



BEFORE THE TALENT CITY COUNCIL

STATE OF OREGON, CITY OF TALENT

IN THE MATTER OF PLANNING FILE NO. CPA 2019-002 AND LO- )  
CATED ON S. PACIFIC HWY AND AT 441 TALENT AVE [MAP NO. ) ORDER  
38-1W-26AA TAXLOT 3700 AND 5800], THE TALENT PLANNING )  
COMMISSION FINDS THE FOLLOWING: )

1. The Planning Commission finds that the applicant participated in a pre-application meeting, as required under TMC 18.190.080(C), on October 16, 2019 as evidenced in the record and on the land use application.
2. The Planning Commission finds the proposed Comprehensive Plan Map amendment is consistent with the City's Comprehensive Plan and Oregon's Statewide Planning Goals.
3. The Planning Commission finds the proposed Comprehensive Plan Designation is consistent with the residential high-density designation on adjacent lands.
4. The Planning Commission finds that proposed Comprehensive Plan Map amendment application was duly noticed in the Mail Tribune and to property owners within 250 feet on February 25, 2019.
5. The Planning Commission is considering this application in conjunction with file REZ 2019-001. A recommendation on file REZ 2019-001 can be made subsequent to a recommendation on file CPA 2019-002.
6. The Planning Commission finds that during the public hearing, evidence was presented, and the public was given an opportunity to comment.

**The Planning Commission recommends City Council approval of CPA 2019-002, a Comprehensive Plan Map change from Commercial (C) to Residential – High Density (RH). This Planning Commission recommendation of approval of the Comprehensive Plan Map change from Commercial to Residential – High Density is based on the information presented in the Staff Reports and Findings of Fact below:**

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

## OREGON ADMINISTRATIVE RULES

### ***OAR 660-012-0060, Plan and Land Use Regulation Amendments***

1. *If an amendment to a functional plan, an acknowledged comprehensive plan or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
  - a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).*
  - b) *Change standards implementing a functional classification system, or*
  - c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of the evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

**FINDING:** Goal 12, OAR 660-12-0060(1) requires that a local government ensure that an amendment to a functional plan and acknowledged comprehensive plan or a land use regulation does not significantly affect transportation.

According to the Traffic Assessment completed by Sandow Engineering on November 20, 2019, the proposed change will not generate levels of traffic over the existing commercial

designation. Therefore, there is no change in the functional classification of the existing or planned transportation facility. No comments were provided by ODOT to refute this analysis.

The analysis further concludes that the proposed change will not increase traffic levels or cause patterns that would change the standards implementing a functional classification system or that would degrade the performance of the transportation facilities.

As demonstrated in the letter from the applicant's Traffic Engineer, the proposed map change will generate less vehicle trips than the commercial designation, meeting Transportation Planning Rule (TPR) requirements. Additionally, the Planning Commission can find that the conceptual residential development will not generate more than 500 average daily trips or 50 peak hour trips. Traffic generation will be verified again at the time a Site Development Plan is submitted. **The provisions of this section have been met.**

## **OREGON STATEWIDE PLANNING GOALS**

### **STATEWIDE PLANNING GOAL 1 – CITIZEN INVOLVEMENT**

*3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.*

**FINDING:** A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in the Mail Tribune and notification on the subject property. Additionally, the City has posted the pending application on the City's website and online web map. **The provisions of this Section have been met.**

### **STATEWIDE PLANNING GOAL 2 – LAND USE PLANNING**

*2. Minor Changes Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.*

**FINDING:** The request is to move the property line for Tax Lot 3700 to the east adding approximately 1.03 acres of land to the high-density residential land inventory. TMC 18.10.040(B) states that any property line adjustment that adjusts a line more than 20 feet shall be treated as a change of zone. The request without a map change would create a split zone/designation property. The proposed map change demonstrates compliance with the City of Talent Comprehensive Plan Goals and Policies and does not have a significant effect beyond the immediate area of change.

