



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR)
2018-005 LOCATED ON TALENT AVENUE [MAP NO. 38-1W-)
26AA TAXLOT 3700], THE CITY OF TALENT PLANNING)
COMMISSION FINDS THE FOLLOWING:) ORDER

1. The Planning Commission held a properly noticed public hearing on this matter on November 29, 2018;
2. The Planning Commission asked the Community Development Director to present a staff report and a final order with findings and recommendations;
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 is consistent with the intent of the Multiple-Family – High-Density (RM-22) zoning district and with the Site Development Plan Review and Conditional Uses standards outlined in 8-3L.1 and 8-3L.2 of the Talent Zoning Code;

Talent Planning Commission approves the requested Site Development Plan and Conditional Use Permit to construct a forty-unit multi-family development subject to the following conditions of approval:

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. The applicant shall provide evidence that all SDCs have been paid in full.
2. The applicant shall provide evidence that the following conditions from Rogue Valley Sewer Service (RVSS) have been met:
 - a. Provide construction plans prepared per RVSS standards for approval.
 - b. Obtain a sewer service abandonment permit and abandon the existing 4 inch service per RVSS standards.
 - c. Provide a stormwater management plan approved by RVSS in accordance with the Regional Stormwater Quality Design Manual.
 - d. Record a Declaration of Covenants for all new stormwater quality features.

- e. Related sewer fees must be paid prior to construction.
 - f. A 1200 CN erosion control action plan must be submitted to RVSS prior to construction.
3. The applicant shall provide a revised Site Development Plan that provides for a minimum 24' driveway apron from Talent Avenue.
 4. The applicant shall provide a revised site plan that includes a lighting plan that demonstrates light is reflected downward and away from the abutting residential uses.
 5. The applicant shall provide a revised site plan identifying the location of the required waterlines, water meters and on and offsite fire hydrants.
 6. The applicant shall provide Community Development with public improvement plans approved by the City Engineer that include the right-of-way area to be paved and required sidewalk and park row to be installed.

PRIOR TO CERTIFICATE OF OCCUPANCY:

7. The applicant shall permanently and clearly mark all parking stalls in accordance with the approved plan.

GENERAL CONDITIONS

8. All areas of the subject tract not occupied by roadways, parking areas, walkway, patios or structures shall be maintained at all times.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested site development plan to construct a forty-unit multi-family development based on the information presented in the Staff Report and Findings of Fact below:

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

TALENT ZONING CODE

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

- A. *Up to four dwelling units, either duplexes, multiple-family dwellings, condominiums, row houses and townhouses (attached single-family dwellings), but not including the conversion of multiple-family dwellings to unit ownership. Attached single-family dwellings (row houses or townhouses) are permitted only if vehicular access is provided via alleyway(s).*

8-3C.440 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE 3 SITE DEVELOPMENT PLAN REVIEW

- G. *Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 420 or 430.*

FINDING: The purpose of the RM-22 zoning district is to accommodate high-density development. The request is for a forty-unit apartment complex on a 2.49-acre parcel of land. In accordance with the density allowance in Section 8-3C.470 (B)(4) below, the proposal meets the density requirement of 22 units per net acre. Section 8-3C.470(B)(4) below allows for apartments at a gross density of 22 unit/net acre provided the site accounts for the required 24 percent reduction for infrastructure. Based on a total parcel area of 2.49 acres, the tract of land can accommodate 45 units. **The provisions of this section have been met.**

8-3C.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in Article 8-3L.2. The following uses permitted conditionally in the RM-22 zone meet the description and purpose set forth in Article 8-3L.2:

- J. *Buildings over two-and-a-half (2 ½) stories or thirty feet in height, whichever is less. Such buildings must also meet the Building Height Transition Standards in Section 8-3J.123.*

FINDING: The purpose of the RM-22 zoning district is to accommodate high-density development. As proposed, Building “A” exceeds the maximum thirty (30) foot building height by two-and-a-half (2 ½) feet. Although this exceeds the standard building height for the zone, this section, along with Section 8-3J.123 and Section 8-3L.246 provide for an exception through a conditional use permit as long as the building height transition is addressed. This section has been addressed in Section 8-3J.123 and Section 8-3L.246 below. **The provisions of this section have been met.**

8-3C.460 YARD REGULATIONS

- A. *Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.*
- B. *Side yard.*
1. *Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height; zero (0) feet for attached single-family dwellings. The following additional provisions shall also apply to side setbacks:*
 - a. *Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.*
 - b. *Ten (10) feet on one side for zero lot-line lots.*

C. *Rear yard. Ten (10) feet; five (5) feet for alley-access garages.*

FINDING: As proposed on the site development plan, all buildings meet the required front, side and rear yard setbacks. Specific setbacks are addressed below:

Front Yard (facing Talent Avenue) – 20’
Rear Yard (facing commercial area) – 10’
Side Yard – North -15’8” ; South -10’-9”

The provisions of this section have been met.

