

STAFF REPORT

ZC2023-01

Report Date:	September 21, 2023
Continued Planning Commission Hearing:	September 28, 2023
Department File:	ZC2023-01
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

I. UPDATES

Since the previous public hearing staff and applicant have discussed the zone change proposal. Staff believe the zone change can be approved independently of the subdivision and master plan. However, the applicant has recently orally proposed to modify their master plan proposal. If the applicant proceeds with a modified master plan, the zone change may need to be updated because the present master plan shows Phase 2 – full build out. If Phase 2 is eliminated, the zone change may need to be modified. The City still need to discuss the merits of the applicant offering Lot 15 and Tract A to the City as land for a future City Hall and City Park.

II. PROPOSAL

A request to change the City of Westfir Zoning Map to clarify zoning for the North Fork Gateway consistent with the broad land uses established in the Westfir Comprehensive Plan. See Figures 1 and 2 below for a description of Westfir's current zoning map and the applicant's proposed changes to the zoning map.

Existing zoning:

R-1 Low Density Residential ~23.0 acres
R-3 High Density Residential ~6.0 acres
MU Mixed-Use ~ 9.7 acres
PRO-S Parks, Recreation and Open Space ~10.0 acres

Proposed zoning:

R-1 Low Density Residential ~22.8 acres
R-3 High Density Residential ~6.8 acres
MU Mixed-Use ~ 7.7 acres
PRO-S Parks, Recreation and Open Space ~11.4 acres

