



**STAFF REPORT and TENTATIVE DECISION**

Type-2 Land Use Application — Administrative Review

Date: November 6, 2020  
Prepared by: Jeff Wilcox

Item: SPR 2020-002  
Site Development Plan Review

Applicant.....Rogue Planning and Development Services  
33 N. Central Ave. Ste. 213  
Medford, OR 97501

Owner.....Magnolia Heights LLC  
453 Tucker St.  
Ashland, OR 97520

Application Received.....June 19, 2020

Application Complete.....July 13, 2020

Notice Mailed and Posted.....July 14, 2020

Requested Action.....Construction of eighteen (18) multi-family dwelling units (Magnolia Heights, Phase 2)

Assessor's Map Number.....38-1W-26AA, Tax Lot 3700, 5800

Lot Size.....3.3 Acres

Zoning.....Residential Zone, Multiple-Family – High Density (RM-HD)

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

**PROPOSAL**

The request is for the approval of eighteen (18) additional multiple-family dwelling units as phase 2 of the Magnolia Heights development, see also: SPR 2018-005, REZ 2019-001, CPA 2019-002 and LLA 2019-001.

**PROPERTY CHARACTERISTICS**

The subject property is partially developed with off-street parking, service drives and common areas for adjacent apartment buildings. The topography is somewhat sloped with a slight drop in elevation to the northeast. The property was commercially zoned until a rezone, comprehensive

plan map amendment and lot line adjustment had a 1-acre section of property changed to residential zoning.



### **Stormwater/Waste Water**

Sewer services are currently available to the site, connections and permits are explained in detail in findings below.

### **Water Service**

Water Service is currently available to the site.

### **APPROVAL CRITERIA**

- TMC Ch 18.40, Residential Zone, Multiple-Family High-Density (RM-HD)
- TMC Ch 18.150, Site Development Plan

### **PROPERTY OWNER COMMENTS**

No public comment forms were received.

### **AGENCY COMMENTS**

Jackson County Fire District #5 response: If there is going to be a second Fire Department Connection (FDC) in the complex it will need to be located within 100 feet of a hydrant. Additionally, the addressing should be the street address followed by building letters, then apartment numbers. Example- 441 Talent Ave, building B, apartment number 10. This will be less confusing and allow for simpler programming of the water flow alarm locations. I know that you are working toward that, but just wanted to include it in my comments.

Rogue Valley Sewer Services provided detailed comment and development requirements which are addressed in the Findings below.

Talent Irrigation District provided detailed comment and development requirements which are addressed in the Findings below.

Talent Police Department response: No concerns here.

## **ANALYSIS**

Tentative administrative approval is subject to compliance with the criteria found in the Zoning Code (TMC Title 18), and the underlying zoning district, RM-HD (TMC Ch 18.40). Text from the code appears in italics.

### **18.40.030 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE II SITE DEVELOPMENT PLAN REVIEW**

*No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, which are subject to the site plan review process in Chapter 18.150 TMC:*

#### *A. Multiple-family dwellings*

**FINDING:** The applicant proposes to build eighteen (18) additional multiple-family dwelling units as phase 2 of the Magnolia Heights development. **The provisions of this section have been met.**

### **18.40.060 YARD REGULATIONS**

*A. Front Yard. The front yard shall have a depth of not less than 20 feet for dwellings and 24 feet for garages and carport entrances.*

#### *B. Side Yard.*

*1. Five feet for the first story, plus three feet for buildings over 18 feet in height; zero feet for attached single-family dwellings. The following additional provisions shall also apply to side setbacks:*

*a. Ten feet for street-facing side yards on corner lots when side street is a local or an alley; 15 feet when side street is a collector or arterial; 20 feet for garage and carport entrances.*

*b. Ten feet on one side for zero-lot-line lots.*

*C. Rear Yard. Ten feet; five feet for alley-access garages.*

**FINDING:** The Front Yard has been developed as part of phase 1. Side yards of twelve (12) and seventeen (17) feet are proposed. Rear yards in excess of nineteen (19) feet are proposed. **The provisions of this section have been met.**

