

**REVISED STAFF REPORT**  
**For 9/28 Continued Planning Commission Public Hearing**

**SPP2023-01 & MPD2023-01**

<b>Report Date:</b>	September 21 <sup>st</sup> , 2023
<b>Continued Planning Commission Hearing:</b>	September 28 <sup>th</sup> , 2023
<b>Department File:</b>	SPP2023-01 & MPD2023-01
<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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**I. APPLICANT NEW SUBMISSIONS**

- \*New\* Exhibit L – Applicant Letter, dated August 31, 2023
  - \*New\* Exhibit M – Revised Sheet C1 – Phased Utility Plan and Street Sections
  - \*New\* Exhibit N – Revised Master Plan Narrative, dated August 31, 2023
  - \*New\* Exhibit O – Applicant Fire Access Plan – Sheet F1.
  - \*New\* Exhibit S – Applicant Public Improvement Matrix
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**II. PUBLIC COMMENT**

A third public comment was submitted during the open-record period on September 1, 2023. The public comment addresses the concerns about the site’s history with respect to subsurface hazardous materials. Commenter points out that Exhibit H, of the applicant’s materials, states there are no current or likely future beneficial uses of shallow groundwater due to poor yield and abundant available surface water intakes nearby.

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

**III. RECENT UPDATES SINCE LAST HEARING**

**Public Infrastructure**

Previous issues addressed in the original staff reports, presented to the Westfir Planning Commission on August 21, 2023, remain.

Since the last hearing, the applicant has expressed verbally a desire to revise their Master Plan application proposal ( a revised master plan map has not formally been submitted). The applicant is dropping the plan for Phase 2. The applicant still intends to master plan the site, but only for Phase 1. Phase 1 still consists of land subdivision – 18 lots and a rezoning of the property.

Phase 1 still permits for the development one single-family dwelling on each lot. Any land division or further development, of any type, past one-single family dwelling on each lot will effectively be Phase 2.

Disagreement, between the applicant and staff, remain on what public infrastructure should be required with Phase 1. On September 8<sup>th</sup>, 2023, City Staff met to discuss the issues that were presented at the previous hearing (see **Exhibit P** for summary). The City Engineer described the differences between a pressurized sewer system and a gravity system and the advantages and disadvantages of each type of system. The City Engineer explained, that if a pressurized sewer system were to be constructed, such a system would require City staff to receive special training on that particular system and for the provision of special equipment. Further, and maybe of utmost importance, a pressure sewer system in the Mill Site would force any future development in the “downtown area” of Westfir to be a pressure system.

For these reasons, the City Engineer does not recommend the City permit a pressurized sewer system.

The applicant’s proposed street design still does not meet City standards, even for a local street. The City Engineer does not recommend approving a modification or variance to street standards.

However, the City Engineer could support a certain number of lots developing without having a water loop system. If this were to be a viable option, further discussions would need to occur to ascertain the precise number of lots that could be developed, before a looped water system be required. But even if a certain number of lots would be permitted without having a looped water system, the issue with the type of sewer system and street design remain.

To read the City Engineer’s comments in their entirety, please refer to **Exhibit Q**.

### **Fire Access and Protection**

The applicant is proposing the extension of Sunset Avenue, within North Fork Gateway, to be improved to meet fire access road standards. Along the extension of Sunset Avenue, there will be at least six fire truck turnaround areas and a fire truck turnaround at the terminus of Sunset Avenue.

The Fire Access Road and turnaround areas shall meet OFC standards including an all-weather surface that can hold the weight of the fire apparatus (75,000 LBS). According to OFC Section D103.4, the minimum road width for dead-end streets over 500 feet in length is 26-feet. Dead-end

roads over 750-feet require special review. Sunset Avenue is a dead-end street that exceeds 750-feet. The applicant is seeking approval of a modified street width of 20-feet wide due to projected low traffic volume and the lack of on-street parking. The Fire Marshal has commented that a roadway width of 20-feet for a dead-end street exceeding 750-feet cannot be approved.

To read the Fire Marshal’s comment, please refer to **Exhibit R**.