Figure 1

Figure 1. Existing Westfir Zoning Map

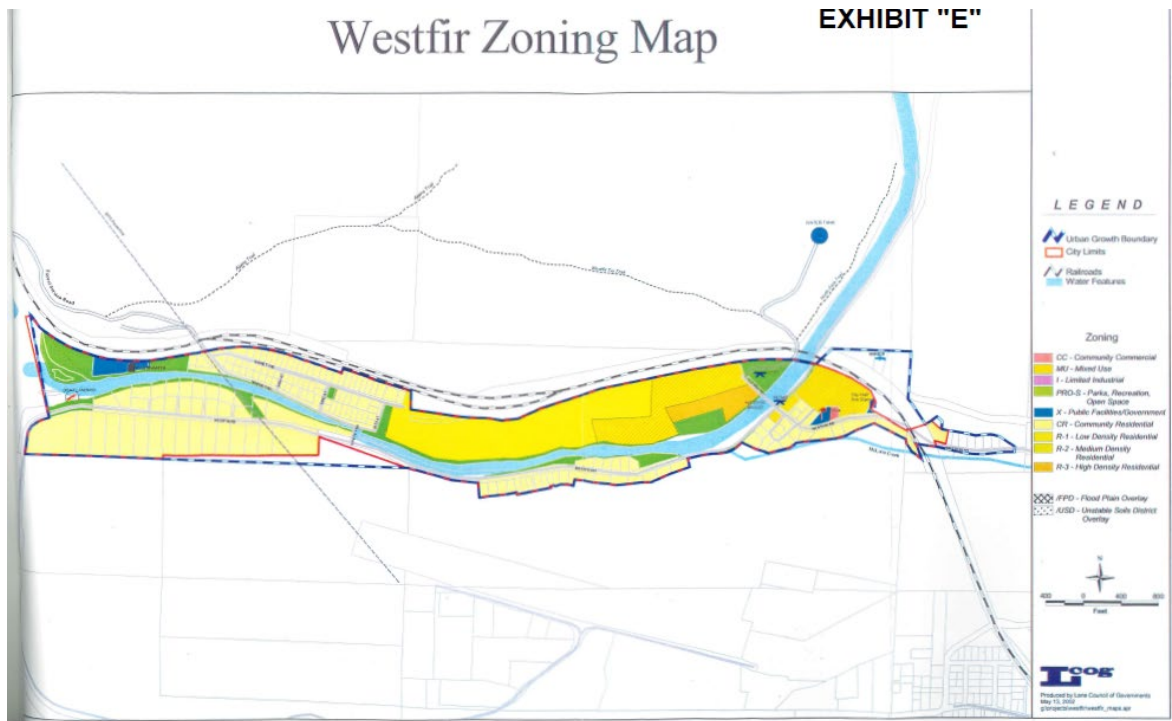
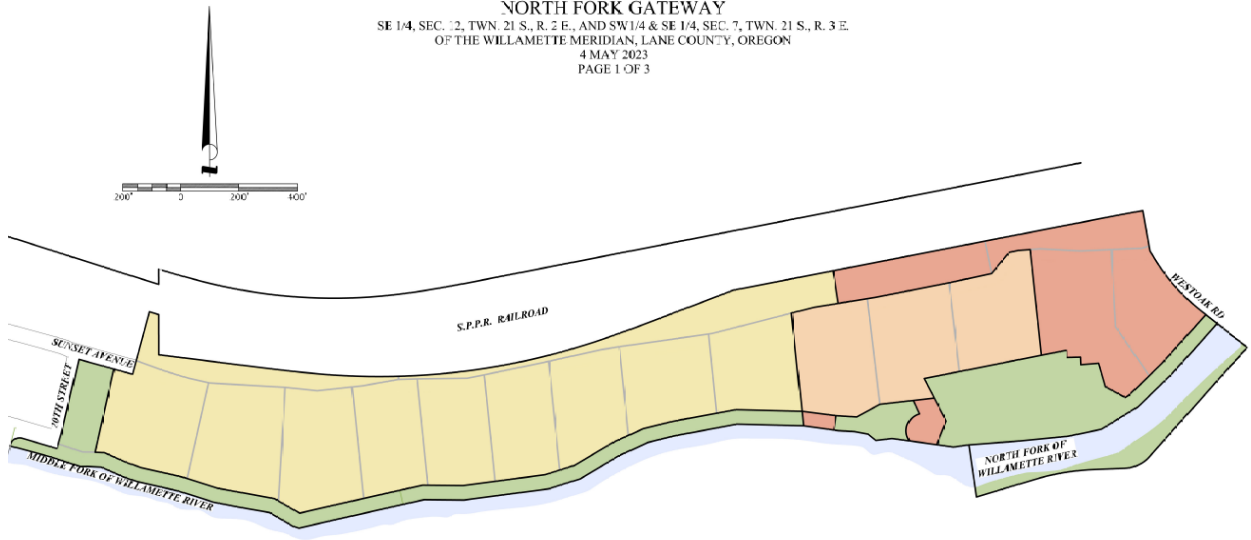


EXHIBIT "F"
PROPOSED ZONING MAP
FOR
NORTH FORK GATEWAY
SE 1/4, SEC. 12, TWN. 21 S., R. 2 E., AND SW 1/4 & SE 1/4, SEC. 7, TWN. 21 S., R. 3 E.
OF THE WILLAMETTE MERIDIAN, LAKE COUNTY, OREGON
4 MAY 2023
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III. BACKGROUND INFORMATION

Proposal

The current Westfir zoning map includes a broad description of the types of zoning designations included throughout the property. This broad zoning was a result of the past master planning process on the Mill Site property. The zoning designations included on the property include R-1, Single-Family Residential, R-3, High-Density Residential, MU, Mixed-Use, and PRO-S, Parks, Recreation and Open Space. The Mill Site property is within city limits and the Urban Growth Boundary (UGB).

The applicant's proposed rezoning retains all of the current zoning designations but are further refined into distinct tax lots.

If approved, the City's zoning map will be changed to the configuration the applicant is proposing. The revised zoning map will clarify and adjust the boundaries between the existing zoning classifications on the property. Due to the size of the site, the WDC requires approval of a master plan prior to any development. The master plan is intended to provide the framework for future development according to a phasing plan. The master plan can modify permitted uses and development standards in accordance with a phasing plan.

