



structure footprint is drawn within both parcels on the preliminary plat. The topography is relatively flat with a slight drop in elevation to the east.



### **Transportation Service**

Primary access is available to the property from Frost Lane, an unimproved City street. The proposed second parcel would also require access from Frost Lane. Cowdry Lane, an unimproved private road, also abuts the subject property to the east. The Transportation System Plan (TSP) categorizes Frost Lane as a local street. No new streets, public improvements or dedications are being proposed.

### **Wastewater Service**

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

### **Water Service**

Water service currently serves the existing residence and is adjacent to the proposed new parcel.

### **APPROVAL CRITERIA**

- TMC Title 17, Subdivisions
- TMC Ch 18.35, Residential Zone, Single Family – Manufactured Home (RS-MH)

### **PUBLIC COMMENTS**

One public comment form was received with the following concerns addressed:

- Parking and access
- Size of buildings
- Lot dimensions

### **AGENCY COMMENTS**

Talent Irrigation District submitted comment stating in accordance with ORS 92.090(6), the property owner must provide to Community Development a certification from the Irrigation District prior to final plat addressing the following:

- Private Easements
- Private Easement Provisions for Minor Partitions
- Facilities
- Drainage

Rogue Valley Sewer Services provided comment and development requirements which are addressed in the Findings below.

### **ANALYSIS**

Preliminary administrative approval is subject to compliance with the criteria found in the Subdivision Code (Title 17, TMC), and the underlying zoning district, RS-MH (18.35). Text from the code appears in italics.

#### ***17.10.040 STREET TREES***

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

**FINDING:** The subject property has access to Frost Lane, which is classified as a “local street” in the TSP. Frost Lane is an unimproved City road that is not currently slated for improvement. Street tree planting shall be deferred until that time. **The provisions of this section are not applicable.**

#### ***17.10.050 TRANSPORTATION FACILITY STANDARDS***

*B. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of TMC 17.10.060, Vehicular access and circulation, as well as Chapter 18.115 TMC, and the following standards are met:*

*3. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exists:*

*d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.*

**FINDING:** The subject property has access to Frost Lane, which is classified as a “local street” in the TSP. Frost Lane is an unimproved City road that is not currently slated for improvement. As a condition of approval, prior to final plat, the property owner shall sign and record a public improvements non-remonstrance agreement prepared by the City. **The provisions of this section have been met subject to conditions of approval.**

**17.10.060 VEHICULAR ACCESS AND CIRCULATION**

C. *Access Permit Required. A new or modified connection to a public street requires an Access Permit in accordance with the following procedures:*

1. *Permits for access to City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Section and the provisions of TMC 17.10.050, Transportation Facility Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.*

**FINDING:** The subject property has access to Frost Lane from a driveway located on proposed Parcel 2 on the preliminary partition plat. The applicant has indicated that a common drive to serve Parcel 1 and Parcel 2 is not being requested. As a condition of approval, prior to issuance of building permits, the property owner shall obtain an encroachment permit if new access is proposed or existing access is modified. **The provisions of this section have been met subject to conditions of approval.**

D. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared in accordance with Chapter 18.185, Traffic Impact Study.*

**FINDING:** The request is for the approval of a preliminary partition plat to divide a 0.29-acre residential parcel into two (2) residential parcels. TIS is not required in accordance with Section 18.185.020 of the Talent Zoning Code. **The provisions of this section are not applicable.**

1. *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.*

5. *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 (e.g., through homeowners’ association, etc.).*

**FINDING:** The proposed partition would create an additional double-frontage lot since the subject parcel is paralleled by Frost Lane and Cowdry Lane. However, pre-existing vegetation and fencing on the common property line precludes access to Cowdry Lane, which is

a private access drive. As a condition of approval, prior to the issuance of a certificate of occupancy, the property owner shall install a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner. **The provisions of this section have been met subject to conditions of approval.**

2. *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 10 feet of 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 (G)(3) of this section.