8-3C.470 LOT AREA AND DIMENSIONS

In the RM-22 zone, the minimum lot area shall be as follows:

A. *Minimum lot size by dwelling type:*

4. *Apartment building containing three dwellings: 6,000 square feet. For each additional dwelling unit on the same lot, the lot size shall be 1,800 square feet larger.*

FINDING: The subject tract is approximately 108,464 square feet in size. Based on the requirements above, the subject tract can accommodate up to 45 dwelling units as detailed below:

108,464 x 24% = 82,432 (subject parcel area)
-6,000 (3 dwelling units)
76,432 (balance of lot area)

76,432/1,800 square feet (per ea. additional unit)
= 42 (additional units)

Total units allowed based on lot area = 45

The provisions of this section have been met.

B. *Maximum number of dwellings by type per net acre (see definition below):*

4. *Apartment 22*

FINDING: The purpose of the RM-22 zoning district is to accommodate high-density development. The request is for a forty-unit apartment complex on a 2.49-acre parcel of land. In accordance with the density allowance in Section 8-3C.470 (B)(4) below, the proposal meets the density requirement of 22 units per net acre. Section 8-3C.470(B)(4) below allows for apartments at a gross density of 22 unit/net acre provided the site accounts for the required 24 percent reduction for infrastructure. Based on a total parcel area of 2.49 acres, the tract of land can accommodate 45 units. **The provisions of this section have been met.**

C. *Maximum Building Coverage*

4. *Apartment: 40 percent*

FINDING: The proposed development includes five separate buildings include a clubhouse. The total building footprint, including the covered patios is approximately 22,500 square feet or 20 percent coverage. The proposed coverage is less than the allowed 40 percent. **The provisions of this section have been met.**

E. *Maximum Building Bulk:*

1. *Height: 30 feet.*

FINDING: The proposed development includes multiple buildings with a maximum height between the eaves and ridge of 29 feet 3 inches. The proposed building height for Building “A” exceeds the maximum allowable height by 2-feet, 11-inches and therefore requires the conditional use criteria be addressed. Findings demonstrating compliance with the conditional use criteria are documented below. **The provisions of this section have been met.**

8-3C.480 RECREATION AREA FOR MULTI-FAMILY DWELLINGS

In addition to the required landscaped open space (see Section 476, below), a minimum of 250 square feet of useable recreation area shall be provided for each multi-family dwelling unit. The recreation area may be in one or more locations, and may include recreation buildings, but no area with any minimum dimension of less than fifteen (15) feet—except for bicycle paths—shall be counted toward this requirement.

FINDING: Considering there are 40 units proposed, the applicant is required to provide a minimum of 10,000 square feet of recreational area. The proposed plans identify 21,249 square feet of usable open space, including a pool, pool deck area, playground and lawn area, consistent with the requirements of this section. As provided, the space exceeds the minimum dimensions and includes direct access from each unit. **The provisions of this section have been met.**

8-3C.482 LANDSCAPING, FENCES, WALLS AND SIGNS

In the RM-22 zone, 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]

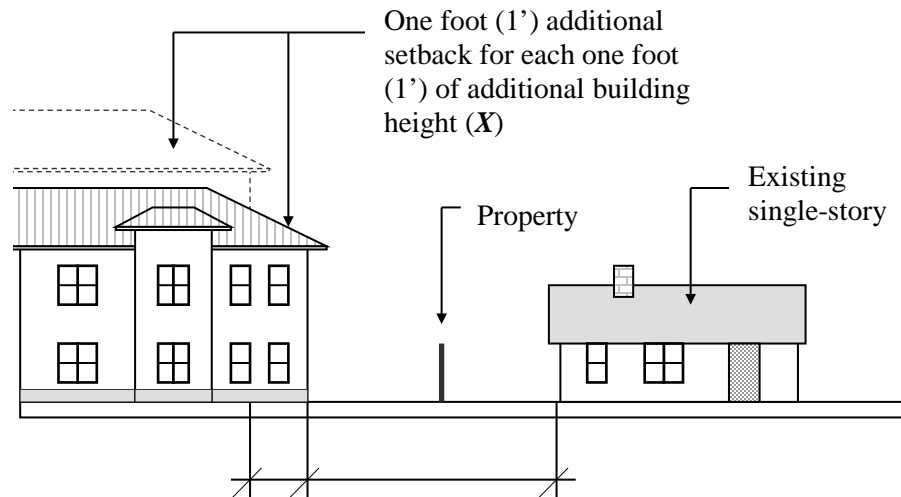
8-3C.484 BUFFERING

When a development or use is proposed on property in the RM-22 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. [Amended by Ord. No. 918; 7/15/2016]

