



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR 2020-)
003 LOCATED AT 245 W. VALLEY VIEW RD. [MAP NO. 38-1W-23DD) ORDER
TAXLOT 3202], THE CITY OF TALENT PLANNING COMMISSION)
FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on January 26, 2021;
2. The Planning Commission asked Community Development staff to present a Staff Report and a Final Order with findings and recommendations at the January 26, 2021 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 Highway Central Business District (CBH) zoning district and with the Site Development Plan Review standards outlined in chapter 18.150 of the Talent Zoning Code;

The Talent Planning Commission approves the Site Development Plan (SPR 2020-003) with the following conditions of approval:

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. The applicant shall provide supplemental documentation to Community Development verifying proposed ADA parking stalls safely located in close proximity to a building entrance.
2. The applicant shall provide RVSS with site and architectural drawings, obtain a sewer connection permit and pay all related fees.
3. The applicant shall provide Community Development with building plans that demonstrate the proposed pathways meet current ADA standards.
4. The applicant shall provide evidence that all additional SDCs have been paid in full.

PRIOR TO CERTIFICATE OF OCCUPANCY:

5. The applicant shall:
 - remove all dead vegetation in accordance with TMC Chapter 18.100
 - install trees, shrubs, and ground cover in accordance with approved Landscape Plan
 - install landscaping irrigation in accordance with TMC 18.105.070
6. The applicant shall permanently and clearly mark parking stalls in accordance with the approved Site Plan.
7. The applicant shall install wheel stops or bumper guards in all proposed parking stalls adjacent to the five (5) foot wide sidewalk.

GENERAL CONDITIONS OF APPROVAL:

8. Any new lighting shall be downward facing so as not to project light on to adjacent properties.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested site development plan to build a mixed-use commercial/residential structure with a commercial first floor and eight (8) dwelling units on the second floor 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.

18.55.030 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE II SITE DEVELOPMENT PLAN REVIEW

B. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services.

18.55.040 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE III SITE DEVELOPMENT PLAN REVIEW

I. Multifamily Housing. In the CBH zone, multifamily housing is allowed on both the ground level and upper levels, provided total ground level area in housing is less than 50 percent of the parcel's gross area and commercial storefronts are provided along the street frontage.

FINDING: The proposal is for a mixed-use facility; with a commercial first floor and eight (8) dwelling units on the second floor. **The provisions of this section have been met.**

18.55.060 YARD REGULATIONS

A. Front Yard.

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

B. Side Yard.

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

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

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

FINDING: The applicant proposes to reconstruct the building utilizing the existing ground floor block walls with the addition of stair/elevator towers to the outside of the building for access.

The structure is proposed to house a conforming use, but the structure itself is nonconforming. This is solely due to the front yard setback of thirty (30) feet; the maximum in CBH is ten (10) feet. The proposed structural alterations do not deviate further from the standards of Title 18 in accordance with TMC 18.195.030. **The provisions of this section are met.**

18.55.070 LOT AREA AND DIMENSIONS

For dwelling units above the ground floor of a business, there shall be a minimum of 1,200 square feet of total lot area for each dwelling unit. For all other permitted uses, there shall be no minimum lot size or lot width.

FINDING: The proposal is for eight (8) dwelling units on the second floor, necessitating a minimum 9,600 square feet total lot area. Subject lot measures 39,038 square feet. **The provisions of this section have been met.**

18.55.090 PARKING AND LOADING REQUIREMENTS

A. Off-street parking and loading spaces shall be provided as prescribed in Chapter 18.110 TMC without exception and despite the exclusion provision found in TMC 18.110.050.

B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages.

FINDING: The proposal does not include changes to original parking or drive aisle configuration. No on-site parking exists between the building and the street. All parking design standards are addressed in the findings below. **The provisions of this section have been met subject to conditions of approval.**

18.55.100 LANDSCAPING, FENCES, WALLS AND SIGNS

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.

18.55.110 BUFFERING

When a development or use is proposed on property within the CBH 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 TMC 18.105.050. The planning commission may waive buffering that would otherwise be required by TMC 18.105.050 if it finds that the need to fulfill the intent of the CBH zone outweighs the need for buffering.

FINDING: Buffering is required along the northeast property line because it is adjacent to residentially zoned lots.

