

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)
4000, JASON ROSSETTO, APPLICANT; PACIFIC)
GEOGRAPHIC CONSULTANTS, LLC., AGENT)

**FINDINGS OF
FACT**

A. Applicant Information

Owner

Realth Investments, LLC.
201 Bateman Drive 9
Central Point, OR 97502

Applicant

Jason Rossetto
PO Box 1958
Phoenix, OR 97535

Agent

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

B. Property Description

The subject lot totals approximately 0.17 acres and is zoned Residential – High-Density (RHD). The subject parcel is located at 401 Talent Avenue, a publicly owned and maintained street. The subject parcel is located within the Jackson County Fire District.

The dwelling on the subject lot was destroyed a result of the Almeda Fire on September 8, 2020 but retained its single-family dwelling land use entitlement and is currently under construction. The parent parcel following the partition will retain the right to the 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 and Parcel 2 is from Talent Avenue. This section of Talent Avenue features partial improvements, i.e.: paved road without curbs, gutters or sidewalks. Talent Avenue is identified as a “Collector” Street in the Transportation System Plan (TSP). No new public streets or dedications are required as part of this request. Required street improvements are described herein.

Wastewater Service

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

Water Service

Water service currently supplies the parcel 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: 401 Talent Avenue, into two (2) parcels. The parcel currently totals 0.17 Acres (7,217 sq. ft.). Parcel 1 has a lot area of approximately 3,659 sq. ft. while Parcel 2 would include 3,558 sq. ft. As proposed, both new parcels will take access from Talent Avenue. Access to the driveways serving Parcel 1 can reasonably meet the required intersection separation of 30 feet.

D. Lot Legality

The subject lot was created in 1977 as Parcel 1 of Survey 6931, approved by the Talent City Council in September 1977 (**Exhibit A**).

E. Exhibits

- Exhibit A – Lawful Parcel Documents
- Exhibit B – Tentative Plat
- Exhibit C – Engineer’s Report
- Exhibit D – Pre-Application Memo

F. Applicable Criteria

The purpose of this application is to clearly demonstrate that the subject parcel is in compliance with the Talent Zoning Code (TZC) and Talent Subdivision Code (TSC). 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)**

TITLE 17: SUBDIVISIONS

17.10 – Development and Design Standards

17.10.040 Street trees

B. Plantings. Street trees shall be planted in planter strips on all arterial and collector streets, for all developments that are subject to land division or site design review, except that street trees may be planted in planter wells as provided in subsection (E) of this section. Street trees are encouraged, but not required, for local streets. When provided on local streets, street trees shall be in planter strips. Additional requirements for tree planting are provided in TMC 18.105.030. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks.

FINDING: The subject property has access from Talent Avenue, a partially improved city street. This segment of Talent Avenue is classified as 'Collector' street. Collector streets in Talent require street trees in planter strips upon request of a land division. Landscape strips are provided along the east side of Talent Avenue and would be continued along the frontage of the subject property where the landscape strip does not interfere with the required driveway access. The applicant requests the above standard be applied as a condition of approval prior to occupancy. **The standard is met with conditions.**

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.*

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: The subject property has access from Talent Avenue and Rapp Road. After discussions with Planning staff and consultation with the City Engineer, it has been determined that access for both parcels can be approved via Talent Avenue, reducing potential traffic conflicts. A limited traffic count completed by Southern Oregon Transportation Engineering, LLC., an Oregon Professional Engineer (**Exhibit C**) has been provided and demonstrates that traffic counts at this intersection during PM Peak hours is less on Talent Avenue than on Rapp Road. Therefore, access from Talent Avenue for both lots provides for safer back out movements compared to providing access to both Rapp Road and Talent Avenue. Although no additional streets are proposed as part of this request, the driveway location will need to be changed to accommodate the newly created parcels. The applicant requests the above standard be applied as a condition of approval at the time of development. **The standard is met with conditions.**

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 application is for a partition. There are no known safety, congestion or capacity problems in this area, and the potential future trip generation will not reach 50 or more net peak hour trips as the result of two new duplex dwellings. A TIS is not required in accordance with TMC §18.185.020. **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...

B. The preliminary plat for a partition shall be an administrative review with public notice. The preliminary plat for a subdivision shall be a quasi-judicial hearing with public notice.