FINDING: The proposed landscape and buffering plan adequately demonstrates compliance with the provisions of Section 8-3J.4. Specific landscape and buffering requirements 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.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.*



B. **Building Height Transition.** *To provide compatible building scale and privacy between developments, buildings that exceed thirty (30) feet shall “step-down” to create a building height transition to adjacent single-story building(s) in residential zones.*

1. *This standard applies to new and vertically expanded buildings located within 30 feet (as measured horizontally) of an existing building with a height of thirty (30) feet or less, as shown above.*
2. *The building height transition standard is met when the height of the taller building (X) does not exceed one (1) foot of height for every one (1) foot separating the two buildings (Y), as shown above.*

FINDING: The proposal is for a new building that exceeds the maximum building height by 2-feet, 11 inches. As proposed, the setback of 15-feet, 8-inches on the subject property provides a greater setback from the adjacent properties on the east side yard adjacent to

Building “A”. The minimum side yard setback for a building over 18-feet is ten (10) feet. In the transition zone for buildings that exceed 30-feet, an additional five feet, eight inches has been proposed to increase the setback from the property line. The single and two-story structures on the adjacent properties also meet minimum setbacks increasing the separation between the buildings beyond the minimums required by both the code and the building height transition standards. **The provisions of this section have been met.**

8-3J.420 MINIMUM LANDSCAPED AREA

A. *The minimum percentage of required landscaping is as follows:*

1. *Residential Zones. 30 percent of each lot for residential developments.*

FINDING: The subject tract totals approximately 108,464 square feet which requires 32,539 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 43,560 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 tract totals approximately 108,464 square feet which requires 32,539 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 43,560 square feet of landscaped area. The proposed landscape plan, (L-1) demonstrates compliance with the Minimum Vegetation and Ground Cover standards (8-3J.430.A-C). The 32,539 square feet of landscape area requires 32, 2-inch caliper trees and 128 five-gallon shrubs. The proposal has 60 trees and 228 shrubs.

All landscaping will be irrigated and maintained to ensure the long-term survivability of the landscaping. **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 multi-family residential development is located adjacent to a commercially zoned property and given the nature of the 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 eastern boundary of the project is sufficient to protect residents living in the apartments from future commercial uses. This buffer consists of a variety of plant types and trees, all which provide an adequate buffer.

The buffer, once established can reasonably shield the view of the proposed buildings from the adjacent commercial uses to the north. **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.

FINDING: The proposed landscape plan includes details sufficient to facilitate the continued care of the vegetation. As a general condition of approval, all areas of the subject tract 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.*

Table 540-1. Parking Requirements by Use

<i>Use</i>	<i>Standard</i>
<i>Residential Uses.</i>	
<i>One- and two-bedroom dwelling unit</i>	<i>two (2) spaces per dwelling unit</i>

FINDING: The proposed forty-unit multi-family residential development has twenty-eight (28) two (2) bedroom units and twelve (12) three (3) bedroom units. Section 8.3J.540 requires that all two-bedroom units provide two (2) spaces per unit and that three-bedroom units provide three (3) spaces. Considering the number units proposed and assuming the appropriate number of spaces for each unit, the applicant is required to have ninety-two (92) parking stalls. The applicant has provided eighty-five surface parking spaces (85) which include four (4) ADA spaces. The proposed plan also includes twelve (12) garage parking spaces, for a total of ninety-seven (97) spaces. **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)

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

FINDING: The proposed application identifies four (4) ADA parking stalls in conformance with the requirements of 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. The following additional standards apply to specific types of development:*
 - 1. *Multiple-Family Dwellings. Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.*