A change in designation or zone from commercial to high-density residential is consistent with Goal 10 and with the City’s Housing Element which suggests the conversion of surplus commercial and industrial lands to residential or the intensification of existing residential land provided the change doesn’t create a deficit of land. The proposed map change will provide an opportunity, when converted to a high-density residential to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the City. Included in this proposal is a request to change the zone from Commercial Highway (CH) to Multiple-Family High-Density (RM-HD). Subsequent to this review and approval, the change in zoning designation can be approved. **The provisions of this Section have been met.**

**STATEWIDE PLANNING GOAL 9 – ECONOMY**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**FINDING:** The proposed map change will not have a negative impact on the surplus of commercially zoned land in the City. The Economic Opportunities Analysis (EOA) demonstrates the City of Talent has a demand of 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial and industrial land currently within the UGB. The City currently has a 63-acre supply of Commercially zoned land, a surplus of approximately 45 acres. A request to remove 1.03 acres of land from the commercial inventory will continue to provide a 44-acre surplus of commercial land and will not have a negative impact on potential commercial development. **The provisions of this Section have been met.**

**STATEWIDE PLANNING GOAL 10 – HOUSING**

*To provide for the housing needs of citizens of the state.*

*Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

**FINDING:** As proposed, this application would convert 1.03 acres of commercial land to high-density residential land, providing an opportunity for more multi-family housing types.

The Housing Needs Analysis demonstrates Talent currently has a capacity of 630 residential dwelling units. Based on the projected population growth in the next 20 years adopted into the Housing Element, Talent will have a need of 1,272 dwelling units. The City has a deficit of 642 dwelling units in the next 20 years.

The proposed map change will provide an opportunity, when converted to a high-density residential, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the City. Solutions for the housing deficit require intensification of existing residential land and the conversion of land currently designated or zoned commercial or industrial to residential.

## **STATEWIDE PLANNING GOAL 12 – TRANSPORTATION**

*To provide and encourage a safe, convenient and economic transportation system. A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.*

**FINDING:** The findings addressing Comprehensive Plan Element D, Transportation demonstrate compliance with Goal 12. The proposed map change provides adequate transportation for vehicles, bicycles and pedestrians. Additional findings are supporting Goal 12 are also provided in OAR 660-012-0060 above. **The provisions of this section have been met.**

## **TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES**

### **ELEMENT A – CITIZEN INVOLVEMENT**

*POLICY 2: Communication: Assure effective two-way communications between the City (elected and appointed city officials, as well as staff) and citizens.*

**FINDING:** A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in the Mail Tribune and notification on the subject property. Additionally, the City has posted the pending application on the City's website and online web map. **The provisions of this Section have been met.**

## **ELEMENT B – PARKS AND RECREATION**

*POLICY 3: Recreation: It is the policy of the City of Talent to provide recreational opportunities that balances the needs of all ages and users.*

**FINDING:** The Comprehensive Plan has recognized the value of parks and open space in urban settings. The subject property is near an existing City Park (Chuck Roberts), the Bark Park, and the previously approved site plan for the multi-family units under construction was designed to complement the adjacent park with a private open space area that includes a pool and a common building for use by the tenants. **The provisions of this section have been met.**

## **ELEMENT C – NATURAL HAZARDS**

*GOAL 1: The City of Talent will manage land use in a way that prevents loss of life and reduces risks to property in the event of a natural hazard.*

**FINDING:** The site is not within a map flood plain or flood hazard area or in an area typically known for coastal inundation tsunamis or coastal erosion. The site is not in an area of steep slopes and landslides are not a hazard.

Future development will be subject the prevailing building code at the time of submittal. The State Building Codes include reasonable measures to meet hazards associated with earthquakes and other potential natural hazards in the area. **The provisions of this section have been met.**

## **ELEMENT D – TRANSPORTATION**

*GOAL: Provide a safe and efficient transportation system that reduces energy requirements, regional air contaminants, and public costs and provides for the needs of those not able or wishing to drive automobiles.*

**FINDING:** The City has an adopted Transportation System Plan (TSP) in compliance with State requirements. The TSP is a component of the Comprehensive Plan, it addresses all modes of transportation and provides design standards for all new streets. The Talent Zoning Ordinance implements the goals and policies of the TSP.

The Oregon Transportation Planning Rule (TPR, addressed above) assures all land use decisions will consider review of multi-modal forms of transportation in the decision process.

Tax Lot 5800 fronts an arterial street and Tax Lot 3700 fronts a collector street. Sidewalks fronting both parcels are improved to city standards and are consistent with the City's TSP. Additionally, RVTD has bus stop facilities along Talent Avenue to encourage use of the transit system.

