



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR            )  
2018-002 LOCATED ON TALENT AVENUE [MAP NO. 38-1W-        )  
26AD TAXLOT 502], THE CITY OF TALENT PLANNING            )  
COMMISSION FINDS THE FOLLOWING:                                    )            ORDER

1. The Planning Commission held a properly noticed public hearing on this matter on June 28, 2018;
2. The Planning Commission asked the Community Development Director to present a Staff report and a final order with findings and recommendations at the June 28, 2018 public hearing;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Commission found that the proposed use was allowed and consistent with the intent of the Multiple-Family – High-Density (RM-22) zoning district and with the Site Development Plan Review standards outlined in 8-3L.1 of the Talent Zoning Code;

**Talent Planning Commission approves the requested Site Development Plan to construct a three 4-unit multi-family structures subject to the following conditions of approval:**

**PRIOR TO ISSUANCE OF BUILDING PERMITS:**

1. The applicant shall provide Community Development with a revised landscape plan identifying eight (8) 2” caliper trees and forty (40) 5-gallon shrubs.
2. The applicant shall provide Community Development with a revised plan that identifies twelve (12) sheltered bicycle stalls.
3. The applicant shall provide Community Development a revised plan that identifies bicycle parking adjacent to the apartment building on proposed Parcel 1.
4. The applicant shall provide a revised plan indicating the location of the open space area including dimensions to ensure the minimum dimensions are not less than fifteen (15) feet.
5. The applicant shall provide evidence that all SDCs have been paid in full.

6. The applicant shall either provide a revised site plan identifying an additional parking stall on the subject parcel or provide the City with a copy of a deed, lease, contract or other appropriate document approved by the City attorney and recorded in the office of the County Recorder.

**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 time.

**IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested site development plan to construct three 4-unit multi-family structures 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 three 4-unit apartment structures on a 0.58-tract 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 acre. Section 8-3C.470(B)(4) below allows for apartments at a gross density of 22 unit/acre provided the site is less than 1.5 acres in size. Based on a total parcel area of 0.58 acres, the tract of land can accommodate 13 units. **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 proposed buildings meet the required front, side and rear yard setbacks. **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 25,265 square feet in size. Based on the requirements above, the subject tract can accommodate up to 13 dwelling units as detailed below:

25,265 (subject parcel area)	19,264/1,800 square feet (per ea. additional unit)
<u>-6,000 (3 dwelling units)</u>	= 10.70 (additional units)
19,264 (balance of lot area)	

Total units allowed based on lot area = 13.70

**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 three 4-unit apartment structures on a 0.58-acre tract of land. In accordance with the density allowance in Section 8-3C.470 (B)(4), the proposal

meets the density requirement. Section 8-3C.470(B)(4) above allows for apartments at a gross density of 22 unit/acre provided the site is less than 1.5 acres in size. Based on the parcel area of 0.58 acres, the parcel can accommodate 13 units. **The provisions of this section have been met.**

C. *Maximum Building Coverage*

4. *Apartment: 40 percent*

**FINDING:** The proposed development includes three separate buildings with covered patios. The total building footprint, including the covered patios is approximately 4,779 square feet or 19 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 three separate buildings with a maximum height of 25 feet 3 inches. The proposed building height is less than the allowed height of 30 feet. **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 12 units proposed, the applicant is required to provide a minimum of 3,000 square feet of recreational area. The applicant has stated that 4,156 square feet of open space is being provided, consistent with the requirements, but does not identify the square footages on the map where the open space is located. As a condition of approval, the applicant shall, prior to issuance of building permits, provide a revised plan indicating the location of the open space area, including dimensions to ensure the minimum dimensions are not less than fifteen (15) feet. **The provisions of this section have been met subject to conditions of approval.**

**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.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 25,264 square feet which requires 7,579 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 12,248 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 25,264 square feet which requires 7,579 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 12,248 square feet of landscaped area. Pursuant to Section 8-3J.430(A), the applicant shall plant eight (8) 2" caliper trees and forty (40) 5-gallon shrubs or accent plants to meet the minimum landscape requirements. The proposed landscape plan identifies nineteen (19) 1.5" caliper trees and 322 1 and 2-gallon shrubs. To ensure the provisions of this section are met, the applicant shall, prior to issuance of permits, provide Community Development a revised landscape plan that includes the installation of a minimum of eight (8) 2" caliper trees and forty (40) 5-gallon shrubs. **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 an industrial development and considering that the nature of the proposed use could conflict with the adjacent use, the applicant shall meet the buffer and screening standards addressed in Section 8-3J.450.

As proposed, the buffer along the northern boundary of the project is sufficient to protect residents living in the proposed apartments from the adjacent industrial use. This buffer consists of a variety of plant types, all which provide an adequate buffer.