FINDING: As proposed, each residential unit includes a bicycle parking closet meeting the requirements of this section. Considering that all of the required bicycle parking spaces are enclosed and not easily accessible to visitors, staff recommends (although not required) that additional bicycle parking be installed adjacent to one or more of the adjacent walkways to accommodate parking for those not living in the development. **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: All required bicycle parking is located indoors and meets the standards above. If additional bicycle parking is installed, it shall be located in accordance with the provisions of this section. **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.*
- D. *The Planning Commission may allow thirty-five percent (35%) of the required off-street parking spaces to be reduced to seven feet six inches by fifteen feet (7'6" x 15') to accommodate compact or hybrid electric cars.*
- 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, with the exception of the driveway off of Talent Avenue meets the required 24' width minimum. As proposed, the driveway from Talent Avenue is only 22.5'. As a condition of approval, prior to issuance of building permits, the applicant shall provide a revised Site Development Plan that provides for a minimum 24' driveway apron from Talent Avenue. 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 include sixteen (16) compact parking stalls (7.6'x15') and will be paved and striped to meet the current city standards. The proposed project provides a total of 97 onsite parking stalls, therefore in accordance with the allowance to provide 35% of the parking as compact stalls, the applicant may designate up to thirty-four (34) parking stalls as compact. Stormwater management for the proposed development is feasible through the use of onsite detention and treatment facilities that will be reviewed by Rogue Valley Sewer Services. **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: As required in Section 8-3J.570 (E) and demonstrated in the proposed plan, all parking stalls shall be paved to meet the current city standards and no stormwater will drain over sidewalks, public rights-of-way or abutting properties. Stormwater management for the proposed development is feasible through the use of onsite detention and treatment facilities that will be reviewed by Rogue Valley Sewer Services. **The provisions of this section have been met.**

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

FINDING: The proposed plan identifies all required parking stalls 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: No parking stalls are planned directly adjacent to a right-of-way, abutting property lines or buildings. **The provisions of this section are not applicable.**

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 multi-family residential development is located adjacent to other multi-family zoning and residential development. As proposed, the applicant has identified a cedar fence six (6) feet in height along the northern and southern boundary of the development. The solid wood fence provides a sight-obscuring buffer facing the residential development. **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 proposed 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.

All proposed landscaping, including trees, shrubs and groundcover 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 to reduce the reflection of heat by paved surfaces. Among the selected trees are a variety which have mature heights approximately 30 feet. **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 provide a lighting plan for the private parking areas or areas around the buildings. Lighting will likely be installed as part of the project. Therefore, as a condition of approval, prior to the issuance of building permits, the applicant shall provide a revised site plan that includes a lighting plan that demonstrates light is reflected downward and away from the abutting residential uses. **The provisions of this section have been met subject to conditions of approval.**

8-3J.610 ACCESS, CIRCULATION AND STREET IMPROVEMENTS

C. *Street Improvements. Many streets exist in the City, which are substandard in right-of way width, paved width, pedestrian amenities, or other improvements. Improvements will be necessary in the interests of the public health, safety and convenience. Street improvements on arterial and collector streets benefit all City residents and are generally paid for from public funds. Improvements on local streets primarily benefit properties, which have frontage or direct access onto said streets, and street improvement costs are generally assessed to the owners of benefited properties. To ensure that neither the City nor land subdividers or partitioners shall have to assume the entire burden of upgrading the City's streets, owners of property shall be required to contribute to the improvement of City streets as set forth in Sec. 650.*

FINDING: Talent Avenue adjacent to the proposed development has a right-of-way that is substandard as it pertains to paved width and improvements. Since the proposal is adjacent to a collector street, the proposal shall include public improvement plans to address the deficiencies in the paved width of the road and lack of sidewalks in the area. As a condition of approval, prior to issuance of building permits, the applicant shall provide Community Development with public improvement plans approved by the City Engineer that include the right-of-way to be paved and required sidewalk and park row to be installed. **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.*
1. *General Considerations. The number of access points to a single property shall be limited to a minimum that will allow the property to accommodate and service such traffic as may be reasonably anticipated to be commensurate with the safety of the traveling public, and must not infringe on the frontage of adjoining property. Access points shall be located where they do not create undue interference or hazard to the free movement of normal road, bicycle or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other services that affect traffic operation are to be avoided.*
 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: Talent Avenue is a Minor Collector according to the Transportation System Plan and primary ingress/egress is from Talent Avenue. As proposed, there is a through driveway extending from talent Avenue to Rogue River Parkway providing secondary vehicle access. As proposed, Talent Avenue will be improved with landscape parkrow, street trees, sidewalk and pedestrian scale street lighting as required by the City of Talent Public Works Department.

