



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR)
2017-004 LOCATED AT 322 S. PACIFIC HWY AT THE)
INTERSECTION OF S. PACIFIC HWY AND RAPP RD. [MAP NO.)
38-1W-26AA TAXLOT 1200], THE CITY OF TALENT PLANNING)
COMMISSION FINDS THE FOLLOWING:

ORDER

1. The Planning Commission held a properly noticed public hearing on this matter on June 22, 2017;
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 22, 2017 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 use was allowed and consistent with the intent of the Central Business Highway (CBH) zoning district and with the Site Development Plan Review standards outlined in 8-3L.1 of the Talent Zoning Code;

The Talent Planning Commission approves the Site Development Plan (SPR 2017-004) with the following conditions of approval:

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. The applicant shall provide Community Development with a revised Landscape Plan, including all required trees, shrubs and groundcover and shall identify they type and location of all necessary irrigation.
2. The applicant shall provide a revised site plan indicating the location of the two (2) required bicycle parking spaces. The location of the bicycle parking shall be consistent with the provisions of Section 8-3J.560 (C-H) of the Talent Zoning Code.
3. As a condition of approval, prior to issuance of permits, the applicant shall provide Community Development with a copy of the Stormwater Management Plan approved by Rogue Valley Sewer Services (RVSS) that addresses all detention and treatment requirements outlined in the Rogue Valley Stormwater Design Manual (8/2008).

4. The applicant shall provide Community Development with a lighting plan detailing the exterior lighting consistent with Section 8-3J.575(G) of the Talent Zoning Code.
5. The applicant shall provide Community Development with building plans that demonstrate the proposed pathways meet current ADA standards.
6. The applicant shall provide evidence that all SDCs have been paid in full.
7. The applicant shall provide Community Development with a copy of an approved ODOT Right-of Way Permit detailing the removal of the existing highway access and the installation of the required sidewalk in conformance with ADA standards.
8. The applicant shall provide Community Development submit and have approved an Encroachment Permit that demonstrates the existing access on Rapp Rd. meets the minimum standards or provide plans to bring the access into conformance with the City standards.

PRIOR TO CERTIFICATE OF OCCUPANCY:

9. The applicant shall install wheel stops or bumper guards in all proposed parking stalls adjacent to the sidewalk.
10. The applicant shall permanently and clearly mark all parking stalls in accordance with the approved plan.

GENERAL CONDITIONS

11. All areas of the subject property not occupied by roadways, parking areas, walkway, patios or structures shall be maintained at all time.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested site development plan to construct a new church (6,500 square feet in size) 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.

8-3D.330 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE 2 SITE DEVELOPMENT PLAN REVIEW

D. *Churches and other religious institutions.*

FINDING: The proposed building has a main level building footprint of 5,100 square feet and a total area of approximately 6,000 square feet. As proposed the building will house a new church, consistent with the allowed uses in this zone. **The provisions of this section have been met.**

8-3D.360 YARD REGULATIONS

A. *Front yard.*

1. *Minimum: Zero (0) feet.*
2. *Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width.*
3. *Parking lots: Ten (10) feet, which shall be landscaped to provide screening.*

B. *Side yard.*

1. *Minimum: Zero (0) feet.*
2. *Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width on street-facing sides; ten (10) feet on alley-facing sides.*
3. *Parking lots: 10 feet, which shall be landscaped to provide screening.*

C. *Rear yard. No rear yard is required between commercially zoned properties.*

FINDING: The proposed building meets all required setback. The side yard on the south side of the parcel (facing Rapp Rd.) and the front yard setback to the east (facing Highway 99) are ten (10) feet. Side yard setbacks to the north have been expanded to accommodate a future parking area. **The provisions of this section have been met.**

E. *Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be twenty (20) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.*

FINDING: The proposed building is adequately separated from the residential use to the west. Additionally, the parking stalls adjacent to the residential use are separated by a vegetated buffer ten (10) feet in width providing additional separation. **The provisions of this section have been met.**

