



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. CUP 2016-)
003 LOCATED AT 806 S. PACIFIC HWY. STE. B [MAP NO. 38-1W-25B) ORDER
TAXLOT 2600], THE CITY OF TALENT PLANNING COMMISSION)
FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on March 24, 2016;
2. The Planning Commission asked the Community Development Director to present a staff report and a proposed final order with findings and recommendations;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Commission found that the proposed application, with conditions in all other respects complied substantially with the criteria for approval in 8-3D.4, 8-3L.1 and 8-3L.2 of the Talent Zoning Code.

The Talent Planning Commission approves the Conditional Use Permit (CUP 2016-001) with the following conditions of approval:

GENERAL CONDITIONS:

1. Properly dispose of all waste other than normal runoff in an appropriate off-site location or in accordance with Rogue Valley Sewer standards.
2. Trash and garbage depositories associated with the business shall be screened from the public right-of-way.
3. Construction of any sewer service line requires a sanitary sewer permit from Rogue Valley Sewer Services (RVSS)
4. Major noise generation shall only occur between 07:00 a.m. and 9:00 p.m.

PRIOR TO ISSUANCE OF BUSINESS LICENCE:

5. Provide evidence from RVS that all sewer related requirements have been met.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested conditional use permit expand the existing warehousing use to include coffee brewing, bottling and distribution based on the information presented in the Staff Report and Findings of Fact below:

In the following, any text quoted directly from City codes appears in *italics*; staff findings appear in regular typeface.

8-3D.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

- B. *Wholesale establishments other than those listed above.*
- N. *Manufacture of food products, pharmaceuticals, and the like, but not including the production of fish, meat or fermented foods such as vinegar, or the rendering of fats and oils, subject to the provisions and requirements of the IL zone.*

FINDING: The subject parcel is zoned Commercial Highway (CH) which allows wholesale and food manufacturing uses. The proposed use would expand a pre-existing warehousing use to include: coffee brewing, bottling and distribution. **The provisions of this section have been met.**

8-3D.496 BUFFERING

When a development or use is proposed on property within the CH 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 sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land uses, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the planning commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.

FINDING: The subject parcel is zoned Commercial Highway (CH) and is adjacent to Single Family – Manufactured Housing (RS-MH) zoning to the southwest. Vegetative buffering has been installed in this area as a condition of approval for SPR 2014-003. Furthermore, there are no external components to the proposed expansion of use, therefore additional buffering is not necessary. **The provisions of this section have been met.**

8-3L.150 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;*
- B. *The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;*

FINDING: The purpose of the Commercial Highway Zone (CH) is intended to accommodate businesses and trade oriented towards automobile and truck usage. Tourist trade and heavy commercial or light industrial uses can also be accommodated in this zone. The proposed expansion of use is to brew, bottle and distribute coffee via auto-oriented trade, consistent with the purpose of CH. **The provisions of this section have been met.**

- C. *All applicable portions of the City comprehensive plan or other adopted plan are complied with;*

FINDING: The proposed expansion of use 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 expansion of use is commercial in nature and is compatible with most existing or contemplated uses of land in the surrounding area and is adequately buffered from the southwestern RS-MH zoned parcel. **The provisions of this section have been met.**

E. *That no wastes, other than normal water runoff, will be conducted into City storm and wastewater facilities;*

FINDING: The proposed expansion of use is to brew, bottle and distribute coffee via auto-oriented trade in addition to its current warehousing use. All waste, other than normal water runoff is located within the structure. Fat, oil and grease byproducts that may be generated must be disposed of properly. As a general condition of approval, the applicant shall properly dispose of all waste other than normal runoff in an appropriate off-site location or in accordance with Rogue Valley Sewer standards. **The provisions of this section have been 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: The proposed expansion of use is located in the same building and suite that the original warehousing use takes place in and is not expanding spatially in order to accommodate brewing, bottling and distribution functions at this time. Nor are any external modifications or improvements being proposed at this time.

S. Pacific Hwy. provides sole vehicle and pedestrian access to the subject parcel. Pedestrian access will be improved as part of the Oregon Department of Transportation (ODOT) Highway 99 Rapp-to-Creel project of 2017. Based on ZON 2016-005 use classification review, there are nineteen (19) total off-street parking spaces available on-site, and no additional on-street parking. Suite B is estimated to have approximately 1,325 sq. ft. of gross floor area (g.f.a.). Table 540-1 “Parking Requirements By Use,” in 8-3J.540 indicates that Industrial uses most closely fits the proposed use; Industrial uses require one space per 700 sq. ft. of g.f.a. Therefore, two parking spaces are required for the use proposed by the applicant. Furthermore, Table 540-2 “Minimum Number of Accessible Parking Spaces ADA Standards for Accessible Design” in 8-3J.540 indicates that because total on-site parking is less than 26, one ADA parking space is required. Therefore, a total of three (3) parking stalls are required for the proposed use; two (2) non-ADA parking stalls and one (1) ADA parking stall. The proposed site contains adequate parking to satisfy these requirements.

Walls, fences, landscaping and street and shade trees have been installed in accordance with the approved

landscape plan for SPR 2014-003, because there are no proposed external site modifications or improvements, current landscaping and vegetation conditions meet 8-3J.4 “Trees and Landscaping” standards.

