

BEFORE THE TALENT COMMUNITY DEVELOPMENT DEPARTMENT
JACKSON COUNTY, OREGON:

IN THE MATTER OF A TYPE II PARTITION REVIEW)
FOR A PARCEL OF LAND ZONED RESIDENTIAL)
HIGH-DENSITY; T.38S, R.1W, SEC.26AA, TAX LOT) **FINDING OF FACT**
2200 CARMEN STEINBERGS ET AL., OWNERS;)
PACIFIC GEOGRAPHIC CONSULTANTS, LLC.,)
AGENT)

A. Applicant Information

Owners/Applicants

Carmen Steinbergs et. Al.
248 N. Laurel St.
Ashland, OR 97520

Agent

Pacific Geographic Consultants, LLC
4620 Fern Valley Rd.
Medford, OR 97504

B. Property Description

The subject lot totals approximately 0.21 acres and is zoned Residential – High-Density (RHD). The subject parcel is located at 314 Lithia Avenue, a publicly owned and maintained street. The subject parcel is located within the Jackson County Fire District.

The subject lot is vacant as a result of the Almeda Fire on September 8, 2020, but retains its single-family dwelling land use entitlement as it was involuntarily destroyed. The parent parcel following the partition will retain the right to rebuild one single-family detached dwelling, while the newly created parcel will conform to the development standards of the Talent Municipal Code.

Transportation Service

Access is available to proposed parcel 1 from Lithia Avenue.; parcel 2 will be accessed from Lithia Avenue utilizing an access easement extending through Parcel 1. This section of Lithia Avenue features partial improvements, i.e.: paved roads without curbs, gutters or sidewalks. Lithia Avenue is identified as a “Local” Street in the Transportation System Plan (TSP). No new public streets, improvements or dedications are required as part of this request.

Wastewater Service

Wastewater service is currently provided to the subject parcel by Rogue Valley Sewer Service (RVSS).

Water Service

Water service currently supplies the existing residence and is adjacent to the proposed new parcel.

C. Proposal

The request is for the approval of a preliminary plat to divide one (1) parcel: 314 Lithia Avenue, into two (2) parcels. The parcel currently totals 0.21 Acres (9,073ft²). As proposed, Parcel 1 is 5,026ft² and Parcel 2, is 4,047ft² (**EXHIBIT “B”**).

D. Lot Legality

The subject lot was created in 1973 as part of the Pacific Estates – Unit No. 1 Subdivision approved by the Talent Planning Commission on January 9, 1973 (**EXHIBIT “A”**).

E. Applicable Criteria

The purpose of this application is to clearly demonstrate that the subject parcel is in compliance with the Talent Zoning Code (TZC). The applicant is proposing a partition to divide the subject property into two buildable lots.

Pursuant to the TZC, the following criteria are applicable to this application:

TMC Title 17, Subdivisions

TMC Ch 18.25, Residential Zone, Single Family – High-Density (RHD)

Please refer to maps and documents in the attached exhibits for demonstration of compliance with these standards. With this review, Talent Community Development can find that this application is consistent with applicable subdivision and zoning code standards and criteria.

Exhibit List

- Exhibit A – 1973 Pacific Estates – Unit No. 1 Subdivision
- Exhibit B – Preliminary Plat; Zoning Map
- Exhibit C – Planning Inquiry – RE: Property Right Preservation
- Exhibit D – Parcel 2 Preliminary Building Footprint (from pre-application meeting)

TITLE 17: SUBDIVISIONS

Section 17.10 Development and Design Standards

To preserve the character of the city and to conserve natural resources by encouraging development that incorporates open space and the natural features of the land into neighborhood design, and by allowing density distribution within the development project so that there is no penalty for creative design.

FINDING: The proposed partition provides the applicant the opportunity to rebuild the previously approved single-family detached dwelling while taking advantage of the zoning designation and increasing the density. As proposed, the parent parcel contains the previous single-family use, and the newly created lot will provide land for a minimum of two additional dwelling units. This proposal preserves the right to develop a single-family dwelling, while achieving the goal of increased density in the area. **The standard is met.**

17.10.050 Transportation Facility Standards

B. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of TMC 17.10.060, Vehicular access and circulation, as well as Chapter 18.115 TMC, and the following standards are met:

- 3. *The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exists:*
 - d. *The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.*

FINDING: Access is available to proposed Parcel 1 from Lithia Avenue; Parcel 2 takes access from Lithia Avenue through the use of a 13’ wide driveway easement extending through Parcel 1. This section of Lithia Avenue features partial improvements, i.e.: paved roads without curbs, gutters or sidewalks. Lithia Avenue is identified as a “Local” Street in the Transportation System Plan (TSP). Considering the lack of current improvements in the area and because the grade is not set on Lithia Avenue, infrastructure improvements would provide no benefit to the proposed development or the other adjacent properties. **The standard is met.**