### **18.40.070 LOT AREA AND DIMENSIONS**

*In the RM-HD zone, the minimum density shall be 18 units per net acre.*

*Net acre: For the purposes of this section, a net acre is the total development acreage net of undevelopable lands (as defined in Chapter 18.15 TMC) and a 24 percent reduction allowing for infrastructure. Development projects less than one and one-half acres in size do not need to subtract infrastructure allowance. Development proposals one and one-half acres or larger may not exempt one and one-half acres from calculating infrastructure allowance.*

- A. *Maximum Building Coverage. Apartment: 40 percent.*
- B. *Minimum Lot Width. Apartment: 50 feet.*
- C. *Maximum Building Bulk. Height: 30 feet.*

**FINDING:** The subject property has forty (40) multiple-family dwelling units, and eighteen (18) additional units are proposed. With the completion of phase 2, fifty-eight (58) dwelling units on 3.52 gross acres (2.68 net acres) totals 21.6 dwelling units per net acre. The building footprint is 8,070 square feet within 1.03 acres (44,867 square feet), totaling 18% building coverage. The lot width exceeds fifty (50) feet. The proposed building height is less than thirty (30) feet. **The provisions of this section have been met.**

#### **18.40.080 RECREATION AREA FOR MULTIFAMILY DWELLINGS**

*In addition to the required landscaped open space (see TMC 18.40.090), a minimum of 250 square feet of usable recreation area shall be provided for each multifamily 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 15 feet – except for bicycle paths – shall be counted toward this requirement.*

**FINDING:** The applicant proposes to build eighteen (18) additional multiple-family dwelling units as phase 2 of the Magnolia Heights development. This necessitates 4,500 square feet of recreation areas. Findings indicate that there is 9,556 square feet of use-able recreation area provided within the development area. **The provisions of this section have been met.**

#### **18.40.090 LANDSCAPING, FENCES, WALLS AND SIGNS**

*In the RM-HD zone, all required landscaping shall be installed in accordance with Chapter 18.105 TMC. Fences and walls shall be permitted in accordance with Chapter 18.105 TMC. Signs shall be permitted in accordance with Chapter 18.120 TMC.*

#### **18.40.100 BUFFERING**

*All required landscaped areas shall be installed in accordance with Chapter 18.105 TMC. Fences, walls, hedges and screen plantings shall be permitted in conformance with Chapter 18.105 TMC. In all cases, and at all times, they shall not exceed four feet in height within front and street-side yards. Signs shall be permitted in accordance with Chapter 18.120 TMC. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.395, 2006.]*

**FINDING:** Subject property is zoned RM-HD and is surrounded by other residentially zoned parcels with the exception of commercial parcels to the northeast. Buffering is provided in the form of: Physical barriers (fencing) and spatial separation (landscaping). No signs are proposed.

The minimum landscaped area for residential zones is 30%. The proposed development area is 1.03 acres and requires 0.309 acres (13,460.04 square feet) minimum landscaped area. This necessitates a minimum of fourteen (14) two-inch caliper trees and seventy (70) five-gallon shrubs or accent plants. Applicant Findings and proposed Landscape Plans indicate landscaping will exceed the minimum requirements of TMC Ch 18.105.

As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall install all fencing, landscaping and supporting irrigation. **The provisions of this section have been met subject to conditions of approval.**

**18.110.060 NUMBER OF PARKING SPACES REQUIRED**

A. The number of off-street parking spaces required shall be not less than as set forth in Table 18.110.060-1, except as otherwise provided in this chapter.