FINDING: The applicant participated in a pre-application conference on June 22, 2022 (**Exhibit D**) and has submitted the application form provided by the city planner, a copy of the findings and tentative plat and the required fees. **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. **The standard is not applicable.**

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.*

FINDING: As proposed, the subject property takes access from Talent Avenue, a partially improved city street. Although no additional streets are proposed as part of this request, the driveway location will need to be changed to accommodate the newly created lots. Additionally, collector streets in Talent require street trees in planter strips upon a request for a land division. Sidewalks, bicycle lanes, and landscape strips are provided along the east side of Talent Avenue and would be continued along the frontage of the subject property where the landscape strip does not interfere with the required driveway access. The applicant requests the above standard be applied as a condition of approval prior to occupancy. **The standard is met with conditions.**

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...*

FINDING: The subject property is zoned RHD. The minimum lot area for single-family attached dwellings is 1,800ft² and the minimum lot area for duplex dwellings is 2,500ft.². As proposed on the Tentative Plat (**Exhibit B**) Parcel 1 is 3,659 sq. ft. and Parcel 2 is 3,558 sq. ft. These lots would feature dimensions to accommodate either a single-family attached or detached dwelling or a duplex, although the intent is to build two duplex dwellings (one duplex on each new lot).

The building coverage will be reviewed and confirmed for compliance prior to the issuance of building permits. Both parcels are significantly larger than most dwelling footprints and can feasibly be built to accommodate the necessary front, side and rear setbacks as well as the maximum 75 percent lot coverage.

The minimum lot width for single-family detached and duplex dwellings is 25 feet and the minimum lot width for a single-family attached dwellings is 20 feet. As proposed, both Parcel 1 and Parcel 2 offer a width of more than 50 feet and a depth of close to 60 feet. These lots would feature dimensions to accommodate most dwelling types.

The building height, coverage and setbacks will be reviewed for compliance with the zoning regulations at the time of building permits. **The standard is met with conditions.**

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

FINDING: The subject property has access from Talent Avenue, a partially improved city street. Conformance with these standards is addressed in the findings for TMC 17.10.060 herein. **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: The subject property is surrounded by similarly zoned parcels (RHD) and is not proposed as a through or flag lot and features an even grade. **The standard is not applicable.**

5. *In conformance with the Uniform Fire Code, a 20-foot-wide 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 proposed lot depth does not exceed 150 feet. **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: The subject properties after the division will both access Talent Avenue, a partially improved city street. No shared accesses are being created as part of this request. **The standard is not applicable.**

- D. *Conditions of Approval. City staff, planning commission, or city council may attach such conditions as are necessary to carry out provisions of this code...*

FINDING: The applicant understands and agrees that the City may apply necessary and reasonable conditions of approval for this land division application. **The standard is met with conditions.**

- E. *The city may require that reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.*

- F. *Future Redivision Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the city shall require that the lots be of such size, shape, and orientation as to facilitate future redivision in accordance with the requirements of the zoning district and this code. A redivision plan shall be submitted that identifies:*

FINDING: The subject property is zoned RHD. The minimum lot area for single-family attached dwellings is 1,800 sq. ft. and the minimum lot area for duplex dwellings is 2,500 sq. ft. As proposed, Parcel 1 is 3,659 sq. ft. and Parcel 2 is 3,558 sq. ft. These lots include dimensions that accommodate most dwelling types. Neither of the resulting lots will be greater than two time or 200 percent of the minimum lot size allowed by the underlying zone, and neither would be subdividable following the construction of the proposed duplex dwellings. **The standard is not applicable.**

