



**STAFF REPORT and TENTATIVE DECISION**

Type-2 Land Use Application — Administrative Review

Date: September 9, 2019  
 Prepared by: Jeff Wilcox  
 Item: MLP 2019-002  
 Minor Land Partition

Applicant..... Polaris Land Surveying LLC  
 PO Box 459  
 Ashland, OR 97520

Owner..... Matthew and Antoinette Lichtenstein  
 PO Box 1927  
 Phoenix, OR 97535

Application Received..... June 14, 2019

Application Complete ..... July 3, 2019

Notice Mailed and Posted..... July 5, 2019

Requested Action..... Partition a single lot into two.

Assessor’s Map Number..... 38-1W-23CC, Tax Lot 1000

Lot Size..... 0.39 Acres

Zoning ..... Single-Family Medium-Density (RS-7)

Other applicable code sections ..... Talent Municipal Code (TMC):  
 Title 17, Subdivision Code  
 Title 18, Zoning Code

**PROPOSAL**

The request is for the approval of a preliminary plat to divide a 0.39-acre parcel into two (2) parcels. As proposed, Parcel 1 has an area of 8,701ft<sup>2</sup> and Parcel 2, a flag lot, has an area of 8,048ft<sup>2</sup>. Both parcels contain pre-existing structures.

**PROPERTY CHARACTERISTICS**

This application is for a flag-lot partition located at 212 N. First St. The property is currently occupied by one single-story residence and two sheds. According to county records, the house on Parcel 1 was built in 1951, applicant submittals indicate the residence has an area of 2,258ft<sup>2</sup>. The subject property is relatively flat with a drop in elevation to the north. This part of N. First St. has not been improved with curbs, gutters and sidewalks.



### **Transportation Service**

Primary access is available to the property from N. First St., a City “local street.” The proposed partition would create a single new flag lot and is not a Subdivision request. Therefore, no new streets, public improvements or dedications are required.

### **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 18.30, Residential Zone, Single Family – Medium Density (RS-7)

### **PUBLIC COMMENTS**

Thirteen public comment forms were received with the following option selected:

- Encouraging approval: 11
- Encouraging denial: 2

- No comment: 0

The following topics were provided on the comment sheets:

- Stormwater control
- Noise
- Lighting
- Pre-existing well on subject property
- Future one- vs two-story construction
- Access and Parking
- Enthusiasm for renovation on subject property

## AGENCY COMMENTS

Jackson County Fire District #5 responded with: No comment. Rogue Valley Sewer Services provided comment and development requirements which are detailed 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 (Ch 18.30, TMC). 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 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:** The subject property takes access from N. First St., which is classified as a “Local Street” according to the 2015 Transportation System Plan (TSP). This section of N. First St. is a partially improved City road that is not currently slated for curb/gutter/sidewalk improvement. Street tree planting is not required at this 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 takes access from N. First St., which is classified as a “Local Street” according to the 2015 Transportation System Plan (TSP). This section of N. First St. is a partially

improved City road adjacent to a fully-improved cul-de-sac. Because the grade is set, improvements can be tied into the existing cul-de-sac and extended, which would provide for street-side stormwater drainage and enhance walkability. As a condition of approval, prior to final plat, the property owner shall:

- a. Provide public improvement plans for a curb/gutter/sidewalk extension to be reviewed and approved by the City Engineer, and
- b. Extend the half-street improvements across the frontage of the parcel.

**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:** Parcel 1 will not require an access permit unless current access is proposed to change. Parcel 2 will require an access permit at time of development. As a condition of approval, prior to issuance of building permits, the property owner of Parcel 2 shall obtain an access(encroachment) permit. **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 plat to divide a 0.39-acre parcel into two (2) 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.**

E. *Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public or private street.*

**FINDING:** Parcel 1 will not require an access permit unless current access is proposed to change. Parcel 2 will require an access permit at time of development. As a condition of approval, prior to issuance of building permits, the property owner of Parcel 2 shall obtain an access(encroachment) permit. **The provisions of this section have been met subject to conditions of approval.**

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.*

3. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (G) of this section.*

**FINDING:** Parcel 1 will not require an access permit unless current access is proposed to change. Parcel 2 will require an access permit at time of development. As a condition of approval, prior to issuance of building permits, the property owner of Parcel 2 shall obtain an access(encroachment) permit. **The provisions of this section have been met subject to conditions of approval.**

*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 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.*

**FINDING:** As proposed, there is one street access point serving Parcel 1 and a separate street access point serving Parcel 2; both access points connect to N. First St. and are separated by over 45ft. As a condition of approval, prior to issuance of building permits, the property owner of Parcel 2 shall obtain an access(encroachment) permit. **The provisions of this section have been met subject to conditions of approval.**

*J. Driveway Openings/Curb Cuts. Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:*

