



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR)
2017-005 LOCATED AT 251 W. VALLEY VIEW RD. AT THE) ORDER
INTERSECTION OF HINKLEY RD. AND WEST VALLEY VIEW)
RD. [MAP NO. 38-1W-23D TAXLOT 200 & 201], THE CITY OF)
TALENT PLANNING COMMISSION FINDS THE FOLLOWING:

1. The Planning Commission held a properly noticed public hearing on this matter on August 24, 2017 and continued the public hearing to September 28, 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 August 24, 2017 public hearing and to provide recommendations on written and oral testimony;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Commission found that the proposal was consistent with the existing use and the intent of the Commercial - Highway (CH) 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 2017-005) with the following conditions of approval:

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. The applicant shall provide Community Development with approved Public Improvement Plans siting the location of the path along the eastern boundary of the proposed dedicated tract of land. The design of the multi-use path shall be consistent with the design of the multi-use path constructed in Old Bridge Village subdivision and shall provide an inset plan detailing the terminus of the multi-use path at W. Valley View Rd consistent with ADA standards.
2. The applicant shall provide Community Development with a map of survey and recorded dedication deed for the required open space dedication.
3. The applicant shall provide Community Development with a revised Landscape Plan that:

- (a) includes thirty-two (32) 2” caliper trees and one hundred twenty-eight (128) 5-gallon shrubs or accent plants to meet the minimum landscape requirements in accordance with Section 8-3J.430 of the Talent Zoning Code. The revised landscape plan shall also provide the location of all irrigation, including the spray patterns of the proposed irrigation or the location of drippers to ensure that each plant within the landscaped area has water.
 - (b) identifies Western Red Cedars at least five (5) feet in height at the time of installation, spaced 15-25 feet apart, planted along the western bank of Wagner Creek from the south elevation of the dwelling at 100 Oak Valley to the north elevation of the dwelling at 140 Oak Valley.
 - (c) identifies an evergreen buffer adjacent to the security fence surrounding the tower.
4. The applicant shall provide Community Development 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).
5. The applicant shall provide Community Development with a lighting plan that details the location of each proposed building and parking lot light. All building lights shall be of a type that directs light downward. All parking lot lights within twenty-five (25) feet of the eastern and western boundary of the parcel shall include light shields to prevent the spill of light on to the neighboring residential properties. All other parking lot lighting shall be directed in a downward manner in accordance with Section 8-3J.575(G) of the Talent Zoning Code.
6. The applicant shall provide Community Development with Public Improvement Plans that identify the location and standard design for all proposed curb cuts, including curbs, gutters, sidewalks and driveway aprons.
7. The applicant shall provide evidence that all required SDCs from affected agencies have been paid in full.
8. The applicant shall provide evidence that all service laterals to the site have been abandoned within 5 feet of the property line in accordance with RVSS regulations.
9. The applicant shall provide evidence that the required NPDES 1200-CN permit has been obtained from RVSS.
10. The applicant shall provide Public Improvement Plans consistent with the City of Talent Standard Details (amended June 18, 2014). Construction of the required water main shall be installed at the applicant’s expense. Additionally, the applicant

shall vacate the existing 20' water easement (OR 79-06512) once the new water line improvements have been accepted by the City.

11. The applicant shall provide a revised site plan that includes the location of three (3) fire hydrants on the subject property consistent with the Fire Marshall's recommendations and the Uniform Fire Code; located near the end of Hinkley Road on the eastern boundary of the parcel; one near the center access along W. Valley View Rd.; and one along the proposed boundary line of Parcel 1 and 2 near the western boundary of the parcel.
12. The applicant shall provide a revised site plan identifying a curb, 6" in height around the perimeter of the development not used for vehicular access. Additionally, the approved stormwater plan shall be prepared by a Licensed Engineer, shall identify an emergency shut-off valve on the storm system to completely close the system in the case of an emergency.
13. The applicant shall provide the City a construction elevation certificate prepared by a licensed Engineer demonstrating that the proposed construction is two (2) feet above base flood elevation (BFE).

PRIOR TO CERTIFICATE OF OCCUPANCY:

14. The applicant shall construct and dedicate all required public improvements, including the 10-foot-wide multi-use path near Wagner Creek from W. Valley View Rd. to the northern boundary of the subject property, the relocated 12" water main and all required curb, gutters, sidewalks and driveway aprons.
15. The applicant shall permanently and clearly mark all parking stalls in accordance with the approved plan.
16. The applicant shall install wheel stops or bumper guards in all proposed parking stalls adjacent to a sidewalk or walkway.
17. All required landscaping shall be installed in accordance with the approved site plan.
18. The applicant shall provide the City a finished elevation certificated prepared by a licensed Engineer demonstrating that the project was constructed in accordance with the construction elevation certificate.

IT IS HEREBY ORDERED THAT the Talent Planning Commission, based on the information presented in the Staff Report and Findings of Fact below APPROVES with conditions the requested site development plan to redevelop the former Talent Truck Stop site to a Travel Center with a 13,000-square foot building with truck and auto fueling bays.

