



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR 2021-)
015 LOCATED AT 210 N. PACIFIC HWY [MAP NO. 38-1W-23CA TAXLOT) ORDER
200], THE CITY OF TALENT PLANNING COMMISSION FINDS THE)
FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on February 15, 2022;
2. The Planning Commission asked Community Development staff to present a Staff Report and a Final Order with findings and recommendations at the February 15, 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 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 2021-015) with the following conditions of approval:

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. The applicant shall provide supplemental documentation to Community Development verifying three (3) proposed ADA parking stalls (1 van accessible and 2 standard) shall be safely located in close proximity to the entrance of the proposed Phase I building.
2. The applicant shall provide Community Development with building plans that demonstrate the proposed pathways meet current ADA standards.
3. The applicant shall provide Community Development with building plans that show a connection between the proposed parking lot with the existing parking lot to the east, providing access to Clearview Parkway. A curb barrier shall be installed to prevent access via the West Alley and Wintersage Circle.
4. The applicant shall provide supplemental documentation to Community Development verifying the required 6 bicycle parking spaces for the commercial developments will be included on the site plan and located and designed per section 18.110.100.
5. The applicant shall provide supplementary documentation to Community Development verifying the proposed parking lot lighting will reflect away from all abutting residential properties.
6. The applicant shall provide RVSS with site and architectural drawings, obtain a sewer connection permit, pay all related fees, and comply with any additional RVSS requirements described in the findings below.

7. Per comments from the Oregon Department of Transportation, the applicant will need to provide Civil Plans showing more detailed dimensions of frontage improvements for ODOT review and approval.
8. Per comments from the Oregon Department of Transportation, a misc./utility permit will be required prior to any work within the State ROW. Please direct the applicant to contact Julee Scruggs at Julee.Y.SCRUGGS@odot.state.or.us or 541.864.8811 to discuss the application process.
9. Comply with Jackson County Fire District #5 with respect to Knox box, building keys, and fire sprinkler system requirements.
10. The applicant shall provide evidence that all additional SDCs have been paid in full.

PRIOR TO CERTIFICATE OF OCCUPANCY:

11. The applicant shall:
 - a) install trees, shrubs, and ground cover in accordance with approved Landscape Plan
 - b) install landscaping irrigation in accordance with approved Irrigation Plan
 - c) if existing fence is removed, applicant will need to install screening between parking facility on northern border of property per 18.110.131(E)
 - d) install street trees in the parkway strip or provide documentation to the Public Works department that trees would damage the communication lines installed at this location.

GENERAL CONDITIONS OF APPROVAL:

12. Adequate screening shall be provided for all mechanical equipment, garbage collection areas and other site equipment and utilities.
13. All proposed fencing shall be installed per 18.105 TMC. Any proposed signs shall be in conformance with 18.120 TMC.
14. Future uses within the site that are projected to have a high impact on traffic patterns may require a Traffic Impact Study for approval.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested site development plan to build a Mixed Use (Commercial/Residential) development comprised of a 4,800 SF commercial building with two detached 6-unit multi-family residential structures; and a commercial development pad for another 4,104 SF building for a future phase of construction, 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.*
- C. *Eating and drinking establishments (which may include entertainment).*

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 12 multi-family housing units located in two separate structures with 6 units each. The total ground-floor footprint of the two buildings is just over 10,000 SF, 12 percent of the parcel's gross area of 1.85 acres. Two commercial storefronts are to be located along the street frontage (one of which is proposed for a future phase of construction). The proposed commercial uses include retail and eating/drinking establishments. **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.*

FINDING: There is a 10' public utility easement along the front property line. Per subsection 18.55.060(D) below, setbacks are measured from the lot interior side of the easement. The two commercial buildings have a zero setback to the lot interior side of the easement along the street frontage, meeting the minimum frontage requirement.

