



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. MLP)
2018-001 LOCATED ON TALENT AVENUE [MAP NO. 38-1W-) ORDER
26AD TAXLOT 502], THE CITY OF TALENT PLANNING)
COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on June 28, 2018;
2. The Planning Commission asked the Community Development Director to present a Staff report and a final order with findings and recommendations at the June 28, 2018 public hearing;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Commission found that the proposed partition is consistent with the requirements of the Talent Subdivision Code;

Talent Planning Commission approves the requested 3-lot partition subject to the following conditions of approval:

GENERAL CONDITIONS

1. Once the City has approved (signed) the plat, the property owner shall follow the procedures outlined in Section 8-3.470, Filing and Recording, in the Subdivision Code.

PRIOR TO FINAL PLAT

2. The applicant shall provide a revised preliminary plat that notes shared access is being granted to Parcel 2 and 3 from Parcel 1.
3. The applicant shall provide Community Development a recorded shared access, parking and open space agreement including provisions for continued maintenance of the shared area.
4. The applicant shall, prior to final plat, provide Community Development with a revised preliminary plat that identifies the open space required as part of the multifamily development.
5. The applicant shall provide evidence from TID that all partition conditions of approval identified by the District have been satisfied.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested 3-lot partition 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.

TALENT SUBDIVISION CODE

Preliminary administrative approval is subject to compliance with the criteria found in the Subdivision Code (8-2.310, 8-2.330), and the underlying zoning district (8-3-C4, Multiple-Family – High Density). Text from the code appears in *italics*.

8-2.240 STREET TREES

- A. 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 4 below. 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 Section 8-3J.422. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks.*

FINDING: Street tree requirements have been addressed as part of the William Way Subdivision. **The provisions of this section have been met.**

8-2.260 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 Section 250— 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.*
 - 2. Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Jackson County. In that case, the City or County shall determine whether access is granted based on its adopted standards.*

FINDING: Vehicular access and circulation requirements have been addressed as part of the William Way Subdivision. **The provisions of this section have been met.**

3. *Permits for access to County highways shall be subject to review and approval by Jackson County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.*

FINDING: Access to the subject parcel is not from a County highway. **The provisions of this section are not applicable.**

- D. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared in accordance with Section 8-3L.9 Traffic Impact Study.*

FINDING: The request is for the approval of a preliminary plat to divide a 0.58-acre parcel into three (3) parcels. TIS is not required in accordance with Section 8-3L.9 of TZC. **The provisions of this section are not applicable.**

- 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.*

1. *Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).*

FINDING: The subject parcel fronts both Talent Avenue and Stage Way. Access to the subject parcel was approved as part of the William Way Subdivision. Stage Way has the lowest street classification which meets the standard above. **The provisions of this section have been met.**

- 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 of 10 feet 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 3, below.*

2. *Arterial and Collector Streets.* Access spacing on collector and arterial streets shall be determined by the Public Works Director. Access to State Highway 99 shall be subject to review and approved by the Oregon Department of Transportation (ODOT), based on the applicable standards contained in the City's Transportation System Plan and policies contained in the 1999 Oregon Highway Plan.
3. *Special Provisions for All Streets.* Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified by Subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. (See Subsection I, below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

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 to Parcel 2 and 3 is from Parcel 1. Shared access easement shall be identified on the Final Plat to allow Parcel 2 and 3 to have appropriate access from Parcel 1. Requirements for the shared access are addressed in the findings below. **The provisions of this section have been 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: As proposed, access to Parcel 2 and 3 is from Parcel 1. A shared access easement shall be identified on the Final Plat to allow Parcel 2 and 3 to have appropriate access from Parcel 1. As a condition of approval, the applicant shall provide a revised preliminary plat that notes shared access is being granted to Parcel 2 and 3 from Parcel 1. **The provisions of this section have been met subject to conditions of approval.**

8-2.270 *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.*

FINDING: Sanitary sewer and water service improvement have been installed as part of the William Way subdivision and were size appropriately for the proposed development. **The provisions of this section have been met.**

8-2.280 *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: Stormwater management requirements have been meet through the development of the William Way Subdivision. **The provisions of this section have been met.**

8-2.290 *UTILITIES*

- C. *Exception to Under-Grounding Requirement. The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, or existing development conditions, when demonstrated by the applicant.*

FINDING: The proposed land division does not classify as a subdivision; however, all utilities were placed underground as part of the William Way Subdivision. **The provisions of this section are not applicable.**

