



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: December 6, 2022
 Prepared by: Kim Trimiew

Item: MLP 2022-005
 Minor Land Partition

Applicant.....Rogue Valley Sewer Services
 138 W. Vilas Road
 Central Point, OR 97502

Owner.....West Valley View, LLC
 1175 E. Main Street, STE B
 Medford, OR 97504

Application Received.....November 2, 2022

Application Complete.....November 7, 2022

Notice Mailed and Posted.....November 7, 2022

120-day deadline.....March 7, 2023

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

Assessor’s Map Number.....38-1W-23D, Tax Lot 1904

Lot Size.....4.07 Acres

Zoning.....Highway Commercial (CH)

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 4.07-acre parcel into two (2) parcels to build a storm water treatment facility. As proposed, Parcel 1 has an area of 3.59 acres and Parcel 2 has an area of 0.47 acre.

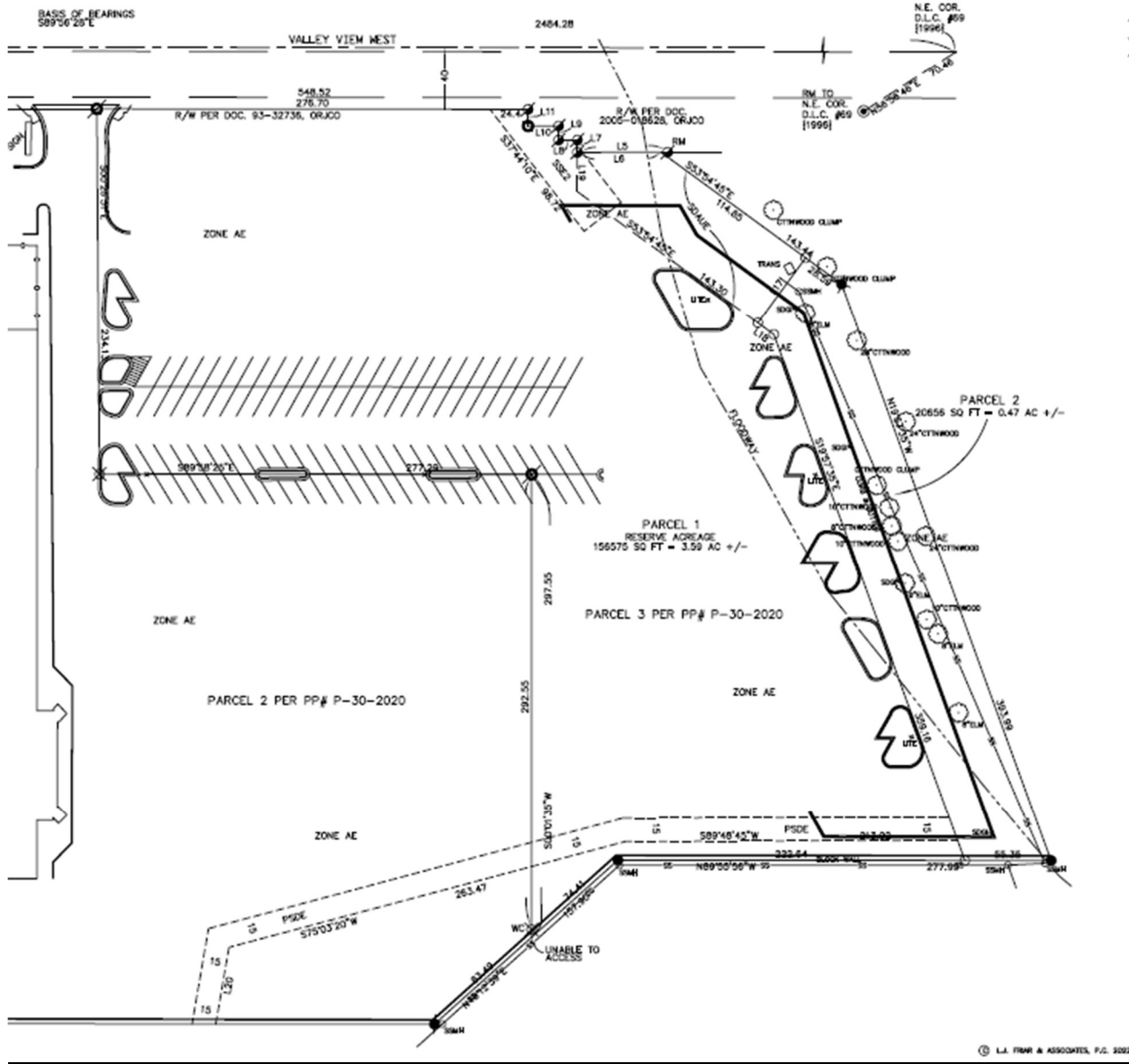
PROPERTY CHARACTERISTICS

This application is for a partition located on tax lot 38-1W-23D-1904. The property includes a portion of the parking lot originally built for Walmart, located in the floodplain and floodway of Bear Creek. The subject property currently takes access off West Valley View Road.

BASIS OF BEARINGS
 SURVEY NO 13205 AS SHOWN HEREON.
 UNIT OF MEASUREMENT - FEET

SCALE: 1" = 50'

TENTATIVE PLAT
 LAND PARTITION
 Of Parcel 3 per Partition Plat No. P-30-2020 &
 located in the S.E. 1/4 of Sec. 23, T.38S, R.1W, W.M.
 City of Talent Jackson County, Oregon



APPROVAL CRITERIA

- TMC Title 17, Subdivisions
- TMC Title 18, Zoning

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 18.60, TMC). Text from the code appears in italics.

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 subject to review and approval by City of Talent Public Works. **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 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 West Valley View Road. **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 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. **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: There are no street modifications required or proposed as part of the partition request. **The provisions of this section are not applicable.**

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: In the CH zone, the required minimum lot area is 6,000 square feet. The minimum lot width is 60 feet and the minimum lot depth is 100 feet. Both lots shall meet the minimum lot area. As proposed, Parcel 2 shall be 20,656 SF with a minimum width of 75 feet and a depth over 500 feet. Parcel 1 is considerably larger. Lot 2 is the proposed location of a stormwater treatment facility and can comply with the setback and dimensional standards of the Highway Commercial zone. **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 can be met subject to conditions of approval.**

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 CH and is surrounded by other CH zoned parcels; there are no conflicting uses necessitating screening or buffering. **The provisions of this section are not applicable.**

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: No buildings are proposed for the property. **The provisions of this section are not applicable.**

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: A common drive has not been proposed for these properties. **The provisions of this section are not applicable.**

- 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: 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: Subject parcels are located near/within a riparian or wetland zone. At time of development of storm water treatment facility, project shall demonstrate compliance with TMC Chapter 18.85, Overlay Zone – Natural Areas, Parks and Floodplains (OFPG). **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 shall follow the procedures outlined in Section TMC 17.20.070, Filing and Recording, in the Subdivision Code.

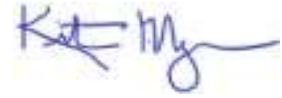
PRIOR TO FINAL PLAT

2. The applicant shall record all utility easements for underground utility facilities to be shown on final plat.
3. Applicant shall include all existing easements on the final plat.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

4. The applicant shall obtain an access permit subject to review and approval by Jackson County.
5. At time of development of storm water treatment facility, project shall demonstrate compliance with TMC Chapter 18.85, Overlay Zone – Natural Areas, Parks and Floodplains (OFPG).
6. 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

December 6, 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.