

## STAFF REPORT

SPP2023-01

<b>Report Date:</b>	August 14, 2023
<b>Planning Commission</b>	
<b>Hearing:</b>	August 21, 2023
<b>Department File:</b>	SPP2023-01
<b>Applicant &amp; Owners:</b>	Ralph Christensen, Roscoe Divine, and Sunset Investments
<b>Applicant Representative:</b>	Teresa Bishow, AICP, Bishow Consulting, LLC
<b>Map &amp; Tax Lot:</b>	Tax Lot 00132, Assessor's Map 21-35-07-40
<b>Property Address:</b>	None assigned
<b>Acreage:</b>	49 acres
<b>Base Zone:</b>	R-1, R-3, Mixed Use, PRO-S, and Flood Hazard subzone
<b>Comprehensive Plan:</b>	Low Density Residential, High Density Residential, Mixed Use Parks and Open Space, and Public/Government

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

### I. PUBLIC COMMENT

A public comment was received by the City on August 11, 2023. The comment address 10 issues that the Planning Commission and City Council should be aware of when making a decision on the applications. Staff will summarize the content of the comment below and the comment in its entirety can be found in **Exhibit I**. The comment addresses the past use of the Mill Site as a logging operation and addresses the hazardous materials that are historically associated with logging operations, such as the presence of asbestos. The commenter suggests further site investigation be conducted to test and remove containments. The commenter also brings up issues of high-density development and it's fit within the character of Westfir and the City's water supply and whether the City has sufficient capacity to serve development on the Mill Site. Lastly, the commenter brings up the issue of riparian protection with development occurring near the NFWR (North Fork Willamette River), also referred to as "river" or "riverfront" throughout all staff reports)).

Staff provide a breif response to the commenter. Included in the applicant's application for master plan is a "No Further Action" letter was issued from the Department of Enviornmetnal Quality (DEQ) on August 2, 2006. DEQ concluded that no further action is required for enviornmental impacts from past uses of the property. The Mill Site is included in city limits and Urban Growth Boundary (UGB) and buildalbe lands inventory, therefore the City anticipates that the Mill Site will eventually develop as envisioned on the Comprehensive Plan Map. Staff defer to the Public Works Director for an assesment of city water capacity, but the applicant's written narrative stated the City's water system has recently been upgraded and has capacity to support full build-out of the Mill Site. Lastly, the Comprehensive Plan states there is a 50-foot wide riparian buffer on both sides of the NFWR and development within the riparian area is constricted or prohibited. Additional review and permitting from Department of State Lands (DSL) may be necessary for any development in the riparian area.

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A second public comment was received by the City on August 11, 2023. The commenters suggests a Trader Joes retail store be condiered for the Mill Site and to close the Office Covered Bridge to automobile traffic.

Refer to **Exhibit I** for comments in their entirety.

## **II. ISSUES**

**\*Public Infrastructure** – As also addressed in the master plan staff report, the issue of public improvements is paramount to the fate the applications. The applicant is not proposing to extend City water to and through the subdivision. The City Engineer does not agree with this proposal and has recommend implementation of Condition of Approval #1. Implementation of City water service would not occur until Phase 2, for which there is no timetable proposed.

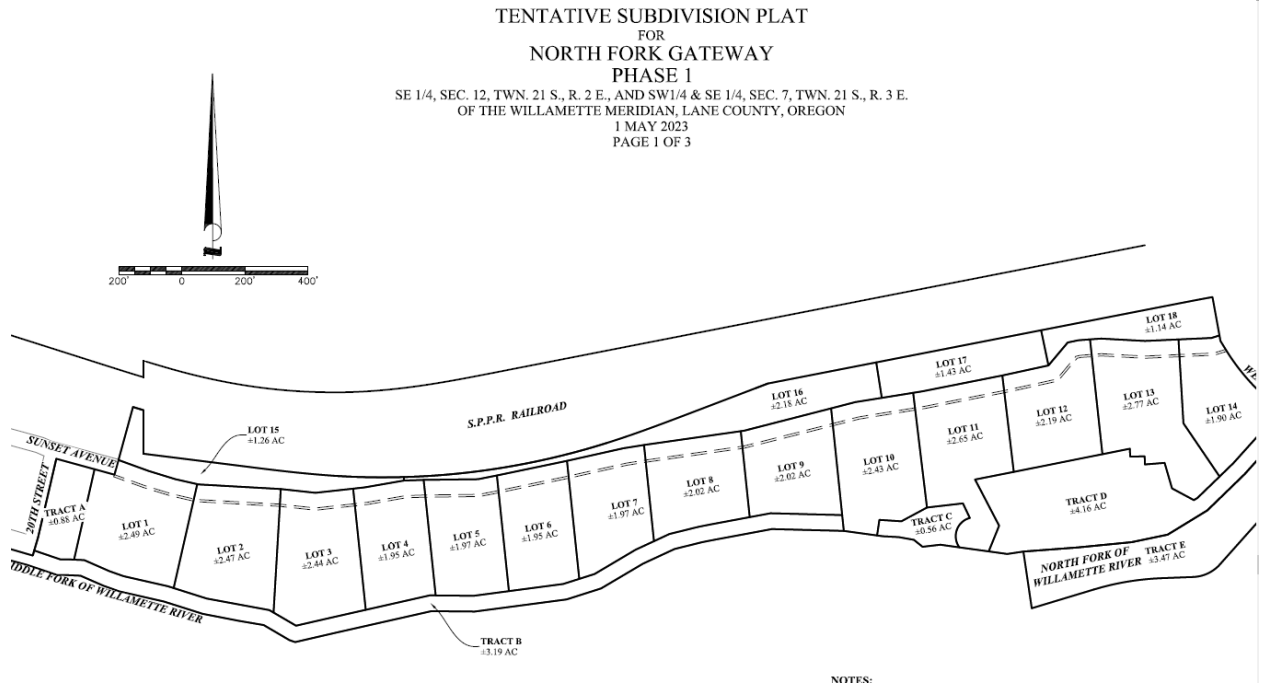
The applicant is not proposing any improvements to Sunset Avenue in Phase 1. Sunset Avenue, as it presently exists in the Mill Site will remain as is, but for the applicant’s proposal to add 2-foot of road surface to Sunset Avenue. This portion of Sunset Avenue is not up to current City street standards. And future streets in Phase 2 will also not comply with City street standards. The applicant is seeking a modification to the street standards. The City Engineer does not agree with this proposal. This is something that the Planning Commission will have to consider and decide on.

