



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. CUP)
2022-004 LOCATED AT 1715 TALENT AVENUE [MAP NO. 38-1W-) ORDER
25DC TAXLOT 3500], THE CITY OF TALENT PLANNING)
COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on August 23, 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 a homeschool co-op for children between 10 and 14 years located in a private residence is similar in nature to that of a daycare or kindergarten, which are allowed in accordance with Section 18.25.050 of the Talent Zoning Code;
5. The Commission found that the proposed application, with conditions in all other respects complied substantially with the criteria for approval in 18.25 and 18.155 of the Talent Zoning Code.

The Talent Planning Commission approves the Conditional Use Permit (CUP 2022-004) with the following conditions of approval:

GENERAL CONDITIONS:

1. The applicant shall continually operate the homeschool co-op in accordance with the approved proposal.
2. Applicant shall provide proof of compliance with any necessary state licensing requirements.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested conditional use permit to operate a homeschool education co-op during the school year and a camp program during the summer break 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.

18.25.050 BUILDINGS AND USES SUBJECT TO CONDITIONAL USE REVIEW

- B. *Kindergartens, day nurseries and preschools.*
- C. *Public and private elementary, junior high and high schools and colleges.*

FINDING: The subject parcel is zoned Residential Zone Single-Family Low Density (RLD) which allows kindergartens and day nurseries, public and private schools. The proposed use is for a homeschool educational co-op for 4-9 students between 4th and 8th grade (10 to 14yrs). While the student body is generally older than kindergarten/daycare age, a homeschool co-op located at a private residence is considered a residential use of property for zoning purposes. Therefore the standards and criteria of 18.155.070(A), which address special standards for the conditional use of day schools and pre-schools including outdoor play space, accessibility of emergency vehicles, parking/ingress/egress, is an appropriate fit for this conditional use application. **The provisions of this section have been 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 residential Comprehensive Plan Designation. **The provisions of this section can be met subject to conditions of approval.**

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

FINDING: The purpose of the RLD zoning district is to provide a stable, healthful and livable residential environment with a variety of residential options, together with the full range of urban services, for those residents choosing to live in neighborhoods where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur in a manner compatible with a low-density, small town, neighborhood character. The proposed use is a small homeschool group for approximately nine (9) student ranging from ages 10-14 years old. The proposed use is allowed as a conditional use to ensure compatibility with the surrounding residential neighborhood and has met or can meet the conditional use requirements of 18.155.070 with conditions of approval. **The provisions of this section can be 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: As stated in the findings for 18.155.050 below, the proposed development meets, with conditions, the required findings for approval of a site development plan. **The provisions of this section can be met subject to conditions of approval.**

- 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 two hundred and fifty (250) feet of the boundaries of the property in question shall be considered in making this finding.*

FINDING: The proposed homeschool co-op is relatively small, serving only 4-9 students at any one time, with scheduled volunteer hours for parents, one parent at a time. Hours of operation are between 9am-2pm, Monday through Thursday. According to the applicant's statement, programming will take place indoors and outdoors in a 1-acre yard, and in an accessory structure in the yard. Children will have full supervision and no loud noise will be associated with the program. Parents pick-up and drop-off their children via an existing driveway that can accommodate parking for up to 5 cars, minimizing any neighborhood impact to parking or the flow of traffic. **The provisions of this section have been met.**

- 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 change in use that are more intense than a pre-existing use.*

FINDING: The proposed use is within an existing single-family home and will not create capacity issues for the public facilities in the area, therefore additional SDCs will not be assessed. **The provisions of this section have been met.**

- F. *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.*

FINDING: The proposed homeschool co-op is relatively small, serving only 4-9 students at any giving time within the existing single-family dwelling, accessory structure and ample back yard. The applicant has provided driveway access for pick-up and drop-off of students without impacting neighborhood circulation. **The provisions of this section have been met.**

- G. *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.*

FINDING: The proposed use is within an existing single-family home and will not require firefighting equipment or capacity beyond the needs of a typical single-family home in the neighborhood. **The provisions of this section have been met.**

18.155.070 SPECIAL STANDARDS GOVERNING CONDITIONAL USES

Certain conditional uses shall meet the following standards:

A. *Daycares and Preschools*

1. *At least 75 square feet of outdoor play and socializing area per child or adult shall be provided, but in no case shall the total area be less than 500 square feet.*

2. *If planned for children, the outdoor plan shall be adequately fenced in order to provide for their safety.*
3. *If the day care facility is not a residential use as provided in ORS 657A.440, the day care facility shall not be located in a single-family residence.*
4. *The facility shall be readily accessible for fire and other emergency vehicles.*
5. *The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.*
6. *Adequate space must be provided on-site to allow for drop-off of the children or adults, preferably a circular drive. L-shaped drives and alley drop-offs may also be approved.*
7. *Parking areas and ingress-egress points are designed so as to facilitate traffic, bicycle, and pedestrian safety; to avoid congestion; and to minimize curb cuts on arterial and collector streets.*

FINDING: The proposed use will primarily be held within the existing single-family dwelling, accessory structure and ample back yard. The back yard area has approximately one-acre available for all of the proposed activities. Applicant has not indicated whether a fence is present; however, applicant has stated that the students range between 10-14 years and will be fully supervised at all times.

As proposed, the site plan identifies sufficient off-street parking (spaces for up to five cars). There is a driveway area in front of the house that provides sufficient ingress-egress. Applicant shall provide proof of compliance with any necessary state licensing requirements. **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 RLD zoning district is to provide a stable, healthful and livable residential environment with a variety of residential options, together with the full range of urban services, for those residents choosing to live in neighborhoods where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur in a manner compatible with a low-density, small town, neighborhood character. The proposed use is a small homeschool group for approximately nine (9) student ranging from ages 10-14 years old. The proposed use is allowed as a conditional use to ensure compatibility with the

surrounding residential neighborhood and has met or can meet the conditional use requirements of 18.155.070 with conditions of approval. **The provisions of this section can be 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 residential 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 proposed use will be primarily contained within the residence, an accessory structure in the backyard area, and within an ample one-acre back yard. Children's activities outdoors are will be fully supervised, minimizing the impacts on neighbors. **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 single-family dwelling does not produce any waste other than normal water runoff. **The provisions of this section are not applicable.**

- 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:*

1. *buildings, structures, and improvements;*
2. *vehicular and pedestrian ingress and egress, and internal circulation;*
3. *parking and loading facilities;*
4. *setbacks and views from structures;*
5. *walls, fences, landscaping and street and shade trees;*
6. *lighting and signs; and*
7. *noise generation facilities and trash or garbage depositories.*

FINDING: The proposed homeschool co-op is relatively small, serving only 4-9 students at any one time, with scheduled volunteer hours for parents, one parent at a time. Hours of operation are between 9am-2pm, Monday through Thursday. According to the applicant's statement, programming will take place indoors and outdoors in a 1-acre yard, and in an accessory structure in the yard. Children will have full supervision and no loud noise will be associated with the program. Parents pick-up and drop-off their children via an existing

driveway that can accommodate up to 5 cars, minimizing any neighborhood impact to parking or the flow of traffic. **The provisions of this section have been met.**

- 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 Chapter and the applicable portions of the City Subdivision Code, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made.*

FINDING: The proposed homeschool co-op is being conducted within existing structures and the need for public improvements to increase capacity are not necessary. **The provisions of this section have been met.**

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