When the commercial development is completed, access through the site to South Pacific Highway and Rapp Road will be accommodated. The distributed access will preserve the flow of traffic on Talent Avenue, Rogue River Parkway and eventually South Pacific Highway in terms of safety, roadway capacity, and efficiency. The site access points are located where they will not create undue interference or hazard to the free movement of normal road, bicycle or pedestrian traffic.

Pedestrian access is provided along the frontage of the property along Talent Avenue which will connect to the adjacent sidewalk system to the east. Sidewalks connect through the development and clearly delineated pedestrian crossing within the development is proposed. When the commercial development occurs, the pedestrian access will be continuous through to South Pacific Highway.

The proposed development does not trigger the thresholds which trigger a Traffic Impact Analysis or Traffic Study. According to the Transportation Engineers (ITE) Trip General Manual 10th Edition; Low Rise Multi-Family residential equates to 9.73 vehicle trips per day. There are less than 500 trips per day created by a 40-unit multi-family development. Peak hour trips are less with a Trip Generation Rate Factor of .46 in AM and .56 in PM, 40-units generate 18.4 AM Peak Hour trips and 22.4 PM Peak Hour trips. It is anticipated that the development generates less than 50 new peak hour trips and does not warrant a Traffic Impact Analysis. The residential development will not increase heavy vehicle trips on the adjacent public streets.

Additionally, bicycle facilities are provided along South Pacific Highway through the Road-Diet project that is presently occurring. Mass Transit (RVTD) bus stops are found within 1/8 of a mile on Talent Avenue. **The provisions of this section have been met.**

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 dwelling units. The pathway system within the development includes multiple access points to the public right-of-way. Pathways along each proposed unit are located more than five (5) feet from the first floor of the ground floor living space providing adequate separation. **The provisions of this section have been met.**

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 multi-family development complies with the provisions of the Talent Zoning Code and meets the high-density objectives of the RM-22 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 use is consistent with the intent of the high-density residential 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 multi-family residential development is located adjacent to a higher density residential development. Considering that the nature of the proposed use could conflict with the adjacent single-family residential use, the applicant shall meet the buffer and screening standards addressed in Section 8-3J.450.

As proposed, the applicant has identified a cedar fence six (6) feet in height along the northern and southern boundary of the development. The solid wood fence provides a sight-obscuring buffer necessary to buffer the surrounding residential development. **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 drain 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: Internal vehicular and pedestrian access and circulation have been adequately addressed in the proposed site plan and supplemental findings. The proposed buildings provide adequate transition to the adjacent single-story structures to the north and south and the proposed landscaping has been designed to create an attractive development that when fully mature, will create a sufficient buffer to the adjacent residential homes. Parking facilities, with the exception of lighting have been adequately addressed in the proposed plan and meet the intent of this section. A condition for onsite lighting has been addressed above. **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 is a 12-inch sewer main along South Pacific Highway, an 8-inch sewer main along Rapp Road to the west and an 8-inch sewer line on Rogue River Parkway to the east. Sewer service to the proposed development can be obtained by a sewer extension as generally shown on the preliminary site plan. The existing 4-inch sewer line that extends to tax lot 5800 must be abandoned per RVSS standards. As a condition of approval, prior to issuance of building permits, the applicant shall provide evidence that the following conditions from RVS have been met:

1. Provide construction plans prepared per RVSS standards for approval.
2. Obtain a sewer service abandonment permit and abandon the existing 4-inch service per RVSS standards.
3. Provide a stormwater management plan approved by RVSS in accordance with the Regional Stormwater Quality Design Manual.
4. Record a Declaration of Covenants for all new stormwater quality features.
5. Related sewer fees must be paid prior to construction.
6. A 1200 CN erosion control action plan must be submitted to RVSS prior to construction.

Talent Avenue adjacent to the proposed development has a right-of-way that is substandard as it pertains to paved width and improvements. Since the proposal is adjacent to a collector street, the proposal shall include public improvement plans to address the deficiencies in the paved width of the road and lack of sidewalks in the area. As a condition of approval, prior to issuance of building permits, the applicant shall provide Community Development with public improvement plans approved by the City Engineer that include the right-of-way to be paved and required sidewalk and park row to be installed.