The applicant is proposing to extend City sewer through the entire property, but is proposing a pressurized sewer system. The City Engineer has instead recommended a gravity system.

## **III. PROPOSAL**

A request for tentative subdivision plat approval of Phase 1 of the Northfork Gateway Master Planned subdivision to create 18 lots and five tracts of open space and shared access/utility easements. See Figure 1 below.

**Figure 1**



#### IV. 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 paved access beginning at the terminus of Sunset Avenue. Paved access varies across the property from as little as 8-foot wide to about 20-foot wide. The applicant contends the paved width is at least 20-foot wide throughout the property, but a portion of the pavement is hidden beneath undergrowth and brush. 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. 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 as a future home of a new City Hall and Fire Department. The applicant will also create tracts of land for parks and open space use. Tract A is proposed to be dedicated to the City for a parks and open space. The remaining tracts will be preserved through a Homeowners Association (HOA) and public access may be prohibited or limited.

Tract B is shown as extending along the southern boundary of the subdivision and adjacent to the MFWR. Tract B ends at Lot 10 and does not continue through the lot. The termination of Tract B effectively prohibits a pedestrian path along the entirety of the MFWR.

Tract B is proposed to be under the control of an HOA, if the Planning Commission is interested in permitting public access to the river in this area, the path shown on the master plan could be modified to continue through the entire length of the property and placed in a public access easement. The applicant is under no obligation to modify these tracts so that public use is possible, because they're already meeting the requirement of providing park and open space by offer Tract A.

\*Planning Commission will have to strongly consider its options with respect to parks and open space and its use by the public or not. The applicant may be willing to make concessions regarding the creation and use of the tracts and parks and open space in general, but is under no obligation to do so.

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, that will be serviced by on-site water (wells) and the extension of the City 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, which may not occur for several decades.

### 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 existing pavement of this section of Sunset Avenue varies in width from as low as 8-feet wide to 20-feet wide (see Sheet 2, Topographic Survey in **Exhibit A**). However, the pavement is actually 20-feet wide throughout the property, the remaining width is beneath undergrowth and brush. The applicant will clear off undergrowth and brush to expose the entire paved width of Sunset Avenue.

The applicant contends 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 the adopted standards of the 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. Absence of a fire plan reviewed and approved by the State Fire Marshal can be cited as ground for denial, based on Section 26.7.5(B) for failure to meet State of Oregon Fire Code. The applicant may submit a fire plan at the hearing, which may be cause for a continuance.

The applicant is proposing to extend City sewer lines in Phase 1. Prior to final plat approval of the Phase 1 subdivision plat, the applicant shall extend the sewer line to serve all lots. 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. The City's sewer system has capacity to serve the development at full build-out.

\*The type of sewer system designed is up for debate. The City Engineer has recommended a gravity system, while the applicant is proposing a pressurized system. The type of sewer system is something the Planning Commission will have to consider.

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.

### **III. 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 create large block lengths that result in shorter stretches between intersections and a better pedestrian realm. Such a standard is more applicable in an urban 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. Because the applicant is going through the master planning process, the Planning Commission may decide 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 the 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. 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, except for the addition of a 2-foot-wide gravel pedestrian path along the south side of Sunset Avenue that will be added concurrently with the sewer line (see Applicant Response letter dated July 24, 2023). The applicant is proposing for bicyclists and pedestrians to share the existing Sunset Avenue in its present condition. 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. Sidewalks shall be constructed prior to the time of an occupancy permit is used or within two years from the date of final plat approval, whichever comes first.