The parking lot is not located near the front property line. **The provisions of this section have been met.**

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.*

FINDING: The proposed residential structures are located 10 feet from the side property lines. The parking areas are located minimum 10 feet from the side property lines. Screening is provided by an existing fence at this location. **The provisions of this section can be met subject to conditions of approval.**

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

D. General Provision Applying to All Setbacks. Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.

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 CBH zone allows for multi-family uses, but does not specify setback requirements for new residential uses adjacent to other residential uses. As proposed, the new residential building has a 10' side yard setback to the west and a 10' back yard setback adjacent to the residential zone to the north. The provisions of 18.55.060(E) are intended to provide adequate buffering between potential conflicting uses. In this case, the proposed use is residential and the adjacent use and zone is residential and no conflicting use exists. Therefore, the required 20' setback does not apply to this situation and the 10' setback to accommodate private porches and landscaping is sufficient. To ensure that no issues arise between new and existing uses, the applicant has proposed a fence and landscape

buffer between the established residential use and the new residential building. **The provisions of this section have been 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 twelve (12) dwelling units in two buildings that are separate from the commercial development. **The provisions of this section do not apply.**

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: 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 can be 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.

FINDING: Per the findings provided by the applicant, a fence is proposed along the northwest property line between the proposed residential building and the existing adjacent residential properties. All proposed fencing shall be installed per 18.105 TMC. Any proposed signs shall be in conformance with 18.120 TMC. **The provisions of this section can be met subject to conditions of approval.**

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 north property line where the parking lot is adjacent to residentially zoned lots. Applicant has also proposed a fence and landscape buffer between the residential use and the new residential building on the northwest property line.

The proposed applicant's landscape plan adequately demonstrates buffering in compliance with TMC 18.105 subject to the conditions addressed in the findings below. **The provisions of this section can be met subject to conditions of approval.**

18.90.050 BUILDING HEIGHT

- A. *Limitations and General Exceptions. Structures exceeding the maximum height allowed in each zone shall be permitted only as a conditional use. Building height as defined in Chapter 18.15 shall not apply to chimneys, spires, aerials, flagpoles, solar energy collectors and necessary mounting or operational equipment, utility poles, or other similar objects not used for human occupancy. Barns and silos are permitted subject to*

written approval by the city or district fire chief. Buildings and other objects cited in this section should address solar standards in Chapter 18.125 TMC.

FINDING: The proposed 2-story residential structures are 29'-10" in height measured from finished ground to peak and do not exceed the maximum height allowed in the CBH zone of 30 feet. The commercial structures, at 25'-6" to the highest point also do not exceed the maximum allowable height. **The provisions of this section have been met.**

18.96.010 GENERAL PROVISIONS

- A. *Purpose and intent. It is the policy of the city of Talent to provide for multiple-family dwellings that provide diverse housing options with units to accommodate a range of household sizes and income ranges; incorporate good site and building design; contribute to livability, safety, and sustainability; create a stronger community; and foster a quality environment for residents and neighbors.*

18.96.020 APPLICABILITY AND REQUIRED REVIEW

- B. *Review Process. An applicant for multiple-family dwellings may elect to use either the objective or discretionary process. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.*
2. *Projects reviewed through the discretionary process will be evaluated through a Type III site development plan review, pursuant to Chapter 18.150 TMC, and shall comply with the design guidelines in TMC 18.96.040.*

18.96.040 DESIGN GUIDELINES

- A. *Building Orientation and Entrances. Buildings shall be located with the principal facade oriented to the street or a street-facing open space such as a courtyard. Building entrances shall be well-defined and easily identifiable.*
- B. *Building Mass and Facade. The development shall be designed to reinforce human scale and incorporate transparency through appropriately placed windows that do not compromise residents' privacy.*

FINDING: The proposed 2-story residential structures are located with the principal façade oriented to the access driveway that connects to N. Pacific Hwy. The entrances are well-defined and easily identifiable. Windows are located to provide both transparency and privacy. **The provisions of this section have been met.**

- C. *Building Design.*
1. *Building Materials. Buildings shall be constructed with architectural materials that provide a sense of permanence and high quality. Street-facing facades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood and similar siding, and wood and similar shingles.*
2. *Design Features. Buildings with long monotonous exterior walls shall be avoided and shall instead incorporate varied architectural elements and facade materials arranged in a way to provide interest and a harmonious, balanced design.*

3. *Entrances. Architecturally defined and covered entryways shall be incorporated into the design of buildings.*

D. *Building Articulation. The appearance of building bulk shall be minimized by incorporating changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration to create simple and visually interesting buildings.*

E. *Roofline Modulation. Building roofs shall be modulated to provide variety and contribute to residential character of the neighborhood.*