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

8-3 Division D. Article 4.

COMMERCIAL ZONE - HIGHWAY (CH)

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

- C. *Eating and drinking establishments (which may include entertainment).*
- F. *Public and commercial off-street parking lots or structures.*

8-3D.430 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE 2 SITE DEVELOPMENT PLAN REVIEW

- A. *Any use permitted subject to site development plan review without a required public hearing in the Highway Central Business District Zone (CBH), except civic center buildings or other buildings of a public service nature (see 8-3D.330 below for allowed uses in the CBH zoning district).*
- F. *Retail (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and wholesale business and service establishments providing home furnishings; nursery supplies; retail lumber, paint and wall paper; plumbing, heating and electrical sales and service; drapery, floor covering and tile sales.*
- I. *Feed and fuel stores.*
- J. *Automobile service stations*

FINDING: The Applicant proposes to redevelop the existing truck stop with an approximately 13,000 square foot convenience store and restaurant as well as diesel and gasoline fuel sales. As required by this section, the applicant has submitted an application and findings addressing all applicable requirements. **The provisions of this section have been met.**

8-3D.460 YARD REGULATIONS

- A. *Front yard. The front yard shall have a depth of not less than ten (10) feet, including parking lots and internal access drives. [amended by Ord. 782; 7/6/2005]*
 - 1) *Side yard.*
 - 2) *No side yard is required between commercially zoned properties.*
 - 3) *When abutting a lot in a residential zone, there shall be minimum side yard of ten (10) feet.*

4) *A side yard abutting a street and/or alley shall have a depth of not less than ten (10) feet.*

- B. *Rear yard. No rear yard is required between commercially zoned properties; when abutting a lot in a residential zone, there shall be a rear yard of not less than ten (10) feet. No structural improvements except road surfacing shall be allowed within ten (10) feet of the centerline of an alley.*
- C. *Existing residential uses. For existing residential uses or structures, setbacks in conformance with the RS-7 residential zone shall apply.*
- D. *Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions. [amended by Ord. 782; 7/6/2005]*

FINDING: The proposal meets all the above requirements as demonstrated on the Site Plan maps. **The provisions of this section have been met.**

8-3D.496 BUFFERING

When a development or use is proposed on property within the CH 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 development does not abut any conflicting land use zones or other permitted uses, but is near a residential development. Although Staff finds that the existing buffer exceeds the minimum requirements of 8-3J.450, the applicant has proposed a vegetated buffer consisting of Western Red Cedar trees. Additional findings of compliance are addressed in the buffer findings below. **The provisions of this section have been met subject to conditions of approval.**

8-3 Division H. Article 2

Overlay Zone—NATURAL AREAS, PARKS AND FLOODPLAINS

8-3H.220 FLOOD PLAIN – PARKS – GREENWAY OVERLAY ZONE (OFPG)

A. *Description and Purpose.*

- 1. ***Parks and Greenways.*** *An adequate amount of parkland is necessary to meet recreational and open space needs and to promote the general welfare. Parklands include greenways along Bear and Wagner Creeks and other parks designated and described in the City Comprehensive Plan. It is the intent of this Article to support the continued improvement and maintenance of the Bear*

Creek Greenway, to continue to develop the Wagner Creek Greenway, and to eventually connect the two for an integrated greenway system. Greenway development shall combine pedestrian access with natural features in a way that protects natural areas and wildlife habitat in and around the greenway. Development adjacent to parks shall be designed and constructed in a manner that is compatible with parks, greenways, natural areas and wildlife habitat.

FINDING: The site is located at the confluence of Bear Creek and Wagner Creek, therefore the overlay requirements of this section apply. As required by the City's Transportation System Plan, the applicant is proposing a multi-use path along the eastern bank of Wagner Creek extending from West Valley View Road north to Bear Creek to the future connection of the Bear Creek Greenway. This required path represents a fairly large portion of the Wagner Creek Greenway path and although it doesn't currently connect to an existing path, the construction of the path provides the City a better opportunity to secure grants to complete the connection to the Bear Creek Greenway. The addition of this segment of the Wagner Creek Greenway is one of six critical segments necessary to provide a complete connection from Rapp Rd. to Bear Creek.

The proposed multi-use path is consistent with the location of the path required in Section 4, Table 1 and Section 5, Figure 3 of the 2015 City of Talent Transportation System Plan (TSP).

The development of the multi-use path would not only provide a needed segment of path connecting the Bear Creek Greenway, but it also serves as a buffer necessary to prevent future encroachment of the floodway, wetlands and riparian area along Wagner Creek. The proposed site plan identifies the location of the existing wetlands which has received concurrence from the Department of State Lands (DSL). To ensure there are no future encroachments to the delineated wetlands, the applicant will be required to dedicate the area from the eastern boundary of the path to the western property line.