The proposed buffering and landscape plan adequately demonstrates compliance with the provisions of Chapter 18.105 and are addressed in the findings below. **The provisions of these sections have been met subject to conditions of approval.**

18.105.020 MINIMUM LANDSCAPED AREA

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

- 2. Central Business District (CBD) and Central Business Highway (CBH) Zones. 20 percent of the site.*

18.105.030 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 subsection (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.*

18.105.050 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 includes 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 hedge per subsection (A)(3)(b) of this section 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 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.*

18.105.070 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.

B. *Commercial Areas*

In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of TMC 18.105.020 and 18.105.030.

FINDING: The subject parcel totals approximately 39,038 square feet which requires 7,808 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 7,909 square feet of landscaped area. Pursuant to §18.105.030(A) above, the applicant shall plant eight (8) 2” caliper trees and thirty-two (32) 5-gallon shrubs or accent plants to meet the minimum landscape requirements.

The proposed landscape plan identifies sixteen (16) trees and a combination of small and large shrubs exceeding the minimum thirty-two (32) required. Ground cover is proposed to be a combination of grass lawns and existing mature low continuous bushes.

Buffering is required along the northeast property line because it is adjacent to residentially zoned lots. The existing buffering consists of spatial separation (drive aisle and parking stalls between the structure and adjacent zone), natural topography (steep hill along northeast property line), and mature landscaping including a sight-obscuring hedgerow and trees. The applicant proposes to replace hedges that were earlier removed or fire damaged. As a condition of approval, prior to the issuance of certificate of occupancy, the applicant shall:

- remove all dead vegetation in accordance with TMC Chapter 18.100
- install trees, shrubs, and ground cover in accordance with approved Landscape Plan
- install landscaping irrigation in accordance with TMC 18.105.070

The provisions of this section are 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 540-1, except as otherwise provided in this Article.*

Table 18.110.060-1. Parking Requirements by Use

Use	Standard
Residential Uses	
One - and two-bedroom dwelling unit	2 spaces per dwelling unit

Commercial Uses	
Banks, office buildings, business and professional offices, including medical and dental	Medical and dental offices - 1 space per 350 square feet of gross floor area; general offices - 1 space per 450 square feet of gross floor area
Barber and beauty shops, pharmacies	1 space for every 200 square feet of gross floor area
Recreational or entertainment establishments	
Stadiums, theaters, assembly halls	1 space for each 60 square feet of gross floor area, or 1 space per 4 seats or 8 feet of bench length, whichever is greater
Skating rinks, dance halls, pool halls, bowling alleys, arcades	1 space for each 100 square feet of gross floor area
Hotels and motels	1 space per guest room plus 1 space for the manager
Retail establishments, except as otherwise provided herein	1 space for each 400 square feet of gross floor area

FINDING: The proposal does not include changes to original parking or drive aisle configuration. 5,673 square feet of commercial space requires 14.2 parking stalls, 1,503 square feet of office space requires 3.3 parking stalls, eight (8) dwelling units requires 16 parking stalls, making a grand total requirement of thirty-six (36) parking stalls. The site currently provides forty-four (44) parking stalls. **The provisions of this section are 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 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

FINDING: In addition to the forty-four (44) parking stalls proposed in the section above, the applicant has identified two (2) parking stalls in conformance with the Americans With Disabilities Act (ADA) standards in Table 540-2 above. However, ADA parking stalls on proposed plans do not reconcile with current site conditions. As a condition of approval, prior to the issuance of building permits, the applicant shall provide supplemental documentation to Community Development verifying proposed ADA parking stalls safely located in close proximity to a building entrance. **The provisions of this section have been met subject to conditions of approval.**

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 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 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. 6.*
 6. *Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required unless a bus shelter with an existing bike rack is located adjacent to the proposed site.*

FINDING: ‘Multi-family dwelling’ bicycle parking demands are greater than those of ‘multiple uses.’ Eight (8) dwelling units are proposed, necessitating eight (8) sheltered bicycle parking spaces. The proposed site plan provides eleven (11) bicycle parking spaces, eight (8) of which are covered. **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 (18.115 TMC).*