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:** The applicant has not indicated where driveway access is proposed for Parcel 1 and Parcel 2 on the preliminary partition plat. As a condition of approval, prior to the issuance of building permits, the property owner shall provide a site plan indicating a single driveway access point with a minimum 10 feet of separation. **The provisions of this section have been met subject to conditions of approval.**

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:** The subject property has access to Frost Lane from a driveway located on proposed Parcel 2 on the preliminary partition plat. The applicant has indicated that a common drive to serve Parcel 1 and Parcel 2 is not being requested. As a condition of approval, prior to issuance of building permits, the property owner shall obtain an encroachment permit if

new access is proposed or existing access is modified. **The provisions of this section have been met subject to conditions of approval.**

#### **17.10.070 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 improvements have been installed in conjunction with development of the existing manufactured home. According to RVSS comments, the existing manufactured home is currently served by an 8-inch sewer connection to the 8-inch main located on the adjacent property to the east. This service may be reused for Parcel 2 if it is shown to be in good working condition. Otherwise, this service must be capped and abandoned at the property boundary and a new service tap provided. Sewer service to Parcel 1 may be had by a new service tap to any of the adjacent sewer mains shown on the submitted site plan.

As a condition of approval, prior to the issuance of building permits, the property owner shall provide evidence that the following conditions from Rogue Valley Sewer Service (RVSS) have been met:

- a. Tap and connection permits must be obtained from RVSS prior to sewer construction.
- b. A sewer service abandonment permit must be obtained from RVSS as applicable.
- c. Related sewer fees must be paid prior to construction.

**The provisions of this section have been met subject to conditions of approval.**

#### **17.10.080 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:** The topography is relatively flat with a slight drop in elevation to the east. The development does not require a stormwater management plan, but must comply with the conditions of a small lot development stormwater permit. As a condition of approval, prior to the issuance of building permits, the property owner shall obtain a small lot development stormwater permit. **The provisions of this section are met subject to conditions of approval.**

#### **17.10.090 UTILITIES**

*C. Exception to Undergrounding Requirement. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, or existing development conditions, when demonstrated by the applicant. [Ord. 818 § 2 (Exh. A (§ 8-2.290)); Ord. 692 § 10.]*

**FINDING:** The proposed land division does not classify as a subdivision. **The provisions of this section are not applicable.**

**17.15.010 Review Procedures and Approvals 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.*

- a. A pre-application conference is required for all partitions and subdivisions.*
- b. 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.*
- c. 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 the Community Development Department. **The provisions of this section have been met.**

**17.15.030 Approval Criteria: Preliminary Plat**

*1. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

- a. The proposed preliminary plat complies with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, the provisions of the underlying zoning district and the provisions of the Planned Unit Development Section, when applicable, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 18.160 TMC, Variances;*

**FINDING:** ORS 92.090(6) requires the City to obtain certification from Talent Irrigation District that all conditions of the District have been met. As a condition of approval, prior to final plat, the property owner shall provide Community Development with certification from Talent Irrigation District that all requirements have been met or are bonded for in accordance with ORS 92.090(6). All other applicable criteria has been met or can be met with conditions of approval and are addressed below. **The provisions of this section have been met subject to conditions of approval.**

- 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:** The subject property has access to Frost Lane, which is classified as a “local street” in the TSP. Frost Lane is an unimproved City road that is not currently slated for improvement. As a condition of approval, prior to final plat, the property owner shall sign and record a public improvements non-remonstrance agreement prepared by the City. **The provisions of this section have been met subject to conditions of approval.**

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

**FINDING:** There are no common areas required or proposed as part of the partition request. **The provisions of this section are not applicable.**

*B. Residential Density.*

**FINDING:** The density and use of the proposed partition conforms to RS-MH zone standards. **The provisions of this section have been met.**

*C. Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zone district, and the standards of TMC 17.10.050(J), Street Alignment and Connections.*
2. *Setbacks shall be as required by the applicable zoning district.*

**FINDING:** The minimum lot size in RS-MH is 6,000ft<sup>2</sup> and the minimum lot width is 50ft. As proposed, Parcel 1 is 6,238ft<sup>2</sup> and Parcel 2 is 6,238ft<sup>2</sup> with 78ft being the smallest dimension.

The minimum setback in RS-MH is 5ft for the side- and 10ft for the rear yard. The existing shop is setback 10ft from the side- and rear yard. The existing manufactured home would encroach upon required setbacks, however it is proposed for removal prior to final plat. As a condition of approval, prior to final plat, the property owner shall remove the existing manufactured home, or relocate from required setbacks. **The provisions of this section have been met subject to conditions of approval.**

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

**FINDING:** 15ft of vision clearance distance is required on either side of driveways in accordance with Section 17.100.060(M). Subsection 060(N) requires that new driveways be paved. As a condition of approval, prior to certificate of occupancy, the property owner shall pave the required driveway in accordance with TMC 17.10.060(N). **The provisions of this section have been met subject to conditions of approval.**

4. *Landscape or other screening may be required to maintain privacy for abutting uses and buffering for pathways, through lots abutting an arterial or collector Street, grade changes and retaining*



walls, development on flag lots, and similar situations, consistent with the provisions of TMC Titles 17 and 18 and Chapter 18.105 TMC.