This dedication not only provides the City control over the protected areas, but it gives the City ownership of the newly constructed path. Additionally, the existing vegetation within the proposed open space dedication area from the proposed path west to the creek provides for a large percentage of the required on-site landscape. Applying the existing landscaping in the open space to that required in Section 8-3J.4 of the Talent Zoning Code (Landscaping) provides the property owner with some level of compensation for the area lost due to setbacks. As a condition of approval, the applicant shall, prior to Certificate of Occupancy construct and dedicate the required 10-foot-wide multi-use path near Wagner Creek from W. Valley View Rd. to the northern boundary of the subject property. Prior to issuance of permits, the applicant shall provide the City with Public Improvement Plans, consistent with the City's Standard Details and provide a survey map and draft deed identifying the area of park dedication. **The provisions of this section have been met subject to conditions of approval.**

- 2. Flood Plain. The OFPG overlay zone may be laid over any other zoning district established by this chapter where the area is subject to inundation by flooding,*

as indicated on Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) and floodway maps. That is, any area subject to a one percent chance of flooding in any given year, also referred to as the 100-year flood plain. Application of special development standards in floodplains is intended to minimize property loss, personal injury and health hazards.

FINDING: The entire site lies within the 100-year floodplain and shall comply with all applicable development standards imposed by this section and all other sections of the Talent Zoning Code. Findings related to the required standards are addressed below. **The provisions of this section have been met.**

C. **Standards.** *All development, including construction, reconstruction, extension, conversion or alteration of any structure or land occurring in the OFPG zone shall comply with the following standards:*

1. *Development Within the 100-Year Flood Plain.*

a. *Development within the 100-year flood plain shall conform to the standards of this Chapter and to those of Chapter 8-5, entitled Flood Damage Prevention. At a minimum, development within the floodplain shall be consistent with development standards established for participation in the federal flood insurance program.*

FINDING: As proposed, all development within the site conforms to the applicable standards of Chapter 8-3H – Overlay Zones, addressed herein and Chapter 8-5 – Flood Damage Prevention addressed below. **The provisions of this section have been met.**

b. *No new construction, including the placement of mobile homes, is allowed in any designated floodway or within the bed and banks of any stream, except for those uses, such as bridges, that are associated with greenway access or other public facilities. Any such use shall be subject to approval by the Oregon Department of Fish and Wildlife, Division of State Lands, and any other state or federal agency with a jurisdictional interest in the waters of the state.*

FINDING: As proposed, all development within the site conforms to the applicable standards of Chapter 8-3H – Overlay Zones, addressed herein and Chapter 8-5 – Flood Damage Prevention addressed below. No new construction is proposed within the exiting floodway except for the proposed paving of the existing gravel area necessary for truck and auto parking as well as landscaping. No improvements, except for the multi-use path which is required by the City’s TSP are located within the bed or banks of any stream. The proposed paving of the existing parking area will not negatively impact or obstruct the flow of flood waters in the floodway in the event of a flood event. **The provisions of this section have been met.**

2. *Yard Setbacks Along Greenway Areas. The Greenway protected area is the*

thirty-five (35) foot wide strip of land extending the length of, and on both sides of, the designated floodway. Structural setbacks, as prescribed for the underlying zone, shall be measured from the outer edge of the 35-foot strip. Where a floodway line has not been mapped, the floodway shall be determined by a registered professional engineer at the property owner's expense prior to approval of development permits. Establishment of floodway boundary lines is further regulated by Chapter 8-5, entitled Flood Damage Prevention. This setback provision is in addition to the wetland/riparian setbacks established in Section 230, below. Where there is a conflict between the two setbacks, the stricter standard shall apply.

FINDING: No structures are proposed within the setbacks of the CH zone when measured from the outer edge of the 35-foot greenway. The greenway setback and floodway boundaries have been determined in this area and are included in the proposed Site Plan Review maps. **The provisions of this section have been met.**

- 3) *Dedication of Park Land. To ensure Park and Greenway lands are provided to meet future recreation and open space needs, as anticipated by the Comprehensive Plan and as set forth in the OFPG zone, the Planning Commission may require that land be dedicated to the public for parks or greenway purposes. Section 240 of this Article addresses ways that projects may be designed to compensate property owners for the impacts of dedication and setback requirements.*

FINDING: The applicant has proposed the dedication of a tract of land along Wagner Creek at the western property line to the City as public open space. This tract includes the required path connecting West Valley View Road to Bear Creek constructed along the outer edge of the existing developed area. The path and dedicated open space serves as a boundary/buffer between the diesel fuel access/truck parking and the Wagner Creek Greenway. This tract is illustrated on sheet C2.0 – Site Plan.