8-3D.390 PARKING AND LOADING REQUIREMENTS

- A. *Off-street loading spaces shall be provided as prescribed in Article 8-3J.5. Off-street parking spaces adequate to serve commercial establishments shall be made available, but may be provided on a district-wide or joint use basis rather than adjacent to each commercial use. If adequate public or commercial parking areas are not available, the individual business shall be responsible for providing adequate off-street parking in conformance with the requirements of Article 8-3J.5.*

- B. *On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages. Access to parking lots shall be from alleys wherever possible.*

FINDING: As proposed, all on-site parking is between west elevation of the building and the western boundary of the property. Access to the parking area is from an existing access on Rapp Rd. All parking design standards are addressed in the findings below. **The provisions of this section have been met.**

8-3D.395 LANDSCAPING, FENCES, WALLS AND SIGNS

All required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3D.396 BUFFERING

When a development or use is proposed on property within the CBD zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. The Planning Commission may waive buffering that would otherwise be required by Section 8-3J.460(B) if it finds that the need to fulfill the intent of the CBD zone outweighs the need for buffering. [Amended by Ord. No. 918; 7/15/2016]

FINDING: The proposed landscape plan adequately demonstrates compliance with the provisions of Section 8-3J.4 and are addressed in the findings for Section 8-3J.420-430 and 8-3J.450 below. **The provisions of these sections have been met.**

8-3J.420 MINIMUM LANDSCAPED AREA

- A. *The minimum percentage of required landscaping is as follows:*
2. *Central Business District (CBD) and Central Business Highway (CBH) Zones. 20 percent of the site.*

FINDING: The subject parcel totals approximately 34,675 square feet which requires 6,935 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 21,150 square feet of landscaped area. **The provisions of this section have been met.**

8-3J.430 MINIMUM VEGETATION AND GROUND COVER

- A. *Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:*
1. *One tree, minimum 2” caliper.*
 2. *Four 5-gallon shrubs or accent plants.*
- B. *Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant*

material as defined in Section 8-3J.430(C) below, shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy unless a xeriscape plan is approved.

- C. *Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting. The landscape materials below may be modified as part of an approved xeriscape plan.*

FINDING: The subject parcel totals approximately 34,675 square feet which requires 6,935 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 21,150 square feet of landscaped area. Pursuant to Section 8-3J.430(A) above, the applicant shall plant seven (7) 2" caliper trees and twenty-eight (28) 5-gallon shrubs or accent plants to meet the minimum landscape requirements. The proposed landscape plan identifies four (4) Raywood Ash trees in the parking area and nine (9) Raywood Ash and Quaking Aspens around the remainder of the property. The buffer is landscaped with Ponderosa Pines, Rosemary and Myrtle. All required parking lot trees and trees used to meet the landscape requirements shall be 2" caliper or larger and all shrubs shall be at least 5-gallons in size. As a condition of approval, prior to issuance of permits, the applicant shall provide Community Development with a revised Landscape Plan, including all required trees, shrubs and groundcover and shall identify they type and location of all necessary irrigation. **The provisions of this section have been met subject to conditions of approval.**

8-3J.450 BUFFER AND SCREENING

The Planning Commission shall require a buffer when a development or use proposed in a commercially and industrially zoned area is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone.

- A. **Commercial and Industrial Transition Buffers.** *The following standards shall be considered during any land use review that include commercial or industrial uses adjacent to a residential use.*
1. *The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use.*
 2. *The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired.*
 3. *Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography or other features. In the case that a proposed building is directly adjacent to the required setbacks, a fence or wall is not an appropriate buffer and a Section (b) below shall be required.*
 - a. *When a fence or wall is being proposed as a buffer it shall be sight-obscuring. In order to be "sight-obscuring", fences and walls must*

be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall.

- b. Hedges shall be of an evergreen species which will meet and maintain year-round 75 percent opacity. Opacity shall be obtained within three (3) years of planting.*
- c. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis at the discretion of the Community Development Director or Planning Commission.*

FINDING: The proposed commercial development is located adjacent to residential development and considering that the nature of the proposed use could conflict with the adjacent use, the applicant shall meet the buffer and screening standards addressed in Section 8-3J.450.