**FINDING:** The proposed partition would create an additional double-frontage lot since the subject parcel is paralleled by Frost Lane and Cowdry Lane. However, pre-existing vegetation and fencing on the common property line precludes access to Cowdry Lane, which is a private access drive. As a condition of approval, prior to the issuance of a certificate of occupancy, the property owner shall install a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner. **The provisions of this section have been met subject to conditions of approval.**

5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also TMC 17.10.060, Vehicular Access and Circulation.*

**FINDING:** The proposed partition creates lots that are less than 150 feet in depth. **The provisions of this section are not applicable.**

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement, which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

**FINDING:** The subject property has access to Frost Lane from a driveway located on proposed Parcel 2 on the preliminary partition plat. The applicant has indicated that a common drive to serve Parcel 1 and Parcel 2 is not being requested. As a condition of approval, prior to issuance of building permits, the property owner shall obtain an encroachment permit if new access is proposed or existing access is modified. **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:** Adjoining properties are fully developed. **The provisions of this section are not applicable.**

- F. *Future Re-division Plan.*

**FINDING:** The proposed lots cannot be further divided; no-redivision plan is required. **The provisions of this section are not applicable.**

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

**FINDING:** Staff finds the submittal, with additional conditions attached, complies with the pertinent code requirements. Subject parcel is not located near/within a riparian or wetland zone, therefore Chapter 18.85 does not apply. **The provisions of this section have been met.**

**17.20.070 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 TMC 17.20.070, Filing and Recording, in the Subdivision Code. **The provisions of this section have been met subject to conditions of approval.**

**18.185.020 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.**

**DISCUSSION**

The applicant is proposing a two-lot partition. No development is proposed at this time as the application is just for a partition. At the time of development, all setback and lot coverage standards will be complied with as well as access, improvements and buffering requirements.

## **DECISION**

Staff tentatively **APPROVES** the minor land partition with the following conditions:

### **GENERAL CONDITIONS**

1. Once the City has approved (signed) the plat, the property owner shall follow the procedures outlined in Section TMC 17.20.070, Filing and Recording, in the Subdivision Code.

### **PRIOR TO FINAL PLAT**

2. The property owner shall provide Community Development with certification from Talent Irrigation District that all requirements have been met or are bonded for in accordance with ORS 92.090(6).
3. The property owner shall remove the existing manufactured home, or relocate from required setbacks.
4. The property owner shall sign and record a public improvements non-remonstrance agreement prepared by the City.

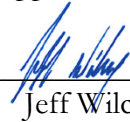
### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

5. The property owner shall obtain an encroachment permit if new access is proposed or existing access is modified.
6. The property owner shall provide a site plan indicating a single driveway access point with a minimum 10 feet of separation.
7. The property owner shall provide evidence that the following conditions from Rogue Valley Sewer Service (RVSS) have been met:
  - a. Tap and connection permits must be obtained from RVSS prior to sewer construction.
  - b. A sewer service abandonment permit must be obtained from RVSS as applicable.
  - c. Related sewer fees must be paid prior to construction.
8. The property owner shall obtain a small lot development stormwater permit.

### **PRIOR TO CERTIFICATE OF OCCUPANCY**

9. The property owner shall install a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner.
10. The property owner shall pave the required driveway in accordance with TMC 17.10.060(N).

Approved by:



\_\_\_\_\_  
Jeff Wilcox  
Community Development Assistant

\_\_\_\_\_  
June 20, 2019

Date

This matter has been approved administratively without a public hearing. The Talent Zoning Code allows administrative decisions under specified conditions. If no one requests a hearing on this matter within **14 days** of this tentative decision, it becomes the final decision of the city. To appeal an administrative decision requires written notice and a \$250.00 deposit. Please refer to TMC 18.190.040(E)(5), "Appeal," for specific provisions for appeals on Type-2 decisions.

**This decision is being mailed to the applicant and all property owners who responded to the original notice.**

For copies of any public documents or more information related to this application, please contact the Community Development Director at 541-535-7401 or via e-mail at [zmoody@cityoftalent.org](mailto:zmoody@cityoftalent.org).