This dedication not only provides the City control over the protected areas, but it gives the City ownership of the newly constructed path and public property to relocate a city water main. As a condition of approval, the applicant shall, prior to Certificate of Occupancy construct and dedicate the required 10-foot-wide multi-use path near Wagner Creek from W. Valley View Rd. to the northern boundary of the subject property. Prior to issuance of permits, the applicant shall provide the City with Public Improvement Plans for the required path, consistent with the City's Standard Details. A survey map and draft deed identifying the area of park dedication are also required. **The provisions of this section have been met subject to conditions of approval.**

- 4) *Site Development Plan Standards. Site development plan approval on any property where the provisions of this Article and Section apply shall meet all of the development standards included in 8-3L.1, and the following:*

- a. *All structures, introduced vegetation, and access for vehicles, pedestrians and bicycles shall be designed to support and protect the greenway area as a public place and as wildlife habitat.*
- b. *All structures, introduced vegetation, and access for vehicles, pedestrians and bicycles shall be designed to provide maximum safety from flooding hazards.*
- c. *Any development proposed within the designated flood plain shall be designed, and the work site shall be managed, to prevent soil erosion and the deposition of any material into stream channels. Stabilization of soils through planting of vegetation or other techniques shall be used to prevent erosion during and after construction. A registered professional engineer or registered professional geologist shall prepare an erosion control plan to be included with the site grading and drainage plan that is required of all new development. The plan shall include illustrations and/or descriptions of any mitigating measures to be taken to comply with this requirement.*

FINDING: As proposed, the parking lot improvements constructed within the floodway and the multi-use path constructed in the greenway are designed to contain stormwater on site, increase the overall landscaped area on the property, and to provide additional buffering between the site and the Wagner Creek and Bear Creek greenways. See sheet C4.0 – Erosion and Sedimentation Control Plan, prepared by a professional engineer identifies the temporary and permanent erosion control measures. **The provisions of this section have been met.**

8-3H.240 – COMPENSATION FOR AREA LOSSES DUE TO SETBACK REQUIREMENTS

To minimize adverse impacts on property owners from implementation of the conservation measures required by this Article, some flexibility in design and density standards may be allowed, as follows:

- B. *Commercial, Industrial, or Institutional Development.*
 - 1. *Where application of the conservation setback might otherwise prohibit reasonable use of land zoned for commercial, industrial or institutional uses, the Planning Commission may allow a dedicated greenway area to be applied to the area required for landscaping and/or open space, as required in the underlying zoning district and 8-3J.4 and 8-3J.5*

FINDING: The required riparian and floodway setbacks along Wagner Creek would reduce the lot size to such an extent that it would be nearly impossible to develop and still meet the landscaping requirements of the CH zone. The existing vegetation within the proposed open space dedication area from the proposed path west to the creek provides for a large percentage of the required landscape. Applying the existing landscaping in the open

space to that required in Section 8-3J.4 of the Talent Zoning Code (Landscaping) provides the property owner with some level of compensation for the area lost due to setbacks.

The development of the multi-use path would not only provide a needed segment of path to connect to the greenway, but it would also serve as a buffer necessary to prevent future encroachment of the floodway and riparian area. To prevent any future encroachments the applicant shall dedicate the area from the eastern boundary of the path to the western property line.

This dedication not only provides the City control over the riparian area, but it gives the City ownership of the newly constructed path. As a condition of approval, the applicant shall, prior to Certificate of Occupancy construct and dedicate the required 10-foot-wide multi-use path near Wagner Creek from W. Valley View Rd. to the northern boundary of the subject property. Prior to issuance of building permits, the applicant shall provide Community Development with approved Public Improvement Plans siting the location of the path along the eastern boundary of the proposed dedicated tract of land. The design of the multi-use path shall be consistent with the design of the multi-use path constructed in Old Bridge Village subdivision and shall provide an inset plan detailing the terminus of the multi-use path at W. Valley View Rd consistent with ADA standards. **The provisions of this section have been met subject to conditions of approval.**

8-3J.122 BUILDING COVERAGE

Maximum permitted building coverage shall include the aggregated building coverage of the lot with the following exceptions: unroofed and unenclosed patios and decks; up to 100 square feet of unenclosed front porches; swimming pools not structurally covered; and any solar collection device or related apparatus covering less than five percent (5%) of the total lot area.

FINDING: There are no maximum lot coverage restrictions except as provided in the yard setback and off-street parking regulations. **The provisions of this section are not applicable.**

8-3 Division J. Article 1.

GENERAL PROVISIONS

8-3J.123 BUILDING HEIGHT

- A. *Limitations and General Exceptions. The maximum height of any structure shall be two-and-a-half (2½) stories or thirty (30) feet, whichever is less. Taller structures shall be permitted only as a conditional use in each zone. Height limitations shall not apply to chimneys, spires, aerials, flagpoles, solar energy collectors and necessary mounting or operational equipment, utility poles, or other similar objects not used for human occupancy. Barns and silos are permitted subject to written approval by the City or District Fire Chief. Buildings and other objects cited in this Section should not be permitted to significantly impair solar access of buildings or*

solar collectors.

FINDING: The proposed building is less than 30 feet in height. **The provisions of this section have been met.**

8-3 Division J. Article 3.

TREE PRESERVATION AND PROTECTION

8-3J.350 PERMIT TYPES

Type C permit.

- A. *Approval to remove two or more trees on a single lot or parcel as part of a site plan review or amendment, subdivision, or partition application may be granted as a Type C permit in conformance with subsection (5) of this section.*
- B. *Type C permit applications shall be reviewed concurrent with the development review process. If a Type C permit or its associated development application is appealed, no trees shall be removed until the appeal has been resolved.*

FINDING: The trees being proposed for removal near the restaurant building site do not qualify as significant or heritage trees, therefore a Type C tree removal permit is not required. **The provisions of this section are not applicable.**

8-3 Division J. Article 4.