FINDING: The proposed site plan indicates bicycle parking is conveniently located near building entrances and security is enhanced by nearby lighting from the adjacent commercial facility and parking lot lighting. Proposed bicycle parking is located away from the public right-of-way and is not anticipated to create a hazard to pedestrian or vehicle traffic. **The provisions of this section have been met.**

18.110.120 *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.*
 - 1. *In cases where a lot fronts on a major or minor arterial street, parking spaces shall be arranged so that no backward movement in the public right-of-way or other maneuvering of a vehicle, including any trailer being towed by a vehicle, within the arterial street shall 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.*

18.110.130 *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.*
- 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).*
- C. *All spaces shall be permanently and clearly marked.*

FINDING: The proposed parking area design provides adequate space for proper movement and maneuvering of vehicles. Applicant findings indicate the existing drive aisle is twenty-four (24) feet wide; perpendicular parking stalls are nine (9) feet wide by twenty (20) feet deep. The existing drive aisle does not impose backwards movement onto the public right-of-way. The applicant proposes to resurface the parking areas with asphalt concrete in conjunction with redevelopment.

RVSS indicates that the proposal will not require a stormwater management plan since the impervious surface area is not increasing by 2,500 square feet and added that it will not require a 1200-CN permit. However, RVSS requests that approval of this project be subject to the following conditions:

- 1. Applicant must provide RVSS with site and architectural drawings for review and the calculation of sewer SDC's.
- 2. Applicant must obtain a sewer connection permit from RVSS and pay all related fees.

As a condition of approval, prior to issuance of building permits, the applicant shall provide RVSS with site and architectural drawings, obtain a sewer connection permit and pay all related fees.

As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall permanently and clearly mark parking stalls in accordance with the approved Site 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: Several of the proposed parking stalls adjacent to the structure abut a raised sidewalk five (5) feet in width. The proposed sidewalk serves as sufficient protection for adjacent building but does not provide adequate pedestrian safety or proper ADA access without wheel stops to prevent the front end of vehicles from encroaching on the walkway. As a condition of approval, prior to Certificate of Occupancy, the applicant shall install wheel stops or bumper guards in all proposed parking stalls adjacent to the five (5) foot wide sidewalk. **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.*

F. *Trees and Landscaping.*

2. *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.*
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: Buffering is required along the northeast property line because it is adjacent to residentially zoned lots. The existing buffering consists of spatial separation (drive aisle and parking stalls between the structure and adjacent zone), natural topography (steep hill along northeast property line), and mature landscaping including a sight-obscuring hedgerow and trees. The applicant proposes to replace hedges that were earlier removed or fire damaged.

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. Existing parking lot contains forty-six (46) total parking stalls, necessitating a minimum of nine (9) trees; as proposed, the plan identifies sixteen (16) trees, no additional trees are proposed, therefore additional impacts to solar access are not anticipated. As a condition of approval, prior to the issuance of certificate of occupancy, the applicant shall:

- remove all dead vegetation in accordance with TMC Chapter 18.100
- install trees, shrubs, and ground cover in accordance with approved Landscape Plan
- install landscaping irrigation in accordance with TMC 18.105.070

The provisions of this section are met subject to conditions of approval.

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

FINDING: There are five (5) existing shielded parking lights; no additional lighting is proposed. Staff review of property file reveals no history of code enforcement action regarding lighting conditions.

As a general condition of approval, any new lighting shall be downward facing so as not to project light on to adjacent properties. **The provisions of this section have been met subject to conditions of approval.**

18.115.030 STREET ACCESS AND CIRCULATION

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

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

4. *Curb Cut—Driveway Standards.*

a. *Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts. Driveways shall be designed and constructed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. Curbs, sidewalks, landscaping, signs and/or other improvements shall be utilized to clearly define points of ingress and egress.*

FINDING: The applicant does not propose to change current vehicle access from current location on W. Valley View Rd. No changes in the required clear vision area are proposed. The existing curb cut is twenty (20) feet wide and the drive aisle of twenty-four (24) feet provides sufficient access width required for two travel lanes. The driveway is designed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. **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.)

