

EXHIBIT SCHEDULE

FILE NO:	SUB 2020-001	APPLICANT:	TONY & TORY NIETO
HEARING DATE:	6/23/2020	HEARING BODY:	PLANNING COMMISSION
TIME:	6:30 PM	LOCATION:	ELECTRONIC VIA ZOOM

EXHIBIT NO	EXHIBIT PAGE	NATURE OF EXHIBIT
1	1	REQUEST FOR REMAND
2	3	APPLICANT'S SUBMITTAL
3	391	APPLICANT'S SUPPLEMENTAL SUBMITTAL
4	421	NOTICE OF PUBLIC HEARING AND PHOTO
5	425	NOTICE OF PUBLIC HEARING MAILING LABELS
6	426	NOTICE OF PUBLIC HEARING MAILTRIBUNE
7	429	AGENCY COMMENT, THROUGH 3/16/20
8	453	PUBLIC COMMENT, LAUPHEIMER, DATED 3/4/20
9	455	PUBLIC COMMENT, WALLACE, DATED 3/16/20
10	456	PUBLIC COMMENT, DAVIS, VANAKEN, DATED 3/16/20
11	461	PUBLIC COMMENT, DAVIS, TSUI, CUDDY, DATED 3/17/20
12	468	PUBLIC COMMENT, LAUPHEIMER, DATED 3/16/20
13	497	PUBLIC COMMENT, MATSUURA, RUBIO, DATED 3/16/20
14	501	PUBLIC COMMENT, ZUKIS, MCCOY, DATED 3/17/20
15	504	120 DAY WAIVER, DATED 3/19/20
16	506	PUBLIC COMMENT, HELLER, DATED 3/25/20
17	508	PUBLIC COMMENT, RUGG, DATED 3/25/20
18	509	NOTICE OF PUBLIC HEARING MAILING LABELS
19	510	NOTICE OF PUBLIC HEARING AND PHOTO
20	512	NOTICE OF PUBLIC HEARING MAIL TRIBUNE
21	513	AGENCY COMMENT, 3/17/20 - 6/15/20
22	515	PUBLIC COMMENT, BIZEAU, DATED 6/8/20
23	517	PUBLIC COMMENT, KREISMAN, DATED 6/4/20
24	518	PUBLIC COMMENT, LAUPHEIMER, DATED 6/8/20
25	520	120 DAY WAIVER, DATED 6/15/20
26	522	STAFF REPORT, DATED 6/16/20
27	531	PLANNING COMMISSION PROPOSED FINAL ORDER
28	594	PUBLIC COMMENT, DAVIS, HEARN, ANDERSON, TURNER, DATED 6/15/20
29	598	PUBLIC COMMENT, DAVIS, HEARN, ANDERSON, TURNER, DATED 6/15/20
30	700	PUBLIC COMMENT, KREISMAN, DATED 6/17/20
31	701	PUBLIC COMMENT, DAVIS, HEARN, ANDERSON, TURNER, DATED 6/16/20
32	706	PUBLIC COMMENT, ZUKIS, DATED 6/15/20
33	707	PUBLIC COMMENT, DAVIS, HEARN, ANDERSON, TURNER, DATED 6/17/20
34	713	PUBLIC COMMENT, DAVIS, HEARN, ANDERSON, TURNER, DATED 6/18/20
35	717	PUBLIC COMMENT, MIXSON, DATED 6/19/2020
36	718	MEMO TO PLANNING COMMISSION, DATED 6/19/20
37	720	APPLICANT COMMENT, CSA PLANNING, DATED 6/19/20
38	721	APPLICANT COMMENT, CABLE HUSTON, DATED 6/19/20
39	722	PUBLIC COMMENT, DAVIS, HEARN, ANDERSON, TURNER, DATED 6/21/20



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Memorandum

To: City of Talent Planning Commission
Attn: Zac Moody, Talent Planning Director
Cc: Tommy Brooks, Cable Huston LLP
Tony Nieto
Date: June 29, 2020
Subject: TIS Requirement for Planning File SUB 2020-01

During the proceedings for the above captioned limited land use decision review for subdivision, opponents have raised objections that the application is deficient because a Traffic Impact Study (TIS) was not provided. The relevant Talent Development Code is 8-3L.920.

That code section is analyzed by Kim Parducci of Southern Oregon Transportation Engineering at Record Pages 120 and 124. Kim Parducci is an Oregon registered professional engineer with expertise in transportation with the Professional Traffic Operations Engineer certification (PTOE). This is the only expert professional trip generation testimony in the record, and in it, she concludes that the TIS threshold of 50 net p.m. peak hour trips will not be exceeded by the development, and therefore, a TIS is not required.

Opponents state the following two objections:

1. *That existing dwellings in the area will use streets improved or created by the proposed development, and therefore, the 50-trip threshold will be exceeded.*
2. *That the potential for Accessory Dwelling Units (ADUs) will increase the trip generation beyond the 50-trip threshold.*

The first objection is unrelated to the code requirements. Neither existing trips on Belmont nor potentially rerouted trips south of the tracks from existing houses constitute "net trips projected to be generated by a development proposal." Net trips mean new trips on the system. Development proposal generated trips are trips resulting from new construction of land uses within the development. Trips from existing development outside the subject property development area are not "net trips". The reading of the code suggested by opponents cannot be squared with the express language of the code.

The second objection asserts that the trip generation prepared by Kim Parducci is defective because it did not account for potential Accessory Dwelling Units (ADUs). The TSP does not explain how potential ADU's were calculated for trip generation when the City's TSP analysis was prepared. The ITE trip generation calculations are based upon studies conducted throughout the nation. The extent to which ADUs are captured in the base ITE trip generation data is not known.

Kim Parducci's letter clearly shows that the nearest downstream intersection at Creel and Talent Avenue is projected to operate with a volume to capacity ratio of 0.9 and Level of Service A in the future year (2038). Belmont and Talent Avenue would be expected to operate much better because it is upstream and a "T" intersection as opposed to 4-way at Creel. It would take a development 5 to 20 times larger than the one proposed to have any reasonable chance to even make a dent in the 90% of the available capacity on the system in the future year in this area.

No provision of the code requires the City to include ADU's in trip generation calculations for standard subdivisions. CSA has been involved in hundreds of subdivisions in cities throughout Oregon since ADUs have been allowed in respective zoning codes and no City



has ever required a TIS based upon the potential for ADUs in a standard residential subdivision proposal. Moreover, TZC 8-3L.930(C) specifically provides that the Planning Director can waive the TIS requirement when it is not necessary. In this instance, Talent did not even analyze Belmont and Talent Avenue in the TSP because traffic volumes in the area are so low, and the nearest downstream intersection operates at Level of Service A.

The code and the City's Comprehensive Plan appear to support ADUs as a policy matter. CSA Planning's professional opinion, as land use planners with over 40 years of experience in Oregon, is that ADUs can be a great housing tool and should be encouraged from a policy standpoint. For this reason, requiring ADU potential to be counted in a TIS (or in determining exceedance of the 50-net p.m. peak hour trip TIS threshold) for this application and all future standard subdivisions is a short-sighted policy decision that discourages ADUs.

Notwithstanding the technical and policy reasons explaining why the City need not require a TIS, Applicant has no interest in adding additional cost, delay, and risk to the subdivision review process. If the Planning Commission finds in its deliberations that a TIS is required because of the potential for Accessory Dwelling Unit trip generation, the Applicant herewith stipulates to a condition of approval that requires a deed restriction that prohibits the construction of any accessory dwelling units in Talent View Estates.

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'Jay Harland', is written over a horizontal line.

Jay Harland
President