As proposed, the buffer along the western boundary of the project is sufficient to protect the adjacent residential uses from the potential conflicting commercial use and proposed parking area. There are two buffer types identified in the proposed development. The first buffer extends from the northwestern portion of the parcel south about 100 feet. This buffer consists of an existing chain-link fence with privacy slats, approximately 5 feet in height. The second buffer includes a variety of plant types including Rosemary, Myrtle and Ponderosa Pine, all which can provide a buffer greater than the exiting fence height. All proposed hedge plantings are of evergreen species and based on the proposed spacing, can achieve the opacity requirements within three (3) years of planting. **The provisions of this section have been met.**

8-3J.470 LANDSCAPE MAINTENANCE

It shall be the responsibility of the property owner to maintain landscaping on their property. All landscaping and trees shall be provided with irrigation or other facilities for the continuing care of the vegetation.

A. Residential Areas

In all residential zones, areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be maintained.

B. Commercial Areas

In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.420 and 430 above.

FINDING: As a general condition of approval, all areas of the subject property not occupied by roadways, parking areas, walkway, patios or structures shall be maintained at

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

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

A. *The number of off-street parking spaces required shall be not less than as set forth in Table 540-1, except as otherwise provided in this Article.*

FINDING: The proposed building can accommodate up to 100 seats in the sanctuary. Table 540-1 requires one (1) space for every five (5) seats. Considering 100 seats are proposed, the applicant is required to provide a minimum of twenty (20) parking stalls. As proposed, there are twenty (20) standard spaces and two (2) ADA spaces. The additional spaces to the north of the Phase 1 parking can accommodate an additional ten (10) spaces when necessary or when the building footprint is expanded in the future. **The provisions of this section have been met.**

C. *The following parking shall be provided for disabled persons, in conformance with the Americans With Disabilities Act (Table 540-2). Disabled parking is in addition to the minimum number of required parking spaces in 8-3J.540(A).*

Table 540-2. *Minimum Number of Accessible Parking Spaces
ADA Standards for Accessible Design 4.1.2 (5)*

<i>Total Number of Parking spaces Provided (per lot)</i>	<i>Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)</i>	<i>Van Accessible Parking Spaces with min. 96" wide access aisle</i>	<i>Accessible Parking Spaces with min. 60" wide access aisle</i>
	<i>Column A</i>		
<i>1-25</i>	<i>1</i>	<i>1</i>	<i>0</i>

FINDING: Considering 100 seats are proposed, the applicant is required to provide a minimum of twenty (20) parking stalls. As proposed, the applicant has identified two (2) ADA stalls in conformance with the ADA standards in Table 540-2 above. **The provisions of this section have been met.**

8-3J.560 BICYCLE PARKING FACILITIES

Commercial, industrial facilities and multiple-family dwellings shall provide adequate, safe and conveniently located parking facilities for bicycles. All uses, which are subject to Site Design Review, shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

A. *Number of Bicycle Parking Spaces. A minimum of 2 bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces...*

FINDING: The proposed site plan does not identify the required two (2) bicycle parking spaces. To meet this standard, the applicant shall provide a bicycle parking hoop that can accommodate a minimum of two (2) bicycles. As a condition of approval, prior to issuance

of permits, the applicant shall provide a revised site plan indicating the location of the two (2) required bicycle parking spaces. The location of the bicycle parking shall be consistent with the provisions of Section 8-3J.560 (C-H) of the Talent Zoning Code. **The provisions of this section have been met subject to conditions of approval.**

- C. *Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided, unless demonstrated otherwise by the applicant. Street furniture includes benches, streetlights, planters, and other pedestrian amenities. Creative designs are strongly encouraged.*
- D. *Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.*
- E. *Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;*
- F. *Lighting. Bicycle parking shall be as well lit as vehicle parking for security, unless otherwise well lit by an existing street light in the public right-of-way.*
- G. *Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.*
- H. *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (8-3J.6).*

