



**STAFF REPORT**

Type-2 Land Use Application

Date: August 13, 2021  
Prepared by: Kim Trimiew

Item: SPR 2021-010  
Site Development Plan Review

Applicant.....California Townhouses  
515 E. Main St.  
Ashland, OR 97520

Owner.....California Townhouses LLC  
515 E. Main St.  
Ashland, OR 97520

Application Received.....June 8, 2021

Application Complete .....June 14, 2021

Notice Mailed and Posted .....July 20, 2021

Requested Action .....Cider Tap House with Food Carts outside

Assessor’s Map Number .....38-1W-23DD, Tax Lot 3202

Lot Size .....0.90 Acres

Zoning.....Commercial Zone, Highway Central Business District (CBH)

Other applicable code sections.....Talent Municipal Code (TMC) Title 18, Zoning

**PROPOSAL**

The request is to convert an office space into a 1,151 SF Cider Tap House establishment. Applicant has also proposed two (2) food cart businesses to operate outside in association with the Cider Tap House. The original structure partially burned in the 2020 Alameda Drive Fire, and plans to rebuild the structure with the addition of a second floor with eight (8) residential units have been approved under a Type-3 Site Plan Review (SPR2020-003). The Cider House would be located in the southeast corner of the rebuilt structure.

The findings below will address the two food carts where applicable; however, the applicant will need to submit Temporary Use Permit applications for approval to operate these businesses.

## PROPERTY CHARACTERISTICS

The subject property was constructed in 1996 according to Jackson County tax records. Approved by a previous Type-3 Site Plan Review (file no. SP 94-4), it featured a 7,176ft<sup>2</sup> commercial building heavily damaged by the 2020 Almeda Drive Fire. Additional improvements include: 46 parking stalls, drive aisles and full sidewalk connectivity serving the building frontage and adjacent residential and commercial properties, some of the mature landscaping has been damaged by the fire.

This roughly diamond-shaped lot measures approximately 0.90 acres and has access from West Valley View Rd., a fully improved public road classified as “minor arterial” in the Talent Transportation System Plan. The site topography is somewhat sloped east-west with a heavier drop in elevation along the northeast property line. The majority of the subject property is not within regulatory floodplain, including the building footprint; however, a small portion of land along the northeast property line is within the 500-year floodplain as identified in the National Flood Hazard Layer.

The subject property is zoned Highway Central Business District (CBH) and is identified as Commercial (c) on the Comprehensive Plan Map. The parcels to the east and west are also zoned CBH, however, the parcels to the north are zoned residential (RMHD).



## **Stormwater/Waste Water**

Sewer services are currently available to the site.

## **Water Service**

Water Service is currently available to the site.

## **APPROVAL CRITERIA**

TMC Ch 18.55, Commercial Zone, Highway Central Business District (CBH). The purpose of the CBH is to “*serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBH zone shall be developed with full accommodation for all travel modes, but will tend to be more automobile oriented than the CBD zone.*”

TMC Ch 18.150, Site Development Plan. The purpose of a site plan review is to “*determine and establish compliance with the objectives of the Zoning Code in those zones where inappropriate development may cause a conflict between uses in the same or an adjacent zone and to determine the conformance with any City plan.*” Approval of a site plan or site plan amendment must comply with this section.

## **PUBLIC COMMENTS**

Three public comment forms were received. Comments are addressed in the findings below.

## **AGENCY COMMENTS**

Jackson County Fire District #5 response: In addition to the fire sprinkler system, a monitored post indicator valve near the fire department connection (FDC) will be required. This allows the system water supply to be shut off in the event of a building failure, as experienced during the Alameda Fire. FD5 is happy to work with designer/builder on the location of system components, system identification signage and fire lanes. A Knox box will also be required so that responders have key access to the building. Location can be determined at a later point. Knox box applications are available at our station during business hours.

Rogue Valley Sewer Services (RVSS) response: There is an existing 8 inch sewer main located on the adjacent property to the west and three 4” laterals serving the existing building. The proposed development will not affect the existing services. However, the proposed change of use may require the payment of applicable SDC’s and/or the installation of a new grease interceptor if one is not currently installed.

