staff Response: As outlined in the completeness letter dated June 28, 2023, the applicant's applications were found to address the necessary master plan submittal requirements.

25.5.0 Criteria A Master Plan may be approved if the Planning Commission finds that the proposal conforms with all of the following criteria. In the event of a conflict with criteria in this subsection, the more specific requirements shall apply.

A. The zoning of the property is consistent with the Westfir Comprehensive Plan diagram and/or applicable refinement plan diagram;

Staff Response: While the applicant is proposing to re-distribute some of the zoning designations within the site, the applicant's proposed Zone and Plan designations are substantially consistent with the adopted Zone and Plan Maps of Westfir. The current Zoning Map shows the property as containing mixed-use, parks and open space, low density residential, and high density residential. The applicant is proposing to retain all of these zoning classifications, just in a re-distributed manner throughout the property. Staff are unaware of any applicable refinement plan. Criterion met.

B. The request as conditioned conforms to the applicable Westfir Development Code requirements, Westfir Comprehensive Plan policies, functional or refinement plan policies, applicable state statutes and administrative rules;

***Staff Response:** The Planning Commission will have to decide if this criterion is met. Included in the applicant's request are several modifications to adopted development standards. If the modifications are not approved, the master plan does not conform to the WDC. Furthermore, due to the fact that a fire access and protection plan has not been submitted, the applicant is not meeting or attempting to meet the state fire code. The State Fire Marshal has reviewed the plans and determined there is insufficient information to determine if state fire code will be met.

C. Proposed on-site and off-site public and private improvements are sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; and provisions are made to assure construction of off-site improvements in conjunction with a schedule of the phasing;

***Staff Response:** The Planning Commission will have to decide if this criterion is met. In Phase 1, the applicant is not proposing any on-site or off-site improvements, other than that extension of the sewer line along the south side of the extended Sunset Avenue and two-foot of additional road surface. The applicant contends that the low-density of development involved in Phase 1 does not necessitate expansive on or off-site improvements. Public or private improvements will only occur if a lot created in Phase 1 independently decides to further subdivide their large lot into one or more smaller lots. The City Engineer has gone on the record and stated streets shall conform to the WDC and a gravity sewer system and water system need to be installed as part of Phase 1 development.

Applicant's Proposal for Future Transportation Improvements: Any development exceeding what is permitted in Phase 1 will require full street improvements from the end of Sunset Avenue at the west edge of the property and through the proposed lot being divided or increased in development intensity. Full street improvements shall include what's shown on Sheet C2.

The applicant is proposing private driveways on Sunset Avenue are limited to those providing access to buildings within 100 feet of the street as measured from the edge of the access easement. Private driveways serving buildings located greater than 100 feet from Sunset Avenue shall access a different local street, which shall be improved according to standards as shown on Sheet C2.

Applicant's Proposal for Future Water improvements: Any development exceeding what is permitted in Phase 1 will require extension of the City public water system from the existing connection point in Sunset Avenue to and through the lot proposed for development. Addition of fire hydrants may be necessary to be installed every 200 feet or at intersection. When city water lines become available to within 100 feet of the property line, then the existing development on any Phase 1 lot must connect to the City water system within three years from the date of when the line first comes within 100 feet of the property line. Any new development occurring will be required to connect to the City water system as part of the approval process. Only in cases in which a property owner has to connect to the City's water system because of proximity of property line, will the property owner not be required to extend the water line through the lot to adjacent property.

The applicant will be extending the City sewer line to all Phase 1 lots. If any lot subdivides, the subdivider shall be responsible to supplying the lot with City sewer service. Sewer service must be extended to the new development prior to the occupancy of any new structures. There is disagreement amongst the applicant and City Engineer as to what type of sewer system is necessary. The City Engineer has recommended a gravity system be installed. The applicant is proposing a pressurized system.

D. The request provides adequate guidance for the design and coordination of future phases;

Staff Response: The timing of Phase 2 is unknown. The applicant is not proposing a timetable associated with Phase 2. Phase 2 depends solely on the discretion of eventual and independent property owners.

All of the public infrastructure proposed takes place in Phase 2, with the exception of the extension of the City sewer line to all 18 lots and the addition of 2-foot of road surface. The proposed log pond to be used for fire suppression is not expected to come into realization any time soon. The applicant has stated the log pond and its maintenance and operation will be under the control of an HOA that has yet to be formed.

Design of future phases is accomplished through adoption and approval of the applicant's proposed master plan. Further development within the property must occur in substantial conformance with the approved master plan.

Because so much depends on unknown timing of Phase 2 and involves individual property owners, staff find it necessary to implement Condition of Approval #1 for the master plan (MPD2023-01). Condition of Approval #1 requires the applicant to record a "Notice of Conditions" document that describes the street standards and public improvements that are required for any development beyond what's permitted in Phase 1. Notice shall include discussion of any relevant fire and life safety requirements. City reserves the right to review and revise "Notice of Conditions" list prior to recording.