FINDING: The proposed site plan does not identify the required two (2) bicycle parking spaces. To meet this standard, the applicant shall provide a bicycle parking hoop that can accommodate a minimum of two (2) bicycles. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised site plan indicating the location of the two (2) required bicycle parking spaces. The location of the bicycle parking shall be consistent with the provisions of Section 8-3J.560 (C-H) of the Talent Zoning Code. **The provisions of this section have been met subject to conditions of approval.**

8-3J.570 PARKING AREA DESIGN STANDARDS

- B. *Groups of three (3) or more parking spaces shall be served by service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required.*
- E. *Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping.*

FINDING: The proposed parking area design, including parking stalls provides adequate space for proper movement and other maneuvering of vehicles. The drive alley between

the parking stalls is 24' in width, consistent with a two-way driveway. As required in Section 8-3J.570 (E) and proposed in the site development plan, all parking stalls shall be improved to City standards for surfacing, stormwater management and striping. As proposed, the parking area will be paved and striped to meet the current city standards. Stormwater management is required for all new impervious surfaces in the development. As a condition of approval, prior to issuance of permits, the applicant shall provide a Stormwater Management Plan approved by Rogue Valley Sewer Services (RVSS) that addresses all detention and treatment requirements outlined in the Rogue Valley Stormwater Design Manual (8/2008). **The provisions of this section have been met subject to conditions of approval.**

8-3J.575 *PARKING AREA IMPROVEMENTS*

All public and private parking areas, which contain three (3) or more off-street parking spaces, except for single and two-family dwellings and mobile homes on individual lots, shall be improved according to the following:

- A. *All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland Cement Concrete, or other materials approved by the City Engineer. The use of pervious asphalt paving in parking areas is encouraged to meet on-site stormwater standards that may significantly reduce the requirement for drainage facilities.*

FINDING: All driveway and parking areas in the proposed site plan consist of a durable dust-free paved surface. **The provisions of this section have been met.**

- B. *All parking areas, aisles, turnarounds, and outdoor vehicle sales areas shall be graded so as not to drain storm water over sidewalks, public rights-of-way, and abutting private property. Storm water runoff generated beyond that which is normal for the site in its natural state shall, as much as possible, be retained on the site. Direct flow in stream channels is to be avoided. Methods to accomplish this provision include exhausting the possibilities of grading and draining parking lots into one or more of the following: percolation wells, trenches or ponds; vegetated or landscaped swales; natural drainage channels other than creek channels; and, for peak rainfall or runoff periods, seldom-used portions of the parking lot itself. It is the responsibility of the property owner to maintain the storm water system on his property in an operational manner so as to maintain the public safety and welfare; failure to maintain such a system in good repair may be constituted as a public nuisance in accordance with the provisions of any City ordinance regarding public nuisances. At least, drainage systems shall be conducted to public storm water sewers and ditches. (Please see Stormwater Design Standards).*

FINDING: Stormwater management is required for all new impervious surfaces in the development. As required in Section 8-3J.570 (E) above, all parking stalls shall be improved to conform to City standards for surfacing and stormwater management. As proposed, the parking area will be paved to meet the current city standards and no stormwater will drain over sidewalks, public rights-of-way or abutting properties. As a

condition of approval, prior to issuance of permits, the applicant shall provide Community Development with a copy of the Stormwater Management Plan approved by Rogue Valley Sewer Services (RVSS) that addresses all detention and treatment requirements outlined in the Rogue Valley Stormwater Design Manual (8/2008). **The provisions of this section have been met subject to conditions of approval.**

C. *All spaces shall be permanently and clearly marked.*

FINDING: The proposed plan identifies all required parking stall in accordance with Section 8-3J.570(E) Figure 570-1 and Table 570-1. As a condition of approval, prior to Certificate of Occupancy, the applicant shall permanently and clearly mark all parking stalls in accordance with the approved plan. **The provisions of this section have been met subject to conditions of approval.**

D. *Wheel stops and bumper guards shall be provided where appropriate for all spaces abutting property lines or buildings, and where necessary to protect trees or other landscaping; and no vehicle shall overhang a public right-of-way.*