FINDING: The proposed 2-story residential structures are to be constructed with high quality materials including wood front doors, carriage-style garage doors, wood or Hardi-Board or similar siding. The roof is to be constructed of composition shingles. There are architectural elements and façade treatments proposed for all building sides including gable roofs, belly band detailing, and roof corbels. The entrances are architecturally defined with 6"x6" posts and covered by the cantilevered second story. Building articulation is enhanced by layered wall planes and variety is added to the roof through gable extensions. **The provisions of this section have been met.**

F. *Common Open Space. The development shall provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.*

FINDING: The proposed development provides .44 acres of open space, 24% of the gross site area. This includes 270 square feet of private open space per unit, a grand total of 3,240 square feet private open space. The .44 acres of open space also includes a 5,000 square feet area of common open space (100'x50'). As proposed, the provided open space, including common and private open space allotments, exceed the requirements of 18.96.030(F) and 18.96.030(F)(2). **The provisions of this section have been met.**

G. *Parking Areas. Vehicle parking shall be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Parking areas shall be located to minimize their visibility from the public right-of-way.*

H. *Pedestrian Circulation. Site design shall promote safe, direct, and usable pedestrian facilities and connections throughout the development and to adjacent streets and pedestrian facilities.*

FINDING: Parking and pedestrian circulation are addressed in the findings below. **The provisions of this section can be met subject to conditions of approval.**

I. *Screening. Mechanical equipment, garbage collection areas, and other site equipment and utilities shall be screened so they are not visible from the street and open spaces. Screening shall be visually compatible with other architectural elements in the development. [Ord. 966 § 3 (Exh. C), 2021.]*

FINDING: Two trash enclosures are shown on the site plan. Adequate screening shall be provided for all mechanical equipment, garbage collection areas and other site equipment and utilities. **The provisions of this section can be 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

- A. *General Requirements.*
 - 1. *The property owner is responsible for the installation and maintenance of required buffers and screens including compliance with TMC 18.135.060(A).*
 - 2. *The community development director may waive the buffering/ screening requirements of this section where the required buffer/ screen has been installed on the adjacent property in accordance with this chapter.*
 - 3. *Where a proposed use abuts undeveloped property, only one-half of the buffer width shall be required.*
- B. *Buffer Location. A buffer consists of an area within a required setback adjacent to a property line. It has a depth equal to the amount specified in Table 18.105.050-1 and contains a length equal to the length of the property line of the abutting use(s).*
- C. *Buffer Requirements.*
 - 1. *At least one row of trees. These trees will not be less than 10 feet tall at the time of planting and not spaced more than 30 feet apart and five feet tall at the time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the community development director when it can be demonstrated that such trees would conflict with other provisions of this code (e.g., solar access).*
 - 2. *At least five five-gallon shrubs or 10 one-gallon shrubs for each 1,000 square feet of required buffer area.*
 - 3. *The remaining buffer area shall be planted in accordance with TMC 18.105.030(C).*
- D. *Screening. Where screening is required or provided, at least one of the following techniques shall be provided in addition to the buffering requirements above:*
 - 1. *One row of evergreen shrubs that will grow to form a continuous hedge at least six feet tall within two years of planting; or*
 - 2. *A fence or masonry wall at least six feet in height to provide a uniform sight-obscuring screen; or*
 - 3. *An earthen berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation.*
- E. *Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of TMC 18.105.055.*

F. Landscaping within the buffer shall count towards minimum landscaped area and vegetation required by TMC 18.105.020 and 18.105.030.

FINDING: The subject parcel totals approximately 80,586 square feet which requires 16,117 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 19,235 square feet of landscaped area. Pursuant to §18.105.030(A) above, the applicant shall plant seventeen (17) 2” caliper trees and sixty-eight (68) 5-gallon shrubs or accent plants to meet the minimum landscape requirements.

The proposed landscape plan identifies forty-six (46) trees and a combination of small and large shrubs exceeding the minimum sixty-five (65) required. Ground cover is proposed to be a combination of water-wise plantings, lawn area, meadow-mix hydroseed, and detention pond plantings.

