



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. APL 2022-003 ) ORDER  
[MLP 2022-002] LOCATED AT 314 LITHIA AVE [MAP NO. 38-1W-26AA )  
TAXLOT 2200], THE CITY OF TALENT PLANNING COMMISSION )  
FINDS THE FOLLOWING:

1. The Planning Commission held a properly noticed public hearing on this matter on August 23, 2022;
2. The Planning Commission asked Community Development staff to present a Staff Report with findings and recommendations at the August 23, 2022 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 Residential High Density (RHD) zoning district and with title 17 of the Talent Zoning Code;

*The Talent Planning Commission upholds staff decision to approve MLP 2022-002 with the following conditions of approval:*

**GENERAL CONDITIONS**

1. Once the City has approved (signed) the plat, the property owner(s) shall follow the procedures outlined in Section TMC 17.20.070, Filing and Recording, in the Subdivision Code.
- ~~1.~~ 2. The City shall continue to maintain the existing "hammerhead" turn around located at the end of Lithia Avenue to the specifications listed in Appendix D (Fire Apparatus Access Roads) of the Oregon 2019 Fire Code.

**PRIOR TO FINAL PLAT**

1. The property owner(s) shall record a utility easement for all underground utility facilities to be shown on final plat.
2. Applicant has proposed an access easement through Parcel 1. Evidence of the recording of an access and maintenance easement shall be provided to the Community Development Department.
3. Property owners are to sign a Non-Remonstrance Agreement suitable to the City of Talent.

**PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

4. The property owner(s) shall obtain an encroachment permit if new access is proposed, or existing access is modified. If required, curb, gutter and sidewalk modifications are to be built to City standards.
5. Per RVSS:
  - a. Applicant must obtain a sewer service connection and tap permit from RVSS and pay all related fees to RVSS.
  - b. Applicant must submit a site-specific erosion and sediment control plan to RVSS if the total ground disturbance is more than 7,000sf.
  - c. Both property owners shall make adequate provisions for storm water and surface water runoff.
  - d. Both property owners shall obtain tap and connection permits from RVSS prior to sewer construction.
6. The property owners shall obtain tap and connection permits for water from the City of Talent Public Works Department and pay required fees.

#### **DURING CONSTRUCTION**

7. Sewer facilities must be constructed per RVSS standards. Prior to final acceptance of project, all new sewer facilities must be inspected, and accepted per RVSS standards.
8. All water facility construction shall be inspected and accepted per City of Talent Public Works Standards.
9. All street and driveway approaches shall meet City of Talent Public Works Standards.

#### **PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY**

10. The property owner(s) of Parcel 1 and Parcel 2 shall complete landscaping per *18.105 TMC*.
11. No signs, structures or vegetation in excess of 3' shall be located in the vision clearance areas described in 17.10.060.

*IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested minor land partition to establish two legal tax lots from one tax lot 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.**

#### ***Section 17.10 Development and Design Standards***

*A. Purpose. To preserve the character of the city and to conserve natural resources by encouraging development that incorporates open space and the natural features of the land into neighborhood design, and by allowing density distribution within the development project so that there is no penalty for creative design.*

**FINDING:** The proposed partition provides the applicant the opportunity to rebuild the single-family detached dwelling while taking advantage of the zoning designation and increasing density. This proposal preserves the right to develop a single-family dwelling, while achieving the goal of increased density in the area. **The provisions of this section have been met.**

#### ***17.10.040 Street Trees***

*B. Plantings. Street trees shall be planted in planter strips on all arterial and collector streets, for all developments that are subject to Land Division or Site Design Review, except that street trees may be planted in planter wells as*

*provided in subsection 4 below. Street trees are encouraged, but not required, for local streets. When provided on local streets, street trees shall be in planter strips. Additional requirements for tree planting are provided in Section 8-3J.422. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks.*