\*The applicant is not proposing any sidewalks. Planning Commission will have to consider if this proposal is adequate. Although WDC Section 28.7.2 permits for the construction of multi-use paths in lieu of sidewalk development, where the Planning Commission finds it in the City's best interest.

## **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. The addition of streets as part of development of Phase 2 might be tricky to require, keep track of and enforce, but one option is for a recorded document describing that development having 200 feet or more of frontage on an existing street shall install a minimum of one streetlight for the first 200 feet, plus one street light per 220 feet of additional frontage. A development with less than 200 feet of frontage on an existing street shall enter into a deferred improvement agreement for future light installment.

\*Planning Commission will have to consider if this proposal is adequate and how to address the future installation of streetlights or if the City even wants street lights in this area.

## **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 text amendment.

## **V. APPLICABLE APPROVAL CRITERIA**

### *Chapter 26 Land Divisions*

[...]

#### *Section 26.7.0 Subdivisions.*

*Section 23.7.2 Process. Subdivisions are reviewed in two stages. A preliminary plat is reviewed primarily for design aspect, such as connections to existing and future streets, preservation of natural areas, drainage and floodplain considerations, and compliance with requirements of other portions of this Code. The final plat is reviewed for conformance to the preliminary plat as approved (with or without conditions) and applicable state or county laws.*

**Staff Response:** The applicant is seeking tentative subdivision plat approval for Phase 1. Phase 1 will create 18 residential lots, which will primarily be used for single-family dwellings. A final plat will be required to be submitted and reviewed and ultimately recorded at Lane County Deeds and Records. The City may attach reasonable conditions of approval that shall be met by the applicant prior to the City granting final plat approval. The final plat shall be in substantial conformance with the approved tentative plat and overall conformity with the approved master plan for the site.

*Section 26.7.4 Preliminary Plat Submittal Requirements.*

[...]

**Staff Response:** Staff conducted a completeness review of the applicant's subdivision application materials against the submittal requirements of WDC 26.7.4. The applicant's subdivision application materials were found to include the necessary submittal requirements as outlined in Section 26.7.4. Criterion met.

*Section 26.7.6 Preliminary Plat Review Criteria. The Planning Commission shall have the authority to approve, approve with conditions or deny the request, based on the following criteria:*

*A. The development is in substantial conformance to the Comprehensive Plan.*

**Staff Response:** To address criterion (A), above, staff turn to a review and discussion of applicable Comprehensive Plan policies and goals to determine conformance. Staff begin their review with Chapter IV Community Goals.

*IV. Community Goals.*

*B. Economy, Goal C:*

- *Provision of local businesses support areas for business expansion and necessary public support services.*
- *Provision of areas for community support service functions.*
- *Supporting recreational and tourism activities.*

**Staff Response:** The Comprehensive Plan recognizes the need for business expansion and the support of new local businesses. Further, the applicant is offering a tract of land to be dedicated to Westfir for a new City Hall and Fire Department, staff see this as an area for community support services. The master plan includes all of these provisions and more.

*E. Commerce, Goal E:*

- *Encourage expansion of retail and service commercial activities to serve the community market and tourism.*

**Staff Response:** Development of Phase 2 will add mixed-uses to the Mill Site, which will include commercial and residential uses, including retail and service commercial activities.

*F. Housing, Goal F: Encourage provision of community housing opportunities that approach market demand and choice to include:*

- *Adequate choice of land within community resources.*
- *Integration of housing delivery and programs directed toward decreasing shelter costs for elderly and low-income groups,*
- *Maintenance and or upgrading of existing housing inventory.*



**Staff Response:** The master plan includes opportunities for high-density residential zoning, which offers a different form of dwelling unit than the standard single-family dwelling. Higher density dwelling units are often attractive for elderly and lower-income groups. High-density residential is not anticipated until Phase 2, which is not known when to begin.

*G. Public Facilities and Services*

*2. Open Spaces, Scenic and Historical Sites, and Natural Resources*

*Goal G2(i): Maintain the open space character of the city and surrounding scenic qualities.*

*Goal G2(v): Protect and enhance the river corridor.*

*3. Parks and Recreation.*

*Goal G3: Provide for public and privately developed park and recreation facilities, within the resource capabilities of the community, and distribute throughout the community.*

**Staff Response:** Westfir and its residents place a high value on the extraordinary scenic environment in which they live. The proposed master plan recognizes this importance and proposed to add five tracts of parks and open space to enhance the natural areas of Westfir.

Tract A is proposed to be dedicated to the City as a park offering access to the riverfront. The remaining tracts are proposed to be under private ownership and management of a HOA. Tract B is proposed to extend along the southern portion of the property abutting the river but does not extend the entire length of the property and may not be accessible to the public. The river corridor will eventually be improved with a pedestrian and bicycle path, as part of development to occur in Phase 2 of the master plan, but access to this path may not be open to the public. If the City accepts Tract A from the applicant as a dedicated City park, the City will be responsible for maintenance.