8-2.310 *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 applicant attended the required pre-application conference and submitted the required preliminary plat application to Community Development. **The provisions of this section have been met.**

8-2.330 APPROVAL CRITERIA: FINAL 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 8-3L.4—Variances;*

FINDING: The proposed partition complies with the provisions of this section or can comply with this section through conditions of approval. **The provisions of this section have been met.**

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 provisions of this section are 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. All proposed public improvements and dedications are identified on the preliminary plat; and*

FINDING: Public improvements for the William Way Subdivision addressed all requirements of this section. **The provisions of this section have been met.**

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

FINDING: The proposal for the multi-family complex (SPR 2018-002) identify the need for common space and suggest that the common space will be located on south end of Parcel 3. As a condition of approval, the applicant shall, prior to final plat, provide Community Development with a revised preliminary plat that identifies the open space required as part of the multifamily development. **The provisions of this section have been met subject to conditions of approval.**

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 Section 250(J)—Street Connectivity and Formation of Blocks.*

FINDING: All three of the proposed lots comply with the lot area, setback and dimensional requirements of the RM-22 zoning district. **The provisions of this section have been met.**

2. *Setbacks shall be as required by the applicable zoning district.*

FINDING: The proposal for the multi-family complex (SPR 2018-001) identify the location of each of the proposed buildings. As shown on the Site Development Plan, the required front, side and backyard setbacks for the RM-22 zoning district have been met. **The provisions of this section have been met.**

3. *Each lot shall conform to the standards of Section 260—Vehicular Access and Circulation.*

FINDING: The proposal for the multi-family complex (SPR 2018-001) is consistent with the provisions and findings of Section 260 above. **The provisions of this section have been met.**

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 the Zoning Code, Subdivision Code, and 8-3J.4.*

FINDING: The proposal for the multi-family complex (SPR 2018-001) is consistent with the required landscaping and screening requirements of the Talent Zoning Code. **The provisions of this section have been met.**

5. *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: As proposed, access to Parcel 2 and 3 is from Parcel 1. A shared access easement shall be identified on the Final Plat to allow Parcel 2 and 3 to have appropriate access from Parcel 1. As a condition of approval, the applicant shall provide a revised preliminary plat that notes shared access is being granted to Parcel 2 and 3 from Parcel 1. **The provisions of this section have been met subject to conditions of approval.**

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

FINDING: No reserve strips are necessary to control access to adjoining undeveloped properties. **The provisions of this section are not applicable.**

- F. *Future Re-division Plan.*

FINDING: The purpose of the proposed partition is construct a multi-family development across all three parcels. No future divisions have been proposed. **The provisions of this section are not applicable.**

- G. *Compliance. All submittals shall demonstrate compliance with Article 2, Development and Design Standards, and 8-3H.2 of the Talent Zoning Code.*

FINDING: The purpose of the proposed partition is to identify boundary lines for the proposed Site Development Plan. All development and design standards outlined in the Talent Zoning Code have been addressed in the Site Development Plan Review (SPR 2018-002). **The provisions of this section have been met.**

8-2.470 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 property owner shall follow the procedures outlined in Section 8-3.470, Filing and Recording, in the Subdivision Code. **The provisions of this section have been met subject to conditions of approval.**

8-3L.920 APPLICABILITY

- A. *Transportation Impact Study (TIS) shall be required if any of the following actions exist:*
1. *A zoning or comprehensive plan map or text amendment is projected to generate 500 or more net daily vehicle trips.*
 2. *A development proposal is projected to generate fifty (50) or more net peak hour trips on an arterial or collector segment or intersection.*
 3. *A land use action or development proposal will impact known safety, congestion or capacity problems.*
 4. *A land use action or development proposal is on a highway segment with special access controls.*

FINDING: None of the above items exist or will result from an approval of the proposed partition. **The provisions of this section are not applicable.**

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.

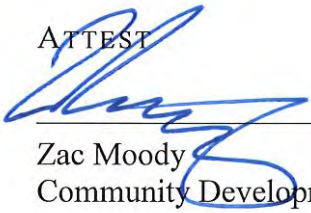
Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.



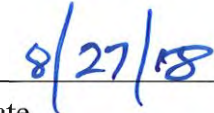
Dave Pastizzo
Planning Commission Chair



Date

ATTEST


Zac Moody
Community Development Director



Date