Stormwater management and an erosion control permit will not be required for this application. Rogue Valley Sewer Services requests that approval of this project be subject to the following conditions:

1. Applicant must submit architectural plumbing plans to RVSS for the calculation of applicable SDC’s and pay all related fees to RVSS.
2. The applicant must verify the requirement of a new grease interceptor with RVSS and install a new grease interceptor as applicable.

City of Medford Water Reclamation Division: The City of Medford’s Source Control section does not have any conditions for approval for the attached proposal. However, we do have a Sewer Use Information Form for the industrial user to complete and return to us. The information provided in this form will help us determine if there are any requirements to be placed

upon them specifically. Also attached is a document outlining the General and Specific Prohibitions specified in Rogue Valley Sewer Services code, Title 7. The cidery as well as the mobile food trucks are required to comply with those requirements, at a minimum.

Documents referenced by City of Medford Water Reclamation division have been provided to the applicant.

Talent Police Department: No comments or concerns.

**18.55.030 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE II SITE DEVELOPMENT PLAN REVIEW**

*C. Eating and drinking establishments (which may include entertainment).*

**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.*

*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.*

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

*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 structure is proposed to house a conforming use, but the structure itself is nonconforming. This is solely due to the front yard setback of thirty (30) feet; the maximum in CBH is ten (10) feet. The proposed structural alterations do not deviate further from the standards of Title 18 in accordance with TMC 18.195.030. **The provisions of this section are 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 current proposal does not include the addition of dwelling units. **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:** The proposal does not include changes to original parking or drive aisle configuration. 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.*

#### **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 northeast property line because it is adjacent to residentially zoned lots. The proposed buffering and landscape plan are addressed in the findings below. **The provisions of these sections can be met subject to conditions of approval.**

#### **18.105.020 MINIMUM LANDSCAPED AREA**

- A. *The minimum percentage of required landscaping is as follows:*
- 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:*
- One tree, minimum 2" caliper.*
  - 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**

*In order to reduce the impacts on adjacent uses of a different type, buffering and screening are required in accordance with Table 18.105.050-1 below.*

- A. *General Requirements.*
- 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.*

*F. Landscaping within the buffer shall count towards minimum landscaped area and vegetation required by TMC [18.105.020](#) and [18.105.030](#).*

### **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 site plan indicates a fence and rock groundcover along the northeast property line where the commercial use shares a border with a residential zone. Per code updates that went into place April 7, 2021, buffering and screening are required in order to reduce the impacts on adjacent uses of a different type. A 6' high fence that provides a uniform sight-obscuring screen fulfills the screening requirement; however, buffering per 18.105.050(C) will be required as a condition of approval.

The subject parcel totals approximately 39,038 square feet which requires 7,808 square feet of landscaping. Pursuant to §18.105.030(A) above, the applicant shall plant eight (8) 2" caliper trees and thirty-two (32) 5-gallon shrubs or accent plants to meet the minimum landscape requirements.

The proposed landscape plan identifies thirteen (13) trees and a combination of small and large shrubs exceeding the minimum thirty-two (32) required. Ground cover is proposed to be a combination of artificial grass, rock, new groundcover planting and existing mature low continuous bushes.

As shown on the proposed site plan, the development includes:

**5,085 SF Tree and shrub areas**

**1,204 SF Pavers**

**1,468 SF Artificial turf**

Ten percent of the paver area, or 781 SF, may be included in the total landscape area.

The proposed plan for 1,468 SF artificial turf cannot substitute for groundcover plants as defined in 18.105.030(C)(7). To meet this condition, the landscape plan will need to show living plants in this area combined with no more than 25% non-plant ground cover that is confined to areas underneath plants. As a condition of approval, prior to the issuance of certificate of occupancy, the applicant shall:

- Install living plant ground cover in area “M” with 25% maximum non-plant ground cover
- Remove all dead vegetation in accordance with TMC Chapter 18.100
- Install buffering and screening where property borders residential zone per 18.105.050(C)
- 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.**

