



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: July 8, 2022
Prepared by: Kim Trimiew

Item: MLP 2022-003
Minor Land Partition

Applicant..... Pacific Geographic Consultants
4620 Fern Valley Road
Medford, OR 97504

Owner..... Habitat for Humanity
POB 688
Medford, OR 97501

Application Received..... June 9, 2022

Application Complete June 9, 2022

Notice Mailed and Posted..... June 14, 2022

Requested Action..... Partition a single lot into two parcels

Assessor's Map Number..... 38-1W-26AB, Tax Lot 1017

Lot Size..... 0.17 Acres

Zoning..... Multiple-Family High-Density (RHD)

Other applicable code sections Talent Municipal Code (TMC):
Title 17, Subdivision Code
Title 18, Zoning Code

PROPOSAL

The request is for the approval of a preliminary plat to divide a 0.17-acre parcel into two (2) parcels. As proposed, Parcel 1 has an area of 4,199 SF and Parcel 2 has an area of 3,222 SF.

PROPERTY CHARACTERISTICS

This application is for a partition located at 331 Gangnes Drive. The property is in the area burned in the Almeda Fire. The subject property takes access from Gangnes Drive.



Transportation Service

Per the tentative partition plat map submitted by the applicant access is available to proposed Parcel 1 and Parcel 2 via Gangnes Drive. This section of Gangnes Drive features no curbs, gutters or sidewalks. Gangnes Drive is identified as a "Local" Street in the Transportation System Plan (TSP). Prior to final partition approval applicants shall sign an agreement not to remonstrate against the formation of a local improvement district in the future.

Wastewater Service

Wastewater service is currently provided by an 8-inch main along Gangnes Drive to the subject parcel by Rogue Valley Sewer Services. One of the proposed parcels may connect to the existing 4-inch service, the other parcel will require a new sewer tap connection to the existing sewer line in Gangnes Drive.

Water Service

Water service is available in Gangnes Drive for the newly created parcel. Taps for each property will be required. All water meters shall be placed in the right of way on Gangnes Drive. All SDCs will be due at the time of issuance of building permits.

APPROVAL CRITERIA

- TMC Title 17, Subdivisions
- TMC Ch 18.40, Residential Zone, Multi-family High Density (RHD)

PUBLIC COMMENTS

Staff received one comment for this proposal. Commenter asked that the city ensure adequate on-site parking as Gangnes Drive is already short on street parking.

AGENCY COMMENTS

Jackson County Fire District #5 – No comments or concerns.

Talent Irrigation District -No comments.

Talent Police Department – No comments or concerns.

Rogue Valley Sewer Services- Provided comments and development requirements that are addressed in the findings below.

Talent Public Works Department – No comments.

ANALYSIS

Preliminary administrative approval is subject to compliance with the criteria found in the Subdivision Code (Title 17, TMC), and the underlying zoning district (Ch 18.40, TMC). Text from the code appears in italics.

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 has frontage along Talent Avenue. Street trees per 18.115.040 TMC will be required. **The provisions of this section can be met subject to conditions of approval.**

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 and Parcel 2 via Gangnes Drive. Gangnes 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.**

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.

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 and Parcel 2 from Gangnes Drive. **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 1 and Parcel 2 from a 20-foot-wide driveway off of Gangnes Drive. There is adequate space to allow for over 10' separation between driveways on abutting parcels. **The provisions of this section have been met.**

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 20-ft-wide driveway and meet the separation requirement for local streets. **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 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: All driveways and driveway aprons shall be surfaced to a minimum width of 20 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. **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 and Parcel 2 shall take access from Gangnes Drive via a 20'-wide driveway. Gangnes Drive 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 a single-family attached dwelling is 1,800 SF; duplexes require 2,500 SF of lot area; As proposed, Parcel 1 is 4,199 SF and Parcel 2 is 3,222 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 4,199 SF as proposed and requires 20% landscaping coverage (840 ft²). This necessitates a minimum of one (1) 2in+ caliper trees and four (4) five-gallon shrubs or accent plants.

Parcel 2 is 3,222 SF as proposed and requires 20% landscaping coverage (644 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 well under 150-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: Once the land division takes place, the applicant has proposed to build a single family attached residence that will share a common driveway apron; however, the property line divides the

driveway into halves, allotting 10' on either side for each property. Since each property will contain the required driveway width, a reciprocal access easement will not be required. **The provisions of this section have been met.**

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.**

DISCUSSION

Overall, the application for a two-lot partition complies with City subdivision and zoning standards.

DECISION

Staff tentatively **APPROVES** the minor land partition with the following conditions:

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.

PRIOR TO FINAL PLAT

2. The property owner(s) shall record a utility easement for all underground utility facilities to be shown on final plat.
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.

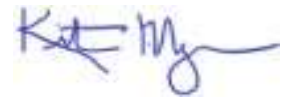
DURING CONSTRUCTION

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. The property owner of Parcel 1 shall plant street trees on Talent Avenue per *18.115.040 TMC*.
12. No signs, structures or vegetation in excess of 3' shall be located in the vision clearance areas described in 17.10.060.

Approved by:



Kristen Maze
Community Development Director

July 8, 2022

Date

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

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

For copies of any public documents or more information related to this application, please contact the Community Development Director at 541-535-1566 or via e-mail at KMaze@cityoftalent.org.