The buffer, once established can reasonably shield the view of the proposed buildings from the adjacent industrial 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 specific irrigation 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>
<b><i>Residential Uses.</i></b>	
<i>One- and two-bedroom dwelling unit</i>	<i>two (2) spaces per dwelling unit</i>

**FINDING:** The proposed 12-unit multi-family residential development has twelve (12) two (2) bedroom units. Section 8.3J.540 requires that all two-bedroom units provide two (2) spaces per unit. Considering the number units proposed and assuming two (2) spaces for each unit, the applicant is required to have twenty-four (24) parking stalls. The applicant has provided twenty-three spaces (23) and one (1) ADA space, totaling twenty-four (24) stalls. ADA parking stalls are in addition to the required parking requirements and therefore an additional parking stall will need to be added to the plan. Alternatively, the private access way in the William Way Subdivision has an addition ten (10) parking stalls that could be share in accordance with Section 8-3J.555 – Joint Use of Parking Facilities. The provisions of the aforementioned section allow the shared use of parking spaces within 500 feet of the development, provided that the agreement is evidenced by deed, lease, contract or another appropriate document. As a condition of approval, the applicant shall, prior to the issuance of permits, either provide a revised site plan identifying an additional parking stall on the subject parcel or provide the City with a copy of a deed, lease, contract or other appropriate document approved by the City attorney and recorded in the office of the County Recorder. **The provisions of this section have been met subject to conditions of approval.**

- 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" &amp; 96" aisles)</i>	<i>Van Accessible Parking Spaces with min. 96" wide access aisle</i>	<i>Accessible Parking Spaces with min. 60" wide access aisle</i>
	<i>Column A</i>		
<i>1-25</i>	<i>1</i>	<i>1</i>	<i>0</i>

**FINDING:** The proposed application identifies one (1) ADA parking stall 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:** Considering there are twelve (12) proposed dwelling units, the applicant shall provide twelve (12) sheltered bicycle spaces to meet this standard. The proposed site plan provides an area for bicycle parking spaces but does not identify them as sheltered. As a condition of approval, the applicant shall, prior to issuance of permits, provide Community Development with a revised plan that identifies twelve (12) sheltered bicycle stalls. **The provisions of this section have been met subject to conditions of approval.**

- C. *Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided, unless demonstrated otherwise by the applicant. Street furniture includes benches, streetlights, planters, and other pedestrian amenities. Creative designs are strongly encouraged.*



- D. *Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.*
- E. *Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;*
- F. *Lighting. Bicycle parking shall be as well lit as vehicle parking for security, unless otherwise well lit by an existing street light in the public right-of-way.*
- G. *Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.*
- H. *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (8-3J.6).*

**FINDING:** The proposed bicycle parking spaces as proposed are conveniently located with respect to the right-of-way and building entrance of the apartments on proposed Parcel 2 and 3 and provides appropriate lighting to ensure security from theft or damage. To ensure bicycle parking is convenient for all apartment buildings, the applicant shall, prior to issuance of permits, provide Community Development a revised plan that identifies bicycle parking adjacent to the apartment building on proposed Parcel 1. **The provisions of this section have been met subject to conditions of approval.**

**8-3J.570      *PARKING AREA DESIGN STANDARDS***

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

**FINDING:** The proposed parking area design, including parking stalls provides adequate space for proper movement and other maneuvering of vehicles. The drive alley between the parking stalls is 24’ in width, consistent with a two-way driveway. As required in Section 8-3J.570 (E) and proposed in the site development plan, all parking stalls shall be improved to City standards for surfacing, stormwater management and striping. As proposed, the parking area will be paved and striped to meet the current city standards. Stormwater management for the proposed development has been accounted for in the bio swales serving the William Way development. **The provisions of this section have been met.**

**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 has been accounted for in the bio swales serving the William Way development. **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:** As proposed, the site plan identifies twelve (12) parking stalls that are adjacent to a building. These parking stalls shall include wheel stops. As a condition of approval, the applicant shall, prior to issuance of permits, provide a revised site plan that identifies wheel stops in parking stalls 13-23 and the ADA stall. **The provisions of this section have been met subject to conditions of approval.**

- 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 a single-family 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 western boundary of the development. The solid wood fence provides a sight-obscuring buffer for the twelve (12) parking stalls 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 purpose landscape plan provides trees and shrubs uniformly distributed throughout the parking area and meets the intent of breaking up large expanses of asphalt, creating shade during the warmer months and pervious surfaces for stormwater. As proposed, the plan identifies five (5) trees along the western boundary of the property which are directly west of the proposed parking area providing necessary cover.

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 October Maples, which have mature heights between 40 and 50 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 identifies the use of hooded downlights in the parking area as well as the areas around the buildings. As proposed, all lights reflect light away from the abutting residential use to the east. **The provisions of this section have been met.**

### **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.*

**FINDING:** The proposed development is accessed from an existing approved access off of Stage Way and is the only ingress and egress to the development. As proposed, there are no issues with sharp curves, steep grades or limited sight distances. **The provisions of this section have been met.**

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:** The proposed development is accessed from an existing approved access off of Stage Way and is the only ingress and egress to the development. No new access point is being requested as part of this request. **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 proposed dwelling units. The pathway system within the development includes multiple access points to the public right-of-way. None of the proposed pathways are directly adjacent to the residential living areas, therefore the issue of pathway separation mute. **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 uses allowed on a property with a 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 single-family 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 western boundary of the development. The solid wood fence provides a sight-obscuring buffer for the twelve (12) parking stalls facing the 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 propose to 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. The proposed buildings provide adequate transition to the adjacent single-story structures to the west and the proposed landscaping has been designed to create an attractive development that when fully mature, will create a sufficient buffer to the single-family residential homes. Parking facilities, including lighting have been adequately addressed in the proposed plan and meet the intent of this section. **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:** Recent street improvements have been completed as part of the William Way subdivision. There are no required street or other needed public facilities or service improvements required as a part of this development. **The provisions of this section 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 twelve (12) residential unit. 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 permit, the applicant shall provide evidence that all SDCs have been paid in full. **The provisions of this section have been met subject to conditions of approval.**



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

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

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Dave Pastizzo  
Planning Commission Chair

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Date

ATTEST

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Zac Moody  
Community Development Director

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Date