**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.*

Use	Standard
<b>Residential Uses</b>	
Single-family dwelling (detached, attached, common wall, and individual manufactured homes)	2 spaces per dwelling unit, or 1 space per dwelling unit with alley-loaded parking
Duplex	1 space per dwelling unit
Triplex and quadplex dwelling	1 space per dwelling unit
Cluster housing	1 space per dwelling unit
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	
Residential care home and residential care facility	2 spaces for each 3 guest rooms, or 1 per 3 beds, whichever is more
Manufactured home park	1 space for each manufactured home site, plus one per 8 manufactured homes as required by Chapter 18.180 TMC

Commercial Uses	
Banks, office buildings, business and professional offices, including medical and dental	Medical and dental offices - 1 space per 350 square feet of gross floor area; general offices - 1 space per 450 square feet of gross floor area
Barber and beauty shops, pharmacies	1 space for every 200 square feet of gross floor area
Recreational or entertainment establishments	
Stadiums, theaters, assembly halls	1 space for each 60 square feet of gross floor area, or 1 space per 4 seats or 8 feet of bench length, whichever is greater
Skating rinks, dance halls, pool halls, bowling alleys, arcades	1 space for each 100 square feet of gross floor area
Hotels and motels	1 space per guest room plus 1 space for the manager
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
Service or repair shops; retail stores exclusively handling bulky merchandise (e.g., automobiles, furniture)	1 space for each 750 square feet of gross floor area

**FINDING:** The proposal does not include changes to original parking or drive aisle configuration. 5,673 square feet of commercial space requires 14.2 parking stalls; 1,153 square feet of restaurant/tavern/bar space requires 11.5 parking stalls; eight (8) one and two-bedroom dwelling units requires 8 parking stalls (per code updates on April 7, 2021); making a grand total requirement of thirty-four (34) parking stalls. The site currently provides forty-three (43) parking stalls. The additional 9 parking spaces above the required minimum may provide adequate parking for the proposed food carts. Food carts shall be reviewed upon submission of a Temporary Use Permit application. **The provisions of this section can be met subject to conditions of approval.**

C. *The following parking shall be provided for disabled persons, in conformance with the Americans With Disabilities Act (Table 540-2). 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

**FINDING:** In addition to the forty-three (43) parking stalls proposed in the section above, the applicant has identified two (2) parking stalls in conformance with the Americans With Disabilities Act (ADA) standards in Table 540-2 above.



Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances. The elevator lobby and entrance to the residential units on the second floor are located on the north side of the building. Additional accessible parking spaces will be required under the Department of Justice's ADA regulations governing policies and practices to ensure sufficient access for all users. **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.*

**FINDING:** The site plan proposes eleven (11) bicycle parking spaces, eight (8) of which are covered. All proposed spaces are located on the north side of the building, near the residential entrance. A minimum of two bicycle parking spaces need to be located near the entrance of the proposed Cider Tap House establishment. **The provisions of this section can be met subject to conditions of approval.**

- 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:** The proposed plan to convert office space to Cider Tap House space will require at least two bicycle parking spaces that are located so as to be well lit, hazard free, and visible to cyclists from the entrance or the street sidewalks adjacent to the proposed Cider Tap House. **The provisions of this section can be met subject to conditions of approval.**

#### **18.110.120      *PARKING AREA DESIGN STANDARDS***

- A. *Groups of five (5) or more parking spaces shall be served by service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required.*
1. *In cases where a lot fronts on a major or minor arterial street, parking spaces shall be arranged so that no backward movement in the public right-of-way or other maneuvering of a vehicle, including any trailer being towed by a vehicle, within the arterial street shall 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***

*All public and private parking areas which contain five or more off-street parking spaces shall be improved according to the following:*

- 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. Applicant findings indicated the existing drive aisle is twenty-four (24) feet wide; perpendicular parking stalls are nine (9) feet wide by twenty (20) feet deep. The existing drive aisle does not impose backwards movement onto the public right-of-way. The applicant proposed to resurface the parking areas with asphalt concrete in conjunction with redevelopment.

RVSS indicated that the proposal will not require a stormwater management plan since the impervious surface area is not increasing by 2,500 square feet.