Water service and fire hydrant location concerns were raised by the City Engineer and Jackson County Fire District 5. The City Engineer notes that all individual buildings shall be served by an individual water meter and that the City's main water line should be extended through the development to provide adequate flow and to provide a looped system that is tied into Rogue River Parkway. Additionally, Jackson County Fire District 5 noted that a new fire hydrant shall be installed adjacent to the development on Talent Avenue and within the development. JCFD 5 notes that the location of the onsite fire hydrant shall be located near the center of the development, in a required landscape strip. As a condition of approval, the applicant shall, prior to the issuance of building permits, provide a revised site plan identifying the location of the required waterlines, water meters and on and offsite

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

8-3L.244 GENERAL CRITERIA FOR APPROVAL

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable. A conditional use may be granted only if:

A. *The proposed use is consistent with the City of Talent Comprehensive Plan.*

FINDING: The proposed multi-family development is located within the Multi-Family Zoning (RM-22) zoning district and is consistent with the Comprehensive Plan. **The provisions of this section have been met.**

B. *The proposed use is consistent with the purpose of the zoning district.*

FINDING: The use of the property as multi-family apartment complex is the envisioned purpose and intent of the RM-22 Zoning District. **The provisions of this section have been met.**

C. *The proposed use and development is found to meet the required findings of 8-3L.150, "Required Findings for Approval of Plan," set forth for approval of a site development plan review.*

FINDING: The proposed use and development demonstrates the provisions of 8-3-L.150 as set forth in the Site Development Plan Review application have been met. **The provisions of this section have been met.**

D. *The proposed use will not adversely affect the livability, value, and appropriate development of abutting properties and the surrounding area, compared to the impact of uses that are permitted outright. Testimony of owners of property located within two hundred and fifty (250) feet of the boundaries of the property in question shall be considered in making this finding.*

FINDING: The proposed use of the RM-22 zoned property as an apartment development will not adversely affect the livability, value and appropriate development of the abutting properties in the surrounding area. The properties that are directly adjacent are zoned either RM-22 and developed as high-density apartments or attached single family homes. Properties to the east are zoned commercial and provide for more intense uses.

Although the proposal exceeds the minimum required setbacks in the zone, the building materials, rhythm of openings, open spaces, etc. are reflective of the minimum requirements in the zone and of the residential development on the adjacent properties.

As noted by the applicant, it is possible to reduce the average height of the building by changing the roof pitch to a 2:12 pitch but would likely require a metal roof installed and would be inconsistent with the roof pitches and materials in the zone. Approval of a

conditional use to allow an additional 2-feet, 11-inches would not adversely affect the livability or value of the surrounding area. Many of the homes and apartments adjacent to this development are two-story buildings. Those that are not two-story are single-family homes that are less consistent with the multiple family zone and are themselves the conflicting use.

The proposed increase in building height allows for a more efficient use of the space and allows the development to achieve the maximum density allowed in the zone. **The provisions of this section have been met.**

E. All required public facilities have adequate capacity to serve the proposal. System Development Charges will be assessed at the time a building permit is issued. Additional SDCs will be assessed for change in use that are more intense than a pre-existing use.

FINDING: The required public facilities have adequate capacity to service the proposed development. **The provisions of this section have been met.**

F. The conditional use must include mitigation for any decrease in level of service exceeding City standard or operational safety of the transportation system if the proposal generates more than 500 daily vehicle trips or an additional fifty (50) peak hour trips, per Section 8- 3L.9 Traffic Impact Study.

FINDING: As previously noted, the development is below the thresholds for a Traffic Impact Study (TIS) because less than 50 peak hour trips are generated, and less than 500 daily trips are generated. **The provisions of this section have been met.**

G. The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.

FINDING: The lot size, lot dimensions, lot location, topography, lot access, etc. are adequate when considering the structures bulk, coverage and development density. The proposal provides greater than required setbacks increasing development compatibility and reducing concerns about the negative impacts on the general welfare of the RM-22 zone. Additionally, the bulking of the buildings and increased building height provide a greater opportunity to include more onsite amenities such as multiple open spaces that exceed the required minimums as well as a clubhouse and pool. **The provisions of this section have been met.**

H. The City of Talent has adequate firefighting equipment to protect the structure, as verified by the Talent Fire Chief, or arrangements have been or will be made by the developer to insure that adequate equipment will be available before the occupancy of the building for any use.

FINDING: As proposed, the structures are outfitted with sprinkler systems and adequate access is provided to and through the development that allows for firefighting equipment to protect the structure. **The provisions of this section have been met.**

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 forty (40) residential units. 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, the applicant shall, prior to the issuance of building permits, 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.

Dave Pastizzo
Planning Commission Chair

Date

ATTEST

Zac Moody
Community Development Director

Date