E. *Creation of Access Easements. The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with TMC 17.10.060, Vehicular access and circulation. Access easements shall be created and maintained in accordance with Uniform Fire Code Section 10.207.*

FINDING: An access easement where the existing driveway entrance is sited has been proposed to serve only Parcel 2. The applicant understands that a condition of approval will be necessary to ensure the property owner records the access and maintenance easement and furnishes evidence to the Community Development Department. **The standard is met with conditions.**

17.10.060 VEHICULAR ACCESS AND CIRCULATION

C. *Access Permit Required. A new or modified connection to a public street requires an Access Permit in accordance with the following procedures:*

1. *Permits for access to City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Section and the provisions of TMC 17.10.050, Transportation Facility Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.*

FINDING: Access is available to proposed Parcel 1 from Lithia Avenue; Parcel 2 takes access from Lithia Avenue through the use of a 13' wide access easement extending through Parcel 1. As proposed, each newly created parcel will require an access permit. Access spacing has been met and is addressed in the findings below. **The standard is met.**

D. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared in accordance with Chapter 18.185, Traffic Impact Study.*

FINDING: The request is for the approval of a preliminary plat to divide one (1) parcel: 314 Lithia Avenue, into two (2) parcels. A TIS is not required in accordance with §18.185.020 of the Talent Zoning Code. **The standard is not applicable.**

E. *Conditions of Approval. The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public or private street.*

F. *Access Options. When vehicle access is required for development, access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider.*

2. *Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., shared driveway). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*
 3. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (G) of this section.*
- G. *Access Spacing. Driveway access shall be separated from other driveways and public and private street intersections in accordance with the following standards and procedures:*
1. *Local Streets. A minimum 10 feet of separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection (G)(3) of this section.*
- H. *Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot. Alley access is strongly encouraged before other access points are considered; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), and subject to the access spacing standards in Section G, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection I, below, in order to maintain the required access spacing, and minimize the number of access points.*

FINDING: Access is available to proposed Parcel 1 from Lithia Avenue; Parcel 2 takes access from Lithia Avenue through the use of a 13' wide access easement extending through Parcel 1. Additionally, the access spacing requirements of Section (G)(1) above can be met both within the bounds of the proposed partition and the neighboring lots abutting on both sides of the subject property. More than 10 feet of space exists between the driveway on the subject parcel and the driveway to the east. **The standard is met.**

- I. *Shared Driveways. The number of driveway and private street intersections with public streets may be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:*
1. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they may be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property*

line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

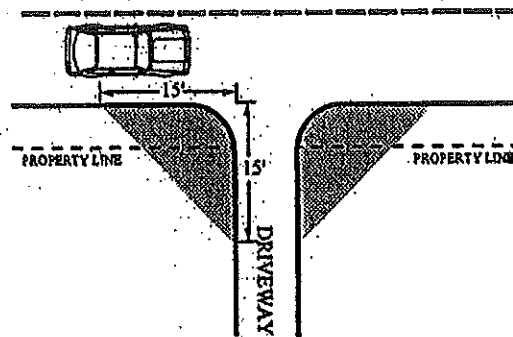
2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

FINDING: A shared driveway (access easement) where the existing driveway entrance is sited has been proposed to serve Parcel 2. The applicant understands that a condition of approval will be necessary to ensure the property owner records the access and maintenance easement and furnishes evidence to the Community Development Department. **The standard is met with conditions.**

- K. *Fire Access and Parking Area Turnarounds.* A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turnaround areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to TMC 17.10.050, Transportation facility standards.

FINDING: The proposed access driveway is less than 150 feet in length and provides adequate access for the Fire District or other emergency vehicles. No turnaround areas are necessary as part of this request. **The standard is met.**

- M. *Vision Clearance.* No signs, structures or vegetation in excess of three feet in height shall be placed in vision clearance areas, as shown in Figure 17.10.060-2. The minimum vision clearance area may be increased by the city engineer upon finding that more sight distance is required (e.g., due to traffic speeds, roadway alignment, etc.).



FINDING: The applicant understands that all vision clearance areas shall meet the aforementioned standard. As a general condition of approval, the applicant understands that vegetation shall not be located within the vision clearance area and shall be continually maintain. **The standard is met with conditions.**

N. *Construction. The following construction standards shall apply to all driveways and private streets:*

1. *Surface Options. Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete or comparable surfacing, or a durable nonpaving material that will support emergency vehicles may be used to reduce surface water runoff and protect water quality.*

FINDING: The existing driveway is unimproved as a result of the Alameda Fire. The applicant acknowledges that the shared access drive shall be designed in such a way that stormwater run-off is directed toward Lithia Avenue and surface the access drive, all driveways and parking areas and driveway apron with concrete or asphalt to a minimum width of 10ft. **The standard is met with conditions.**

17.10.070 Sanitary Sewer and Water Service Improvements

A. *Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.*

17.10.080 Storm Drainage and Surface Water Management

A. *General Provisions. The City shall issue a development permit only where adequate provisions for storm water and surface water runoff have been made pursuant to Resolution 517, Stormwater Design Standards.*

FINDING: Sanitary sewer and water service improvements have been installed in conjunction with development of the existing residence located on proposed Parcel 1. Parcel 2 will require a new sewer tap connection into the existing 8-inch main.

