



**TALENT PLANNING COMMISSION
MEETING MINUTES
TALENT TOWN HALL
September 28, 2017**

***Study Session and Regular Commission meetings are digitally recorded and will be available online at:
www.cityoftalent.org***

The Planning Commission of the City of Talent will meet on Thursday, September 28, 2017 in a regular session at 6:30 P.M. at Talent Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012. The Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COMMISSION MEETING - 6:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the Minute Taker. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the Planning Commission.

I. Call to Order/Roll Call 6:32 P.M.

Members Present:

Commissioner Riley
Commissioner Hazel
Commissioner Pastizzo
Commissioner French
Commissioner Milan
Commissioner Schweitzer
Commissioner Hastings

Members Absent:

Also Present:

Zac Moody, Community Development Director

II. Brief Announcements

Staff announced the appointment of Commissioner Dorian Hastings. Staff also announced that hearing devices are available for those having difficulty hearing discussion.

III. Consideration of Minutes for June 22, 2017

Hazel asked if there was a motion for the minutes.

Motion: Milan moved to approve the minutes for August 24, 2017. Pastizzo seconded. Discussion: Commissioner Hastings chose to abstain, since she was not present at the last meeting as a Commissioner. All ayes. Motion passed unanimously.

IV. Public Comments on Non-Agenda Items

None

V. Public Hearings

Continued consideration of a Site Development Plan allowing the redevelopment of the Talent Truck Stop located at 251 W. Valley View Rd. and described as Township 38 South, Range 1 West, Section 23D, Tax Lot 200 & 201. **File: SPR 2017-005.** Decisions are based on the approval criteria found in Zoning Ordinance 8-3D.4 and 8-3L.1.

Chair read the opening statement.

Staff Report

Moody gave overview of Staff's responses to all of the public comment received.

Public Notice

Noticing for this application was in accordance with State Law. The City published a notice in the Mail Tribune 20 days prior to the hearing as well as sent notices to all affected neighbors within 250 feet of the subject parcel. Additionally, two public hearing notice signs (see attached) were placed on the property on July 28, 2017 before the first evidentiary hearing. I have attached the notification mailing list and the public notice for reference. The City uses Jackson County Assessment's tax data for identifying mailing addresses. As can be seen from the notice labels, notices were sent out on August 9, 2017 (notice map attached). Notice was also sent to Ms. Hanscom, who owns the parcel where the development's club house is located.

Information used by Staff to make the proposed recommendation is available on the City's website, including agency and public comments that have been updated regularly. Alternatively, those wishing to review the file in person can do so Monday – Friday from 8:30 AM to 5:00 PM. Online application files have been available since the application was deemed complete on July 27, 2017.

Pollution (dust, noise, light and ground vibration)

Staff discussed information within the staff report. Ground vibration is addressed when an application is for a conditional use permit. There are currently no criteria in the Site Development Plan review section that apply to ground vibrations

Staff stated that noise issues have been mitigated with the proposed installation of Western Red Cedar trees on the City's property west of Wagner Creek in the riparian area. Staff discussed how the proposed additional buffer met the intent of the zoning code and that all plantings were discussed with the Oregon Department of Fish and Wildlife and that a riparian landscape plan would be formally submitted to ODFW if the application received final approval.

Natural Hazards, Earthquakes, Fire and Flooding

Staff noted that earthquake and fire related building events are handled when building permits are submitted and plans are reviewed and approved by the Fire District and Building Official in accordance with the Oregon State Building Code. Flooding issues have been addressed in the applicant's submittal and all proposed buildings and structures will be above the base flood elevation (BFE). Staff also noted that elevation certificates are required at construction and final approval stages of the development to confirm that the building and other structures are above the BFE.

Differed Compliance Concerns

Staff addressed concerns raised by Mr. Connors, representing Gary Hall & Associates. Staff stated that the final order was modified to ensure that compliance with the City standards can be met without exercising discretion.

Increased Crime

Staff stated that several of the comments received by the residents of Oak Valley cite concerns of increased crime as a result of the proposed redevelopment. Staff noted that an extensive review of the Talent Zoning Code did not identify any specific criteria related to increased crime.