Public access to the NFWR on Tract A will occur in Phase 1. It is not known if the applicant proposes to improve the tract with a gravel or bark-dust path for pedestrian use, but staff and Lane County Transportation Planning recommend imposition of a condition of approval either adding sidewalks along the frontage of Tract A or the applicant electing to provide a separated sidewalk within Tract A that provides for adequate pedestrian circulation.

\*Planning Commission should discuss the options and proposal with respect to parks and open spaces and dedication of tracts of open space to the City and their placement in an access easements.

\*Staff might be inclined to recommend the Planning Commission require the Tract B be placed in an access easement and continue through lot 10 and connect with Tracts C and D. Such access easement should be shown on the final plat so property owners know the limits of their property and do not build over the space reserved for a pedestrian path, regardless of whether it's open to the public.

*4. Fire Protection and Water Service.*

*Goal G4(i): Work towards the formation of a rural fire protection district.*

**Staff Response:** The Comprehensive Plan recognizes the importance and need for the formation of a rural fire protection district. Nor the applicant or the City While the applicant are proposing the formal formation of a rural fire protection district.

\*The applicant is offering the City a 1.26-acre lot (lot #15) to be used as a future location for a new City Hall and Fire Station. The City will have to decide whether or not to accept this offer from the applicant. If the City does not accept the land, the applicant will use the land for residential uses.

*I. Transportation*

*3. Integration of New Development*

*Goal 13: Develop mill property to blend into existing road system and traffic pattern.*

**Staff Response:** The Comprehensive Plan envisioned development of the Mill Site property and found its development important enough to Westfir to explicitly cite it in the Comprehensive Plan.

\*However, regarding the transportation system and the phasing the applicant is proposing, Planning Commission will have to interpret Goal 13 and decide whether the applicant's proposal for construction and extension of Sunset Avenue and related improvements match the City's existing character or if the standards of the WDC should be followed. The fate of the project likely depends on the applicant's ability to prevail in waivers to critical infrastructure improvements.

The applicant contends the adopted street standards of the WDC do not comport with the character of Westfir. The applicant contends streets without sidewalks is a more accurate description of Westfir's character. It is true that Westfir's street do not have sidewalks, but for a short stretch of Winfrey Road.

\*The Planning Commission and City Council will have to interpret what the character of Westfir is with respect to its transportation system and sidewalks. Should the standards of the WDC be followed or is the applicant's argument correct in that their proposal more aligns with the character of Westfir.

\*The applicant's entire proposal may hinge on what public improvement the City will require with development of Phase 1. The applicant contends full street improvements in Phase 1 make the project not viable. Planning Commission and City Council should ponder if the applicant's proposal blends into the existing road system and traffic pattern.

*V. Strategies and Policies*

*B. Land Use Strategy*

*Policy 2.2: Accommodate multi-family development under provisions of the zoning ordinance on large available land areas to offer community choice in housing type.*

*Policy 2.4: Focus residential expansion in the following opportunity areas:*

- *South of Hemlock subdivision*
- *East of Hemlock subdivision.*
- *North of Post Office*

*Policy 2.5: Provide zoning for lands consistent with their designations in the Comprehensive Plan.*

*Policy 2.7: Provide mixed-use zoning for lands dedicated mixed-use in the Comprehensive Plan.*

**Staff Response:** Again, it is clear the Comprehensive Plan intends for and envisions the Mill Site being developed. The Mill Site is identified as a focus of future residential development. The applicant's proposal to include lands zone R-3 and MU toward the eastern end, fits the Comprehensive Plan's policy of providing for a mixed-use land and a higher density of residential zoning, which leads to a variety of dwelling units, outside of the traditional single-family dwelling.

#### *C. Forest Lands Strategy*

*Policy 4.1: Lands immediately adjacent to the river, particularly along existing and potential residential areas shall be maintained for their existing riparian vegetation, separation of urban development from the river and their visual, aesthetic, and open-space qualities.*

**Staff Response:** The site and proposal involve land immediately adjacent to the MFWR. The applicant is proposing for these lands to be set aside as parks and open space in a series of tracts. Tract A is proposed to be offered to the City as dedicated park space. The remaining tracts are proposed to be under the ownership and management of an HOA.

#### *H. Recreational Needs Strategy.*

*Policy 8.1: Recreational opportunities, programs, and facilities of the City shall be made available to serve the needs of all citizens, including handicapped, minorities, and senior citizens.*

*Policy 8.2: Maintain for continued community use.*

*Policy 8.3: Require development in residential opportunity areas to incorporate open space and recreational use areas as a component of site development.*

**\*Staff Response:** Policies 8.1, 8.2, and 8.3 relate to the provision and need for recreational opportunities for the residents of Westfir. Policy 8.3 requires development in residential opportunity areas and is applicable to the Mill Site. To incorporate open space and recreational uses as a component of site development the applicant is proposing to offer the City Tract A for use as a City park that will have a path leading to the river that is to be

enjoyed by all. It is not known if the applicant is proposing to construct the path that leads to the river. The Planning Commission may want to discuss and debate this matter at the public hearing.

*I. Economic Development Strategy*

*Policy 9.1: Make available suitable identified lands for commercial development.*

**Staff Response:** In Phase 2, the development will consist of mixed-use lands which have the ability to add to Westfir's commercial development.