The proposal is for a two-lot partition, therefore in accordance with the Rogue Valley Stormwater Design Manual a Stormwater Stormwater Management Plan is not required.

The applicant acknowledges that prior to issuance of building permits, proof of a sewer tap and connection permit and all associated payments for Parcel 2 shall be provided to Community Development. **The standard is met.**

17.10.090 Utilities

C. *Exception to Undergrounding Requirement. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, or existing development conditions, when demonstrated by the applicant. [Ord. 818 § 2 (Exh. A (§ 8-2.290)); Ord. 692 § 10.]*

FINDING: The proposed land division does not classify as a subdivision. **The standard is not applicable.**

17.15.010 Review Procedures and Approval Process

A. *Subdivision and Partition Approval Through Three-step Process. Applications for subdivision or partition approval shall be processed through a three-step process: the pre-application conference, the preliminary plat, and the final plat.*

1. *A pre-application conference is required for all partitions and subdivisions.*
2. *The preliminary plat for a partition and subdivision shall be approved by the Planning Commission before the final plat can be submitted for approval consideration.*
3. *The final plat shall include all conditions of approval of the preliminary plat.*

FINDING: The narrative and preliminary plat map has been provided herein for the required pre-application conference. A pre-application conference was held on March 9, 2022. **The standard is met.**

17.15.030 Approval Criteria: Preliminary Plat

A. *General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

1. *The proposed preliminary plat complies with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, the provisions of the underlying zoning district and the provisions of the Planned Unit Development Section, when applicable, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 18.160 TMC, Variances;*

FINDING: The proposed partition complies with or can comply with the provisions of Talent Subdivision and Zoning Code through the application of conditions of approval. **The standard is met with conditions.**

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

FINDING: The proposed plat is a partition and does not have any naming requirements. ORS 92.090(6) requires the City to obtain certification from Talent Irrigation District that all conditions of the district have been met. The applicant acknowledges that prior to final plat, a certificate from Talent Irrigation District that all requirements have been met or are bonded for in accordance with ORS 92.090(6) will be provided to Community Development. **The standard is met with conditions.**

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects; and are consistent with the City's Transportation System Plan. All proposed public improvements and dedications are identified on the preliminary plat; and*

FINDING: Access is available to proposed Parcel 1 from Lithia Avenue; Parcel 2 takes access from Lithia Avenue through the use of a 13' wide access easement extending through Parcel 1. This section of Lithia Avenue features partial improvements, i.e.: paved roads without curbs, gutters or sidewalks. Lithia Avenue is identified as a "Local" Street in the Transportation System Plan (TSP). Considering the lack of current improvements in the area and because the grade is not set on Lithia Avenue, infrastructure improvements would provide no benefit to the proposed development or the other adjacent properties. **The standard is met.**

4. *All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.*

FINDING: There are no common areas required or proposed as part of the partition request. **The standard is not applicable.**

C. *Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zone district, and the standards of TMC 17.10.050(J), Street Alignment and Connections.*
2. *Setbacks shall be as required by the applicable zoning district, unless a PUD is approved with different setbacks.*

FINDING: The subject property is zoned RHD. The minimum lot area for the existing single-family detached dwelling on Parcel 2 is 2,500ft², duplexes also require 2,500ft² of lot area; As proposed, Parcel 1 is 5,026ft² and Parcel 2 is 4,047ft².

The minimum lot width is 25ft for both single-family detached and duplexes; as proposed, both parcels are over 60 feet in width.

The minimum side-yard setback is 5ft, or 8ft if the building height exceeds 18ft as defined in TMC 18.15.020. The minimum rear-yard setback is 10ft. Based on the proposed width and depth of both parcels, the proposed partition creates two buildable parcels that can meet the minimum setbacks. The maximum building coverage is 75 percent for both parcels and compliance will be demonstrated at the time of building permits.

As proposed, both parcels meet all dimensional standards. **The standards are met.**

3. *Each lot shall conform to the standards of TMC 17.10.060, Vehicular Access and Circulation.*

FINDING: The proposed partition complies with or can comply with the provisions of TMC §17.10.060 through the application of conditions of approval listed above. **The standard is met with conditions.**

4. *Landscape or other screening may be required to maintain privacy for abutting uses and buffering for pathways, through lots abutting an arterial or collector Street, grade changes and retaining walls, development on flag lots, and similar situations, consistent with the provisions of TMC Titles 17 and 18 and Chapter 18.105 TMC.*

FINDING: Subject property is zoned RHD and is surrounded by other residentially zoned parcels; there are no conflicting uses necessitating screening or buffering. The minimum landscaped area for residential zones is 30%.