A completed traffic analysis determined that the number of vehicle trips generated by re-mapping the commercial property to high-density residential will be reduced. As proposed,

the change from commercial to high-density residential will not cause any of the intersections in the vicinity to operate at or below the required level of service. Primary access to the proposed high-density residential land (adjusted Tax Lot 3700) will be from Talent Avenue and Geraldine Way/Rogue River Parkway, both local streets. **The provisions of this section have been met.**

### **ELEMENT E – ECONOMY**

*The “Economic Element” of the Comprehensive Plan is intended to guide city policy and land use decisions related to commercial and industrial development within the city limits and urban growth boundary of Talent.*

*This element addresses State Economic Development Goal 9, "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."*

**POLICY 1:** *Land Availability: The City will plan for a 20-year supply of suitable commercial and industrial land on sites with a variety of characteristics (e.g., site sizes, locations, visibility, and other characteristics).*

**FINDING:** The Comprehensive Plan includes an Economic Opportunities Analysis (EOA) that was updated in October 2016. The EOA demonstrates the City of Talent has a demand of 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial land currently within the UGB. The City currently has nearly a 63-acre supply of commercially designated/zoned land, a surplus of approximately 45 acres. A request to remove 1.03 acres of land from the commercial inventory will continue to provide a 44-acre surplus of commercial land and will not have a negative impact on potential commercial development or create a deficit of commercial land. **The provisions of this section have been met.**

### **ELEMENT F – PUBLIC FACILITIES**

*The purpose of this element is to plan for the provision of economical and efficient public facilities and services to meet the needs of current residents, and to serve new development in a manner that minimizes adverse financial, environmental, and social impacts on the citizens of Talent. This element establishes a long-range plan for compliance with statewide planning Goal 11, Public Facilities and Services.*

**FINDING:** Tax Lot 5800 is currently not in use and is primarily vacant. Tax Lot 3700 is currently being developed with a 40-unit apartment complex. Both parcels and adjacent properties are currently developed and served by all necessary public facilities. During the construction of the multi-family project on Tax Lot 3700, the City required the public water service to be stubbed to the Tax Lot 5800 for future development. This water service was sized accordingly to provide the necessary water to the site. The development of the subject property is infill development and demonstrates an efficient use of existing infrastructure.

Rogue Valley Sewer Service (RVS) can provide sanitary sewer facilities through a sanitary sewer line in the public right of way. Storm water facilities are available in the Talent Avenue right of way and the systems have adequate capacity for the purposes of the proposed map change. Future development on the site will be required to comply with the standards in effect at the time of development.

## **ELEMENT G – HOUSING**

*POLICY 1: Plan to provide for a 20-year supply of suitable land for Talent’s housing needs within the existing urban growth boundary to the extent possible.*

**FINDING:** As proposed, this application would convert 1.03 acres of commercial land to high-density residential land, providing an opportunity for more multi-family housing types.

The Housing Needs Analysis demonstrates Talent currently has a capacity of 630 residential dwelling units. Based on the projected population growth in the next 20 years adopted into the Housing Element, Talent will have a need of 1,272 dwelling units. The City has a deficit of 642 dwelling units in the next 20 years.

The proposed map change will provide an opportunity, when converted to a high-density residential, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the City. Solutions for the housing deficit require intensification of existing residential land and the conversion of land currently designated with commercial or industrial uses to residential. **The provisions of this section have been met.**

*Objective 4.1: Provide a variety of housing types in Talent, especially in the downtown area, at densities that support maintaining a compact town form.*

The proposed high-density residential designation/zone with a plan for multi-family development provides an efficient use of land on an infill property with adequate infrastructure. The proposed comprehensive plan map change and subsequent zone change will allow for the future development of additional multi-family dwellings. The minimum density for the high-density designation is 13.8 units per acre. If approved, the high-density designation required would provide a density that is greater than the target 6.6 units per acre required by the Regional Plan, aiding in the increased overall density of the City. The additional density in this location is appropriate considering the adjacent high-density developments and its proximity to public services such as transit and parks.