**FINDING:** The subject property takes access from Lithia Ave, a local street. Street trees are encouraged, but not required. **The provisions of this section have been met.**

**17.10.050 Transportation Facility Standards**

*B. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of TMC 17.10.060, Vehicular access and circulation, as well as Chapter 18.115 TMC, and the following standards are met:*

*3. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exists:*

*d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.*

**FINDING:** Access if available to Parcel 1 from Lithia Avenue. A 13' wide driveway easement through Parcel 1 has been proposed to give Parcel 2 access to Lithia Ave, which is classified as a "Local Street" according to the 2015 Transportation System Plan (TSP). Lithia Avenue is not a fully-improved street, and until such time that the City of Talent improves the street, the property owners shall enter a non-remonstrance agreement for future improvements. **The provisions of this section can be met subject to conditions of approval.**

*E. Creation of Access Easements. The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with TMC 17.10.060, Vehicular access and circulation. Access easements shall be created and maintained in accordance with Uniform Fire Code Section 10.207.*

**FINDING:** An access easement where the existing driveway entrance is located is required for serving Parcel 2 only. The applicant/owner shall record the access easement and furnish evidence to the Community Development Department prior to building permit. **The provisions of this section can be met subject to conditions of approval.**

**17.10.060 Vehicular Access and Circulation**

*C. Access Permit Required. A new or modified connection to a public street requires an Access Permit in accordance with the following procedures:*

*1. Permits for access to City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Section and the provisions of TMC 17.10.050, Transportation Facility Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.*

**FINDING:** Any new or modified street connections will require an access permit. **The provisions of this section can be met subject to conditions of approval.**

D. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared in accordance with Chapter 18.185, Traffic Impact Study.*

**FINDING:** The request is for the approval of a preliminary plat to divide a parcel into two (2) parcels. TIS is not required in accordance with Section 18.185.020 of the Talent Zoning Code. **The provisions of this section are not applicable.**

E. *Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public or private street.*

**FINDING:** Properties will require an access permit at time of development. As a condition of approval, prior to issuance of building permits, the property owner shall obtain an access(encroachment) permit. **The provisions of this section can be met subject to conditions of approval.**

F. *Access Options. When vehicle access is required for development, access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/ subdivider.*

2. *Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., shared driveway). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*

3. *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. Street accesses shall comply with the access spacing standards in subsection (G) of this section.*

**FINDING:** Access is available to Parcel 1 from Lithia Avenue. Applicant proposes a 13' wide access easement to extend through Parcel 1, allowing Parcel 2 to access Lithia Avenue. **The provisions of this section have been met.**

G. *Access Spacing. Driveway access shall be separated from other driveways and public and private street intersections in accordance with the following standards and procedures:*

1. *Local Streets. A minimum 10 feet of separation (as measured from the sides of the driveway/ street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection (G)(3) of this section.*

H. *Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot. Alley access is strongly encouraged before other access points are considered; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), and subject to the access spacing standards in subsection (G) of this section. The number of street access points for multiple-family, commercial, industrial, and public/ institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (I) of this section, in order to maintain the required access spacing, and minimize the number of access points.*

I. *Shared Driveways.* The number of driveway and private street intersections with public streets may be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

2. *Access and maintenance easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval to ensure continual emergency accessibility at all times.*

**FINDING:** Applicant has proposed access to Parcel 2 via an access easement through Parcel 1. Access spacing requirements can be met within the parcel while allowing over 10' separation between driveways on abutting parcels (east and west). Evidence of the recording of an access and maintenance easement shall be provided to the Community Development Department as a condition of approval. **The provisions of this section can be met subject to conditions of approval.**

J. *Driveway Openings/Curb Cuts.* Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. *Access that serves up to four dwelling units shall have a minimum driveway opening/curb cut and driveway width of 10 feet and a maximum width of 24 feet.*

K. *Fire Access and Parking Area Turnarounds.* A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turnaround areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to TMC 17.10.050, Transportation facility standards.