Parcel 1 is 5,026ft² as proposed and requires 1,509ft² minimum landscaped area. This necessitates a minimum of two (2) two-inch caliper trees and eight (8) five-gallon shrubs or accent plants.

Parcel 2 is 4,047ft² as proposed and requires 1,214ft² minimum landscaped area. This necessitates a minimum of two (2) two-inch caliper tree and eight (8) five-gallon shrubs or accent plants. Landscaping for both parcels will be addressed at time of development. **The standard is met with conditions.**

5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also TMC 17.10.060, Vehicular Access and Circulation.*

FINDING: The subject parcel is approximately 136 feet in length, therefore no building on either parcel will be more than 150 feet from a public right-of-way or an approved access drive. **The standard is not applicable.**

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement, which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

FINDING: An access easement where the existing driveway entrance is sited has been proposed to serve Parcel 2. The applicant understands that a condition of approval will be necessary to ensure the property owner records the shared access and maintenance easement and furnishes evidence to the Community Development Department. **The standard is met with conditions.**

F. Future Re-division Plan...

FINDING: The proposed lots cannot be further divided; no re-division plan is required. **The standard is not applicable.**

17.20.070 Filing and Recording

- A. *Filing plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Jackson County for signatures of County officials as required by ORS Chapter 92.*
- B. *Proof of recording. Upon final recording with the County, the applicant shall submit to the City a Mylar copy and three paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.*
- C. *Prerequisites to recording the plat.*
 - 1. *No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92; Final Plat Procedures page 36 Subdivision Code*
 - 2. *No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.*

FINDING: As a general condition of approval, once the City has approved (signed) the plat, the applicant agrees to follow the procedures outlined in TMC Section 17.20.070, Filing and Recording, in the Subdivision Code. **The standard is met with conditions.**

TITLE 18: TALENT ZONING CODE

18.40.020 Buildings and uses permitted subject to Type I permit review.

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- C. *Alteration or expansion of and existing single-family dwellings.*

FINDING: The subject lot is vacant as a result of the Alameda Fire on September 8, 2020, but retains its single-family dwelling land use entitlement on Parcel 1 as it was involuntarily destroyed. In accordance with a Planning Inquiry prepared on October 5, 2021 (**EXHIBIT "C"**) by the Community Development Director, the parent parcel, following the partition will retain the right to rebuild a single-family detached dwelling, while the newly created parcel will conform to the development standards of the Talent Municipal Code.

The standard is met.

18.40.060 Yard regulations.

- A. *Front Yard. The front yard shall have a depth of not less than 20 feet for dwellings and 24 feet for garages and carport entrances.*
- B. *Side Yard.*

1. *Five feet for one- to two-story structures, plus five feet for three-story buildings; zero feet for attached single-family dwellings. The following additional provisions shall also apply to side setbacks:*
 - a. *Ten feet for street-facing side yards on corner lots when side street is a local or an alley; 15 feet when side street is a collector or arterial; 20 feet for garage and carport entrances.*
 - b. *Ten feet on one side for zero-lot-line lots.*

C. *Rear Yard. Ten feet; five feet for alley-access garages.*

FINDING: Both newly created parcels are buildable and can reasonably meet the aforementioned yard setbacks. Parcel 1 front yard will either face Lithia Avenue or the access easement and will be able to meet the minimum front, side and rear yard setbacks with any orientation. Parcel 2, which will be developed with a sideloaded garage and be provided with a 24-foot garage setback along the southern property line. The proposed building footprint will have the primary entrance facing the shared access and can accommodate the required 20-foot front yard setback (**EXHIBIT "D"**). In accordance with the provisions of this Chapter, the required setbacks, including any additional setbacks for additional building height can be met. Rear yard setbacks can be met and will be confirmed at the time of building permits. **The standard is met.**

18.40.065 Density regulations.

- A. *Minimum Density. The minimum density shall be 18 units per net acre.*
 1. *Net Acre. For the purposes of this section, a net acre is the total development acreage net of undevelopable lands (as defined in Chapter 18.15 TMC) and a 24 percent reduction allowing for infrastructure. Development projects less than one and one-half acres in size do not need to subtract infrastructure allowance. Development proposals one and one-half acres or larger may not exempt one and one-half acres from calculating infrastructure allowance.*

FINDING: As proposed, Parcel 2 will be redeveloped with a single-family dwelling. In accordance with a Planning Inquiry prepared on October 5, 2021 (**EXHIBIT "C"**) by the Community Development Director, the parent parcel, following the partition will retain the right to rebuild a single-family detached dwelling, while the newly created parcel (Parcel 1) will conform to the development standards of the Talent Municipal Code.

