



**BEFORE THE TALENT PLANNING COMMISSION
STATE OF OREGON, CITY OF TALENT**

IN THE MATTER OF PLANNING COMMISSION FILE NO. CUP)
2022-001 LOCATED AT 618 S. PACIFIC HWY [MAP NO. 38-1W-) ORDER
25B TAXLOT 2800 & 2804], THE CITY OF TALENT PLANNING)
COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on February 22, 2022;
2. The Planning Commission asked the Community Development Director to present a staff report and a proposed final order with findings and recommendations;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Commission found that the proposed application complied substantially with the criteria for approval in 18.155 and 18.60 of the Talent Zoning Code.

The Talent Planning Commission approves the Conditional Use Permit (CUP 2022-001) with the following conditions of approval:

GENERAL CONDITIONS:

1. Obtain any necessary building permits and licenses necessary to operate a coffee roastery.
2. Coordinate with the Department of Environmental Quality to meet any conditions with respect to state environmental quality rules and standards.
3. Applicant will install mitigation equipment as described in the findings below, including the fan, venting system and stack that releases roaster exhaust above the tree line. If this mitigation strategy proves to be ineffective, applicant will install technical upgrades to prevent any impact caused by nuisance odor.
4. The applicant must follow applicable fire and building codes related to the practice of coffee roasting, installation of equipment, venting or related activities in the space.
5. Applicant shall obtain a City of Talent business license prior to operating a business in City of Talent.

6. Applicant shall obtain a sign permit prior to installation of a business sign.
7. All waste produced on site shall be stored in a manner that will not attract insects or rodents or create a health hazard.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

8. All conditions required in SPR 2021-004 need to be met by the landowner prior to any business moving in or operating at this address. These conditions include:
 - a) All new sewer service must be constructed, inspected, and accepted per RVSS standards.
 - b) All new stormwater facilities must be constructed, inspected, and accepted per RVSS standards.
 - c) Landowner shall install landscaping per the approved landscape plan.
 - d) Landowner shall install four bicycle parking spaces.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested conditional use permit to operate a coffee roastery based on the information presented in the Staff Report and Findings of Fact below:

In the following, any text quoted directly from City codes appears in *italics*; staff findings appear in regular typeface.

18.60.050 BUILDINGS AND USES SUBJECT TO CONDITIONAL USE REVIEW

The planning commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Chapter 18.155 TMC. The following uses permitted conditionally in the CH zone meet the description and purpose set forth in Chapter 18.155 TMC:

- N. *Manufacture of food products, pharmaceuticals, and the like, but not including the production of fish, meat or fermented foods such as vinegar, or the rendering of fats and oils, subject to the provisions and requirements of the IL zone.*

FINDING: The proposed coffee roastery is to be located in a portion of a warehouse building that is currently under construction in the CH zone. The property underwent a Type II Site Development Review in 2021 (SPR 2021-004), and was deemed to meet the relevant municipal code provisions. Manufacture of food products may be permitted in the CH zone under a Conditional Use Permit subject to the provisions and requirements of the Light Industrial Zone. **The provisions and requirements of the Light Industrial Zone (IL zone) can be met subject to the conditions in the findings below.**

18.70.100 CONDITIONS REQUIRED OF ALL USES IN THE LIGHT INDUSTRIAL ZONE

- A. *Any use or portion thereof must demonstrate, by noise prediction methods, that it shall not exceed State Department of Environmental Quality standards set forth in OAR Chapter 340, Division 35, Oregon State Noise Control Regulations for Industry and Commerce.*

FINDING: The roasting facility will not produce noise that is discernable outside of the warehouse building. **The provisions of this section do not apply.**

- B. *Any use or portion thereof producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard to any property adjacent to the light industrial zone.*

FINDING: The roasting operations will take place inside of a metal building with metal interior walls. Applicant shall locate the roaster with the interior clearances recommended by the manufacturer of the roaster. Per comments from Jackson County Fire District #5, applicant must follow applicable fire and building codes related to the practice of coffee roasting, installation of equipment, venting or related activities in the space. **The provisions of this section can be met subject to conditions of approval.**

- C. *There shall be no emissions of odorous, toxic or noxious matter, or dust, in such quantities as to be readily detectable from any point outside the light industrial zone as to produce a public nuisance, hazard, or violation of state environmental quality rules and standards.*