*J. Housing Strategy.*

*Policy 10.6: Through land use policies of the Comprehensive Plan, provide a balanced inventory of developable residential lands to accommodate anticipated housing needs that offer housing choices and development flexibility.*

*Policy 10.7: Integrate manufactured housing and multi-family units into the Westfir housing inventory through development guidance and zoning administration to broaden community housing choice.*

**Staff Response:** Phase 2 implements high-density residential zoning and mixed-uses, both of which offer a balance and variety of housing units, including multi-family.

*K. Public Facilities and Services Strategy.*

*Policy 11.10: Assure expansion of the wastewater system to serve the former mill site by integrating it into the existing system and including it when planning future upgrades.*

*Policy 11.11: Investigate the possibility of including all houses in the wastewater system.*

**Staff Response:** The applicant will be providing City sewer service to all lots created in Phase 1. The applicant is proposing a pressure sewer system because a gravity line would either need to be installed along the river side of the property, causing major ecological disturbance. City Engineer has commented that the applicant's proposed sewer lines may need to extend further south than what is shown on the preliminary plans and would rather see a gravity system over a pressure system because it's better long-term for the City. The precise placement and engineering details regarding sewer service is subject to review and revise by the City Engineer.

\*Planning Commission should discuss and debate the type of sewer system to be permitted. The Planning Commission may want to seek the advice of the City Engineer as part of their decision-making process.

*Policy 11.22: Prepare, review, and adopt necessary standard specifications for the design and construction of public improvements for the City. Publish such standard specifications and make available to the public as City policy.*

*Recommendation 11.1: Adopt a subdivision ordinance and standards and specifications for public improvements, incorporating street development standards suitable to the needs of Westfir*

*Recommendation 11.2: Encourage the improvement and/or upgrading of sub-standard City streets.*

**\*Staff Response:** The City has adopted standard specifications for the design and construction of public improvements. The standards are codified in Chapter 28 of the WDC. Specifically, as related to the proposal, the street standards are codified in Section 28.2.0 of the WDC. The applicant is seeking to deviate from the street standards of Section 28.2.0 and rather adopt specific street standards that apply only to development within the confines of the master plan. Planning Commission will have to consider the applicant's request for deviation from public improvement specifications against Policy 11.22 and Recommendations 11.1, 11.2, and whether they suit the needs of Westfir.

*L. Transportation.*

*b. Collector Streets (i) Hemlock Bridge and Winfrey Road, and Future Collector Streets on Former Mill Site.*

*Function: Residential area collector and service and access to USFS Road 5821 to Nursey and Lowell, and forthcoming residential and commercial access to development on former mill site.*

*Policy 12.13: Provide for improved access and residential areas traffic separation through vacant land development east of Hemlock Subdivision.*

*Policy 12.14: Sixty-foot-right-of-way.*

*Policy 12.15: Develop to urban standards of Westfir.*

**\*Staff Response:** Private streets are subject to the same standards as public streets, as seen in WDC 28.2.19. The applicant's proposed master plan assumes all streets will be "local streets" and thus not subject to the Transportation Policies of 12.13, 12.14, and 12.15. City decision makers must then consider whether the proposed development as contemplated in the master plan will result in Sunset Avenue extension functioning as a Collector Street. If the City agrees that the new streets will function as local streets, then the question is whether the City approves the requested modifications to the local street standards for streets that are only located within the boundaries of the master plan.

The applicant's traffic engineer's Traffic Impact Analysis (TIA) might provide some insight as to how the extension of Sunset Avenue will function in the immediate and long-term.

TABLE 7: ROADWAY CHARACTERISTICS WITHIN STUDY AREA

Characteristic	Westfir-Oakridge Rd	Westfir Rd	Winfrey Rd	20 <sup>th</sup> St	Sunset Ave
Jurisdiction	Lane County	ODOT	Lane County	Lane County	Lane County
Functional Classification	Major Collector	Frontage Road	Local	Local	Local
Lanes per Direction	1	1	1	1	1
Center Left Turn lane	None	None	None	None	None
Restrictions in the Median	None	None	None	None	None
Bikes Lanes Present	None	None	None	None	None
Sidewalks Present	None	None	None	None	None
Transit Route	None	None	None	None	None
On-Street Parking	None	None	Yes	Yes	Yes

\*As seen in Table 7 of the TIA, there is only one road classified as a Major Collector in Westfir, Westfir-Oakridge Road. All other streets in Westfir are classified as local streets, including Sunset Avenue. Given that Westfir-Oakridge is the main throughfare in and out of Westfir, the classification as a Major Collector seems appropriate. The same might not be true for Sunset Avenue. Which is why City decision makers will have to determine if the Comprehensive Plan’s intended classification for streets in the future Mill Site to be a Major Collector is appropriate and reasonable, as provided for in Section L(b) of the Comp Plan. Especially when considering for the foreseeable future, the only development the City can expect at the Mill Site is single-family dwellings. Development beyond what’s permitted in Phase 1 will trigger street improvements as seen on Sheets C1 and C2.