Parcel 2 will be developed in accordance with the standards and criteria in Chapter 18.40. Proposed Parcel 1 will be approximately 4,047 ft² (approximately 0.09 acres) resulting in a minimum density of 1.70 units. The proposed size of the parcel can accommodate a duplex in accordance with the Lot Area and Dimension requirements. The minimum lot size for a duplex is 2,500 ft². **The standard is met.**

18.40.070 Lot area and dimensions.

- A. *Minimum Lot Area.*

1. *For single-family detached (existing) and duplex dwellings: 2,500 square feet.*
2. *For single-family attached dwellings: 1,800 square feet.*
3. *For triplex, quadplex and multiple-family dwellings: 5,000 square feet.*

C. *Minimum Lot Width.*

1. *For single-family detached (existing) and duplex dwellings: 25 feet.*
2. *For single-family attached dwellings: 20 feet.*
3. *For triplex, quadplex and multiple-family dwellings: 50 feet.*

FINDING: As proposed, Parcel 2 will be redeveloped with a single-family dwelling requiring a minimum of 2,500 ft². Parcel 1 will be required to be developed in accordance with the current regulations and density requirements and therefore will at least need to be developed with a duplex or two single-family attached dwellings. Considering the development requirements and that Parcel 1 is over 5,000 ft², the lot area standard is met.

The minimum lot width of both newly created parcels meets the minimum standards as demonstrated on the Preliminary Plat (**EXHIBIT "B"**). **The standard is met.**

18.115.050 Transportation facility standards.

B. *Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of TMC 18.115.060, Vehicular access and circulation, and the following standards are met:*

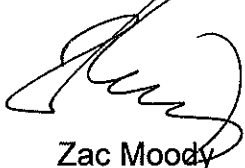
3. *The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exists:*
 - b. *Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;*

FINDING: The property owner respectfully requests that the City accept a future improvement agreement for the development of street infrastructure. Following the Alameda Fire, the city did not on its own determine that street improvements were necessary and have not required any of the non-conforming rebuilds to improve the street adjacent to their replacement dwellings. The city also did not require any of these rebuilt dwellings to sign a non-remonstrance agreement. Considering these actions, it can be assumed that the city is unlikely to complete street improvements in the foreseeable future. Street improvements along this 70-foot-wide frontage would not provide increased street safety or capacity and would minimize pedestrian safety with inconsistent sidewalk facilities. **The standard is met.**

Based upon the information submitted within this application, Talent Community Development finds that the applicant has provided information demonstrating that the proposed partition meets or can meet with conditions the provisions of the Talent Zoning Code.

Based on this information and exhibits attached, the applicant respectfully requests approval of this application.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read 'Zac Moody', written over the printed name.

Zac Moody
Pacific Geographic Consultants, LLC.

EXHIBIT "A"



After recording return to:
Charlie Hamilton
P.O. Box 1313
Talent Or 97540

Until a change is requested all tax
statements shall be sent to the
following address:
Same as above

File No.: 7162-3652422 (JS)
Date: February 18, 2021

Jackson County Official Records **2021-007528**
R-BSD
Stn=6 MAUDLICM **02/19/2021 01:47:43 PM**
\$10.00 \$10.00 \$11.00 \$11.00 \$60.00 **\$102.00**

THIS SPACE R

I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

STATUTORY BARGAIN AND SALE DEED

Suncrest Homes LLC, An Oregon Limited Liability Company, Grantor, conveys to **Charlie Hamilton and Mary Steinbergs, husband and wife as to an undivided 50% and John R. Steinbergs and Carmen V. Steinbergs, husband and wife as to an undivided 50% interest, as tenants in common.**, Grantee, the following described real property:

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

LOT 13, BLOCK 1 OF PACIFIC ESTATES - UNIT NO. 1 TO THE CITY OF TALENT, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 11, PAGE 60 OF PLAT RECORDS.

The true consideration for this conveyance is **\$60,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305

PACIFIC ESTATES - UNIT NO. 1
 NE 1/4 SEC. 26, T. 38 S., R. 1 W., W.M.
 CITY OF TALENT
 JACKSON COUNTY, OREGON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: that we, Duane M. Ross, husband and wife, are the owners in fee simple of the lands herein described and that we have subdivided the same into lots, blocks and streets as shown hereon, and the number and the size of the lots and the lengths of all lines are plainly set forth and that this plat is a correct representation of the said subdivision and we do hereby dedicate to the public for public use all streets hereon with all easements and that this plat and the dedication hereof is subject to the condition that Talent Irrigation District's obligation to deliver water is limited to delivery of the point indicated on the plat and is further subject to the statutory power, rules and regulations of Talent Irrigation District and we do hereby designate said subdivision as: PACIFIC ESTATES - UNIT NO. 1.

IN WITNESS WHEREOF we have set our hand and seal this 24th day of January, 1973.

Duane M. Ross
 Duane M. Ross
 Thelma J. Ross

STATE OF OREGON)

County of Jackson)

Notary Public for Oregon

Personally appeared the above named Duane M. Ross and Thelma J. Ross and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Walter P. ...
 Notary Public for Oregon

My Commission expires the 27 day of April 1973.