### **Building Designs for Fire Protection**

The applicant has proposed alternative methods for fire protection of single-family dwellings, in the absence of fire hydrants and a city water line at each property line.

1. Unless there are at least two separate and approved fire apparatus access roads serving the lot, all dwelling units shall be equipped throughout with an approved automatic sprinkler system in accordance with OFC Section 903.1.1, 903.3.1.2 or 903.3.1.3. The individual fire sprinkler systems may be from either private water sources or the city water mains.
2. Unless there are at least two separate and approved fire apparatus access roads serving the lot, all dwellings shall be designed and constructed in compliance with Oregon Residential Specialty Code (ORSC), Section R327 Wildfire Hazard Mitigation.
3. If a new dwelling is not subject to ORSC Section R327, then the design and construction of the dwelling should consider the protective measures included in the Oregon Fire Hardening Grant Program.
4. Prior to occupancy of any new dwellings, the lot owner shall provide water service with sufficient water pressure to meet the OFC. The water pressure can be achieved through a variety of ways such as a water tank (above or below ground) or pond. The lot owner is required to provide the proposed method for review by the OSFM and local fire authority prior to or concurrent with the submittal of building plans to the Building Official.

### **Access**

As recommended by staff at the previous public hearing, the applicant is now proposing to include Sunset Avenue within a public access and utility easement. The public access easement ensures public use and access in perpetuity. The applicant’s proposal for a public access easement meets Condition of Approval 6.1.

### **Bike & Pedestrian Standards**

With the development of the initial 18-lots, bike and pedestrian access will be shared with motorists on the existing Sunset Avenue. No bike and pedestrian access improvements are proposed with the development of the initial 18-lots. Construction of a new 8-foot wide multi-use path along the south side of Sunset Avenue will occur incrementally as further development occurs (beyond a home on each of the 18-lots). Additional public bike and pedestrian easements

may be provided from Sunset Avenue to Tract B, along the river from Tract A to the east end of Tract B, and from Tract B to Tract D.

#### IV. CONCLUSION

Staff still believe there to be issues with the proposed development that warrant denial.

Staff do not find the applicant's proposal for a pressurized sewer system to be acceptable and therefore do not recommend the Planning Commission recommend approval of such a system.

Staff do not find the applicant's proposal to not extend city water lines to the subject properties acceptable and therefore do not recommend the Planning Commission recommend approval of such a proposal.

The previous conditions of approval presented in the August 16<sup>th</sup> staff report to the Planning Commission largely remain with the additional consideration that the Oregon Fire Code, Section D103.4 requires the minimum road surface for dead-end streets over 500-feet in length be a minimum of 26-feet wide. The applicant's proposal does not meet this requirement.

Further, staff believe the wetlands have been sufficiently considered and evaluated with the inclusion of Sheet W1 Wetland Inventory. Additional wetland investigation and permitting may be necessary with the actual earth-work involved in site development for any initial improvements and upon individual site development on the 18-lots.

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 Section D103.4 for dead-ends streets over 500-feet in length to be a minimum of 26-feet wide.
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.

The Planning Commission should deliberate and formulate a formal recommendation for approval, denial, or approval with deletion or imposition of other conditions of approval.

Staff will prepare findings of fact, in accordance with the Planning Commission's recommendation, for the City Council's consideration should the application not be withdrawn before that time.

## **CONDITIONS OF APPROVAL**

**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

\*New\* Exhibit L – Applicant Letter, dated August 31, 2023

\*New\* Exhibit M – Revised Sheet C1 – Phased Utility Plan and Street Sections

\*New\* Exhibit N – Revised Master Plan Narrative, dated August 31, 2023

\*New\* Exhibit O – Applicant Fire Access Plan – Sheet F1.

\*New\* Exhibit P – City Staff Meeting Summary (September 8, 2023)

\*New\* Exhibit Q – City Engineer Comments, dated September 15, 2023

\*New\* Exhibit R – Oregon State Fire Marshal Comments, dated September 15 and 21, 2023

\*New\* Exhibit S – Applicant Public Improvement Matrix

\*New\* Exhibit T – Lane County Building Official Comment