**Table 18.110.060-1. Parking Requirements by Use**

Use	Standard
<b>Residential Uses</b>	
One - and two-bedroom dwelling unit	2 spaces per dwelling unit

**FINDING:** The proposed eighteen (18) unit multi-family residential development are two (2) bedroom units. Section 18.110.060 requires that these units provide two (2) spaces per unit. Considering the number units proposed and assuming the appropriate number of spaces for each unit, the applicant is required to have thirty-six (36) parking stalls for phase 2. The applicant proposes a total of one-hundred, thirty (130) total parking stalls, given that ninety-two (92) were required for phase 1, and thirty-six (36) are required for phase 2, this standard is met. **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 18.110.060-2). Disabled parking is in addition to the minimum number of required parking spaces in subsection (A) of this section.

**Table 18.110.060-2. Minimum Number of Accessible Parking Spaces - ADA Standards for Accessible Design**

Total Number of Parking Spaces Provided (per Lot)	Total Minimum Number of Accessible Parking Spaces (60" and 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
26 - 50	2	1	1
51 - 75	3	1	2
76 - 100	4	1	3
101 - 150	5	1	4

**FINDING:** The proposed application identifies six (6) ADA parking stalls in conformance with the requirements of Table 18.110.060-2 above. **The provisions of this section have been met.**

**18.110.100 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 two 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 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. **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 streetlight 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 (Chapter 18.115 TMC). [Ord. 817 § 8-3J.560, 2006.]*

**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.**

### **18.110.120 PARKING AREA DESIGN STANDARDS**

*B. Groups of three or more parking spaces shall be served by a 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 35 percent of the required off-street parking spaces to be reduced to seven feet six inches by 15 feet 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, storm water management, and striping. Standard parking spaces shall conform to the dimensions below (Figure 18.110.120 and Table 18.110.120). Disabled parking shall conform to the standards in TMC 18.110.060(C).*

**FINDING:** The proposed parking area drive aisle meets the required twenty-four (24) foot width minimum. As required in Section 18.110.120(E) and proposed in the site development plan, all parking stalls shall be improved to City standards for surfacing, stormwater management and striping. Applicant site plan includes parking stall dimensions that meet both full-size and/or ADA standards. 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.**

### **18.110.130 PARKING AREA IMPROVEMENTS**

*All public and private parking areas, which contain three 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 storm water 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 Storm Drainage Design Standards.*

**FINDING:** As required in 18.110.120(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 18.110.120. As a condition of approval, prior to Certificate of Occupancy, the applicant shall permanently and

clearly mark crosswalk and 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 sight-obscuring fence, wall or evergreen hedge not less than five feet and not more than six 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 12 months of the issuance of the building permit required in subsection (H) of this section.*

**FINDING:** Subject property is zoned RM-HD and is surrounded by other residentially zoned parcels with the exception of commercial parcels to the northeast. Buffering is provided in the form of: Physical barriers (fencing) and spatial separation (landscaping). **The provisions of this section are met.**

*F. Trees and Landscaping.*

*2. Trees shall be retained and/or planted in landscaped areas, which shall cover not less than seven percent 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 storm water, and aesthetic relief. At a minimum, one tree per five 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 four feet by four feet to ensure adequate soil, water, and space for sustainable plant growth, with appropriate timing devices to encourage water conservation.*

*3. 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.*

*4. 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.*

*5. 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 provide a lighting plan, however it does not indicate if the lighting is shielded. Applicant findings indicate the light and glare generated is similar to or equal to other adjacent residential developments but still does not indicate if lighting is shielded. Therefore, as a condition of approval, prior to the issuance of building permits, the applicant shall provide additional documentation (photos or spec sheets) 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.**

### **18.115.030 STREET ACCESS AND CIRCULATION**

*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 III through VII of this title and Chapter 18.90 TMC.*

*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 subsection (A)(3) of this section.*

*e. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the residential district, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the residential district, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner (i.e., through homeowners’ association, etc.).*

**FINDING:** Talent Avenue is a collector street 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. In conjunction with Phase I, Talent Avenue has been improved with landscape park row, street trees, sidewalk and pedestrian scale street lighting as required by the City of Talent Public Works Department.