- 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 (TMC 18.150), 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 VI and Chapter 18.105 TMC. Where there is no building separation, a pathway is not required for commercial, industrial, public, or institutional uses.*
 - 5. 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. Although pathways are immediately adjacent to the structure, no housing is proposed on the ground floor. The pathway system within the development includes two (2) access points to the public right-of-way and are elevated six (6) inches above the grade of the adjacent right-of-way and parking area. It is unclear from the proposed plans whether the proposed pathways meet ADA standards, therefore, the applicant shall demonstrate during the building permit process that the proposed pathways comply with ADA standards. As a

condition of approval, prior to issuance of building permits, the applicant shall provide Community Development with building plans that demonstrate the proposed pathways meet current ADA standards. **The provisions of this section have been met subject to conditions of approval.**

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

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

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

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

FINDING: The proposed mixed-use commercial and residential development can meet the objectives of the buffering standards subject to conditions of approval. **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 conduct any waste other than normal water runoff into the City storm and wastewater facilities. **The provisions of this section have been met.**

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

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

FINDING: Vehicular and pedestrian access and circulation have been adequately addressed. The proposed structure provides an adequate transition to the adjacent single-story structures to the west and northeast, and the proposed landscaping additions have been designed to create an attractive development when fully mature.

As a general condition of approval, any new lighting shall be downward facing so as not to project light on to adjacent properties. **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 Chapter and the applicable portions of the City Subdivision Code, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made.*

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

18.185.020 APPLICABILITY

A. *A transportation impact study (TIS) shall be required if any of the following actions exist:*

1. *A zoning or comprehensive plan map or text amendment is projected to generate 500 or more net daily vehicle trips.*
2. *A development proposal is projected to generate 50 or more net peak hour trips on an arterial or collector segment or intersection.*
3. *A land use action or development proposal will impact known safety, congestion or capacity problems.*
4. *A land use action or development proposal is on a highway segment with special access controls.*

FINDING: The proposal is for a mixed-use facility; with a commercial first floor and eight (8) dwelling units on the second floor.

Regarding commercial uses, 5,673 square feet will be devoted to Snap Fitness, which generates 20.03 Net Peak Hour Trips according to the 'Health/Fitness Club' category of Institute of Transportation Engineers (ITE) Manual; the remaining 1,503 square feet will be devoted to Financial Planner office, which generates 2.24 Net Peak Hour Trips according to the 'General Office Building' category of ITE Manual. The total commercial Net Peak Hour Trips is 22.27. For residential uses, eight (8) 'apartment' dwelling units generates 4.96 Net Peak Hour Trips. The grand total Net Peak Hour Trips is 27.23.

There are no known safety, congestion or capacity problems associated with the development site, nor is the proposal located on a highway segment. **The provisions of this section are not applicable.**

18.195.030 NONCONFORMING STRUCTURES

A structure that houses a conforming use, but that does not conform with height, setback, lot coverage, or structural requirements, may be altered or extended, if the alteration or extension does not deviate further from the standards of this title. If a structure that does not meet minimum setback requirements is altered or extended under this provision, special construction standards may be required for fire safety, pursuant to the building code.

FINDING: The applicant proposes to reconstruct the building utilizing the existing ground floor block walls with the addition of stair/elevator towers to the outside of the building for access.

The structure is proposed to house a conforming use, but the structure itself is nonconforming. This is solely due to the front yard setback of thirty (30) feet; the maximum in CBH is ten (10) feet. The proposed structural alterations do not deviate further from the standards of Title 18 in accordance with TMC 18.195.030. **The provisions of this section are met.**

ORD #725 SYSTEM DEVELOPMENT CHARGES

Section 8. COLLECTION OF CHARGES

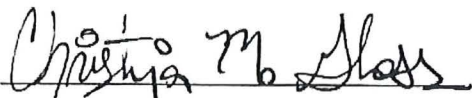
A. The System Development Charge is payable upon, and as a condition of, issuance of:

- 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 eight (8) residential units with ground floor commercial. System Development Charges (SDCs) will be assessed for each new unit in accordance with Ordinance #725 adopted October 5, 2005. In addition, the applicant will be required to provide evidence that all other SDCs from other jurisdictions have been paid in full. As a condition of approval, prior to the issuance of building permits, the applicant shall provide evidence that all additional 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.



Michelle Glass
Planning Commission Chair

1/29/2021

Date

ATTEST



Jeff Wilcox
Assistant Planner

1/29/2021

Date