Buffering and screening are required along the north property line where the parking lot is adjacent to residentially zoned lots. The proposed plan shows buffering composed of multi-trunk birch trees spaced 35 feet apart with a mixed shrub understory. The selected birch species will need to be minimum of 10 feet in height at time of planting. A parking facility is located along a portion of the north property boundary where the project abuts residential properties. In addition to the buffering, screening will need to be provided at this location consisting of a sight-obscuring fence, wall or evergreen hedge not less than five feet and not more than six feet in height per section 18.110.131(E). An existing fence at this location meets this requirement. As a condition of approval, prior to the issuance of certificate of occupancy, the applicant shall:

- install trees, shrubs, and ground cover in accordance with approved Landscape Plan
- install landscaping irrigation in accordance with approved Irrigation Plan
- if existing fence is removed, applicant will need to install screening between parking facility on northern border of property per 18.110.131(E)

The provisions of this section can be met subject to conditions of approval.

18.105.055 CLEAR VISION AT INTERSECTIONS

D. *The clear vision area for all street intersections and all street and railroad intersections shall be that area described in the most recent edition of the “AASHTO Policy on Geometric Design of Highways and Streets.” The clear vision area for all corner lots shall be that area within a 30-foot radius from where the lot line and the edge of a street intersect. The clear vision area for all driveways shall be that area within a 10-foot radius from where the driveway and the edge of a street intersect.*

FINDING: The proposed landscaping and structures allow a clear vision area exceeding the required 10-foot radius from where the driveway and the edge of N. Pacific Hwy intersect. As this property will have access to a major arterial street, applicant will need to provide ODOT with detailed dimensions of frontage improvements for ODOT review and approval. **The provisions of this section can be met subject to conditions of approval.**

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 proposed landscaping shall be properly maintained and provided with irrigation. The provisions of this section can be 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	
Multifamily dwelling:	0.5 space per dwelling unit
Studio dwelling units	1 space per dwelling unit
One- and two-bedroom dwelling units	1.5 spaces per dwelling unit
Three-bedroom or larger dwelling units	1.5 spaces per dwelling unit
Commercial Uses	
Retail establishments, except as otherwise provided herein	1 space for each 400 square feet of gross floor area
Nursing homes, homes for the aged, assisted living facilities, and like uses	1 space for each 2 beds for patients and/or residents
Restaurants, taverns or bars	1 space per 4 seats or 1 space for each 100 square feet of gross floor area, whichever is less

FINDING: The proposed commercial building provides 4,800 SF, divided into three units with 1,600 SF per unit. The future commercial building provides 4,104 SF, or 1,368 SF per unit. Applicant has proposed uses in the commercial buildings to include retail and restaurant (eating/drinking establishments). Assuming a scenario where one proposed and one future unit is occupied by restaurant establishments (requiring 30 spaces), and two proposed and two future units are occupied by retail establishments (requiring 15 spaces), this would require a total of 45 parking spaces. The twelve proposed 3-bedroom dwelling units will require a total of 18 parking spaces (1.5 parking spaces per dwelling unit). Total required parking for the proposed development is 63 spaces.

The proposed site plan provides a single car garage and driveway parking in front of the garage for each unit, 24 parking spaces total; and 55 standard, striped parking stalls in the parking lot, a grand total of 79 parking spaces. The provisions of this section are met.

B. *Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this section by more*

than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

FINDING: Fifty percent of the required minimum number of parking spaces required by this section is 31.5 spaces. Therefore, maximum number of parking spaces allowed for this site is 94.5 spaces. At 79 spaces total, the proposed parking does not exceed the maximum number of parking spaces. **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 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

FINDING: In addition to the 55 parking stalls proposed in the parking lot, the applicant has identified 4 parking stalls in conformance with the Americans With Disabilities Act (ADA) standards in Table 540-2 above, located in close proximity to the proposed and future-phase commercial buildings (2 spaces per building). However, if the second building is part of a future phase and 55 parking spaces and only one commercial building are provided in the first phase, a total of 3 accessible parking spaces will need to be located in front of the proposed Phase 1 commercial building to meet the minimum number of accessible parking spaces. The two ADA compliant stalls proposed in the parking lot in front of the future building site shall not be striped as such until the building is erected, as ADA parking must be located along an accessible route near a building entrance. **The provisions of this section can be 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.*
- 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: Twelve dwelling units are proposed, necessitating 12 sheltered bicycle parking spaces for the multi-family residential buildings. Because garages have been provided to each residence, bicycle parking may be located inside of the garages. The commercial building, a “multiple-use” area, will require 6 bicycle parking spaces, based on the number of vehicle parking spaces (the proposed 55 parking spaces will require 6 bicycle parking spaces).