Examined and approved by the City of Talent Planning Commission in open meeting this 9 day of January 1973.

Attest: *Richard J. ...*
 President

Examined and approved by the Talent Irrigation District in special session this 14th day of January 1973.
 Attest: *...*
 Secretary

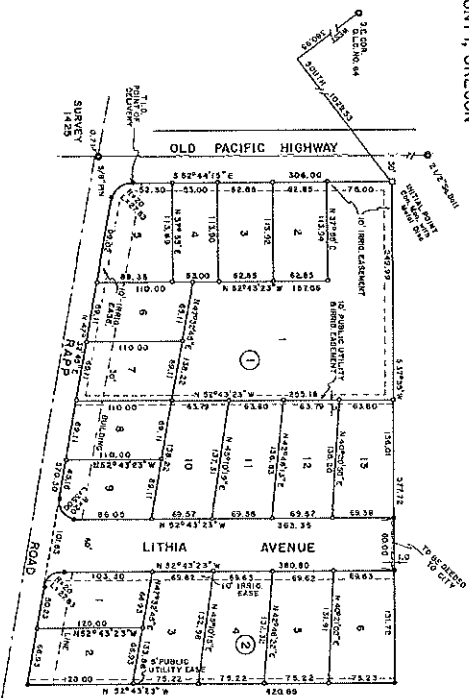
Examined and approved this 1st day of February 1973.
Ray E. ...
 County Assessor

All taxes paid in full to date this 15 day of July 1973.
...
 County Sheriff

Examined and recommended for approval by the Board of County Commissioners this 9th day of July 1973.
...
 County Surveyor

For order of the Board of County Commissioners approving this plat see Volume _____ Page _____ of the County Commissioners' Journal of Proceedings.
 by *...*
 Deputy
 County Clerk

Filed for record this the 14th day of February 1973, at 11:36 o'clock A.M. and recorded in Volume _____ of Plats or Pages _____ of Records of Jackson County, Oregon.
 by *...*
 Deputy
 County Clerk



SCALE 1" = 100'
 3/8" Iron Pipe set flush
 1/2" Iron Pipe set flush
 Monument Found
 BASIS OF BEARINGS:
 SURVEY NO. 1423

SURVEYOR'S CERTIFICATE

STATE OF OREGON)
 County of Jackson) SS

I, Victor Thomas, a duly registered surveyor of the State of Oregon, being first duly sworn, do hereby certify that I have carefully surveyed and marked with proper monuments, as provided by law the tract of land herein shown, and the said plat is a correct representation of the same, and the following is an accurate description of the boundary lines: Beginning at a concrete monument with metal disc on the northeasterly boundary of Old Pacific Highway, from which the Southeast corner of Donation Land Claim No. 64, Township 35 South, Range 1 West, Willamette Meridian, bears South 102° 53' 58" East, 380.35 feet; thence South 52° 44' 15" East, along said Highway boundary, 306.00 feet; thence along the arc of a 20.00 foot radius curve left, (the long chord bears North 87° 24' 15" East, 25.64 feet) 27.83 feet; thence North 47° 32' 45" East, 570.30 feet; thence North 52° 45' 23" West, 420.89 feet; thence South 37° 55' West, 577.72 feet to the Initial Point of Beginning.

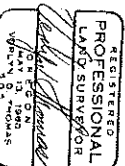
Victor Thomas
 Surveyor



Subscribed and sworn to before me this 2 day of January 1973
 My commission expires the 21 day of April 1973.
Walter P. ...
 Notary Public for Oregon

This is to certify that this tracing is an exact copy of the original plat.

Walter Thomas
 Surveyor



No. 5095-

SURVEY HARRIETTE TO ACCOMPANY PLAT OF
PACIFIC ESTATES - UNIT NO. 1
TALENT, OREGON

FOR: Duane Ross
1640 Anderson Creek Road
Talent, Oregon

PROCEDURE: Established center-line of Old Pacific Highway between 5/8th
Iron pin set in Recorded Survey No. 1425, and square headed bolt set by
Surveyor Charles Hurst. Right-of-way line of Rapp Road established at
dead record distance from the D.L.C. line, and record angle for Old Pacific
Highway. Additional exterior subdivision boundaries established according
to deed description.