LANDSCAPING, FENCING AND HEDGES

8-3J.420 MINIMUM LANDSCAPED AREA

- A. *The minimum percentage of required landscaping is as follows:*
 - 2. *Commercial Highway (CH) and Commercial Interchange (CI) Zones. 20 percent of the site.*

FINDING: As shown on the proposed landscape plan, the site includes 52,250 square feet of landscaping, including 15,297 square feet dedicated to the City as open space. This comprises 22.3% of the overall site and meets the minimum requirements. As addressed above, including the 15,297 square feet of open space provides for a large percentage of the required landscape and provides the property owner with some level of compensation for the area lost due to setbacks. **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 5.38 acres (234,352 square feet) which requires 46,870 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 52,250 square feet of landscaped area, including the proposed 15,265 square feet of dedicated open space. With the deduction of the dedicated open space, the applicant's required landscape area totals 31,620. Pursuant to Section 8-3J.430(A) above, the applicant shall plant thirty-two (32) 2" caliper trees and one hundred twenty-eight (128) 5-gallon shrubs or accent plants to meet the minimum landscape requirements. The existing area of vegetation (trees and shrubs) in the open space area have been counted towards the required minimum. The proposed landscape plan identifies thirty (30) 2" caliper trees. 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 that includes thirty-two (32) 2" caliper trees and one hundred twenty-eight (128) 5-gallon shrubs or accent plants to meet the minimum landscape requirements in accordance with Section 8-3J.430 of the Talent Zoning Code. The revised landscape plan shall also provide the location of all irrigation, including the spray patterns of the proposed irrigation or the location of drippers to ensure that each plant within the landscaped area has water. All required landscaping shall be installed prior to Certificate of Occupancy. **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, although not abutting a conflicting land use is located near residential development on the western boundary of the property and commercial on the eastern boundary. The site includes existing riparian vegetation along the western and eastern property lines that is more than adequate to screen and buffer the nearby residential neighborhood and commercial uses. Although the existing buffer exceed the requirements of this section, the applicant has proposed an additional evergreen buffer to ensure that Oak Valley Residents are protected year-round from potential noise, light and odor issues. As a condition of approval, the applicant shall, prior to issuance of building permits, provide the City with a revised landscape plan that includes at minimum, one (1) Western Red Cedar at least five (5) feet in height at the time of installation, with a minimum spacing of 15'-25', planted along the western bank of Wagner Creek from the south elevation of the dwelling at 100 Oak Valley to the north elevation of the dwelling at 140 Oak Valley. As a condition of approval, the applicant shall, prior to Certificate of Occupancy install all approved landscaping. **The provisions of this section have been met subject to conditions of approval.**

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. Non-compliance of the provisions of this section are addressed through the code enforcement program and are addressed as necessary. **The provisions of this section have been met.**

8-3 Division J. Article 5.

OFF-STREET PARKING AND LOADING

8-3J.520 – OFF-STREET LOADING

Every hospital, institution, hotel, commercial or industrial building hereafter erected or established, and every existing structure enlarged or changed for these uses within any zone of the City, having a gross floor area of 10,000 square feet or more, shall provide and maintain at least one (1) off- street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area. Any use requiring one-half or more of a loading space shall be deemed to require the full space. Each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, and have fourteen (14) feet vertical clearance.

FINDING: The proposed building is over 10,000 square feet and is required to provide at least one off-street loading area. The proposed site plan identifies an adequate loading area near the northern portion of the proposed building. **The provisions of this section have been met.**

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 retail store includes a gross floor area of 6,375 square feet and requires 16 parking spaces. The restaurant includes a gross floor area of 5,508 square feet

and requires 55 parking spaces. There are 61 standard and 4 ADA parking spaces proposed. Auto fueling will contain 18 spaces. In total, there are 83 parking spaces for autos. There are 30 truck spaces proposed ranging in length from 45 to 95 feet to accommodate the upper floor lounge area for truck driver use. There are two banquet rooms totaling 295 square feet. The addition of this space is negligible compared to the other onsite uses and can be feasibly accommodated in the proposed parking. The proposed plan exceeds the requirement for both the auto and truck oriented uses. **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>		
75-100	4	1	3

FINDING: In total, there are 83 parking spaces for autos. As proposed, the applicant has identified four (4) 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 includes 83 parking spaces and requires a minimum of 8 bicycle parking spaces. As shown on the proposed site plan, 8 bicycle parking spaces have been provided on a concrete pad adjacent to the convenience store entrance. **The provisions of this section have been met.**

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 identifies the required bicycle parking adjacent to the front entrance of the convenience store in a well-lighted, non-hazardous location. The proposed parking is located with respect to both the street right-of-way and at least one building entrance and is visible to cyclist from the street sidewalks and building entrance. **The provisions of this section have been met.**