Environmental

Staff addressed concerns about development in the riparian area and stated that the proposed plan does not include the removal of any vegetation in the riparian area, and that no Riparian Landscape Plan was required for the development on the subject parcel. Staff stated that should the plan need to be modified during the construction stage and it becomes necessary to remove vegetation (trees or other vegetation), a Riparian Landscape Plan, approved administratively would be required and ODFW approval would be necessary to ensure the health of both the riparian and salmonid habitats. A riparian landscape plan will be required for removal of the blackberries and planting of western red cedars on the City's property as part of the noise mitigation.

Transportation

The concerns raised by Mr. Connors, representing Gary Hall & Associates, were addressed in a memo prepared by the City Engineer. The first concern raised by Mr. Connors states that the project will create significant traffic issues and non-compliance with the City's transportation requirements. Future traffic volume forecasts in the City's TSP were developed using the Rogue Valley Metropolitan Planning Organization (RVMPO) travel demand forecasting model which is based on the regional long-range land use assumptions through the year 2038. The future traffic volume forecasts analysis demonstrates that under the 2038 future conditions, all of the study area intersections would meet operation standards during the PM peak period and that the W. Valley View and I-5 Exit 21 interchange would meet operational standards with a Level of Service grade of a "B" and a volume/capacity (v/c) ratio of 0.51 [1] (Oregon Highway Plan targets for v/c are 0.85).

Staff noted that the development of the 3-lane cross-section on W. Valley View could be reevaluated after the operation has been established to determine if the proposed cross-section needs to be modified to include a right turn lane. This will be determined during the engineering of the project likely sometime next year.

Recommendation

Staff recommend approval of the revised final order with modified conditions.

PUBLIC HEARING OPENED at 6:59 PM

Bob Krohn (Northwest Property Investments, LLC. – 15 SW Colorado Ave., Suite 200, Bend, OR 97702

Provided details about the redevelopment project and answered questions from Commissioners about the proposal. Applicant spoke briefly about the concerns raised, specifically noise and security issues. Mr. Krohn discussed the layout of the truck parking and circulation within the site. Mr. Krohn discussed the concerns of overnight parking and how parking is enforced. Mr. Krohn presented the proposed site plan (projected on the wall for audience to view) and emphasized that long-term parking would be discouraged.

Mr. Krohn discussed the results of his meeting with the Oak Valley residents on Monday, September 25th. A discussion about the location of the proposed western red cedars took place. Mr. Krohn stated that all proposed plantings should be as close to the residential dwellings as possible to most effectively reduce noise.

Liz Dixon, Dickson Hathaway Attorney at Law

Ms. Dixon discussed what she called the eight applicable criteria. Ms. Dixon discussed the allowed uses in the zone. The second box was described as the overlay zone criteria for floodplains. She explained the orientation of the property to Wagner Creek and Bear Creek. The third box was identified as the building specifications including the size, location and setbacks. Box four was identified as landscaping requirements and included a discussion the stormwater requirements. Box five was identified as parking and included a discussion on off-street loading, trucking parking spaces, layout and circulation. Ms. Dixon discussed traffic related concerns, including capacity issues and approaches. Box seven was defined as the existing CUP for the wireless communication tower. Box eight was identified as flood hazards and the floodway and floodplain boundaries were discussed.

Ms. Dixon summarized the criteria and the plan including the dedication of public land, stormwater facilities, and lighting.

Commissioner Hasting asked applicant about truck circulation and asked for clarification. Ms. Dixon readdressed the circulation of truck and auto traffic.

Ms. Dixon emphasized statutory timeline for making a decision. She explained the process for a Circuit Court appeal and encouraged a decision to be made in a timely manner.

Commissioner Hasting noted that the EPA had not made comment on the application and asked for clarification from staff as to why that had not been done. Staff stated that EPA is not on our notification list because DEQ is the State jurisdiction for matters that include the fuel storage tanks. Commissioner Hastings asked if it was possible to have the asphalt be permeable to diffuse flood waters. The applicant responded stating that the preference is to have all potential contaminants contained onsite and that could not be accomplished with permeable surfaces.