FINDING: Unpleasant nuisance odors detectable outside the subject property will not be allowed. The State of Oregon Department of Environmental Quality requires a General Air Containment Discharge Permit for coffee roasting operations that roast 30 tons of coffee beans per year or more. Applicant has proposed a small-scale operation that will begin roasting only one day per week, about 5,200 pounds annually. As they are under the DEQ threshold, they will not be required to obtain a discharge permit; however, they are required to notify the DEQ of the proposed project, enabling the DEQ to monitor the operation if complaints are filed. Operating hours will be between the hours 8am-5pm, Monday-Friday (not all hours of operation will be roasting hours). While operating at this scale, applicant proposes to mitigate any noticeable odors with a venting system that terminates via a stack installed at the highest roof point, 25 feet above ground. The stack will be located toward the front of the warehouse, over 70 feet away from the abutting residential properties. Applicant also intends practice a roasting technique that will stop the roasting prior to carbonization of the beans, the step that produces acrid and unpleasant smoke. If nuisance odors are detectable, applicant has indicated they will invest in a smoke and odor suppression system that will remove the nuisance odors. Nuisance conditions will be verified by DEQ personnel.

Applicant has issued an Intent to Construct to the Department of Environmental Quality, so they can be contacted if the DEQ receives any complaints. If applicant expands roasting operation to meet the threshold requiring a Discharge Permit, applicant shall coordinate with the DEQ to meet any conditions with respect to state environmental quality rules and

standards, including the emission of nuisance odors. **The provisions of this section can be met subject to the conditions of approval.**

D. *All off-street parking or loading spaces shall be surfaced with a dust-free material and shall be maintained.*

FINDING: Parking and loading areas are paved with asphalt. **The provisions of this section have been met.**

E. *All materials, including wastes, shall be stored, and all grounds maintained, in a manner which will not attract or aid the propagation of insects or rodents, or create a health hazard.*

FINDING: Per the applicant's findings, coffee roasting produces a small quantity of coffee chaff. All waste produced on site shall be stored in a manner that will not attract insects or rodents or create a health hazard. **The provisions of this section can be met subject to conditions of approval.**

F. *All business, service, repair, processing, storage or merchandise display abutting or facing a lot in a residential zone shall be conducted wholly within an enclosed building, unless screened from the residential zone by a sight-obscurating hedge or fence permanently maintained and at least six feet in height.*

FINDING: All activities conducted with respect to the coffee roastery will take place inside the warehouse. **The provisions of this section have been met.**

G. *No fences or hedges shall be located in any required yard area.*

H. *Access points from a public street to properties in the light industrial zone shall be so located as to minimize traffic congestion on arterials and to avoid directing traffic onto local access streets of a primary residential nature, and will conform with the requirements and provisions of Chapter 18.115 TMC.*

FINDING: No fences or hedges have been proposed in the yard area. Existing access points to the taxlot have been reviewed and approved (SPR 2021-004). **The provisions of this section have been met.**

18.110.060 NUMBER OF PARKING SPACES REQUIRED

A. *The number of off-street parking spaces required shall be not less than as set forth in Table 18.110.060-1, except as otherwise provided in this chapter.*

Table 18.110.060-1. Parking Requirements by Use

| Use | Standard |
|--|---|
| Industrial Uses | |
| Industrial uses listed as permitted in the light industrial zone | 2 spaces minimum, plus 1 space per 2 employees on the maximum shift, or 1 space for each 700 square feet of gross floor area, whichever is less, plus 1 space per company vehicle |

FINDING: The subject parcel is zoned Highway Commercial (CH) and the site plan for parking contains 14 standard spaces and two reserved ADA compliant spaces. In addition to the proposed roastery, the parcel will be occupied by a 7,500 SF storage building and a studio space for a local artist. Cerberus Coffee expects to have 2 employees on premises, requiring a total of 3 spaces as proscribed for industrial uses such a food production. This will leave 12 spaces for the other uses on the site, which also fall into the industrial category. **The provisions of this section have been met.**

18.110.100 BICYCLE PARKING FACILITIES

Commercial, industrial facilities and multiple-family dwellings shall provide adequate, safe and conveniently located parking facilities for bicycles. All uses, which are subject to site design review, shall provide bicycle parking, in conformance with the following standards, which are evaluated during site design review:

- A. *Number of Bicycle Parking Spaces. A minimum of two bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces.*
- C. *Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided, unless demonstrated otherwise by the applicant. Street furniture includes benches, streetlights, planters, and other pedestrian amenities. Creative designs are strongly encouraged.*

FINDING: A location for collective bicycle parking is indicated on the west side of the taxlot, per the approved site plan reviewed in 2021 (SPR2021-004). Two spaces are required per use. With the addition of the coffee roastery, four parking spaces will be necessary. Location of bicycle parking is convenient to the Arnos St entrance and one of the building entrances. **The provisions of this section can be met subject to conditions of approval.**

18.115.030 STREET ACCESS AND CIRCULATION

- A. *General. This chapter shall apply to all public streets within the City and to all properties that abut these streets.*

1. *General Considerations. The number of access points to a single property shall be limited to a minimum that will allow the property to accommodate and service such traffic as may be reasonably anticipated to be commensurate with the safety of the traveling public and must not infringe on the frontage of adjoining property. Access points shall be located where they do not create undue interference or hazard to the free movement of normal road, bicycle, or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other services that affect traffic operation are to be avoided.*

FINDING: Two approved access points exist one from South Pacific Highway the other from Arnos Street. Both serve the parking lot. No changes to access are proposed. **The provisions of this section are met.**

18.155.060 GENERAL CRITERIA FOR APPROVAL

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable. A conditional use may be granted only if:

- A. *The proposed use is consistent with the City of Talent Comprehensive Plan.*

FINDING: The proposed use is consistent with the intent of the uses allowed on a property with a commercial Comprehensive Plan Designation. **The provisions of this section have been met subject to conditions of approval.**

- B. *The proposed use is consistent with the purpose of the zoning district.*

FINDING: The purpose of the CH zoning district is to accommodate businesses and trade oriented toward automobile and truck usage. Tourist trade and heavy commercial or light industrial uses can also be accommodated in this zone. The proposed use is the addition of coffee roastery falls into the light industrial category food production, and is allowed as a conditional use in the CH zone. The proposed use has met or can meet the conditional use requirements of 18.155.060 with conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

- C. *The proposed use and development are found to meet the required findings of TMC 18.150.050, Required findings for approval of plan, set forth for approval of a site development plan review.*

FINDING: The proposed coffee roastery is to be located on a property that underwent Site Development Review in 2021 (SPR 2021-004), and was found to meet the required findings of TMC 18.150.050. The current applicant will not be making any changes to the site plan that was submitted and approved in 2021. The applicant has provided a site plan identifying the location of the existing buildings and improvements as required by this section. **The provisions of this section have been met.**

- D. *The proposed use will not adversely affect the livability, value, and appropriate development of abutting properties and the surrounding area, compared to the impact of uses that are permitted outright. Testimony of owners of property located within 250 feet of the boundaries of the property in question shall be considered in making this finding.*

FINDING: With the mitigation strategy proposed by the applicant, which includes short-duration roasting technique, venting, and the release of roaster exhaust above the tree line, the proposed addition of a coffee roasting operation will be a low-impact business similar in nature to other local businesses. **The provisions of this section can be met subject to conditions of approval.**

- E. *All required public facilities have adequate capacity to serve the proposal. System development charges will be assessed at the time a building permit is issued. Additional SDCs will be assessed for changes in use that are more intense than a preexisting use.*

FINDING: The proposed use will not create capacity issues for the public facilities. **The provisions of this section have been met subject to conditions of approval.**

- F. *The conditional use must include mitigation for any decrease in level of service exceeding city standard or operational safety of the transportation system if the proposal generates more than 500 daily vehicle trips or an additional 50 peak hour trips, per Chapter 18.185 TMC, Traffic Impact Study.*

FINDING: The proposed use of a portion of the warehouse as a coffee roastery does not increase the site size, building dimensions, location, topography or generate a significant increase in traffic. **The provisions of this section have been met.**

- G. *The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.*

- H. *The city of Talent has adequate firefighting equipment to protect the structure, as verified by the Talent fire chief, or arrangements have been or will be made by the developer to ensure that adequate equipment will be available before the occupancy of the building for any use. [Ord. 911 § 2 (Exh. A), 2016; Ord. 817 § 8-3L.244, 2006.]*

FINDING: The proposed use of the building does not increase the site size, building dimensions, location, topography or generate a significant increase in traffic. Jackson County Fire District #5 was given notice of the proposed application and provided the following comment: “The applicant must follow applicable fire and building codes related to the practice of coffee roasting, installation of equipment, venting or related activities in the space.” **The provisions of this section can be met subject to conditions of approval.**