**FINDING:** The frontage has adequate width to provide for the proposed 13-ft-wide driveway and meet the separation requirement for local streets. The proposed access driveway is less than 150 feet in length and provides adequate access for the Fire District or other emergency vehicles. **The provisions of this section have been met.**

M. *Vision Clearance.* No signs, structures or vegetation in excess of three feet in height shall be placed in vision clearance areas, as shown in Figure 17.10.060-2. The minimum vision clearance area may be increased by the city engineer upon finding that more sight distance is required (e.g., due to traffic speeds, roadway alignment, etc.).

**FINDING:** No signs, structures or vegetation in excess of 3' shall be located in the vision clearance areas described in 17.10.060. **The provisions of this section can be met subject to condition of approval.**

N. *Construction.* The following construction standards shall apply to all driveways and private streets:

1. *Surface Options.* Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete or comparable surfacing, or a durable nonpaving material that will support emergency vehicles may be used to reduce surface water runoff and protect water quality.

2. *Surface Water Management.* When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.

**FINDING:** All driveways and driveway aprons shall be surfaced to a minimum width of 10 feet and shall have on-site collection or infiltration of surface waters, built to city standards, to eliminate sheet flow onto the public right-of-way or abutting property. **The provisions of this section can be met subject to conditions of approval.**

**17.10.070 Sanitary Sewer and Water Service Improvements**

A. *Sewers and Water Mains Required.* Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

**17.10.080 Storm Drainage and Surface Water Management**

A. *General Provisions.* The city shall issue a development permit only where adequate provisions for storm water and surface water runoff have been made pursuant to Resolution 517, Storm Drainage Design Standards.

**FINDING:** Per RVSS there is a 4-inch sewer service to the property which is capped at the right-of-way. Proposed Parcel 2 can connect to this service. Sewer service for proposed Parcel 1 can be had by a new tap connection. The sewer connections will not be a condition of approval for the proposed partition. Compliance with the Rogue Valley Stormwater Quality Design Manual will not be required for this project. A site-specific erosion control plan will be required and must be submitted and approved by RVSS if the total ground disturbance during construction is more than 7,000sf. The erosion control plan must be submitted prior to construction. **The provisions of this section can be met subject to conditions of approval.**

**17.15.010 Review Procedures and Approvals Process**

A. *Subdivision and Partition Approval Through Three-step Process.* Applications for subdivision or partition approval shall be processed through a three-step process: the pre-application conference, the preliminary plat, and the final plat.

1. *A pre-application conference is required for all partitions and subdivisions.*
2. *The preliminary plat for a partition and subdivision shall be approved by the Planning Commission before the final plat can be submitted for approval consideration.*
3. *The final plat shall include all conditions of approval of the preliminary plat.*

**FINDING:** The applicant attended the required pre-application conference and submitted the required preliminary plat application to Community Development. **The provisions of this section have been met.**

**17.15.030 Approval Criteria: Preliminary Plat**

A. *General Approval Criteria.* The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. *The proposed preliminary plat complies with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, the provisions of the underlying zoning district and the provisions of the Planned Unit Development Section, when applicable, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 18.160 TMC, Variances;*

**FINDING:** The proposed partition complies with or can comply with provisions of TZC through the application of conditions of approval. **The provisions of this section have been met.**

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

**FINDING:** The proposed plat is a partition and does not have any naming requirements. ORS 92.090(6) requires the City to obtain certification from Talent Irrigation District that all conditions of the District have been met. TID has not provided any conditions. **The provisions of this section have been met.**

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects; and are consistent with the City's Transportation System Plan. All proposed public improvements and dedications are identified on the preliminary plat; and*

**FINDING:** Parcel 1 has access to Lithia Avenue and Parcel 2 shall take access from Lithia Avenue via a 13'-wide access easement through Parcel 1. As a condition of approval, prior to issuance of building permits, the property owners shall obtain an encroachment permit. Lithia Avenue is not a fully-improved street, and until such time that the City of Talent improves the street, the property owners shall enter a non-remonstrance agreement for future improvements. **The provisions of this section can be met subject to conditions of approval.**