Commissioner Riley asked how many employees would be hired. Applicant responded that 50-60 could be hired, about a third would be part time, remaining would be 6-8 hour shifts.

Commissioner French asked about the location of the bicycle racks. Applicant stated they would be near the main entrance in a lighted well-traveled area.

Commissioner Milan asked about how many days of fuel is available, how often is fuel delivered. Applicant responded stating two 20,000 gallon tanks for diesel and less for autos. Milan asked that in the case of emergency would that fuel be available for use and would it be accessible. Applicant stated that it would be available, but may be difficult if no power is available.

Commissioner Hastings questioned how the emergency shutoff works in the case of an emergency. Applicant stated the default is to automatically close. He stated that stormwater also has a shutoff system.

Commissioner Riley asked if emergency shutoff on storm was for flooding or spills. Applicant stated it could be used for both.

Tony Abshire, 355 Colver Rd., Talent, OR 97540

Provided comments in support of application. Stated that commercial development was necessary for economic development. Supported the traffic circulation as proposed. Mr. Abshire explained DOT regulations in regards to rest periods.

David Sours, 230 St. Ives Dr., Talent, OR 97540

Mr. Sours presented minutes from a meeting with residents and developer (already included in record). Stated he was impressed with all of the review and that it was a very thorough project, but had some remaining concerns. Mr. Sours stated concerns with 120-day timeline, notice period and noticing requirements. Mr. Sours suggested that notices should be hand delivered, or something more.

Anne Taylor, 288 St. Ives Dr., Talent, OR 97540

Agreed with Mr. Sours. Stated she was not at last meeting because she did not receive a notice of hearing. Stated there will be impacts, but developer has worked to mitigate impacts. Suggested that all truck parking have auxiliary power units. Stated concerns of trash, requested that disposable plastic bags not be used. Ms. Taylor requested a larger notice area for future applications. Stated she sent email to Council and Staff about the lack of business at the truck stop when it was operational.

Sharon Pike, 100 Oak Valley Dr., Talent, OR 97540

Ms. Pike stated concerns about sound and would like a sound barrier to be built in addition to the trees as a form of mitigation.

Dan Davis, 259 St. Ives Dr., Talent, OR 97540

Recognized effort that the plan considered to minimize impacts. Mr. Davis stated he is concerned about noise and appreciated the addition of a tree buffer, but sees no reason that a sound barrier can't be installed. Stated concerns about the proximity of houses to the fueling stations. He stated concerns about the west access and the "bump out" in that access. Suggested that bump out be moved to the western side of the access to reduce truck acceleration. Mr. Davis spoke about the 5-minute idling law and wants to ensure that it is enforced. Mr. Davis stated that berms are the most effective way to reduce sound outside of the floodway. Mr. Davis stated concerns about staff's comment that fuel tanks could withstand a moderate earthquake and advised Commission that a larger earthquake has been predicted.

Kathleen Finnegan, 299 Christopher Way., Talent, OR 97540

Ms. Finnegan stated that she was in attendance to represent the senior community and read a brief statement (copy not provided to Staff). To summarize, the statement addressed pollution, noise, crime, natural disasters, vibration and stated that noise just one of the major stressors for seniors. She stated that the noise from one truck was enough to cause hearing loss and was concerned about multiple trucks

idling. She cited concerns of depression and anxiety and loss of livability. Ms. Finnegan stated concerns about air quality and health related effects associated with an increase in poor air quality.

Alea Kent, 301 Oak Valley Dr., Talent, OR 97540

Stated that approval of this application would negatively impact the residents of the Oak Valley Subdivision. She stated that no amount of mitigation will reduce these concerns.

Gary Hall, 2391 Terri Dr., Medford, OR 97504

Mr. Hall stated that he is a truck stop expert developing truck stops across the country. He stated the project as proposed will not work and will cause traffic related issues. Stated that truck parking enforcement is not possible and parking doesn't match the size of the building or fueling lanes. Truck queuing will back trucks into the street. Requested the applicant grant an extension for further Planning Commission consideration. Mr. Hall stated that the northbound on ramp to I-5 was not adequate and that the Interchange Area Management Plan (IAMP) didn't take in to consideration this property being a truck stop.