In accordance with Section 28.2.19 of the WDC, a street held for private use shall be distinguished from public streets and any reservations or restrictions relating to the private street shall be described in the land division documents and the deed records. The Planning Commission may require legal assurances for the construction and maintenance of private streets.

*Policy 12.16: Provide for bicycle transportation during development of the former mill site.*

**Staff Response:** As stated in the applicant’s response letter dated July 24, 2023, the applicant is proposing to add an additional 2-feet of gravel along Sunset Avenue concurrent with the installation of the sewer pipes to provide pedestrian and bicycle access immediately in Phase 1. The proposed walking path/bike path to the south of Sunset Avenue (and along the river) will be installed during Phase II activity, along with surfacing of Sunset Avenue.

*N. Urbanization Strategy.*

*Policy 14.1: Urbanization land requirements for the City shall be provided for from the buildable lands inventory contained within the corporate limits of the City and within the support capabilities of the existing and/or upgraded water and sewer utility systems and sub-surface wastewater disposal system for City areas that are not sewerred.*

**Staff Response:** Staff think Policy 14.1 might provide some insight as to the City’s intent with respect to provision of urban city services, specifically the provision of City water. “Urbanization land requirements for the City shall be provided for from the buildable lands inventory contained within corporate limits of the City and within the support capabilities of the existing and/or upgraded water and sewer utility systems.” Staff interpret this to mean that urbanizable land, which are lands within city limits, of which the property is, should be in receipt of services that generally make a land urbanizable – provision of city water and sewer.

\*Staff don’t find a solid of enough argument as to why the City would permit urban development within the city limits to be on a water source other than a municipal water source when the provision of city water is readily available to the property. The applicant’s proposal to leave it up to the individual property owners is piecemeal and raises more questions, such as feasibility of individual well service on each lot, abandonment of wells, status of wells after a property is connected to city water, and so on. So far as staff can surmise, the applicant’s interest in not extending city water service to all lots is purely financial and the Planning Commission should consider whether this is in the city’s best interest and meets the policies and intent of Chapter 14 Urbanization of the Comprehensive Plan.

*C. The plat meets the appropriate requirements of this Code, and state and federal laws.*

**Staff Response:** The tentative subdivision plat was prepared by a registered and licensed surveyor in the State of Oregon. The tentative subdivision has been found to meet the appropriate requirements for tentative plat approval. A condition of approval will be implemented that the final plat be prepared by a registered and licensed surveyor and meet the State of Oregon platting and survey requirements of Oregon Revised Statutes 92 (ORS 92).

\*The Planning Commission must consider and decide on the applicant’s requested modifications to determine whether the plat meets the appropriate requirements of the WDC. If the requested modifications are denied, failure of the plat to meet requirements of meet the WDC may be cited as reason for denial.

*D. Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.*

**Staff Response:** The applicant has shown that the remainder of the property can be developed through the master plan process and has provided a conceptual plan at full build-out. The only development proposed with Phase 1 is the extension of a pressured City sewer line (City Engineer has concerns and comments regarding a pressurized sewer system; prefers a gravity system), and the creation of a 45' wide access easement which extends Sunset Avenue through the property, the addition of a 7' public access easement, and a 2-foot-wide gravel path adjacent to Sunset Avenue for bicycle and pedestrian access. Subsequent development of the property will be controlled by the master plan and development shall conform to the adopted master plan.

*E. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.*

**Staff Response:** Adjoining to the land to the north of the property is owned by the railroad and is not developable with urban uses. Adjoining land to the south is the North Fork of the Willamette River and is not developable with urban uses. To the extent that development on adjoining land is practical. The proposal does not preclude development on adjoining land.

*F. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.*

**\*Staff Response:** The applicant's proposed street plan for Phase 1 does not involve any improvements to the extension of Sunset Avenue. The extension of Sunset Avenue is not proposed to be dedicated as right-of-way to the City of Westfir; it will be a private road in a 48'-wide access easement. If the extension of Sunset Avenue is placed in an access easement and is private, the public and potentially the City, will not have legal right to use the extension of Sunset Avenue and the City may not be able to legally access Lot 15, should the City choose to accept it. Placing Sunset Avenue in a public access easement may be a better option for the applicant to consider. If the City accepts Lot 15, legal access will need to be provided.

The applicant contends the proposed street plan is economical in the sense that it's economically feasible for the development proposed. Traditional dedicated, extension and construction of new streets is not practical or feasible by the applicant due to costs.

As found in the applicant's traffic study, prepared by a registered traffic engineer, the low volume and speed on roadways do not pose a safety issue for the use of shared roadways. The pavement width of Sunset Avenue east of 20<sup>th</sup> to the west edge of the site is approximately 18-feet. The traffic engineer recommends that this pavement width be increased to 20-24 feet to allow for efficient two-way travel and travel with pedestrians and bicycles.

The applicant is not proposing to widen the pavement at this section. Lastly, the traffic engineer concludes all studied intersections operate within the mobility standards with full build out of the master plan and the addition of development traffic does not substantially



increase queueing conditions. Lane County Transportation Planning has commented that additional traffic studies will be necessary as development increases with Phase 2.