4. *All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.*

**FINDING:** There are no common areas required or proposed as part of the partition request. **The provisions of this section are not applicable.**

*C. Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zone district, and the standards of TMC 17.10.050(J), Street Alignment and Connections.*
2. *Setbacks shall be as required by the applicable zoning district.*

**FINDING:** The minimum lot area for an existing single-family detached dwelling on Parcel 1 is 2,500 SF, duplexes also require 2,500 SF of lot area; As proposed, Parcel 1 is 5,026 SF and Parcel 2 is 4,047 SF. Both parcels have ample space for development to meet the underlying zone (RHD) dimensional and set-back standards. **The provisions of this section have been met.**

3. *Each lot shall conform to the standards of TMC 17.10.060, Vehicular Access and Circulation.*

**FINDING:** The proposed partition complies with or can comply with provisions of TMC 17.10.060, Vehicular Access and Circulation through the application of conditions of approval. **The provisions of this section have been met.**

4. *Landscape or other screening may be required to maintain privacy for abutting uses and buffering for pathways, through lots abutting an arterial or collector Street, grade changes and retaining walls, development on flag lots, and similar situations, consistent with the provisions of TMC Titles 17 and 18 and Chapter 18.105 TMC.*

**FINDING:** Subject parcel is zoned RHD and is surrounded by other RHD zoned parcels; there are no conflicting uses necessitating screening or buffering.

Parcel 1 is 5,026 SF as proposed and requires 20% landscaping coverage (1,005 ft<sup>2</sup>). This necessitates a minimum of one (1) 2in+ caliper trees and four (4) five-gallon shrubs or accent plants.

Parcel 2 is 4,047 SF as proposed and requires 20% landscaping coverage (809 SF). This necessitates a minimum of one (1) 2in+ caliper trees and four (4) five-gallon shrubs or accent plants.

Landscaping will be addressed in conjunction with the development of both lots. **The provisions of this section can be met subject to conditions of approval.**

5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also TMC 17.10.060, Vehicular Access and Circulation.*

**FINDING:** The proposed access drive extends only 74 feet from the public right-of-way. **The provisions of this section have been met.**

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement, which will ensure access and maintenance rights, shall be recorded with the approved subdivision or partition plat.*

**FINDING:** Prior to approval of the final partition plat, applicant shall provide the Community Development Department with evidence of a recorded reciprocal access easement. **The provisions of this section can be met subject to conditions of approval.**

- F. *Future Redivision Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the city shall require that the lots be of such size, shape, and orientation as to facilitate future redivision in accordance with the requirements of the zoning district and this code. A redivision plan shall be submitted that identifies:*

**FINDING:** The proposed lots cannot be further divided; no re-division plan is required. **The provisions of this section are not applicable.**

- G. *Compliance. All submittals shall demonstrate compliance with Chapter 17.10 TMC, Development and Design Standards, and Chapter 18.85 TMC.*



**FINDING:** Staff finds the submittal, with additional conditions attached, complies with the pertinent code requirements. Subject parcels are not located near/within a riparian or wetland zone, therefore Chapter 18.85 does not apply. **The provisions of this section can be met subject to conditions of approval.**

**17.20.070 Filing and Recording**

- A. *Filing Plat with County. Within 60 days of the city approval of the final plat, the applicant shall submit the final plat to Jackson County for signatures of county officials as required by ORS Chapter 92.*
- B. *Proof of Recording. Upon final recording with the county, the applicant shall submit to the city a mylar copy and three paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.*
- C. *Prerequisites to Recording the Plat.*
  - 1. *No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;*
  - 2. *No plat shall be recorded until it is approved by the county surveyor in the manner provided by ORS Chapter 92. [Ord. 818 § 2 (Exh. A (§ 8-2.470)); Ord. 692 § 21.]*