The proposed map change would provide some relief to the short-term supply of needed housing for the next 12 months. The conversion of commercial land to high-density residential land is an intensification of suitable property within the current UGB. The approval

of this application expedites a solution of both the short-term housing needs and the conversion of the surplus of commercial lands within the City. **The provisions of this section have been met.**

### **ELEMENT H – REGIONAL PLAN**

*The Greater Bear Creek Valley Regional Plan (Regional Plan) is the product of a comprehensive regional land-use planning effort undertaken by the cities of Ashland, Central Point, Eagle Point, Medford, Phoenix, Talent, and Jackson County to address longterm urbanization needs of the region, including the establishment of goals and policies.*

*The most significant product of the Regional Plan is the establishment of requirements which affect the form and function of future urban-level development and the creation of an Urban Reserve (UR) for each of the cities, the purpose of which is to set aside a 50-year supply of land for future urban-level development. The method of establishing an urban reserve is defined in state law (see ORS 195.137–145).*

*The purpose of this comprehensive plan element is to acknowledge by reference the entire Greater Bear Creek Valley Regional Plan (Regional Plan) 1, and to incorporate those sections of the Regional Plan that are applicable to the City of Talent, and in so doing commence implementation of the Regional Plan.*

**FINDING:** The City has identified multiple future growth areas for the expansion of the UGB through the adoption of the RPS Plan. However, the expansion of the UGB is a long-term process and the City has an immediate need for additional land suitable for residential development. With an identified surplus of commercial land and a deficit of available residential land in both the short term and long term, converting the subject property from commercial land to high-density residential land has a beneficial impact to the City.

As proposed, the density is greater than the target 6.6 units per acre required by the Regional Plan, aiding in the increased overall density of the City. The additional density in this location is appropriate considering the adjacent high density developments and its proximity to public services such as transit and parks and can meet the short-term demand for housing until a time the Regional Plan can be amended to accommodate additional residential land. **The provisions of this section have been met.**

## **TALENT ZONING CODE**

### **18.10.030 Establishment of Zones by Map**

*A. The location and boundaries of the zones designated in TMC [18.10.020](#) are hereby established as shown on the map entitled “The Zoning Map of the City of Talent,” bearing the number of the ordinance codified in this title and authenticated by the signature of the mayor and city recorder endorsed thereon at the time of the passage of the ordinance codified in this title. The map shall be hereinafter referred*

to as the “zoning map.” An updated zoning map was adopted by Ordinance No. [817](#) (November 1, 2006) along with the reorganization of the zoning code.

**FINDING:** The applicant provided both an existing and proposed comprehensive plan and zoning map demonstrating the area of proposed change. If approved, the comprehensive plan and zoning maps will be updated to illustrate the change as proposed, including the adjusted property line. **The provisions of this section have been met.**

#### **18.10.040 Boundaries of Zones**

*Where uncertainty exists as to the boundaries of any zone as shown on the zoning map, the following rules shall apply:*

*B. If the zone boundary line divides a lot into two or more zones, the entire lot shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the zone boundary; provided, that the boundary adjustment is for a distance of less than 20 feet. If an adjustment of more than 20 feet is required, the change in the zone boundary shall be treated as a change of zone.*

*C. In the case of un-subdivided property, and where a zone boundary divides such property (except as provided in subsection (B) of this section), the location of such zone boundaries shall be determined by the use of the scale appearing on said zoning map.*

**FINDING:** As shown on the City’s comprehensive plan map, Tax Lot 5800 has a split designation. The property is divided between high-density residential and commercial on the Comprehensive Plan Map only. The property area proposed for the designation change from commercial to high-density residential will have a corresponding property boundary with the lot line adjustment as required by this section. As a condition of approval, the applicant shall, prior to the issuance of building permits, provide the City with a recorded map of survey and legal description of the property in its new configuration. **The provisions of this section have been met with conditions.**

*D. Areas of dedicated streets or alleys and railroad rights-of-way which are not designated on the zoning map as being classified in one of the zones provided in this title shall be deemed to be unclassified and, in the case of railroad rights-of-way, shall be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock. [Ord. 817 § 8-3A.240, 2006.]*

**FINDING:** There are no areas of dedicated streets of alleys or railroad rights-of-way on the subject properties. **The provisions of this section are not applicable.**