- 1. Single-family, two-family, and three-family uses shall have a minimum driveway opening/ curb cut width of 10 feet and a maximum width of 24 feet.*

**FINDING:** Proposed flag-pole of Parcel 2 connects to N. First St., is less than 150ft in length and is 13.5ft wide at its narrowest, which would accommodate a driveway of the required size. **The provisions of this section have been met.**

*N. Construction. The following construction standards shall apply to all driveways and private streets:*

- 1. Surface Options. Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete or comparable surfacing, or a durable nonpaving material that will support emergency vehicles may be used to reduce surface water runoff and protect water quality.*

**FINDING:** As a condition of approval, prior to issuance of certificate of occupancy, the property owner of Parcel 2 shall design the access drive in such a way that stormwater run-off is directed toward First St. and surface the access drive, driveway and parking area with concrete or asphalt to a minimum width of 12 feet. **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:** Water service improvements have been installed in conjunction with development of the existing residence on Parcel 1.

According to RVSS comments, the existing residence is currently served by a sewer connection to the 8-inch main along N. First St.; sewer service to Parcel 2 may be had by a new service tap to the 8-in main. The following are specific requirements from RVSS. As a condition of approval, prior to the issuance of building permits, the property owner of Parcel 2 shall:

- a. Obtain a small lot development stormwater permit
- b. Obtain Tap and connection permits from RVSS prior to sewer construction
- c. Pay related sewer fees 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 drop in elevation to the north. Stormwater facilities are located in the First St. cul-de-sac and shall be used for surface water management. In accordance with Resolution 517, the placement of impervious surfaces shall not flow over adjacent public or private property in a volume or location materially different from runoff conditions before development occurred. Drainage from roofs, footings and downspouts shall be discharged through a curb unless conditions, which have been approved by the City Engineer do not warrant discharge of stormwater through the curb. In the case that stormwater cannot be directed to the curb, it shall be discharged to an enclosed drainage pipe or alternative location approved by the City Engineer. The proposed plans do not include any provisions for stormwater management, therefore, the following stormwater management conditions apply.

As a condition of approval, prior to final plat, the property owner shall:

- a. Provide a Detailed Drainage Site Plan including both an Existing Drainage Plan and a Proposed Drainage Plan as described in subsections “G” and “H” in the City’s Storm Drainage Design Standards (Resolution 517). The required drainage plan shall also include all supporting data and calculations.
- b. Provide three copies of Construction Plans to Community Development that include all construction specifications, test data, a materials list, drainage calculations, a soils report and design recommendations, easement and right-of-way descriptions, ties to the area benchmark and monument system and any other information required by the City Engineer.
- c. Provide payment for engineering review at the time plans are submitted to Community Development.

The following is required from RVSS. As a condition of approval, prior to the issuance of building permits, the property owner of Parcel 2 shall:

- a. Obtain a small lot development stormwater permit
- b. Obtain Tap and connection permits from RVSS prior to sewer construction
- c. Pay related sewer fees prior to construction.

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

#### **17.10.090 Utilities**

*B. Easements. Recorded easements shall be provided for all underground utility facilities.*

**FINDING:** As a condition of approval, prior to final plat, the property owner shall record a utility easement for all underground utility facilities to be shown on final plat. **The provisions of this section are met subject to conditions of approval.**

**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.*

- 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.**

**17.15.030 Approval Criteria: Preliminary 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 Chapter 18.160 TMC, Variances;*

**FINDING:** The proposed partition complies with or can comply with provisions of TZC through the application of 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:** The subject property takes access from N. First St., which is classified as a "Local Street" according to the 2015 Transportation System Plan (TSP). This section of N. First St. is a partially improved City road adjacent to a fully-improved cul-de-sac. Because the grade is set, improvements

can be tied into the existing cul-de-sac and extended, providing for enhanced walkability. As a condition of approval, prior to final plat, the property owner shall:

- a. Provide Public Improvement Plans for a curb/gutter/sidewalk extension to be reviewed and approved by the City Engineer; and
- b. Extend the half-street improvements across the frontage of the parcel.

Furthermore, stormwater facilities are located in the First St. cul-de-sac and shall be used for surface water management. In accordance with Resolution 517, the placement of impervious surfaces shall not flow over adjacent public or private property in a volume or location materially different from runoff conditions before development occurred. Drainage from roofs, footings and downspouts shall be discharged through a curb unless conditions, which have been approved by the City Engineer do not warrant discharge of stormwater through the curb. In the case that stormwater cannot be directed to the curb, it shall be discharged to an enclosed drainage pipe or alternative location approved by the City Engineer. The proposed plans do not include any provisions for stormwater management, therefore, in addition to the aforementioned public improvements, the following stormwater management conditions apply.