**FINDING:** As a general condition of approval, once the City has approved (signed) the plat, the property owner shall follow the procedures outlined in Section TMC 17.20.070, Filing and Recording, in the Subdivision Code. **The provisions of this section can be met subject to conditions of approval.**

**18.40.020 Building and uses permitted subject to Type I permit review:**

*No building, structure, or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:*

- C. *Alteration or expansion of and existing single-family dwellings.*

**FINDING:** The subject lot is vacant as a result of the Alameda Fire on September 8, 2020, but as per the October 5, 2021, Planning Inquiry by the Community Development Director, Parcel 1 retains its single family dwelling land use entitlement involuntarily destroyed by the Fire. The newly created parcel will conform to the Talent Municipal Code development standards for the Residential High Density (RHD) zone district. **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 one- to two-story structures, plus five feet for three-story buildings; 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:** Both proposed lots can reasonably meet the yard setbacks. **The provisions of this section have been met.**

**18.40.065**      **Density regulations.**

A. *Minimum Density.* The minimum density shall be 18 units per net acre.

1. *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.

B. *Maximum Density.* There shall be no maximum density, provided minimum lot area and dimensional standards in TMC [18.40.070](#) are met

**FINDING:** Proposed Parcel 2 will be redeveloped with a single-family dwelling. In accordance with a Planning Inquiry prepared on October 5, 2021, by the Community Development Director, the parent parcel following the partition will retain the right to rebuild a single-family detached dwelling, while Parcel 1 will conform to the RHD development standards of the Talent Municipal Code. **The provisions of this section have been met.**

Proposed Parcel 1 will be approximately 5,026 SF (approximately .12 acres) resulting in a minimum density of 2 units. The proposed size of the parcel can accommodate a duplex in accordance with the Lot Area and Dimension requirements. The minimum lot size for a duplex is 2,500 sq. ft. **The provisions of this section have been met.**

**18.40.070**      **Lot area and dimensions**

A. *Minimum Lot Area.*

1. *For single-family detached (existing) and duplex dwellings: 2,500 square feet.*
2. *For single-family attached dwellings: 1,800 square feet.*
3. *For triplex, quadplex and multiple-family dwellings: 5,000 square feet.*

B. *Maximum Building Coverage.*

1. *Seventy-five percent.*

C. *Minimum Lot Width.*

1. *For single-family detached (existing) and duplex dwellings: 25 feet.*
2. *For single-family attached dwellings: 20 feet.*
3. *For triplex, quadplex and multiple-family dwellings: 50 feet.*

D. *Maximum Building Height.*

1. *Forty feet or three stories, whichever is less.*

**FINDING:** The proposed Parcel 2 will be redeveloped with a single-family dwelling requiring a minimum of 2,500 SF. Parcel 1 will be required to develop in accordance with the current regulations and density requirements and therefore will at least need to be developed with a duplex or two single-

family attached dwellings. Parcel 1 is proposed to be 5,026 SF and therefore meets the lot area standards. The preliminary Plat demonstrates that both lots meet the minimum standards. **The provisions of this section have been met.**

**18.115.050 Transportation facility standards.**

B. Development Standards. *No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of TMC 18.115.060, Vehicular access and circulation, and the following standards are met:*

3. *The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exists:*

*b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;*

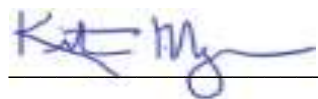
**FINDING:** The City will require a non-remonstrance agreement be signed prior to recording the plat map. **The provisions of this section can be met subject to conditions of approval.**

**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.**

\_\_\_\_\_  
Felicia Hazel, Planning Commission Chair

\_\_\_\_\_  
Date



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Kristen Maze  
Community Development Director

\_\_\_\_\_  
August 25, 2022

\_\_\_\_\_  
Date