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: Proposed parking areas meet all the above requirements. No compact car parking is proposed. Parking stalls are configured such that no vehicular movement within the right-of-way is required to enter or exit parking stalls. Drive aisles are all 24 feet wide and parking stalls are 9 feet wide and 20 feet deep. 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. Additionally, the applicant shall install a curb, six (6) inches in height around the perimeter of the development not used for vehicular access. The approved stormwater plan prepared by a Licensed Engineer, shall also identify an emergency shut-off valve on the storm system to completely close the system in the case of an emergency. 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 approved stormwater plan shall be prepared by a Licensed Engineer and shall identify an emergency shut-off valve on the storm system to completely close the system in the case of an emergency. **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 a sidewalk or walkway. **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 near residential development on the western boundary of the property and commercial on the eastern boundary. The site has existing vegetation along the western and eastern property lines that is more than adequate to screen and buffer the nearby residential neighborhood and commercial uses. Although the existing buffer exceed the requirements of this section, the applicant has proposed an additional evergreen buffer to ensure that Oak Valley Residents are protected year-round from potential noise, light and odor issues. As a condition of approval, the applicant shall provide Community Development with a revised Landscape Plan that identifies Western Red Cedars at least five (5) feet in height at the time of

installation, spaced 15-25 feet apart, planted along the western bank of Wagner Creek from the south elevation of the dwelling at 100 Oak Valley to the north elevation of the dwelling at 140 Oak Valley. As a condition of approval, the applicant shall, prior to Certificate of Occupancy install all approved landscaping. **The provisions of this section have been met subject to conditions of approval.**

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 shown on the proposed site plan, the development includes approximately 52,250 square feet of landscaped area, including the proposed 15,265 square feet of dedicated open space. With the deduction of the dedicated open space, the applicant's required landscape area totals 31,620. Pursuant to Section 8-3J.430(A) above, the applicant shall plant thirty-two (32) 2" caliper trees and one hundred twenty-eight (128) 5-gallon shrubs or accent plants to meet the minimum landscape requirements. The existing area of vegetation (trees and shrubs) in the open space area have been counted towards the required minimum. The proposed landscape plan identifies thirty (30) 2" caliper trees. 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 that includes thirty-two (32) 2” caliper trees and one hundred twenty-eight (128) 5-gallon shrubs or accent plants to meet the minimum landscape requirements in accordance with Section 8-3J.430 of the Talent Zoning Code. The revised landscape plan shall also provide the location of all irrigation, including the spray patterns of the proposed irrigation or the location of drippers to ensure that each plant within the landscaped area has water. **The provisions of this section have been met subject to conditions of approval.**

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 nearby residential uses. As a condition of approval, prior to the issuance of permits, applicant shall provide Community Development with a lighting plan that details the location of each proposed building and parking lot light. All building lights shall be of a type that directs light downward. All parking lot lights within twenty-five (25) feet of the eastern and western boundary of the parcel shall include light shields to prevent the spill of light on to the neighboring residential properties. All other parking lot lighting shall be directed in a downward manner in accordance with Section 8-3J.575(G) of the Talent Zoning Code. **The provisions of this section have been met subject to conditions of approval.**

8-3 Division J. Article 6.

ACCESS, CIRCULATION AND STREET IMPROVEMENTS

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: As proposed, the site will be accessed directly from West Valley View Road as well as Hinckley Road. Access from West Valley View Road will be from two existing access points. The center access will be an auto entrance/exit with full unrestricted access and a truck entrance (entrance only, no exit) is located at the western most access point. These accesses will replace the two existing accesses. Traffic traveling in either direction along West Valley View Road will be able to access the site through these two points, with two additional access point for autos on Hinckley Road. Commercial truck traffic is routed to the westernmost entrance along West Valley View Road and exit the site using Hinckley Road and the signalized intersection with West Valley View Road. This will reduce the number of trucks using the signalized intersection to turn onto Hinckley Road and reduce overall queuing lengths for that movement at the intersection.

The proposed plan provides adequate separation for commercial truck and recreational vehicle traffic from automobiles within the site, increasing safety for the traveling public. Commercial truck and RV traffic will enter the site through the western entrance and move through the site along a one-way route leading eventually to an exit-only egress point at the north end of the Hinckley Road right- of-way. Automobile traffic can access the site from three locations. One on West Valley View Road and two on Hinckley Road. In an effort to reduce congestion at the Hinckley Road access points, the applicant has proposed to have West Valley View Road access be a full movement ingress/egress. This would allow eastbound traffic to enter the site from West Valley View Road instead of Hinckley Road which will reduce the number of vehicles using the signalized intersection to turn onto Hinckley.

The proposed plan has been reviewed by Jackson County, ODOT and the City Engineer and is consistent with the City's Transportation System Plan. Future traffic volume forecasts in the City's TSP were developed using the Rogue Valley Metropolitan Planning Organization (RVMPO) travel demand forecasting model which is based on the regional long-range land use assumptions through the year 2038. The future traffic volume forecasts analysis demonstrates that under the 2038 future conditions, all the study area intersections would meet operation standards during the PM peak period and that even the W. Valley View and I-5 interchanges would meet operational standards with a Level of Service grade of a "B" and a volume/capacity (v/c) ratio of 0.51 (Oregon Highway Plan targets for v/c are 0.85).