Helene Boucher, 332 Quail Circle, Talent, OR 97540

Stated she was impressed with the developers presentation during the community meeting on September 25th.

She stated concerns about the impacts on the quality of life of the residents of Oak Valley. Requested more research be done about noise and safety. Requested 24/7 security on the subject site. Concerned about truck evacuation plan in the case of emergency.

Liz Dixon, Dickson Hathaway Attorney at Law

Ms. Dixon addressed the concerns raised during public comment, and again stated the required criteria.

Ms. Dixon addressed comments from Dan Davis about neighboring compatibility issues. Ms. Dixon discussed the City's Comprehensive Plan and Zoning maps. She stated that the way the City's zoning is laid out makes it difficult to not have compatibility issues. Ms. Dixon read the purpose of the Commercial Highway zone. Ms. Dixon addressed sound related concerns and how they were being addressed.

Ms. Dixon discussed the health-related concerns from Ms. Finnegan. She stated that there no related criteria related to health related and that she was not ready to discuss these concerns in detail since there were no applicable criteria.

Ms. Dixon discussed the oral testimony of Mr. Gary Hall. Ms. Dixon advised the Planning Commission that Mr. Hall works for the competition (Pilot Truck Stop). She explained his financial interest in relation to his testimony. She stated his testimony did not address the applicable criteria.

Ms. Dixon again discussed the applicable criteria as stated in her opening remarks.

Public Hearing Closed at 8:32PM

Commissioner Riley suggested that the written record also be closed. Planning Commission provided consensus. Chair Hazel thanked the citizens for being at the meeting.

Planning Commission Discussion

Commissioner French stated this would be a tough decision. Based on the mitigation proposed by the applicant the applicant was consistent with the zoning. She stated concerns over noticing requirements.

Commissioner Schweitzer thanked community for being at the hearing. She stated that the moral issue raised are imperative to our community especially young and elderly. Stated that needing to make a decision based on criteria in the zoning code and not considering health impacts is not within her moral being and not willing to make a decision.

Commissioner Milan thanked community for being at the hearing. Stated he understands the concerns raised. Milan stated that there was inherent notice of zoning when they purchased their property. Stated his decision would be based on the regulations in effect.

Commissioner Pastizzo thanked community for being at the hearing. Stated he agrees with other Commissioners. Stated he understands the Commissions role to apply the regulations and that he didn't feel that there was a basis for denial.

Commissioner Riley stated that the commission was currently working on a Citizen Involvement Plan and encouraged residents to volunteer. Riley stated she thought residents would be pleasantly surprised when the development was finished. Riley stated that the Commission must follow the regulations.

Commissioner Hastings stated concerns of gas stations near Bear Creek. Hastings stated concerns about compatibility issues. Stated she did not believe that a wall near the creek was a good option, suggested trees would be better option. Hastings also cited concerns of a lawsuit if timeline is exceeded. Hastings stated while there has been a lot of proposed mitigation, the location of the project was not appropriate, but that is what the zoning allows.

Commissioner Hazel stated that this was not an easy decision but the criteria have to be followed. Use has been in place since the 70's. She suggested that the improvements would be beneficial for the entrance of to the City. She stated it is not exactly what she would like to see. Hazel stated the trees would be a benefit to reduce interstate noise issues. She stated that she is not concerned about a lawsuit and that she would vote appropriately based on the criteria being met. She invited citizens to get involved with a committee or commission.