Staff recommend adding Lane County's comment as conditions of approval. Planning Commission will have to consider if the applicant's proposed street plan affords the best economics, safe, and efficient circulation of traffic possible under the circumstances.

*G. The location and design allows development to be conveniently served by various public utilities.*

**Staff Response:** All lots will have electricity provided by Lane Electric and electrical utilities will be placed underground as required by the WDC. Transportation access will be provided with the extension of Sunset Avenue, in its current state, through the property in a 48' wide access easement. The width of this portion of Sunset Avenue is 20', which the applicant states is the same width as most streets in Westfir. A 7' wide public utility easement will be placed on the south side of Sunset Avenue.

During Phase 1, the existing road surface will provide access for vehicles, bicyclists and pedestrians. The applicant has stated they will confirm the existing road width and surface meets the fire department requirements for width and structural integrity, but the results of such test are not in the record as of the writing of this staff report.

\*The City Engineer has commented that the proposed sewer lines might need to extend further south to catch all of the lots and that a gravity system is preferred to that of a pressurized system, as the applicant is proposing. City decision makers might have to debate this issue with the input of the City Engineer.

*H. Any special features of the site (such as topography, floodplains, drainage, wetlands, vegetation, historic sites) have been adequately considered and utilized.*

**\*Staff Response:** Per the applicant's narrative, the site contains approximately 4,200 linear feet of frontage along the NFWR. The proposed subdivision has taken into account the site's natural features and topographic constraints. The site has historically contained as many as 11 wetland sites, with the largest being the former log pond. The subdivision has been designed to accommodate the wetlands by reserving those lands as parks and open space tracts. However, the applicant's previous wetland delineation has since expired and may have never actually received concurrence from the Department of State Lands (DSL). Without a wetland delineation or map showing the location of the site's wetlands, staff find it hard to make a finding of fact that the Planning Commission is able to adequately consider the site's special features – wetlands. Staff believe the absence of a concurred wetland delineation, or at the very least, a map showing areas of wetlands, may be cited as reason for denial, or continuance of the hearing, or the record being left open for submission of additional evidence.

*H. Any conditions, such as the completion of public facilities prior to final plat approval, necessary to satisfy the intent of the Land Development Code and Comprehensive Plan can be satisfied prior to final approval.*

**Staff Response:** The Planning Commission may find it appropriate to attach conditions of approval to the tentative subdivision plat to ensure compliance with the WDC and satisfactory completion of the public improvements necessary for Phase 1 and subsequent development. Staff will include a comprehensive list of suggested conditions of approval that the applicant must satisfy, prior to final plat approval, or otherwise specified.

*Section 26.7.7 Effects of Approval. After approval of the preliminary plat, the subdivider may proceed with final surveying, subdivision construction and preparation of the final plat. Approval shall be effective for a period of one year. If the final plat is not submitted to the Secretary of the Planning Commission within one year, the sub-divider may apply in writing to the Planning Commission for an extension based on compliance with the following criteria:*

*A. A request for an extension is made in writing prior to expiration of the original approval.*

*B. The applicant describes how reasonable progress has been made in completing the final plat prior to requesting the extension.*

*C. The applicant describes special or unusual circumstances that exist (e.g., weather conditions, financial problems, etc.) which warrant an extension.*

*D. Extensions to the preliminary approval may be granted for a period not to exceed one year from the expiration date of the original approval.*

*E. Prior to granting an extension, the Planning Commission may consider any changed circumstances and make modifications to conditions of approval as appropriate.*

**Staff Response:** If the applicant receives preliminary subdivision plat approval, approval of the plat shall be valid for 1 year after the date on which preliminary approval was granted. The finished final plat shall be presented to the Planning Commission for review before final plat is granted in accordance with Section 26.7.9 of the WDC. Extensions may be granted per the circumstances listed in subsections A-E. The final plat shall be prepared in accordance with ORS 92 and address the requirements of Section 26.7.8 of the WDC, as well as satisfy any conditions of approval required before final plat approval.

#### **IV. CONCLUSION**

The Planning Commission must consider if the proposes tentative subdivision plat meets the review criteria of Section 26.7.6 of the WDC. If the Planning Commission finds one more applicable approval criteria are not met by the applicant with the evidence in the record, then denial is the correct decision.

Specifically, Planning Commission can cite the following approval criteria as not being satisfied:

1. Section 26.7.6(B) the plan does not meet the requirements of the Oregon State Fire Code because a fire protection and life safety plan are missing from the record.
2. Section 26.7.6(E) the proposed street plan does not afford the best economic, safe and efficient circulation of traffic possible under the circumstances because the applicant's street plan does not conform to the adopted street standards of Table 28.2.1 of Chapter 28 of the WDC.
3. Section 26.7.6(F) the location and design does not allow for convenient service of public utilities because the Planning Commission has found that the applicant's proposal to not extend city water service through the subdivision and pressurized sewer system does not allow for convenient service of public utilities.
4. Section 26.7.6(G) insufficient evidence in the record for the Planning Commission to adequately consider the sites wetland features because a current wetland delineation is missing from the record.