Previously this site functioned as a junkyard with no interconnectivity. As proposed in Phase 2, access between the residential and future commercial facilities will be solely via sidewalks. All 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 crossings within the development are proposed. When future 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 an 18-unit multi-family development. Peak hour trips are less with a Trip Generation Rate Factor of .46 in AM and .56 in PM, 18-units generate 8.2 AM Peak Hour trips and 10.08 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 recent ODOT Road-Diet project. Mass Transit (RVTD) bus stops are found within 1/8 of a mile on Talent Avenue. **The provisions of this section have been met.**

#### **18.115.040 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.). The system of pathways shall be designed based on the standards in subsections (A) through (E) of this section:*

*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 TMC 18.115.030 and this section.*

*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 (Ch 18.150 TMC), 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 TMC 18.115.030(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 III through IV and Chapter 18.105 TMC. Where there is no building separation, a pathway is not required for commercial, industrial, public, or institutional uses.

3. *Crosswalks.* Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a colored concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application acceptable to the public works department.

**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. As a condition of approval, prior to Certificate of Occupancy, the applicant shall permanently and clearly mark crosswalk and all parking stalls in accordance with the approved plan. **The provisions of this section have been met subject to conditions of approval.**

#### **18.150.050 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 site development plan, with conditions, complies with the provisions of the Talent Zoning Code and meets the high-density objectives of the RM-HD 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:** Subject property is zoned RM-HD and is surrounded by other residentially zoned parcels with the exception of commercial parcels to the northeast. Buffering is provided in the form of: Physical barriers (fencing) and spatial separation (landscaping). No signs are proposed.

The minimum landscaped area for residential zones is 30%. The proposed development area is 1.03 acres and requires 0.309 acres (13,460.04 square feet) minimum landscaped area. This necessitates a minimum of fourteen (14) two-inch caliper trees and seventy (70) five-gallon shrubs or accent plants. Applicant Findings and proposed Landscape Plans indicate landscaping will exceed the minimum requirements of TMC Ch 18.105.

As a condition of approval, prior to issuance of certificate of occupancy, the property owner shall install all fencing, landscaping and supporting irrigation. **The provisions of this section have been met subject to conditions of approval.**

*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:** Much of the surrounding property adjacent to the proposed development is already developed and under the sole ownership of Magnolia Heights. A small portion of phase 2 is proposed to be developed adjacent to other residential uses, and in these locations, buildings are appropriately setback and landscaped in accordance with the requirements of the RM-HD zone and TMC Ch 18.105.

Vehicular and pedestrian access and internal circulation have been adequately addressed in the proposed site plan and supplemental findings.

Access to Rogue River Parkway and additional parking will be secured through a respective shared access agreement and parking agreement required by SPR 2018-005. As proposed, the development has parking, ADA parking, and bicycle parking that meets the requirements of TMC Ch 18.110.

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.

As a condition of approval, prior to the issuance of building permits, the applicant shall provide additional documentation (photos or spec sheets) that demonstrates light is reflected downward and away from the abutting residential uses.

Garbage depositories are located internally, adjacent to parking and are setback from neighboring properties as proposed. **The provisions of this section have been met subject to conditions of approval.**

*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 title and the applicable portions of TMC Title 17, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made. [Ord. 817 § 8-3L.150, 2006.]*

**FINDING:** There are no required street improvements as part of phase 2 of the apartment complex development on the subject properties. The public infrastructure, facilities and service improvements are in conformance with the Standards from TMC.

JCFD5 provided feedback regarding address assigning, staff has made corrections accordingly. Fire Department Connection and Hydrant location concerns were also raised by JCFD5. As a general condition of approval, if a second Fire Department Connection is proposed in the complex, the applicant shall site it within 100ft of a fire hydrant.

Rogue Valley Sewer Services (RVSS) has provided the following comment. 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 extended in into the property as part of an earlier phase of the project. Sewer service for this project may be had by connecting to the newly installed main and/or extending the main as generally shown on the submitted site plan. The existing 4 inch sewer service extended to tax lot 5800 from South Pacific Highway must be abandoned per RVSS standards.