As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall permanently and clearly mark parking stalls in accordance with the approved Site Plan. **The provisions of this section can be met subject to conditions of approval.**

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:** Several of the proposed parking stalls adjacent to the structure abut a raised sidewalk five (5) feet in width. The proposed sidewalk serves as sufficient protection for adjacent building but does not provide adequate pedestrian safety or proper ADA access without wheel stops to prevent the front end of vehicles from encroaching on the walkway. As a condition of approval, prior to Certificate of Occupancy, the applicant shall install wheel stops or bumper guards in all proposed parking stalls adjacent to the five (5) foot wide sidewalk. **The provisions of this section can be met subject to conditions of approval.**

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:** Buffering is required along the northeast property line because it is adjacent to residentially zoned lots.

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. Prior to the issuance of certificate of occupancy, the applicant shall:

- Install living plant ground cover in area “M” with 25% maximum non-plant ground cover
- Remove all dead vegetation in accordance with TMC Chapter 18.100
- Install buffering and screening where property borders residential zone per 18.105.050(C)
- 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 (5) existing shielded parking lights; no additional lighting is proposed.

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.**

### **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:*

1. *Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.*

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:*

1. *All pathways shall be not less than 10 feet and not more than a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;*

5. The community development director or planning commission (for Type III reviews) may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded prior to the effective date of the ordinance codified in this chapter prohibit the pathway connection.

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.

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 proposed Cider Tap House, fitness center, and dwelling units. Although pathways are immediately adjacent to the structure, no housing is proposed on the ground floor. The pathway system within the development includes two (2) access points to the public right-of-way and are elevated six (6) inches above the grade of the adjacent right-of-way and parking area.

The proposed site plan shows one food cart parked in the parking area adjacent to an ADA parking space. As shown, the food cart and associated traffic would likely impose barriers to clear and safe access from the parking area to the building entrance. Approval of food carts shall be granted through a Temporary Use Application. Staff recommends proposing a different location for this food cart when applying for the Temporary Use.

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

#### **18.115.060 VEHICULAR ACCESS AND CIRCULATION**

- A. *General.* This chapter shall apply to all public streets within the City and to all properties that abut these streets.
- B. *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.*

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.*

**FINDING:** The applicant does not propose to change current vehicle access from current location on W. Valley View Rd. No changes in the required clear vision area are proposed. The existing curb cut is twenty (20) feet wide and the drive aisle of twenty-four (24) feet provides sufficient access width required for two travel lanes. The driveway is designed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. **The provisions of this section have been met.**

#### **18.150.050 REQUIRED FINDINGS FOR APPROVAL OF PLAN**

*After an examination of the site, the Planning Commission shall approve, or approve with conditions the 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;*

**FINDING:** The CBH zone allows for eating and drinking establishments, which are subject to an Administrative Site Development Plan review and notice to the neighboring property owners. All applicable code sections have been addressed within the application submittals or will be made to comply with conditions of approval. **The provisions of this section have been met.**

Three public comments form were received:

- (1) Comment encouraged approval.
- (1) Encouraged denial. Expressed concern about the potential for excess noise and bright lights disturbing nearby residences at Oak Valley Subdivision, and increased traffic creating unsafe driving conditions for Oak Valley residents.
- (1) Encouraged denial. Commenter stated that noise and loud music from parked cars, disruptive lights from parking lot, vagrancy and discarded drug paraphernalia have been a problem in the past for residents of Oak Valley. Commenter expressed concern that the addition of food trucks would create additional noise.

#### **Discussion**

Comments addressed three main issues, excess noise and disruption, bright lights, and increased traffic in the neighborhood.

### **Excess Noise and Disruption**

Four residential properties border on the northeast side of the subject taxlot. One commentor indicated that problem noise such as loud music disturbs residents. Another commentor pointed out that drug paraphernalia has been thrown over the property line into residents' back yards. While the building and associated establishments are over 70 feet from this property line, parking is located directly adjacent to these properties. Buffering exists at this location consisting of natural topography (steep hill along northeast property line), and mature landscaping including a sight-obscuring hedgerow and trees on the adjacent property line. As a condition of approval, the City is requiring additional buffering and screening along this property line per 18.105.050.

### **Lighting**

As conditions of approval, the City requires that any new lighting shall be downward facing so as not to project light on to adjacent properties, and that buffering and screening be installed along the northeast property line per 18.105.050.