FINDING: All proposed parking stalls adjacent to a raised sidewalk or a raised curb. The proposed sidewalk and raised curbs serve as sufficient protection for the adjacent building but do not provide adequate pedestrian safety or proper ADA access without wheel stops to prevent the front end of vehicles from encroaching on the walkway. As a condition of approval, prior to Certificate of Occupancy, the applicant shall install wheel stops or bumper guards in all proposed parking stalls adjacent to the sidewalk. **The provisions of this section have been met subject to conditions.**

E. *Where parking facilities or driveways are located adjacent to residential or agricultural uses, school yards, or similar institutions, a site-obscuring fence, wall or evergreen hedge not less than five (5) feet and not more than six (6) feet in height (except that such wall, fence or screen planting may exceed six feet in height if located beyond the required yard setbacks), and adhering to any vision clearance requirements and the yard requirements of the zone in which it is located, shall be provided on the property line, or between the property line and the parking area or driveway. Screen plantings shall be of such size and number as to provide the required screening at maturity, and shall be planted within twelve (12) months of the issuance of the building permit.*

FINDING: The proposed commercial development is located adjacent to residential development and considering that the nature of the proposed use could conflict with the adjacent use, the applicant shall meet the buffer and screening standards addressed in Section 8-3J.450.

As proposed, the buffer along the western boundary of the project is sufficient to protect residents in the adjacent residential uses from the commercial use and proposed parking area. There are two buffer types identified in the proposed development. The first buffer extends from the northwestern portion of the parcel south about 100 feet past. This buffer consists of an existing chain-link fence with privacy slats, approximately 5 feet in height.

The second buffer includes a variety of plant types including Rosemary, Myrtle and Ponderosa Pine, all which can provide a buffer greater than the existing fence height. All proposed hedge plantings are of evergreen species and based on the proposed spacing, can achieve the opacity requirements within three (3) years of planting. **The provisions of this section have been met.**

F. Trees and Landscaping.

- 1. Trees shall be retained and/or planted in landscaped areas, which shall cover not less than seven percent (7%) of the area devoted to outdoor parking facilities. Such landscaping shall be uniformly distributed throughout the parking area and may consist of trees plus shrubs, ground cover or related material. The intent is to break up large expanses of asphalt and thus provide shade in the warmer months and pervious surfaces for stormwater, and aesthetic relief. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for sustainable plant growth, with appropriate timing devices to encourage water conservation.*
- 2. Irrigation facilities or other provisions for the continuing care of the vegetation and protective curbs or raised wood headers shall be provided for landscaped areas.*
- 3. Trees shall be of a type and distribution to reduce the reflection of heat by paved surfaces and should have an adequate lifespan, be pollution tolerant and have low maintenance requirements in order to save long-term costs. An approved recommended tree list will be provided to the applicant.*
- 4. Trees shall be planted in a manner that will minimize interference with the solar access of adjacent properties.*

FINDING: The purpose landscape plan provides trees and shrubs uniformly distributed throughout the parking area and meets the intent of breaking up large expanses of asphalt, creating shade during the warmer months and pervious surfaces for stormwater. As proposed, the plan identifies thirteen (13) deciduous trees, including nine (9) Raywood Ash and four (4) Quaking Aspen. Eight (8) conifer trees (ponderosa pine) are included in the buffer area.

All proposed landscaping, including trees, shrubs and groundcover shall include irrigation facilities and protective curbs to prolong the life of the vegetation and to provide proper provisions for healthy establishment. All trees are of the type and distribution that can reduce the reflection of heat by paved surfaces. As a condition of approval, prior to issuance of permits, the applicant shall provide Community Development with a revised Landscape Plan, including all required trees, shrubs and groundcover and shall identify

they type and location of all necessary irrigation. **The provisions of this section have been met.**

- G. *Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect light away from any abutting or adjacent residential district and limit excessive light pollution.*

FINDING: The proposed plan does not detail the type of building or parking lot lighting. All lights necessary to illuminate the building or parking area shall be arranged to reflect light away from any abutting or adjacent residential uses. As a condition of approval, prior to the issuance of permits, the applicant shall provide Community Development with a lighting plan detailing the exterior lighting consistent with Section 8-3J.575(G) of the Talent Zoning Code. **The provisions of this section have been met subject to conditions of approval.**