Commissioner Hastings requested to ask a question of staff. Hastings asked if this application was not approved could be developed as a truck stop or other use. Staff stated that any use allowed in the zone could be approved and stated some of the allowed uses. Hastings asked about the possibility of a lawsuit. Staff advised of the decision deadline of November 24th. Staff briefly explained the timeline process and the next steps if a decision wasn't made by November 24th. Staff advised that is was not recommended to make a decision based on the threat of a lawsuit, but rather based on criteria and that if the Commission chose to deny the application, they would be responsible for stating the criteria that has not been met. Hastings asked about the issue of continued use. Staff stated that the issue of continued use was a grey area and that there are no clear definitions for continued use. Staff also stated that the purpose of discussing continued use was to address site impacts. Staff discussed the difference between continued use and the currently allowed uses and that if it was determined that the use has not been continued, it could still be approved based on the allowed uses in the zone. Hastings stated concerns about age of buildings, climate change and possibility of a Cascadia event and that it seemed like a bad idea to have a gas station near...She continued by asking where the line is that we choose not to have specific businesses in this spot because of the environmental and disaster concerns. Staff advised that a legislative amendment to the zoning code would be required to changes the uses allowed in the zone.

Staff also discussed the issue of earthquake standards and that they are not currently in our zoning code. Commissioner Riley motioned to approve SPR 2017-005 with conditions of approval in the staff report. Commissioner Pastizzo seconded. Discussion: None

Roll Call Vote: YES Votes: Riley, Hazel, Milan French, Pastizzo NO Votes: Schweitzer, Hastings

Staff explained the process of the approval and how and to whom the notice of decision would be mailed to. Staff advised appeals of this decision would need to be received within 14 days of the date the notice is mailed. Commissioner Hazel restated the appeal process. Staff stated that an appeal is to a hearings officer. Riley clarified the 14-day appeal period is calendar days, not business days. Based on a question from the audience, staff advised the Hearings Officer would be Mr. Rick Whitlock. Staff advised the citizens remaining in the audience that if there were questions about the appeals process, those could be asked at City Hall.

VI. Action Items

None

VII. Propositions and Remarks from the Commission

Commissioner Riley stated that she had reviewed the Citizen Involvement Plans for the City of Ashland and Eugene and found them to be much less detailed than she had expected. She stated that she felt the City would come up with something more detailed. Riley asked the Commission if they would prefer to do a subcommittee or a study session with the Planning Commission. Commissioner Riley stated she would be in favor of a subcommittee.

Staff asked to give an update to the Commission. Chair Hazel approved. Staff stated that the Council agenda is going out tomorrow and the workload [for Planning] has been such that this project has not been able to happen as soon as desired. Director Moody stated that staff (City Manager and Director) would be discussing the possibility of an interim Citizen Advisory Committee (CAC) policy because there were projects that are currently being worked on that need a CAC and the process of adopting the Citizen Involvement Element to the Comprehensive Plan could take some time. Director Moody explained that the purpose of the interim policy was to give staff direction on how to form a CAC and then use those policies as the framework for developing the Citizen Involvement Element. Director Moody advised the Commission of the upcoming study session on October 26th and explained that meeting would be consumed by the discussion of TA4 and TA5 and that there would not be another meeting unless the Commission chose to have a special meeting.

Commissioner Riley asked if staff was proposing to take some guidelines to the Council on the next agenda. Director Moody clarified that the staff would like to take to the Council the idea of an interim policy and seek consensus of the Council and then at the next meeting take the Council a draft policy for them to consider using until a formal element has been adopted.

Commissioner Riley clarified that staff would be writing that policy. Riley stated that seemed different than the Citizen Involvement Element. Director Moody advised the Commission of the timing to adopt a new element to the Comprehensive Plan and suggested that the interim policy could use to form a CAC.

Commissioner Hazel responded stating that made sense and Commissioner Riley stated staff could further explain later. Commissioner Riley stated she understood the priority and felt that the Commission could still form a subcommittee, similar to the Charter committee. Staff reminded the Commission that they had previously decided to draft the document using the commission and not a subcommittee, but if that had changed a subcommittee could be formed.

Commissioner French stated she would like to see the process move forward as soon as possible. Commissioner Riley again stated that a subcommittee would be the easiest way to get started. Commissioner Riley suggested that three volunteers from the Planning Commission and three citizens make up the subcommittee and volunteered to be part of the committee. Commissioner Hazel stated she didn't see any harm in forming a subcommittee and working with Council to adopt an interim policy. Commissioner Hazel stated that she wanted to be sure that forming a subcommittee would not interfere with the recommendation that staff would make to Council to form the interim CAC policy. Director Moody stated again that the interim policy could be incorporated in the Citizen Involvement Element.