Staff will update the staff report based on the recommendation of the Planning Commission and forward Planning Commission's recommendation and analysis for recommendation onto City Council for final action.

## V. CONDITIONS OF APPROVAL

If the Planning Commission recommends approval of the tentative subdivision plat, staff recommend the conditions of approval listed in Section V. Additional conditions of approval or modifications, may be imposed by the Planning Commission.

**Condition of Approval #1:** Prior to final plat approval, applicant shall extend city water line from existing manhole in Sunset Avenue to eastern boundary of subdivision both to serve the units and to provide a loop in the city's water system. Water extension construction and engineering plans subject to review, revision, and approval by the City Engineer.

**Condition of Approval #2:** Prior to final plat approval, applicant shall extend existing city sewer line in Sunset Avenue to eastern boundary of subdivision. System shall be designed as a gravity system.

**Condition of Approval #3:** Prior to final plat approval, applicant shall increase road surface of extension of Sunset Avenue by 2-feet for a total of 22-feet of width.

The following alternative to Condition of Approval #3 may be chosen by the applicant:

**3.1:** Applicant shall provide a separated 5.5-foot-wide sidewalk on both sides of Sunset Avenue.

**Condition of Approval #4:** Prior to final plat approval and prior to any site disturbance, subdivider shall submit a letter of Department of State Lands (DSL) concurrence and any required state or federal permits necessary for Phase 1 improvements.

**Condition of Approval #6:** Prior to final plat approval, the final plat shall reflect the following elements and cause to be recorded with Lane County Deeds and Records:

**6.1:** A 48' wide public access easement in which Sunset Avenue is to be contained in.

**6.2:** A 7' wide public utility easement on the south side of Sunset Avenue.

**6.3:** A 40' wide public access easements for new local streets as shown in the master plan on Sheet A-2.

**Condition of Approval #7:** Prior to final plat approval, applicant shall add 5.5' sidewalk abutting frontage of property along Winfrey Road, 20<sup>th</sup> Street, and Sunset Avenue.

The following alternatives to Condition of Approval #7 may be chosen by the applicant:

**7.1:** Applicant shall widen frontage of property along Winfrey Road, 20<sup>th</sup> Street and Sunset Avenue to a width of 22-feet.

**7.2:** Applicant shall provide a separated sidewalk not less than 5.5-feet within Tract A, but adjacent to the frontage of the property on Winfrey Road, 20<sup>th</sup> Street and Sunset Avenue.

**Condition of Approval #8:** Concurrent with final plat approval, applicant shall cause Tract A, as seen on the tentative subdivision plat, to be dedicated to the City of Westfir as Park and Open Space.

## VI. INFORMATIONAL ITEMS

**Informational Item #1:** A final plat shall be submitted to the Planning Commission no later than one year after the date on which the preliminary plat for the subdivision was approved. Final plat shall adhere to the final plat submittal requirements Section 26.7.8 of the WDC and be comply with the platting standards and requirements of ORS 92.

**Informational Item #2:** Should Phase 1 or 2 of the subdivision require use of the Office Covered Bridge for any infrastructure or weight bearing activities, further capacity and feasibility analysis of the Office Covered Bridge will be required.

**Informational Item #3:** Additional Traffic Impact Analysis may be required when actual developments are known as part of Phase 2 implementation. Individual property owners may be required to submit a Traffic Impact Analysis as a condition for individual site development or land division, beyond what is permitted in Phase 1.

**Informational Item #4:** Soil testing was conducted and found to not have hazardous materials above DEQ standards for residential development. Construction in this area could possibly encounter soil conditions that may require stabilization prior to construction of foundations. Soil testing strongly advised prior to development.

**Informational Item #5:** Expiration of the tentative subdivision plat will occur 1-year from the date tentative approval was provided, in accordance with Section 26.7.7. of the WDC. In the particular case of these applications, the final approval date shall be considered as the date when City Council renders a final decision.

**Informational Item #6:** Modification to street standards also requires approval of the City Fire Chief or their designees.

Additional informational items and conditions of approval may be implemented during the public hearing or in deliberations of the Planning Commission, based on the evidence and testimony received.

## **VII. EXHIBITS**

Exhibit A – Applicant’s Master Plan Application, dated July 27, 2023 (includes all applicant exhibits and sheets)

Exhibit B – Applicant’s Tentative Subdivision Application, dated July 27, 2023 (includes all applicant exhibits and sheets)

Exhibit C – Applicant’s Zone Change Application, dated May 25, 2023 (includes all applicant exhibits)

Exhibit D – City Engineer Comments

Exhibit E – Lane County Transportation Planning Comments

Exhibit F – Department of State Lands Comment

Exhibit G – State Fire Marshal Comments

Exhibit H – Public Notice Materials

Exhibit I – Public Comments

Exhibit J – Applicant Response Letter, dated June 28, 2023

Exhibit K – Email from Lane County Building Official, dated August 14, 2023