8-3J.630 STREET ACCESS AND CIRCULATION

- A. *General. This Article shall apply to all public streets within the City and to all properties that abut these streets.*

2. *Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum width of 10 feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required by Divisions 8-3C through 8-3H, and Article 8-3J.1.*

- c. *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 point. Street access points shall comply with Paragraph 630(A)3.*

FINDING: There are currently two curb cuts (access points) to the subject parcel. One access point is near the intersection of S. Pacific Hwy and Rapp on the highway and the other is located approximately 150 from the intersection on Rapp Rd. The applicant is proposing the use of the existing access on Rapp Rd. The proposed access point has an existing curb cut that meets the current standards. Should the driveway approach need to be relocated for any reason, the applicant will be required to construct the new approach in accordance with City standards.

Comments from the Oregon Department of Transportation state that the applicant shall close the existing access located on Hwy 99 and the sidewalk adjacent to the development shall be reconstructed to meet current ADA standards. Additionally, a miscellaneous/utility permit will be required for any work with the ODOT right-of-way. As a condition of approval, prior to the issuance of permits, the applicant shall provide Community Development with a copy of an approved ODOT Right-of Way Permit

detailing the removal of the existing highway access and the installation of the required sidewalk in conformance with ADA standards. **The provisions of this section have been met subject to conditions of approval.**

4. *Curb Cut—Driveway Standards.*

- a. *Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts. Driveways shall be designed and constructed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. Curbs, sidewalks, landscaping, signs and/or other improvements shall be utilized to clearly define points of ingress and egress.*
- b. *Curb cuts or driveway widths shall be sized according to the following:*
 - (3) *Commercial and industrial uses: maximum curb cuts and driveway approaches are the following according to property frontage:*

<i>Property frontage</i>	<i>One two-way driveway</i>	<i>Two or more two-way driveways</i>
<i>under 30 feet</i>	<i>60% of frontage</i>	<i>-----</i>
<i>30-50 feet</i>	<i>18 feet</i>	<i>-----</i>
<i>50-80 feet</i>	<i>29 feet</i>	<i>-----</i>
<i>80 feet or more</i>	<i>33 feet</i>	<i>28 feet</i>

FINDING: There are currently two curb cuts (access points) to the subject parcel. One access point is near the intersection of S. Pacific Hwy and Rapp on the highway and the other is located approximately 150 from the intersection on Rapp Rd. The applicant is proposing the use of the existing access on Rapp Rd. The proposed access point has an existing curb cut that meets the current standards. Should the driveway approach need to be relocated for any reason, the applicant will be required to construct the new approach in accordance with City standards. As a condition of approval, prior to the issuance of permits, the applicant shall provide Community Development submit and have approved an Encroachment Permit that demonstrates the existing access on Rapp Rd. meets the minimum standards or provide plans to bring the access into conformance with the City standards. **The provisions of this section have been met subject to conditions of approval.**

8-3J.640 PEDESTRIAN ACCESS AND CIRCULATION

To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicyclists.)

- A. *Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Sections 630 and 640.*
- B. *Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:*
 - 4. *For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multiple-family buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway, which serves as a common entrance for more than one dwelling.*
- C. *Connections Within Development. For all developments subject to Site Development Plan Review (8-3L.1), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas, and adjacent developments to the site, as applicable.*
- D. *Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Sec. 630(A). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable.*
- E. *Design and Construction. Pathways shall conform to all of the following standards:*
 - 1. *Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by, at minimum, a five-foot-wide strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.*
 - 2. *Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of five (5) feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the*

pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions in Divisions 8-3C through 8-3G and Article 8-3L.7. Where there is no building separation, a pathway is not required for commercial, industrial, public, or institutional uses.