Additional concerns were raised about the conversion of W. Valley View to a three-lane cross section. Section 5 of the City's Transportation System Plan details the future development of W. Valley View and provides documentation that the proposed three-lane plan has sufficient capacity to meet future demands through 2038. Lane widths were a large portion of the discussion when the three-lane section was being proposed. During discussions, both Jackson County and the Oregon Department of Transportation determined that a 12-foot gravel lane was adequate for large truck traffic and that an expanded center turn lane of 14 feet in width provides sufficient area for special cases where a wide load may use this portion of W. Valley View Rd. Concerns about the need for a right turn lane into the proposed development will be addressed during the final design

and engineering of the lane reconfiguration project sometime in 2018. Addressing these concerns then will provide Staff and the Engineer an opportunity to compare the projections in the TSP and IAMP21 documents to what is actually taking place on W. Valley View. **The provisions of this section have been met.**

- 3) *Road Approach Standards. Standards for the number and location of road access points are as follows. Variations from these standards shall satisfy and be subject to the requirements of 8-3L.4, Variances*

FINDING: The proposed plan uses two existing commercial accesses on West Valley View Road. As proposed, they will be reduced from their current size and brought into compliance with current City standards. Considering that the proposed access modifications on Valley View Rd. are from two existing non-conforming accesses and that the nonconformity of the two accesses are being minimized, no variance to the access width standards is necessary. To ensure the proposed public access improvements meet City standards, the applicant shall, prior to issuance of permits, provide Community Development with Public Improvement Plans that identify the location and standard design for all proposed curb cuts, including curbs, gutters, sidewalks and driveway aprons. **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>

80 feet or more	33 feet	28 feet
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FINDING: Existing driveways on this property are over 120 feet in width to accommodate large truck traffic. The existing driveways are non-conforming and do not currently meet the provisions of this ordinances. The proposed site plan reduces the non-conforming access to a total of 98 feet. It is the intent of the applicant to use the western entrance as an “enter only” truck access. The Truck entrance will be 63 feet wide at the throat to allow for truck maneuverability when there is queuing at the fuel pumps. The middle entrance will be reduced greatly in width to 35 feet and will be used for automobiles accessing the restaurant, convenience store, or auto fuel. This entrance is intended to be a full access, auto-only, entrance/exit with access to either direction. Considering that the proposed access modifications on Valley View Rd. are from two existing non-conforming accesses and that the nonconformity of the two accesses are being minimized, no variance to the access width standards is necessary. To ensure the proposed public access improvements meet City standards, applicant shall provide Community Development with Public Improvement Plans consistent with the City’s Standard Details that identify the location and standard design for all proposed curb cuts, including curbs, gutters, sidewalks and driveway aprons. **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: The property has existing sidewalk along its entire southern property line. The Applicant proposes to construct sidewalk along Hinckley Road as well as the paved path from West Valley View Road north along Wagner Creek and the western property line to Bear Creek in conformance with the Parks and Transportation System Plans. The proposed path is designed with a fence between the pathway and the truck stop curb to protect pedestrians using the path from vehicular traffic. Considering the pedestrian path along the creek will be dedicated to the City, Public Improvement Plans for the path will be required. As a condition of approval, prior to issuance of building permits, the applicant shall provide Community Development with approved Public Improvement Plans siting the location of the path along the eastern boundary of the proposed dedicated tract of land. The design of the multi-use path shall be consistent with the City's Standard Details for multi-use paths and shall provide an inset plan detailing the terminus of the multi-use path at W. Valley View Rd consistent with ADA standards. **The provisions of this section have been met subject to conditions of approval.**

8-3 Division L. Article 1.

SITE DEVELOPMENT PLAN

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 near residential development on the western boundary of the property and commercial on the eastern boundary. The site has existing vegetation along the western and eastern property lines that is more than adequate to screen and buffer the nearby residential neighborhood and commercial uses. **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 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: In addition to the aforementioned multi-use path and access improvements to the site, the applicant has determined it necessary to relocate the existing 12” public water main and easement to accommodate the location of the proposed building and parking area. As proposed, the site plan relocates the existing 12” water main to the area being dedicated as open space. As a condition of approval, the applicant shall provide Public Improvement Plans consistent with the City of Talent Standard Details (amended June 18, 2014). Construction of the required water main shall be installed at the applicant’s expense. Additionally, the applicant shall vacate the existing 20’ water easement (OR 79-06512) once the new water line improvements have been accepted by the City. **The provisions of this section have been met subject to conditions of approval.**

8-3 Division L. Article 2.
CONDITIONAL USE permit (CUP)

8-3L.246 SPECIAL STANDARDS GOVERNING CONDITIONAL USES

Certain conditional uses shall meet the following standards:

A. *Wireless Communication Towers*

2. *Site Design for Wireless Communication Towers:*

- i. *The outer perimeter of the Wireless Communication facility shall have a 10 (ten) foot landscaped buffer zone and shall be maintained by the property owner to ensure proper growth and health of the surrounding vegetation*