JACKSON COUNTY
RECEIVED
FEB 14 1973
SURVEYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Robert Thomas
OREGON
MAY 13 1969
VERNON D. THOMAS
503

EXHIBIT "B"

TENTATIVE PARTITION PLAT

Of Lot 13, Block 1, PACIFIC ESTATES, UNIT NO. 1
& In the S.E. 1/4 of Sec. 26, T.38S., R.1W., W.M.
City of Talent, Jackson County, Oregon

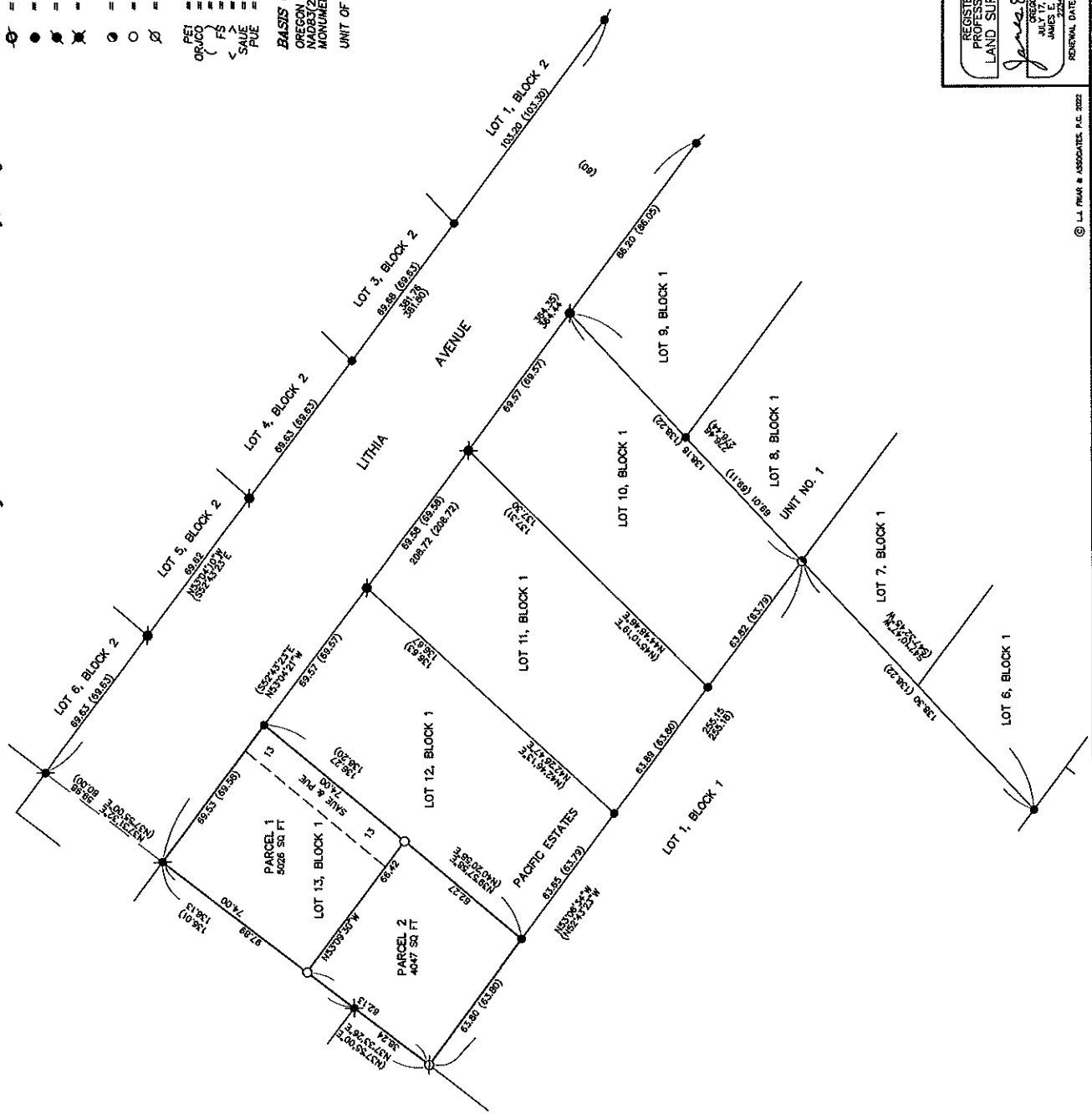
LEGEND:

- ⊙ = FD. COPPER MONUMENT IN CURB PER FS22790.
- ⊙ = FD. MAG NAIL & WASHER IN ASPHALT PER FS22790.
- ⊙ = FD. BRASS DISC IN CONCRETE. SEE FS22790.
- ⊙ = FD. ALUMINUM CAP PER FS22790.
- ⊙ = FD. 5/8" IRON PIN PER PET.
- ⊙ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. NEATHAMER SURVEYING PER FS23598.
- ⊙ = FD. BRASS WASHER MKD. NEATHAMER SURVEYING & TACK IN LEAD PLUG IN CONCRETE PER FS23598.
- ⊙ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC PER FS233356.
- ⊙ = SET 5/8" X 24" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ⊙ = SET 5/8" X 30" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ⊙ = PACIFIC ESTATES, UNIT NO. 1.
- ⊙ = RECORD DEEDS OF JACKSON COUNTY, OREGON.
- ⊙ = FILED SURVEY #.
- ⊙ = POINT NUMBER PER FS22790.
- < > = SHARED ACCESS & PRIVATE UTILITY EASEMENT FOR PARCELS 1 & 2 PER THIS PLAT.
- < > = PUBLIC UTILITY EASEMENT PER THIS PLAT.