If the master plan is approved, Phase 1 will only permit one single-family dwelling to be constructed on each lot, regardless of zoning, and allow Lot 15 and Tract A to be improved for a new fire department/city hall and public park. The master plan requires full infrastructure improvements prior to any further development on the site for development or increase in residential density, beyond what is permitted in Phase 1.

Transportation Planning Rule Analysis (TPR)

The applicant hired a traffic engineer to conduct an analysis of the transportation planning rule that is necessary when proposing a zone change. The applicant’s traffic engineer found that 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 queuing conditions, and the TPR findings have demonstrated compliance with Goal 12. Staff will provide a further review and discussion of the TPR and Goal 12 as part of the findings required for zone change approval, later in this staff report.

Wetlands

The site does contain wetlands. Staff have sent referral notice to Department of State Lands for review and comment on the applications. The applicant has not completed and submitted a new wetland delineation. The presence of wetlands will be further discussed in the subdivision staff report.

IV. APPLICABLE APPROVAL CRITERIA & FINDINGS OF FACT

*Chapter 24 Amendments
[...]*

24.2.0 Initiation of Amendments. An amendment to the text of this Code or to the zoning map and/or to the Comprehensive Plan map or text may be initiated by:

A. Motion of the Planning Commission

B. Motion of the City Council

C. Application filed by an owner of record, a purchaser under a record land sale contract, or the holder of an option to purchase property which is the subject of the application for rezoning or comprehensive plan map redesignation.

Staff Response: An application for zone change as been duly submitted by the owner of record of the property. Criterion met.

24.3.0 Application. The property owner or his authorized agent may make application for an amendment by filing an application, on a Land Use Application form, with the Planning Commission. The application will be scheduled for the next available Planning Commission hearing. The application shall be accompanied by the following information:

A. Name and address of the applicant.

B. Title report and/or other documentation to provide evidence that the applicant is the owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property that is the subject of the application.

C. Address, legal description and Lane County Assessor's tax lot and map number of the subject property.

D. A map (Lane County Assessor's plat) showing the subject property, and surrounding properties and a listing of current property owners within 250 feet of the property subject to this application.

E. Statement and supportive evidence indicating the precise manner in which the proposed amendment is in conformance with the Comprehensive Plan for the City of Westfir and each of the applicable provisions of this Code together with any other data pertinent to the findings prerequisite to the granting of an amendment to this Code, zoning map or Comprehensive Plan map and/or text as listed in subsection D of Section 24.5.0 of this Code.

F. The application shall be accompanied by a filing fee in the amount established by general resolution of the City Council. No part of the filing fee is refundable.

Staff Response: Following the submittal of the application for zone change, staff reviewed the application for completeness. The application was found to contain the necessary application submittal items sufficient for staff level review and formulation of a recommendation to the Planning Commission.

24.4.0 Action by the Planning Commission.

A. Upon filing application for an amendment as described in Section 23.3.0, or upon motion of the City Council or Planning Commission for the initiation of an amendment, the matter shall automatically be referred to the Planning Commission and a public hearing shall be held on the matter for which notice shall be given as provided in Chapter 3. In open meeting, the Planning Commission shall recommend the approval or disapproval of the amendment. The recommendation shall be reported to the City Council by filing the recommendation with the City Recorder. No further action need be taken by the City Council.

B. The report and recommendation of the Planning Commission shall be made within 90 days after the filing of the application; provided that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the commission to report within 90 days shall be deemed a recommendation of approval.

Staff Response: Consistent with Section 24.4.0 of the WDC, the City has scheduled the first public hearing in front of the Planning Commission for August 21, 2023. The Planning Commission will conduct a public hearing and following the hearing formulate

a recommendation for approval or denial onto the City Council. The recommendation will come within 90 days of the application being submitted, however, the City and applicant reserve the right to mutually agree on extensions, as necessary. Staff further note that the WDC has much stricter timeline requirements than the State of Oregon's 120-day rule. Staff and the applicant are co-operatively working together to bring the applications through the land use process and for them to receive a decision.