As a condition of approval, prior to final plat, the property owner shall:

- c. Provide a Detailed Drainage Site Plan including both an Existing Drainage Plan and a Proposed Drainage Plan as described in subsections “G” and “H” in the City’s Storm Drainage Design Standards (Resolution 517). The required drainage plan shall also include all supporting data and calculations.
- d. Provide three copies of Construction Plans to Community Development that include all construction specifications, test data, a materials list, drainage calculations, a soils report and design recommendations, easement and right-of-way descriptions, ties to the area benchmark and monument system and any other information required by the City Engineer.
- e. Provide payment for engineering review at the time plans are submitted to Community Development.

**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.**

*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 area in RS-7 is 6,000ft<sup>2</sup>; As proposed, Parcel 1 is 8,701ft<sup>2</sup> and Parcel 2 is 8,048ft<sup>2</sup>.



Public comments were received that addressed concerns commonly associated with in-fill: lights/noise/odor/privacy. It should be noted that flag lot setbacks for side yards are more strict than traditional RS-7 lots. An RS-7 flag lot setback requires 10ft for all lot lines except for the side with the access pole, which requires 13ft; an additional 20ft is required for garage entrances. Although no development on Parcel 2 is proposed in conjunction with the partition request, the proposed partition dimensions can readily accommodate these setbacks.

The minimum allowable flag lot dimension is 40ft; as proposed, 71.36ft is the smallest dimension.

The maximum building coverage is 35%; as proposed Parcel 1 would have 28.5% building coverage.

As proposed, both parcels meet their respective flag lot and underlying zone (RS-7) dimensional standards. **The provisions of this section have been met.**

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

**FINDING:** The proposed partition complies with or can comply with provisions of TMC 17.10.060, Vehicular Access and Circulation through the application of conditions of approval. **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 TMC Titles 17 and 18 and Chapter 18.105 TMC.*

**FINDING:** Subject parcel is zoned RS-7 and is surrounded by other RS-7 zoned parcels; there are no conflicting uses necessitating screening or buffering.

Parcel 1 is 8,701ft<sup>2</sup> as proposed and requires 30% landscaping coverage (2610.3ft<sup>2</sup>). This necessitates a minimum of three (3) 2in+ caliper trees and twelve (12) five-gallon shrubs or accent plants.

Parcel 2 is 8,048ft<sup>2</sup> as proposed and requires 30% landscaping coverage (2414.4ft<sup>2</sup>). This necessitates a minimum of three (3) 2in+ caliper trees and twelve (12) five-gallon shrubs or accent plants.

Landscaping for Parcel 2 will be addressed in conjunction with the development of the lot. As a condition of approval, prior to final plat, the property owner of Parcel 1 shall install required landscaping and provide photo evidence to Community Development. Note: existing (noninvasive) vegetation may be used in meeting landscaping requirements. **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 new lots are adjacent to the public right-of-way and the pole portion of Parcel 2 with required access drive has a length of less than 150 feet. **The provisions of this section have been met.**

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 have been met.**

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.**

#### **17.30.030 Flag Lot Partitions**

B. *When a flag lot is allowed. A flag lot is allowed only when the following are met:*

1. *An existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width standard of its zoning district.*
2. *Only one flag lot is proposed;*
3. *There will be only one residence on the flag lot (except in RM-HD zone);*

4. *Minimum density, minimum lot size and maximum building coverage requirements of the zone will be met; and*
5. *In the interest of protecting existing neighborhood context, structures taller than 18 feet will not be allowed if more than 50 percent of the lots sharing common lot lines, not including the parent lot, have houses on them that are less than 18 feet tall. Lots without houses on them will not be considered.*

**FINDING:** Public comments were received that addressed concerns commonly associated with in-fill: lights/noise/odor/privacy. Upon conducting a site visit, it appears that the majority, if not all structures sharing common lot lines are less than 18ft in height. No development on Parcel 2 is proposed in conjunction with the partition request; however, the applicant acknowledges this limitation on page 4 of the applicant statement.

As a general condition of approval, the property owner of Parcel 2 shall not be granted approval for structure height of 18ft or greater unless evidence satisfying TMC 17.30.030(5) is provided to Community Development. **The provisions of this section have been met subject to conditions of approval.**

*C. Flag lot access pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:*

6. *The pole must connect to a street and must be at least 13 feet wide at the street and for its entire length, or 24 feet if the length from the centerline of the street right-of-way to the flag portion is more than 150 feet or if there will be more than one residence on the flag lot;*
7. *The pole portion must be part of the flag lot and must be under the same ownership as the flag portion.*
8. *The access drive must be at least 12 feet wide (or 24 feet; see paragraph 1, above) and paved with concrete or asphalt. The drive must be designed so that stormwater run-off is directed toward an appropriate location and not onto neighboring properties.*

**FINDING:** Proposed flag-pole of Parcel 2 connects to N. First St., is less than 150ft in length and is 13.5ft wide at its narrowest, which would accommodate a drive-way of the required size.