The proposed site plan provides 4 bicycle parking spaces, 2 spaces on the north side and 2 spaces on the south side of the proposed commercial building and does not meet the minimum number required. As a condition of approval, prior to the issuance of building permits, the applicant shall provide supplemental documentation to Community Development verifying 6 bicycle parking spaces will be included on the site plan and located and designed per section 18.110.100. **The provisions of this section can be met subject to conditions of approval.**

18.110.120 PARKING AREA DESIGN STANDARDS

A. Groups of five 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. 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).

18.110.130 PARKING AREA IMPROVEMENTS

- 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.*
- 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.)*
- 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. Proposed drive aisle is 26 feet wide; 90 degree parking stalls are 9 feet wide by 19 feet deep. The existing drive aisle does not impose backwards movement onto the public right-of-way. The applicant proposes to surface the parking areas with asphalt concrete in conjunction with development.

The proposed civil plan shows drainage moving north at a 1.5% slope to a swale and storm detention pond located along the north property line. RVSS indicates that the proposal will require a stormwater management plan if the impervious surface area is increasing by 2,500 square feet when compared to the pre-Alameda Drive fire footprint. A rough estimate of impervious surface indicates this will likely be a requirement. The project will require a site-specific erosion and sediment control plan if the total ground disturbance is more than 7,000 sf. The project will require a 1200-CN permit if the total ground disturbance is more than one acre. RVSS requests that approval of this project be subject to the following conditions:

Rogue Valley Sewer Services requests that approval of this project be subject to the following conditions:

Prior to the start of construction:

1. Applicant must submit site plans to RVSS for review and approval.
2. Applicant must obtain sewer service connection permits from RVSS and pay all related fees.
3. Applicant must submit plumbing plans to RVSS for the calculation of related SDC fees.
4. Applicant must provide a site specific erosion and sediment control plan and obtain a 1200-CN permit from RVSS as applicable.
5. Applicant must demonstrate compliance with the Rogue Valley Stormwater Quality Design Manual or show the proposed site impervious surface area is not increased more than 2,500 sf vs the pre-fire impervious area.
6. Applicant must record a Declaration of Covenants for all new stormwater quality features.

During Construction:

7. Sewer and stormwater facilities must be constructed per RVSS standards.

Prior to final acceptance of project:

8. All new sewer must be constructed, inspected, and accepted per RVSS standards.
9. Applicant must have all stormwater quality facilities, including vegetation when applicable, inspected and approved by RVSS.

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: The raised sidewalk in front of the commercial building is sufficiently wide (7') to provide minimum 5' clear path of travel in front of the building despite vehicle overhang in the adjacent parking facility. **The provisions of this section have been met.**

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.*

F. *Trees and Landscaping.*

1. *A minimum of 40 percent of the outdoor parking area shall be shaded by trees within 15 years of planting, and by buildings at noon on August 21st, Pacific Daylight Time. Noon on August 21st constitutes a 58-degree solar altitude and shadow lengths shall be calculated by multiplying the height of a shadow-casting object by 0.625. Shadow patterns will be cast in a due north direction from the object.*
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: Screening is required along the north property line because the parking facility is adjacent to residentially zoned lots. An existing fence on this property line provides the necessary screening. Buffering has also been proposed at this location.

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. Proposed parking lot contains 55 total parking stalls, necessitating a minimum of 11 trees; as proposed, the plan identifies 46 trees, 12 of which are located in or around the parking area. The trees adjacent to the property lines are short in stature, 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:

- 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 can be 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 light standards proposed inside the parking lot area, two of which are close to property boundaries that abut residential taxlots. To ensure that residential areas are not subjected to excessive light pollution, the applicant shall prior to final approval of the building permit specify downward facing lighting and arrange lighting to reflect away from all abutting residential areas.

The provisions of this section can be met subject to conditions of approval.