3. *Accessible Routes. Pathways shall comply with the Americans With Disabilities Act, which requires accessible routes of travel.*

FINDING: All proposed pathways within the development are continuous and provide safe, direct and convenient access to the proposed church building. The pathway system within the development includes two (2) access points to the public right-of-way and are elevated six (6) inches above the grade of the adjacent right-of-way and parking area. It is unclear from the proposed plans whether the proposed pathways meet ADA standards, therefore, the applicant shall demonstrate during the building permit process that the proposed pathways comply with ADA standards. As a condition of approval, prior to issuance of permits, the applicant shall provide Community Development with building plans that demonstrate the proposed pathways meet current ADA standards. **The provisions of this section have been met subject to conditions of approval.**

8-3L.150 REQUIRED FINDINGS FOR APPROVAL OF PLAN

After an examination of the site, the Planning Commission shall approve, or approve with conditions the site development plan if all of the following findings are made:

- A. *All provisions of this Chapter and other applicable City ordinances and agreements are complied with;*
- B. *The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;*

FINDING: The proposed development complies with the provisions of the Talent Zoning Code and meets the objectives of the zone subject to conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

- C. *All applicable portions of the City comprehensive plan or other adopted plan are complied with;*

FINDING: The proposed development is consistent with the intent of the uses allowed on a property with a commercial Comprehensive Plan Designation. **The provisions of this section have been met.**

- D. *The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area;*

FINDING: The proposed commercial development is located adjacent to residential development and considering that the nature of the proposed use could conflict with the adjacent use, the applicant shall meet the buffer and screening standards addressed in Section 8-3J.450.

As proposed, the buffer along the western boundary of the project is sufficient to protect the adjacent residential uses from the potential conflicting commercial use and proposed parking area. There are two buffer types identified in the proposed development. The first buffer extends from the northwestern portion of the parcel south about 100 feet. This buffer consists of an existing chain-link fence with privacy slats, approximately 5 feet in height. The second buffer includes a variety of plant types including Rosemary, Myrtle and Ponderosa Pine, all which can provide a buffer greater than the exiting fence height. All proposed hedge plantings are of evergreen species and based on the proposed spacing, can achieve the opacity requirements within three (3) years of planting. **The provisions of this section have been met.**

E. *That no wastes, other than normal water runoff, will be conducted into City storm and wastewater facilities;*

FINDING: The proposed site development plan does not propose to put any waste other than normal water runoff into the City storm and wastewater facilities. **The provisions of this section have been met.**

F. *The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:*

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

FINDING: Vehicular and pedestrian access and circulation have been adequately addressed. The proposed building provides an adequate transition to the adjacent single story structures to the west and north. The proposed landscaping has been designed to create an attractive buffer when fully mature. **The provisions of this section have been met.**

G. *The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this Chapter and the applicable portions of the*

City Subdivision Code, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made.

FINDING: There are no required street or other needed public facilities or service improvements required as a part of this development. **The provisions of this section are not applicable.**

ORD #725 SYSTEM DEVELOPMENT CHARGES

Section 8. COLLECTION OF CHARGES

A. *The System Development Charge is payable upon, and as a condition of, issuance of:*

1. *A building permit*
2. *A development permit and/or a development permit for development not requiring the issuance of a building permit;*
3. *A permit or approval to connect to the water or storm drainage system, or sewer system;*
4. *A right-of-way permit.*

The proposed development includes the addition of two (2) residential units with ground floor commercial. System Development Charges (SDCs) will be assessed for each new unit in accordance with Ordinance #725 adopted October 5, 2005. In addition, the applicant will be required to provide evidence that all other SDCs from other jurisdictions have been paid in full. As a condition of approval, prior to the issuance of permits, the applicant shall provide evidence that all SDCs have been paid in full. **The provisions of this section have been met subject to conditions of approval.**

This approval shall become final 14 days from the date this decision and supporting findings of fact are signed by the Chair of the Talent Planning Commission, below. A Planning Commission decision may be appealed to the Hearing's Officer within 14 days after the final order has been signed and mailed. An appeal of the Hearing's Officer decision must be submitted to the Land Use Board of Appeals within 21 days of the Hearing Officer's decision becoming final.

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

Felicia Hazel
Planning Commission Chair

Date

ATTEST

Zac Moody
Community Development Director

Date

DRAFT