18.155.080 CONDITIONS AND RESTRICTIONS

Conditional uses, including those not listed in TMC 18.155.070, may be subject to additional standards. In permitting a new conditional use or the substantial alteration of an existing conditional use, the planning commission may impose conditions and require the installation of improvements which it considers necessary to conform to the provisions of this title and to protect the best interests of the surrounding area or the city as a whole, and may require guarantees and evidence that such conditions are being or will be complied with. These conditions and improvements may include, but are not limited to, the following:

C. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, air pollution, water pollution, glare and odor and to minimize effects of and on known natural hazards;

FINDING: The proposed use of the building as a coffee roastery will produce odors; however per the applicant's findings, a ventilation system has been proposed that will direct any odor away from nearby buildings. Applicant shall coordinate with the Department of Environmental Quality to obtain any required permits and meet any conditions with respect to state environmental quality rules and standards. **The provisions of this section can be met subject to conditions of approval.**

18.150.050 REQUIRED FINDINGS FOR APPROVAL OF PLAN

After an examination of the site, the Planning Commission shall approve, or approve with conditions the site development plan if all of the following findings are made:

- A. All provisions of this Chapter and other applicable City ordinances and agreements are complied with;*
- B. The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;*

FINDING: The purpose of the CH zoning district is to accommodate businesses and trade oriented toward automobile and truck usage. Tourist trade and heavy commercial or light industrial uses can also be accommodated in this zone. The proposed use is the addition of coffee roastery falls into the light industrial category food production, and is allowed as a conditional use in the CH zone. The proposed use has met or can meet the conditional use requirements of 18.155.060 with conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

- C. All applicable portions of the City comprehensive plan or other adopted plan are complied with;*

FINDING: The proposed use is consistent with the intent of the uses allowed on a property with a commercial Comprehensive Plan Designation. **The provisions of this section have been met subject to conditions of approval.**

- D. The proposed development will be compatible with or adequately buffered*

from other existing or contemplated uses of land in the surrounding area;

FINDING: The subject parcel and the area in general is zoned Highway Commercial (CH). However, there is a residential use directly adjacent to the proposed use. The warehouse and surrounding site are currently under construction, and will be required to adhere to the landscape plan that was approved during Site Plan Review (SPR 2022-004), which includes buffering where the property abuts residential uses. **The provisions of this section have been met.**

- E. *That no wastes, other than normal water runoff, will be conducted into City storm and wastewater facilities;*

FINDING: No new structures are being proposed and the existing and proposed uses do not produce any exterior waste other than normal water runoff. **The provisions of this section have been met.**

- F. *The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:*

3. *parking and loading facilities;*

FINDING: No site improvements are being proposed at this time. Existing parking is adequate for this use. **The provisions of this section have been met.**

4. *Setbacks and views from structures;*
5. *walls, fences, landscaping and street and shade trees.*

FINDING: No site improvements are being proposed at this time. The warehouse has been reviewed and approved and is currently under construction. An approved landscape plan was submitted during the Site Plan Review (SPR 2021-004) and shall be completed before a certificate of occupancy is awarded. **The provisions of this section have been met.**

6. *Lighting and signs; and*
7. *Noise generation facilities and trash or garbage depositories;*

- G. *The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this title and the applicable portions of TMC Title 17, or has provided for required security arrangement with the city to ensure that such improvements will be made. [Ord. 966 § 2 (Exh. B), 2021; Ord. 817 § 8-3L.150, 2006.]*

FINDING: The proposal does not include exterior lighting or noise generation. The small amount of waste that will be produced can be composted off-site or added to the normal

waste stream. The use, as proposed, does not require additional public facilities or service improvements. Any signs will require a signage permit from the City of Talent. **The provisions of this section can be met subject to conditions of approval.**

This approval shall become final 14 days from the date this decision and supporting findings of fact are signed by the Chair of the Talent Planning Commission, below. A Planning Commission decision may be appealed to the Hearing's Officer within 14 days after the final order has been signed and mailed. An appeal of the Hearing's Officer decision must be submitted to the Land Use Board of Appeals within 21 days of the Hearing Officer's decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Felicia Hazel
Planning Commission Chair

Date

ATTEST

Kristen Maze
Community Development Director

Date