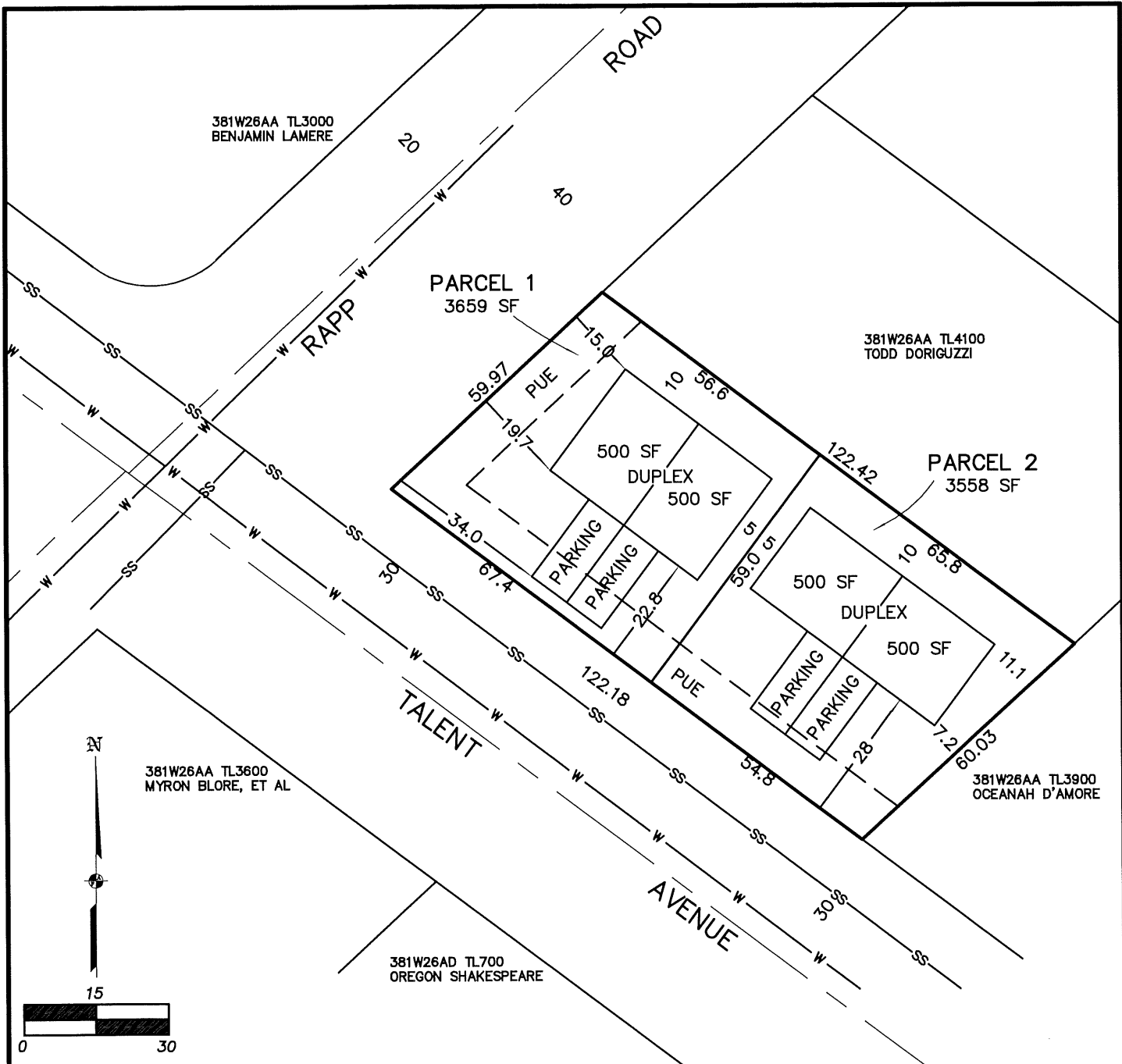
G. Compliance. All submittals shall demonstrate compliance with Chapter 17.10 TMC, Development and Design Standards, and Chapter 18.85 TMC.

FINDING: The proposal demonstrates compliance with TMC Chapter 17.10 and is not within the OFPG overlay of TMC Chapter 18.85. **The standards are met.**

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Mark', written in a cursive style.

Pacific Geographic Consultants, LLC.



NOTES:
 PUE = PROPOSED PUBLIC UTILITY EASEMENT.
 -SS- = APPROX LOCATION OF SEWER MAIN.
 -W- = APPROX LOCATION OF WATER MAIN.

REGISTERED PROFESSIONAL LAND SURVEYOR <i>James E. Hibbs</i> OREGON JULY 17, 1986 JAMES E. HIBBS 2234 RENEWAL DATE: 6-30-23	TITLE: TENTATIVE PARTITION PLAT ASSESSOR'S MAP #: 381W26AA TL4000	DATE: 6 OCT 2022
	FOR: REALTH INVESTMENTS LLC 201 BATEMAN DR. #9 CENTRAL POINT, OR 97502	SCALE: 1 inch : 30 feet
 L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS P.O. Box 1947, Phoenix, OR 97535 Phone: (541) 772-2782 Email: ljfriarandassociates@charter.net	ORIGIN:	ROTATION: 0° JOB#: 22170FM
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