### **Increased Traffic**

With regard to concerns about traffic increase leading to unsafe traffic conditions, the findings above demonstrate that the applicant has met all conditions relating to parking and vehicular circulation. The proposal exceeds the required parking space numbers; access apron and aisle meet the minimum criteria; and no changes in the required clear vision area are proposed. The existing twenty-foot-wide curb cut and twenty-four-foot wide drive aisle provide sufficient access width required for two travel lanes. The driveway is designed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site.

- 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 can be 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:** Applicant has been instructed to comply with any requirements or prohibitions placed by the City of Medford's Water Reclamation Division. **The provisions of this section can be met subject to conditions of approval.**

- 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 structure provides an adequate transition to the adjacent single-story structures to the west and northeast, and the applicant shall be required to provide buffering and screening along the north-east property line per 18.105.050 to protect the neighborhood from nuisance light or noise.

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 have been 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 Chapter and the applicable portions of the City Subdivision Code, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made.*

**FINDING:** There are no required street or other needed public facilities, or service improvements required as a part of this development. **The provisions of this section are not applicable.**

#### **18.185.020 APPLICABILITY**

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

1. *A zoning or comprehensive plan map or text amendment is projected to generate 500 or more net daily vehicle trips.*
2. *A development proposal is projected to generate 50 or more net peak hour trips on an arterial or collector segment or intersection.*
3. *A land use action or development proposal will impact known safety, congestion or capacity problems.*
4. *A land use action or development proposal is on a highway segment with special access controls.*

**FINDING:** The proposal is for an eating/drinking establishment in an approved mixed-use facility; with a commercial first floor and eight (8) dwelling units on the second floor. The site plan was reviewed in February 2021 for the addition of the 8 dwelling units, and Net Peak Hour Trips were calculated at a total of 27.23 for Snap Fitness, the office space, and the eight (8) proposed dwelling units (SPR2020-003). The conversion of 1,151 SF of office space to Cider Tap House and two food carts will not increase the projected net peak hour trips so as to exceed 50 or more net peak hour trips. There are no known safety or congestion problems associated with the development site, nor is the proposal located on a highway segment. **The provisions of this section are not applicable.**

#### **DECISION**

Staff **APPROVES** the Site Development Plan application subject to the following conditions:



## **GENERAL CONDITIONS**

1. The applicant must submit Temporary Use Applications for approval of the proposed food carts.
2. Add 2 accessible parking spaces near the elevator lobby that leads to the residential units on the second floor.
3. Provide a minimum of two bicycle parking spaces near the entrance of the proposed Cider Tap House establishment.
4. Any new lighting on the site shall be downward facing so as not to project light on to adjacent properties.

## **PRIOR TO START OF CONSTRUCTION**

5. Applicant must submit architectural plumbing plans to RVSS for the calculation of applicable SDS's and pay all related fees to RVSS.
6. The applicant must verify the requirement of a new grease interceptor with RVSS and install a new grease interceptor if applicable.
7. The applicant will be required to add a monitored post indicator valve near the fire department connection to allow the system water supply to be shut off in the event of a building failure.
8. The applicant will be required to install a Knox box so that responders can have key access to building. Knox box applications are available at the Jackson County Fire District 5 station.
9. Complete the Sewer Use Information form provided by the City of Medford's Water Reclamation Division (WRD). Submit form to WRD and comply with any requirements or prohibitions.
10. Fence permits are required, please obtain a fence permit prior to construction.

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

11. Prior to the issuance of a Certificate of Occupancy, the applicant shall install landscaping in accordance with the Landscaping Standards of TMC Chapter 18.105, including:
  - a. Install living plant ground cover in area "M" with 25% maximum non-plant ground cover
  - b. Remove all dead vegetation (if applicable) in accordance with TMC Chapter 18.100
  - c. Install buffering and screening where property borders residential zone per 18.105.050(C)
  - d. Install trees, shrubs, and ground cover in accordance with approved Landscape Plan
  - e. Install landscaping irrigation in accordance with TMC 18.105.070
12. The applicant shall permanently and clearly mark parking stalls in accordance with the approved Site Plan.

13. The applicant shall install wheel stops or bumper guards in all proposed parking stalls adjacent to the five (5) foot wide sidewalk.

Approved by:



Kim Trimiew  
Community Development Technician

August 13, 2021

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), "Appeal," 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](mailto:kmaze@cityoftalent.org).