The development must demonstrate compliance with the Regional Stormwater Quality Design Manual. The development will also require a 1200-CN permit if the total ground disturbance is more than one acre.

As a general condition of approval, the applicant shall provide evidence that the following conditions from RVSS have been met:

Prior to the start of construction:

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. Demonstrate compliance with the Regional Stormwater Quality Design Manual.
4. Record a Declaration of Covenants for all new stormwater quality features.

During Construction:

1. Sewer facilities must be constructed and inspected per RVSS standards.
2. Sequence construction so that the permanent stormwater quality features are installed and will be operational when stormwater runoff enters them.
3. Fence off exposed subgrade of stormwater quality features from equipment traffic and storage.

Prior to final acceptance of project:

1. All new sewer must be constructed, inspected, and accepted per RVSS standards.
2. All stormwater quality facilities, including vegetation when applicable, inspected and approved by RVSS.

Talent Irrigation District (TID) provided comments on July 28, 2020. Their comments note that water rights on the subject parcel exist and that approval is needed for water rights to remain in place, or they may be sold or transferred. Additionally, TID states that the District's T-3 lateral runs along the south property line of the subject parcel and that no structures or deep-rooted plants may be planted within the established 10' easement. The revised landscape plans received as a supplemental document on July 13, 2020 indicate no trees are proposed to be installed within the easement. However, as a condition of approval, prior to the issuance of building permits, the applicant shall, provide evidence that all other TID conditions have been met. **The provisions of this section have been met subject to conditions of approval.**

## **DISCUSSION**

Overall, staff is supportive of the proposed site development plan because of its capacity to meet City housing needs, improve local infrastructure and enhance connectivity to adjacent developments.

## **DECISION**

Staff tentatively **APPROVES** the Site Plan Review with the following conditions:

### **GENERAL CONDITIONS OF APPROVAL**

1. If a second Fire Department Connection is proposed in the complex, the applicant shall site it within 100ft of a fire hydrant.
2. The applicant shall provide evidence that the following conditions from RVSS have been met:

Prior to the start of construction:

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. Demonstrate compliance with the Regional Stormwater Quality Design Manual.
4. Record a Declaration of Covenants for all new stormwater quality features.

During Construction:

1. Sewer facilities must be constructed and inspected per RVSS standards.
2. Sequence construction so that the permanent stormwater quality features are installed and will be operational when stormwater runoff enters them.
3. Fence off exposed subgrade of stormwater quality features from equipment traffic and storage.

Prior to final acceptance of project:

1. All new sewer must be constructed, inspected, and accepted per RVSS standards.

2. All stormwater quality facilities, including vegetation when applicable, inspected and approved by RVSS.
3. The applicant shall, provide evidence that all other TID conditions have been met.

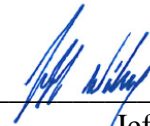
**PRIOR TO ISSUANCE OF BUILDING PERMITS**

4. The applicant shall provide additional documentation (photos or spec sheets) that demonstrates light is reflected downward and away from the abutting residential uses.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

5. The applicant shall install all fencing, landscaping and supporting irrigation.
6. The applicant shall permanently and clearly mark crosswalk and all parking stalls in accordance with the approved plan.

Approved by:



---

Jeff Wilcox  
Assistant Planner

11/6/2020

---

Date

This matter has been approved administratively without a public hearing. The Talent Zoning Code allows administrative decisions under specified conditions. If no one requests a hearing on this matter within **14 days** of this tentative decision, it becomes the final decision of the city. To appeal an administrative decision requires written notice and a \$257.00 deposit. Please refer to TMC 18.190.040(E)(5), "Appeal," for specific provisions for appeals on Type-2 decisions.

**This decision is being mailed to the applicant and all property owners who responded to the original notice.**

For copies of any public documents or more information related to this application, please contact the Community Development Director at 541-535-7401 or via e-mail at [zmoody@cityoftalent.org](mailto:zmoody@cityoftalent.org).