FINDING: The proposed site plan includes a previously approved wireless communication tower. Although there are no plans to relocate the existing tower, Staff has determined that the current screening of the facility does not meet the existing screening standards that now apply. Considering modifications to the existing screening are proportional to the proposed development, a request for additional screen is justified. As a condition of approval, the applicant shall, prior to issuance of permits, provide a revised site plan identifying an evergreen buffer adjacent to the security fence surrounding the tower. **The provisions of this section have been met subject to conditions of approval.**

8-3 Division L. Article 9.
TRAFFIC IMPACT STUDY

8-3L.920 APPLICABILITY

A. *Transportation Impact Study (TIS) shall be required if any of the following actions exist:*

1. *A zoning or comprehensive plan map or text amendment is projected to generate 500 or more net daily vehicle trips.*

FINDING: The proposal does is not a zoning or comprehensive plan map or text amendment. **The provisions of this section are not applicable.**

2. *A development proposal is projected to generate fifty (50) or more net peak hour trips on an arterial or collector segment or intersection.*

FINDING: The proposal is for the redevelopment of an existing truck stop eliminating the truck wash and service area, leaving only truck and auto fueling and the restaurant/retail use. The reduction in services available at the site result in a reduction of traffic. Considering that trip generation is calculated based on uses identified in the Institute of Transportation Engineer's (ITE) manual and the truck wash and service area are being eliminated, no "new" trips are being generated. **The provisions of this section are not applicable.**

3. *A land use action or development proposal will impact known safety, congestion or capacity problems.*

FINDING: There are no known safety, congestion or capacity issues with this segment of roadway. West Valley View, along with Interstate 5 (exit 21) have been the focus of a significant amount of study in the past four years beginning with the City's Transportation Element update in 2013, followed by the OR99 Corridor Study in 2014 and finally by the Interchange Area Management Plan 21 (IAMP 21) prepared by the Oregon Department of Transportation. Each of these studies demonstrated that even with full site buildout of the adjacent parcels as well as some areas along OR99, there is adequate capacity on W. Valley View. Each of these plans took into consideration the potential of a lane reduction on Valley View and even then, the level of service wasn't diminished.

To ensure the level of service wasn't diminished beyond an acceptable amount, Jackson County Roads required the applicant to provide a limited Transportation Impact Study to verify the County segment of Suncrest Road would not be negatively impacted. On August 24, 2017, Jackson County Roads provided the City with an email stating that they found the TIS to be adequate and that no mitigation to the County roadway system was required.

The Oregon Department of Transportation also stated that they had no required mitigation for the project. Based on the review of all of the affected agencies and that no known safety, congestion or capacity issues have been identified, this provision of the code does not require that the Traffic Safety Study Requirements of Section 8-3L.930 to be addressed. **The provisions of this section have been met.**

4. *A land use action or development proposal is on a highway segment with special access controls.*

FINDING: There are no special access controls identified for this site. **The provisions of this section are not applicable.**

8-5.150 PROVISIONS FOR FLOOD HAZARD REDUCTION

In all areas of special flood hazards, the following standards are required:

- F. **Specific Standards** *In all areas of special flood hazards where base flood elevation data has been provided as set forth in 8-5.130B, Basis for Establishing the Areas*

of Special Flood Hazard or 8-5.140C2, Use of Other Base Flood Data, the following provisions are required:

2. *Non-Residential Construction - New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including a basement floor, elevated two (2) feet above the base flood elevation; or, together with requirements for utility and sanitary facilities set out below, shall:*
 - a. *Be flood-proofed so that below the flood protection level (two feet above base flood level), the structure is watertight with walls substantially impermeable to the passage of water;*
 - b. *Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
 - c. *Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Flood Plain Manager, as set forth in 8-5.140C, above;*
 - d. *Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 8-5.150F1;*
 - e. *Applicants flood-proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g. A building flood-proofed to the base flood level will be rated as one (1) foot below).*

FINDING: The proposed development is located in both the Floodway and the 100-Year Floodplain. The findings for development in the Floodway have been addressed above in Section 8-3H.220. No development other than the required multi-use path is required within the floodway.

As shown on the site plan map, the applicant is proposing to develop a 13,000-square foot building and install diesel/auto fueling stations. These structures are within the 100-Year Floodplain and subject to the construction standards above. The applicant's Engineer has provided a letter stating that the proposed project can be built to the standards of this section. The Engineer's statement provides sufficient evidence that the project can feasibly be built as proposed. As a condition of approval, prior to issuance of permits, the applicant shall provide the City a construction elevation certificate prepared by a licensed Engineer

demonstrating that the proposed construction is two (2) feet above base flood elevation (BFE). Prior to Certificate of Occupancy, the applicant shall provide the City a finished elevation certificated prepared by a licensed Engineer demonstrating that the project was constructed in accordance with the construction elevation certificate. **The provisions of this section have been met subject to conditions of approval.**

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.*

FINDING: System Development Charges (SDCs) will be assessed as required 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 required SDCs from affected agencies 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