18.115.030 PEDESTRIAN ACCESS AND CIRCULATION

To ensure safe, direct, and convenient pedestrian circulation, all developments, except residential development of four or fewer units on a single lot, 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 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 multifamily buildings in which each unit does not have its own exterior entrance, the primary entrance may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.*
 5. *Walkways shall be constructed with a hard-surfaced material and shall be no less than five feet wide. If adjacent to a parking area where vehicles will overhang the walkway, a seven-foot-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, bollards, or distinctive paving materials.*
- C. *Connections Within Development. For all developments subject to site development plan review (Chapter 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 18.115.050(J)(1) through (J)(5). Pathways shall also be provided where cul-de-sacs or permanent dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other existing or future developments. Pathways used to comply with these standards shall conform to all of the following criteria:*

- E. *Design and Construction. Pathways shall conform to all of the standards in subsections (E)(1) through (E)(5) of this section:*
1. *Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/ street by a five-foot-minimum 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 that comply with the federal Americans with Disabilities Act (ADA).*
 2. *Housing/ Pathway Separation. Pedestrian pathways for public use shall be separated a minimum of five 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 of Chapter 18.105 TMC. No pathway/ building separation is required for commercial, industrial, public, or institutional uses, except as required for mixed uses when a residential use is on the ground floor.*
 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 concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermoplastic striping or similar type of durable application. Striping, because of ongoing maintenance costs, is not the city’s preferred alternative.*
 5. *Accessible Routes. Pathways shall comply with the ADA, which requires accessible routes of travel. [Ord. 966 § 2 (Exh. B), 2021.]*

FINDING: All proposed pathways within the development are continuous and provide safe, direct and convenient access to the commercial development and proposed dwelling units. The pathway system within the development includes one access point to the public right-of-way and are elevated six (6) inches above the grade of the adjacent right-of-way and parking area. Cross-walk markings are provided where the path of travel crosses a drive aisle. 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 can be met subject to conditions of approval.**

18.115.040 STREET TREES

- A. *Purpose. This section is intended to improve the comfort, safety and appearance of streets through the appropriate use of street trees. The standards in this section supplement, but do not replace, the provisions of Chapters 18.105 and 18.135 TMC.*
- 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 (E) of this section. 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 TMC 18.105.030. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks.*

FINDING: Trees selected to withstand the harsh conditions are proposed along the front property line adjacent to the Highway. Applicant has stated that the parkway strip between the sidewalk and the highway shall not be planted with trees due to underground utilities (a major communication line) that could be damaged by tree roots. Per comments from the Public Works Department, trees are required in the parkway unless applicant can provide documentation that the fiber optics line would be damaged by the trees. **The provisions of this section can be met subject to conditions of approval.**

18.115.060 VEHICULAR ACCESS AND CIRCULATION

- 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.*
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 point and spacing standards in subsections (G) and (H) of this section.*
- 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:*
2. *Arterial and Collector Streets. Access spacing on collector and arterial streets shall be determined by the public works director. Access to State Highway 99 shall be subject to review and approved by the Oregon Department of Transportation (ODOT), based on the applicable standards contained in the city’s transportation system plan and policies contained in the 1999 Oregon Highway Plan.*
- H. *Road Access Points. For single-family (detached and attached), duplex, triplex and quadplex 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 duplexes, triplexes and quadplexes 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 driveways 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.*

Standards for the number and location of road access points are as follows. Variations from these standards shall satisfy and be subject to the requirements of Chapter 18.160 TMC, Variance.

1. *Arterial Streets.*
 - a. *Minimum sight distance of 300 feet.*
 - b. *New residential uses: no access.*
 - c. *Commercial uses: no access if alternative exists; a maximum of one curb cut or driveway per 150 feet or fraction thereof.*
- 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.*
- 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:*

3. *Access that serves more than eight dwelling units shall have a minimum driveway opening/curb cut and driveway width of 24 feet and a maximum width of 30 feet. These dimensions may be increased if the public works director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.*
4. *Commercial and industrial uses: maximum curb cuts and driveway approaches are the following according to property frontage:*

<i>Property Frontage</i>	<i>One Two-Way Driveway</i>	<i>Two or More Two-Way Driveways</i>
<i>Under 30 feet</i>	<i>60% of frontage</i>	–
<i>30 – 50 feet</i>	<i>18 feet</i>	–
<i>50 – 80 feet</i>	<i>29 feet</i>	–
<i>80 feet or more</i>	<i>33 feet</i>	<i>28 feet</i>

Note: One-way driveways can be a maximum of 50 percent of the two-way maximum driveway standards.