Commissioner Riley motioned to ask staff to get permission from the Council at the next meeting to form a subcommittee to begin work on the Citizen Involvement Element for the Comprehensive Plan. Commissioner French seconded the motion. Discussion of motion: None

Motion passed unanimously.

Commissioner French state she too would like to make motion in regard to affordable housing. French stated that she would like to see the City define affordable housing.

Commissioner French motioned to recommend to Council that they direct staff to come up with a definition for affordable housing and to consider a percentage of affordable housing be a condition of development when light industrial gets converted to housing. Commissioner Riley seconded the motion. Commissioner Riley asked the Commission if the intent was to make our own definition to fit our town. Commissioner French restated that she would like to see a definition and a percentage of development dedicated to affordable housing to rectify issues that were raised when the last subdivision was approved.

Commissioner Schweitzer asked that we form a subcommittee of local experts in affordable housing to give us a definition to implement or make a motion to implement instead of putting workload on staff.

Director Moody commented that it is great to move forward but creating a definition outside of the regulatory process is dangerous and not recommended. Moody stated that there is a very defined process for what is being asked and that the upcoming study session will decided how we allocate lands so the City knows how to move forward and to complete the urbanization study so that the City understands where available land is located. Moody stated that he understood the reasons for pushing this forward but that defining affordable housing and trying to create a standard at this time would create problems the first time it was applied to an application. Moody acknowledged that the process needs to be completed quickly and that there was a benefit in forming a subcommittee to begin the process. Moody stated that the Housing Element could be refined with that committee so that when

regulations are proposed the City has a better understanding of when and where these standards can be applied.

Point of Order – Mayor Ayres-Flood (in audience). Ayres-Flood stated that there is already a motion on the table and that staff was deliberating. Director Moody clarified that this was a discussion. Ayres-Flood restated that staff was deliberating. Ayres-Flood stated that staff would need to make this presentation to the Council as part of the Commission’s recommendation. Ayres-Flood stated that staff was discouraging the Commission motion. Discussion ended.

Commissioner French asked if motion needed to be repeated. Commissioner Riley stated she was clear on the motion and that it was a motion to move forward. Commissioner Riley supported using experts to help with the process.

Commissioner Pastizzo requested clarification, that the motion wasn’t to decide on a definition and that he was concerned about the timing of making use of [the definition] it. Pastizzo stated he was not clear on how we would make use of the information. Pastizzo supported meeting more frequently to develop criteria that could be used. Pastizzo stated the task could be done by Commission or a sub-committee as long as the process was moving forward.

Commissioner Milan asked for the motion to be restated. Commissioner French restated as follows:

“to recommend to Council that they direct staff to come up with a definition for affordable housing and to consider a percentage of affordable housing be a condition of development when light industrial gets converted to housing.”

Commissioner French asked that Council Liaison take this motion back to the Council and get direction on the formation of a subcommittee. Councilor Harrison clarified the request of Planning Commission.

Motion passed unanimously.


Commissioner Pastizzo stated he and Commissioner Milan attended Southern Cascadia Earthquake symposium. Pastizzo stated that the presentation would be available soon on the City of Medford’s website. Commissioner Milan added that it was stated that although this area may not experience the full magnitude of the earthquake, that this area would be out of commission for a minimum, three weeks or even months. Commissioner Riley informed Commission of Map Your Neighborhood opportunities.

Next Meeting


The next regularly scheduled meeting will be held on October 26, 2017.

VIII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:35 p.m.

Submitted by:  _____

Date: 11/16/17 _____

Attest:  _____
Zac Moody, Community Development Director

 _____
Felicia Hazel, Planning Commission Chair

Note: These Minutes and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting. The Minutes are not a verbatim record: the narrative has been condensed and paraphrased to reflect the discussions and decisions made.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