BASIS OF BEARINGS:

OREGON COORDINATE REFERENCE SYSTEM (OCRS) GRANTS PASS-ASHLAND ZONE, NAD83(2011) EPOCH 2010 BASED ON THE BEARING OF N53°44'40"W BETWEEN MONUMENT #1747801 & #1747810 AS SHOWN ON FS22790 AND HEREON.

UNIT OF MEASUREMENT = FEET SCALE: 1" = 30'



NOTES:
 1. PROPOSED PUBLIC UTILITY EASEMENT FOR PRIVATE UTILITY EASEMENT FOR PARCELS 1 & 2.
 2. ALL PROPOSED SHARED ACCESS EASEMENTS FOR PARCELS 1 & 2.
 3. NEW WATER, POWER, GAS, STORM, SEWER TO PARCEL 2 TO RUN UP SALE.
 4. SE = APPROX. LOCATION OF SEWER LINE.

<p style="text-align: center;">REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p style="text-align: center;"><i>Jane L. Friar</i></p> <p style="text-align: center;">OREGON JANUARY 1, 1985 JAMES L. HIRSH 2024</p> <p style="text-align: right;">RENEWAL DATE: 6-30-23</p>	<p style="text-align: center;">TENTATIVE PARTITION PLAT</p> <p style="text-align: center;">SUBJECT: UNIT NO. 1, PACIFIC ESTATES, LOT 13, BLOCK 1, T.38S., R.1W., W.M., CITY OF TALENT, JACKSON COUNTY, OREGON.</p> <p style="text-align: center;">FOR: SUNQUEST HOMES, LLC PO BOX 1313 TALENT, OR 97540</p> <p style="text-align: center;">L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS 1000 N. TALENT AVENUE, SUITE 100 TALENT, OREGON 97540 PHONE: (503) 272-7272 OR (503) 272-7273 FAX: (503) 272-7274 WWW.LJFRIARANDASSOCIATES.COM</p>
<p>DATE: 23 MAY 2022</p> <p>SCALE: 1" = 30' HORIZ</p> <p>DRAWN BY: JLF</p> <p>CHECK BY: JLF</p> <p>REVISED: 7/2022</p> <p>DATE: 2/23/2024</p> <p style="text-align: right;">Sheet 1 of 1.</p>	

EXHIBIT "C"



CITY OF TALENT □ COMMUNITY DEVELOPMENT

PO Box 445, Talent, Oregon 97540

Phone: (541) 535-7401 Fax: (541) 535-7423 www.cityoftalent.org

October 5, 2021

Pacific Geographic Consultants, LLC
4620 Fern Valley Road,
Medford, OR 97504

RE: Land Use Interpretation the preservation for rebuild of Single Family Residential in the High Density Residential District

Dear Mr. Moody,

On September 29, 2021, the city received your request that the Community Development Department provide written interpretation regarding the preservation of single-family (detached) residential dwellings within the Almeda Fire burn area located in the High Density Residential Zone.

Prior to the recent 2019 City of Talent zoning code update (per Ordinance 951 amendment of Ordinance 458, Talent zoning Code amending title 8, Chapter 3 Division C Article 4 Multi-Family High Density Uses, currently Title 18, Section 18.040) Residential Zone High-Density (RHD) allowed single-family residential development. In this recent update, single family homes were removed as a permitted use in the High-Density Residential Zone.

The City of Talent allows “like-for-like” to be developed in the Almeda Fire burn area despite non-conforming status. The intent is to encourage the redevelopment of the area, including single family residential development within the High-Density Residential Zone. This means that although the single-family houses destroyed in the Almeda fire were classified as “non-conforming,” they could be replaced pursuant to current zoning setbacks and lot coverage requirements. As stated in your letter and outlined in the zone code, Section 18.195.010 Nonconforming Uses:

“...existing single-family residential uses shall not be treated as nonconforming uses, unless such use is voluntarily discontinued.”

Because the city currently allows single-family residential homes to be rebuilt in the high-density residential burn area, your request to split the property prior to a replacement build of a detached single-family residence *and* maintain that use on the parent property in perpetuity while developing the newly created parcel for high-density residential appears to be reasonable.

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

The City of Talent is an Equal Opportunity Provider



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Staff understands that the record keeping of these lots may be difficult. However, applicants developing properties in the Almeda Fire burn area will create further housing opportunities in the City if given the flexibility of either building a single-family residence prior to the division of the parcel or following the land division of the parcel. Therefore, provided the properties meet the High-Density Zone criteria, the Community Development Department will make findings that allow the parent lot of a partitioned property to redevelop as a single-family residence if the property owner so chooses.

This post fire land use interpretation allows the high-density residential property owners the ability to maximize develop of their property to suit their needs following this tragic and disruptive event.

Sincerely,



Kristen Maze
Community Development Director

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EXHIBIT “D”