24.5.0 Action by the City Council.

A. Hearing before City Council. Upon receipt of the report of recommendation from the Planning Commission, or upon the expiration of the 90 period, a public hearing is automatically set for the next regular City Council meeting following the receipt of the report; provided, however, that the Council may, by motion, set the date of such public hearing at such other time or at such other place it desires, or may decline to proceed further with the proposed zone change or amendment. Notice of the public hearing shall be given as provided in Section 3.2.5.

Staff Response: The City Council public hearing has yet to be determined because the Planning Commission has not made a recommendation yet. Once the Planning Commission issues its recommendation, staff will schedule the City Council public hearing. If the date of the City Council hearing is announced at a Planning Commission hearing and the date, time and location are made clear to everyone in attendance, the City does not need to re-send notice. Consistent with the code standard, the City Council hearing will automatically be set for the next regularly scheduled City Council hearing date, unless City Council determines otherwise.

B. At the conclusion of the public hearing, the Council may enact an Code granting the zone change or amendment, or may make any changes the Council deems appropriate to the proposed zone change or amendment, or may decline to adopt the zone change or amendment. The Council should seek to render its decision within 60 days after the receipt of the report and recommendation of the Planning Commission or the expiration of the 90 day decision period in Section 24.4.0(B).

Staff Response: Once City Council makes a final determination on the applications, the zone change will need to be adopted via an ordinance, consistent with the Westfir Charter. A new zoning map will be prepared and attached as an exhibit to the ordinance.

C. If the Council proposes to adopt an amendment that is substantially altered from the recommendation of the Planning Commission, the Council may refer the amendment back to the Commission for report and recommendation. The Commission shall consider the referral within 30 days of receipt.

Staff Response: If City Council proposed to adopt an amendment that is substantially altered from the recommendation of the Planning Commission, the Council may refer the amendment back to the Planning Commission. In which case, the Planning Commission shall consider the referral within 30 days of receipt.

D. Except as set forth herein, in order for the City Council to adopt an Code for an amendment to this Code, Comprehensive Plan document and/or map, findings must be made and adopted as a part of the Code that are adequate to support the amendment proposal. It must be found that the amendment complies with and conforms to the Comprehensive Plan goals, policies, and generalized land use map.

Staff Response: Whether the application for zone change is approved or denied, the decision will be supported by actual factual basis, consistent with Goal 2 of the Statewide Planning Goals and supporting documentation will be a part of the findings in support of the decision.

24.6.0 Burden of Proof. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the amendment. If no evidence is produced supporting the findings, the application may be denied.

Staff Response: As with all land use matters, the burden of proof lies with the applicant to provide evidence sufficient that all applicable criteria are met. If no evidence is produced to support the zone change, the application may be denied.

24.7.0 Standards for Granting Approval.

A. The proposed zone/district change is in conformance with the Comprehensive Plan and will not have a significantly adverse effect upon adjoining lands and uses.

Staff Response: To determine compliance with the Comprehensive Plan, staff must include a review and discussion of applicable goals and policies of the Comprehensive Plan. Therefore, staff now turn to a review of the Comprehensive Plan.

IV. Community Goals.

A. 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 and zone change include 7.7 acres of MU zoning.

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. The master plan and zone change include 7.7 acres of MU zoning.

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 precisely known when to occur.

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.

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. However, as currently proposed, only Tract A is being offered to the City as a public park. All other open space tracts are proposed to be under private ownership of an HOA. Additionally, 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 will be under private ownership of an HOA.

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: The master plan and subdivision include five open space tracts. Tract A is proposed to be dedicated to the City as a park and open space. Tract A will also provide public access to the riverfront. If the City accepts Tract A, they will be responsible for the maintenance and ownership responsibilities.

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. While the applicant or the City are not 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 I3: Develop mill property to blend into existing road system and traffic pattern.