Proposed flag-pole of Parcel 2 is part of the flag lot and will be under the same owner ship as the flag portion.

As a condition of approval, prior to issuance of certificate of occupancy, the property owner of Parcel 2 shall design the access drive in such a way that stormwater run-off is directed toward First St. and surface the access drive, driveway and parking area with concrete or asphalt to a minimum width of 12 feet. **The provisions of this section have been met subject to conditions of approval.**

*D. Minimum lot dimensions. No dimension of a flag lot may be less than 40 feet, excepting the pole portion. For the purposes of this subsection width and depth are measured at the midpoint of the opposite lot lines. All other lot dimension standards must be met.*

*E. Flag lot development standards. The following standards apply to development on flag lots:*

9. *Setbacks (See Figure 17.30.030-1.). Flag lots have required building setbacks that are the same along all lot lines, except that the setback on the pole portion side shall be at least 13 or 24 feet, as*

*appropriate, plus an additional 20 feet for garage entrances, or more if there is a possibility the pole may someday become part of a larger public right-of-way. The City reserves the right to require greater setbacks in such cases for garages and/or entire structures. The required setbacks for primary structures, including houses and garages, are:*

<i>Zone</i>	<i>Setback</i>
<i>RS-5</i>	<i>15 feet</i>
<i>RS-7, RS-MH and RM-HD</i>	<i>10 feet</i>

**FINDING:** The minimum lot area in RS-7 is 6,000ft<sup>2</sup>; As proposed, Parcel 1 is 8,701ft<sup>2</sup> and Parcel 2 is 8,048ft<sup>2</sup>.

Public comments were received that addressed concerns commonly associated with in-fill: lights/noise/odor/privacy. It should be noted that flag lot setbacks for side yards are more strict than traditional RS-7 lots. An RS-7 flag lot setback requires 10ft for all lot lines except for the side with the access pole, which requires 13ft; an additional 20ft is required for garage entrances. Although no development on Parcel 2 is proposed in conjunction with the partition request, the proposed partition dimensions can readily accommodate these setbacks.

The minimum allowable flag lot dimension is 40ft; as proposed, 71.36ft is the smallest dimension.

The maximum building coverage is 35%; as proposed Parcel 1 would have 28.5% building coverage.

As proposed, both parcels meet their respective flag lot and underlying zone (RS-7) dimensional standards. **The provisions of this section have been met.**

#### **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 subject residence on Parcel 1 is pre-existing and currently connected with its own services; Parcel 2 will be prepared for services and development as part of the plat's final signature and recording process. Overall, the application for a two-lot partition complies with City subdivision and zoning standards.

## **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.
2. The property owner of Parcel 2 shall not be granted approval for structure height of 18ft or greater unless evidence satisfying TMC 17.30.030(5) is provided to Community Development

### **PRIOR TO FINAL PLAT**

3. The property owner shall:
  - a. Provide Public Improvement Plans for a curb/gutter/sidewalk extension to be reviewed and approved by the City Engineer
  - b. Extend the half-street improvements across the frontage of the parcel.
  - c. Provide a Detailed Drainage Site Plan including both an Existing Drainage Plan and a Proposed Drainage Plan as described in subsections “G” and “H” in the City’s Storm Drainage Design Standards (Resolution 517). The required drainage plan shall also include all supporting data and calculations.
  - d. Provide three copies of Construction Plans to Community Development that include all construction specifications, test data, a materials list, drainage calculations, a soils report and design recommendations, easement and right-of-way descriptions, ties to the area benchmark and monument system and any other information required by the City Engineer.
  - e. Provide payment for engineering review at the time plans are submitted to Community Development.
4. The property owner shall record a utility easement for all underground utility facilities to be shown on final plat
5. The property owner of Parcel 1 shall install required landscaping and provide photo evidence to Community Development. Note: existing (noninvasive) vegetation may be used in meeting landscaping requirements

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

6. The property owner of Parcel 2 shall obtain an access(encroachment) permit.
7. (RVSS) The property owner of Parcel 2 shall:
  - a. Obtain a small lot development stormwater permit
  - b. Obtain Tap and connection permits from RVSS prior to sewer construction
  - c. Pay related sewer fees prior to construction.

### **PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY**

8. The property owner of Parcel 2 shall design the access drive in such a way that stormwater run-off is directed toward First St. and surface the access drive, driveway and parking area with concrete or asphalt to a minimum width of 12 feet.

Approved by:

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

\_\_\_\_\_  
September 9, 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 \$257.00 deposit. Please refer to TMC 18.190.040(E)(5), "Procedures," 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).