M. *Vision Clearance. Vision clearance at intersections shall conform to the standards of TMC 18.105.055.*

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

2. *Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turnarounds 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: The applicant does not propose to change vehicle access from the current location on N. Pacific Hwy. No changes in the required clear vision area are proposed. The existing driveway opening is 34 feet wide where the front of the property meets the right-of-way, and provides sufficient access width required for two travel lanes. The next driveway access to the north along N. Pacific Hwy is approximately 313 ft away, and there are no access points between the existing access point and Clearview Parkway to the south, approximately 400 ft away. The driveway is designed to facilitate the safe flow of traffic ingress and egress for vehicular traffic on site. A 5’ sidewalk is provided adjacent to the driveway to maximize pedestrian safety and access. Oregon Department of Transportation has reviewed the proposal and provided the following comments:

1. The plans will not trigger a Change of Use under ODOT evaluation criteria.
2. ODOT supports the applicant using the southern driveway as shown on the most recent plan set.
3. The applicant will need to provide detailed Civil Plans showing more detailed dimensions of frontage improvements for ODOT review and approval.
4. A misc./utility permit will be required prior to any work within the State ROW. Please direct the applicant to contact Julee Scruggs at Julee.Y.SCRUGGS@odot.state.or.us or 541.864.8811 to discuss the application process.

Additional secondary access has been proposed through an adjacent property to the east. When the Clearview PUD was established in 2005, the Planning Commission approved the development with the following condition: “Show a reserve strip allowing for the continuation of the parking lot to the east onto the property currently occupied by the Goodnight Inn to allow for future parking lot

movement between the properties.” In compliance with this condition, the PUD was surveyed and recorded with a 30’ wide reserve strip for future access (see below). According to concerns expressed by neighbors adjacent to the proposed development, there are ongoing problems with traffic going the wrong way on the street known as West Alley, a one-way route that provides back access to homes located on Wintersage Circle. Access to Wintersage from the proposed development would involve using this one-way alley. The intent of the 2005 decision to require the reserve strip was to provide connection between the existing and proposed parking lots, which would in turn connect the former Goodnight Inn property to Clearview Parkway without using the one-way alley or Wintersage Circle. Staff recommends the applicant’s proposed connection be made between the two properties; however, the one-way alley should be separated from the parking lot by a curb barrier as one commenter suggested, requiring access via Clearview Parkway instead of the one-way alley and Wintersage Circle.

The provisions of this section can be met subject to conditions of approval.

18.150.050 REQUIRED FINDINGS FOR APPROVAL OF TYPE III MAJOR SITE DEVELOPMENT PLAN

After an examination of the site, the planning commission shall approve, or approve with conditions, the major 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 structures provides an adequate transition to the adjacent residential properties to the north and northwest, and the proposed landscaping additions have been designed to buffer where necessary and to create an attractive development when fully mature. The proposed commercial buildings are located along the road frontage along N. Pacific Hwy, away from the adjacent residential properties. The proposed residential buildings also provide additional noise buffering between the proposed commercial buildings and the adjacent residential properties.

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 can be 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 required security arrangement with the city to ensure that such improvements will be made. [Ord. 966 § 2 (Exh. B), 2021; Ord. 817 § 8-3L.150, 2006.]*

FINDING: The applicant's proposal includes construction of a public pedestrian sidewalk with parkrow along the frontage of the property that will connect to the existing sidewalk on the adjacent property to the east. These improvements will require a Misc./Utility permit from the Oregon Department of Transportation and the applicant will need to provide detailed Civil Plans showing more detailed dimensions of frontage improvements for ODOT review and approval. **The provisions of this section can be met subject to conditions of approval.**

18.185.020 APPLICABILITY

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

2. *A development proposal is projected to generate 50 or more net peak hour trips on an arterial or collector segment or intersection.*

FINDING: The proposal is for a mixed use (commercial/residential) development comprised of a 4,800 SF 3-unit commercial building with two detached 6-unit multi-family residential structures (Phase I); and a development pad for another 4,104 SF 3-unit commercial building for a future phase

of construction. Uses within this development proposal have not been identified specifically enough to determine a projected net peak hour trip count. Oregon Department of Transportation has reviewed the plans and has not required or requested a Transportation Impact Study; however, given the location of the proposed development, future uses within the site that are projected to have a high impact on traffic patterns may require a Traffic Impact Study for approval.

The provisions of this section can be met subject to conditions of approval.

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.*

FINDING: The proposed development includes the addition of a commercial building with retail, eating/drinking establishment uses. System Development Charges (SDCs) will be assessed for each new use 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 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.

Planning Commission Chair

Date

ATTEST

Kristen Maze
Community Development Director

Date