Staff Response: The mere act of a rezone will bear no impact on the existing road system. Impacts to the existing road system will occur with actual development, as being proposed in the concurrent subdivision and master plan applications. The applicant has submitted a Traffic Impact Assessment for the zone change. Subsequent Traffic Impact Assessments may be necessary upon individual site development or if the Mill Site increases in development intensity – residential, mixed-use, or commercial.

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 intended and envisioned 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, High-Density Residential, and mixed-use, towards 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 river. The applicant is proposing for these lands to be set aside as parks and open space in a series of tracts. Public access to the riverfront is expected with Tract 2 (if accepted by the City as a public park). Further Park and open space are expected to occur with implementation of Phase 2, although not likely to be open to the public.

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, which the Mill Site is, to incorporate open space and recreational uses as a component of site development. The applicant is offering the City Tract A for use as a City park.

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 o 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 act of rezoning will bear no impact on public facilities. Public facilities will be impacted by actual proposed development, such as is being proposed with the master plan and subdivision applications. City water and sewer lines are nearby and ready to be extended, but that is not what the applicant is proposing to do.

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: City street standards will be driven by actual development, as is being proposed with the subdivision and master plan applications. The property does contain a street system in Sunset Avenue, but is not improved to city standards.

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 Report: 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. Planning Commission 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 requested modifications to local street standards for streets that are only located within the boundaries of the master plan will be granted.

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 th 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 the 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 Comprehensive 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.

What the extension of Sunset Avenue will look like will depend on the concurrent subdivision and master plan applications. The applicant is not proposing any improvements to Sunset Avenue.

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

Staff Response: The applicant is proposing for bike and pedestrian access to be shared with the existing 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: The Mill Site has the ability to be connected to City water and sewer. The applicant is not proposing the extension of City water lines and is proposing a pressurized sewer system. These two matters will be discussed and decided upon in the concurrent subdivision and master plan applications.

B. A determination of why the area is not usable as presently planned and zoned, which may establish a basis for revision of the Comprehensive Plan, precedent to consideration of the zone/district change.

Staff Response: The Mill Site is usable as presently planned in the Comprehensive Plan and Comprehensive Map. The proposed zone change implements the Comprehensive Plan and clarifies the boundaries between different land uses. The zone change does not require an amendment to the Comprehensive Plan.

C. The uses and density that will be allowed by the change can be served through the orderly and efficient extension of key urban services and are consistent with the principles of compact and sequential growth.

Staff Response: The Mill Site has the ability to be connected to City water and sewer. The applicant is not proposing the extension of City water lines and is proposing a pressurized sewer system. These two matters will be discussed and decided upon in the concurrent subdivision and master plan applications.

24.8.0 Limitations on New Applications. If the application for an amendment is denied by the City Council, the application shall not be eligible for re-submittal for one (1) year from the date of denial. A new application affecting the same property must be significantly different from the application denied unless the Planning Commission finds that conditions have changed to an extent that further consideration is warranted.

Staff Response: Should the zone change request be denied, the application shall not be eligible for re-submittal for 1 year from the date of denial. A new application affecting the same property must be significantly different from the application denied unless the Planning Commission find that conditions have changed to an extent that further consideration is warranted.

24.9.0 Record of Amendments. The City Recorder shall maintain records of amendments to the text and zoning map of the Code.

Staff Response: The record of amendments to the text of the Code and zoning map will be maintained by the City Recorder.

V. CONCLUSION

From a staff perspective, the zone change request can be approved.

Motions available to the Planning Commission:

1. Recommend denial to the City Council.
2. Recommend approval to the City Council.
3. Continue the public hearing to a date certain to consider applications further (staff can advise options with respect to a continuance).

Staff do not have any conditions of approval associated with the zone change because the criteria for zone change are either met or not and therefore approved or denied. If the zone change request is ultimately approved, a new Zoning and Comprehensive Plan map shall be prepared by staff and shall accompany the ordinance for adoption by City Council in accordance with the City Charter.

VI. EXHIBITS

All Exhibits are listed in the subdivision staff report.