E. Inventoried natural resources, wetlands, open space areas, archaeological and historic features are evaluated and considered consistent with the Oregon Administrative Rule procedure for Statewide Planning Goal 5; and

***Staff Response:** As indicated in the applicant's narrative for master plan, there are 11 wetlands on the property. According to the applicant, the largest of the 11 wetlands is the former log pond at 1.23 acres. The applicant states the design of the subdivision was done with consideration of the wetlands. The tracts seen on the subdivision plat are set aside as parks and open space and also likely contain the bulk of the site's wetlands. However, staff and applicant do not know this as fact because there is no map showing the location of the wetlands in the record nor has a wetland delineation been submitted. The applicant contends a previous delineation was completed, but never received concurrence by Department of State Lands (DSL). Wetlands do shrink and grow in size, so the precise number, location, and size of the site's wetlands is unknown. DSL has reviewed the preliminary plans and has commented that

the site may contain wetlands or waterways that are subject to State Removal-Fill laws and that the property includes or is adjacent to an Essential Salmonid Habitat. A state permit is required for 50 cubic yards or more of fill removal or other ground disturbance in wetlands and a state permit is required for any amount of fill or removal or ground alteration in Essential Salmonid Habitat. Given the lack of evidence in the record with respect to wetlands and the approval criterion that requires “evaluation and consideration” of wetland resources, it is questionable if there is evidence sufficient to find this criterion met. Staff note the subdivision staff report contains a condition of approval requiring a wetland delineation receive concurrence by DSL before site disturbance occurs. Planning Commission may decide to cite this criterion as reason for denial due to the lack of evidence in the record for the Planning Commission to evaluate and consider wetlands.

The site is adjacent to the historic Office Covered Bridge. The Office Covered Bridge is not proposed to be used as access to the site, however, it may be used for emergency access by pedestrians and passenger vehicles – not emergency response vehicles.

To staff’s knowledge, there are no known or inventoried archeological artifacts on the property.

F. Local public facilities plans and local street plans will not be adversely impacted by the proposed development.

Staff Response: Westfir does not have an adopted local Transportation System Plan (TSP) nor an adopted public facilities plan, except for a Water Management and Conservation Plan (2013). The applicant is proposing for development within the master plan to conform to separate standards as proposed by the applicant. If the applicant receives approval of the requested modifications to the WDC, the modified standards only apply to development within the confines of the master plan and not city-wide.

G. If any portion of the property subject to the Master Plan is contaminated with hazardous materials, the applicant shall provide a development plan, consistent with Oregon Department of Environmental Quality regulations and applicable Prospective Purchaser Agreements and/or other applicable agreements in force between the property owner and DEQ, that contains the following:

- 1. An inventory and assessment of the type, scope and location of the hazardous materials and the cleanup methods and costs associated with all locations.*
- 2. A financial plan that will describe the mechanism for funding the eventual cleanup of all hazardous materials.*
- 3. A schedule for the manner and timing of the cleanup of hazardous materials.*

Staff Response: On August 2, 2006, the Oregon Department of Environmental Quality (DEQ) issued a determination that the site required No Further Action (NFA) regarding environmental cleanup. The NFA letter stated: “DEQ concludes that NO further action is required for environmental impacts from past uses of the referenced property, consistent with Oregon

environmental Cleanup Law, ORA 465.200 et seq., unless additional information becomes available justifying further investigation.” See Exhibit H of the applicant’s materials for NFA letter from DEQ.

V. CONCLUSION

From a staff perspective, the decision of the Planning Commission will be determined by the following three issues:

1. Consideration of the applicant's requested deviations from the adopted standards of the WDC.
2. Uncertainty about Phase 2 public infrastructure improvements.
3. No extension of City water system.

If the Planning Commission decides to recommend denial of the master plan to City Council, staff believe the following criterion can be cited as a basis:

1. WDC 25.5.0(B), (C) & (E)

Motions available to the Planning Commission:

1. Denial of the application for master plan approval.
2. Postpone the decision to accept additional information into the record.
3. Approve the master plan.

Because there are vital pieces of evidence missing from the record of which are necessary to make findings to meet applicable approval criteria, staff recommend the Planning Commission either recommend denial or a continuance of the hearing to afford the applicant additional time to submit the evidence necessary to show that all approval criteria are met.

VI. CONDITIONS OF APPROVAL

If Planning Commission should recommend approval to City Council, staff have prepared a list of conditions of approval. Because there are several issues that require the Planning Commission's discretion, it's very likely that revisions to the master plan will be implemented by the Planning Commission and additional conditions of approval be added.

Condition of Approval #1: Concurrent with recordation of the final plat, applicant shall record "Notice of Conditions" document that describes the street standards and public improvements that are required for any development beyond what's permitted in Phase 1. Notice shall include discussion of any relevant fire and life safety requirements. City reserves the right to review and revise "Notice of Conditions" list prior to recording.

Condition of Approval #2: Development in Phases 1 or 2 shall occur in conformance with the adopted master plan as seen on Sheets A-1, A-2, and A-3.

VII. INFORMATIONAL ITEMS

Informational Item #1: Sheet A-2 of the master plan shall be revised to read “48’ public access easement” and remove reference to “R.O.W.”

VIII. EXHIBITS

All Exhibits are listed in the subdivision staff report.