As a general condition of approval, trash and garbage depositories associated with the business shall be screened from the public right-of-way. **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: The proposed expansion of use does not increase need for water, or transportation services beyond what is standard for a commercial use. However, it may increase need for sewer services or improvements beyond what is currently available to meet Rogue Valley Sewer Services Fats, Oils and Grease (FOG) program.

As a general condition of approval, shall prior to issuance of a City business license, provide evidence from RVS that all sewer related requirements have been met. **The provisions of this section have been met subject to conditions of approval.**

8-3L.244 GENERAL CRITERIA FOR APPROVAL

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable. A conditional use may be granted only if:

- A. *The proposed use is consistent with the City of Talent Comprehensive Plan.*

FINDING: The proposed use 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.**

- B. *The proposed use is consistent with the purpose of the zoning district.*

FINDING: The purpose of the Highway Commercial Zone (CH) is intended to accommodate businesses and trade oriented towards automobile and truck usage. Tourist trade and heavy commercial or light industrial uses can also be accommodated in this zone. The proposed expansion of use is to brew, bottle and distribute coffee via auto-oriented trade, consistent with the purpose of CH zoning designation. The proposed expansion of use has met or can meet the conditional use requirements of 8-3L.2 with conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

- C. *The proposed use and development is found to meet the required findings of 8-3L.150, “Required Findings for Approval of Plan,” set forth for approval of a site development plan review.*

FINDING: As stated in the findings for 8-3L.150 above, the proposed expansion of use meets, with conditions, the required findings for approval of a site development plan. **The provisions of this section have been met subject to conditions of approval.**

- D. *The proposed use will not adversely affect the livability, value, and appropriate development of abutting properties and the surrounding area, compared to the impact of uses that are permitted outright. Testimony of*

owners of property located within two hundred and fifty (250) feet of the boundaries of the property in question shall be considered in making this finding.

FINDING: The proposed expansion of use will not adversely affect the livability, value, or development of abutting properties or the surrounding area. The use provides local employment opportunities and benefits local stores and coffee vendors.

The proposed expansion of use was noticed to all property owners within 250 feet of the boundaries of the property to see public testimony. As of the date of the proposed final order and staff report, no public comment has been received. **The provisions of this section have been met.**

E. *All required public facilities have adequate capacity to serve the proposal. System Development Charges will be assessed at the time a building permit is issued. Additional SDCs will be assessed for change in use that are more intense than a pre-existing use.*

FINDING: The proposed expansion of use does not increase need for water, or transportation services. However, it may increase need for sewer services or improvements beyond what is currently available to meet Rogue Valley Sewer Services Fats, Oils and Grease (FOG) program.

As a general condition of approval, shall prior to issuance of a City business license, provide evidence from RVS that all sewer related requirements have been met. **The provisions of this section have been met subject to conditions of approval.**

F. *The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.*

FINDING: The proposed expansion of use is located in the same building and suite that the original warehousing use takes place in and is not expanding spatially in order to accommodate brewing, bottling and distribution functions at this time. Nor are any external modifications or improvements being proposed at this time.

Consideration of this general type of use was made as part of the SPR 2014-003 approval process. Issues of traffic generation, environmental quality impacts, health, safety or general welfare concerns are not expected as a result of approval. **The provisions of this section have been met.**

G. *The City of Talent has adequate firefighting equipment to protect the structure, as verified by the Talent Fire Chief, or arrangements have been or will be made by the developer to insure that adequate equipment will be available before the occupancy of the building for any use.*

FINDING: Fat/oil/grease fires from processing within the building are the main concern related to fire protection, therefore a Class K fire extinguisher should be made available on site. However, the City is located with the Jackson County Fire District 5 protection area and Jackson County Fire District 5 has adequate firefighting equipment to protect the structure. **The provisions of this section have been met.**

8-3L.247 *CONDITIONS AND RESTRICTIONS*

Conditional uses, including those not listed in 8-3L.246 above may be subject to additional standards. In permitting a new conditional use or the substantial alteration of an existing conditional use, the Planning Commission may impose conditions and require the installation of improvements which it considers necessary to conform to the provisions of this Chapter and to protect the best interests of the surrounding area or the City as a whole, and may require guarantees and evidence that such

conditions are being or will be complied with. These conditions and improvements may include, but are not limited to, the following:

- A. Limiting the hours, days, place and or manner of operation; Duration of use;
- C. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, air pollution, water pollution, glare, odor and to minimize the effects of and on known natural hazards.

FINDING: The applicant did not address changes in noise generation from proposed expansion of uses; although noise generation is expected to remain within the context of normal commercially designated uses, as a courtesy to the neighboring RS-MH property and to remain consistent with Talent Ord. 749 - *Nuisances*, major noise generation associated with the proposed expansion of use shall only occur between 07:00 a.m. and 9:00 p.m. **The provisions of this section have been met subject to conditions of approval.**

This approval shall become final 14 days from the date this decision and supporting findings of fact are signed by the Chair of the Talent Planning Commission, below. A Planning Commission decision may be appealed to the Hearing’s Officer within 14 days after the final order has been signed and mailed. An appeal of the Hearing’s Officer decision must be submitted to the Land Use Board of Appeals within 21 days of the Hearing Officer’s decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Eric Heesacker
Vice-Chair

Date

ATTEST

Zac Moody
Community Development Director

Date