### **18.10.050 Zoning of Annexed Areas**

*Zoning regulations in effect in an area prior to annexation to the city shall continue to apply and shall be enforced by the city until such time as a zone change has been adopted or a new zone created by the city for the annexed area. Newly created zoning districts shall conform to the city's comprehensive plan.*

**FINDING:** The land area proposed for Comprehensive Plan Map re-designation to Residential – High Density (RH) is presently designated as both Commercial (C) and Residential – High Density (RH) on the Comprehensive Plan Map. The zoning of the area designated for Commercial is Highway Commercial (CH). The zone does not allow for the development of residential housing. The land area of proposed change from commercial to high-density residential is consistent with the city's comprehensive plan. **The provisions of this section have been met.**

### **18.40. Residential Zone – Multiple Family – High-Density (RM-HD)**

#### **18.40.010 Description and Purpose:**

*The residential – multiple-family – high-density (RM-HD) zone is intended to provide a healthful and livable residential environment, together with the full range of urban services, for housing units at densities higher than provided for in other residential zones. This zone is also intended to accommodate housing alternatives to conventional housing and an area where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur indistinguishably or compatibly with the residential character. It is generally intended that high-density residential zones will be situated in close proximity to activity centers and major streets. [Ord. 952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.410, 2006.]*

**FINDING:** The proposal is to increase the area within the City of Talent that is primarily designated and zoned for high-density, multiple-family, residential development. The proposed map change is in an area with convenient access to a full range of urban services including pedestrian and bicycle facilities, transit, urban level infrastructure including adequate potable water, sewer, storm drainage and electricity. The proposed area for the high-density residential designation and zone is adjacent to other high-density residential designated property. The property is accessed by vehicles, pedestrian and bicycles from Talent Avenue. Upon the development of the commercial frontage along the highway, pedestrian access through to Oregon Hwy 99 will be provided. Talent Avenue and OR Hwy 99 are major streets.

As proposed, the requested map change would allow for a minimum of 14 new residential dwelling units. The applicant has provided a conceptual site plan demonstrating the area of the property proposed for rezoning, and the potential for residential apartments, landscape buffers and parking areas. The conceptual plan identifies 18 new residential units, a number greater than the minimum. The conceptual site plan and all future development of the property will be required to conform to the process, procedures and development standards for Multiple Family developments as required by the Talent Municipal Code. **The provisions of this section have been met.**

**18.60. Commercial Zone – Highway (CH)**

**18.60.010 Description and Purpose:**

*The highway commercial zone (CH) (formerly retail-wholesale commercial, C3) is intended 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 zone is best located along arterial streets, and, due to its exposure, high appearance standards are important. Uses permitted in this zone are frequently incompatible with pedestrian-oriented areas such as the central business district zones CBD and CBH. [Ord. 817 § 8-3D.410, 2006.]*

**FINDING:** The proposed area of the property to remain Commercial Zone – Highway (CH) is of substantial area, just over 38,000 square feet, with adequate highway access to accommodate future development of businesses and trades oriented toward automobile and truck use. The area of the property is large enough to accommodate for tourist business and light industrial uses. The property abuts Oregon Hwy 99, an arterial street.

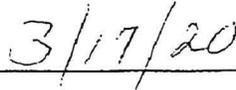
The commercial uses permitted on Tax Lot 5800 allow for uses that could be considered incompatible with pedestrian oriented areas. The applicant has proposed that the commercial development areas and the residential development areas be connected via pedestrian access easements and possibly emergency vehicle pass through bollards. The pedestrian crossing of the commercially zoned property furthers the purpose and intent of other sections of the municipal code and comprehensive plan that seek multi-modal access and pedestrian access to and through properties with reduced barriers to alternative transportation.

The conceptual site plan submitted with this request demonstrates that the area of the property zoned commercial provides adequate driveways, parking areas, and landscape buffers to minimize any incompatibility issues.

All future development of both subject parcels shall be subject to a Site Development Plan Review and shall conform to the process, procedures and development standards for commercial developments found in TZC 18.60. **The provisions of this section have been met.**

  
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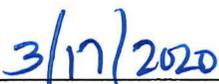
Joi Riley  
Planning Commission Chair

  
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Date

ATTEST  
  
\_\_\_\_\_

Zac Moody  
Community Development Director

  
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Date