



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. CUP)
2018-001 LOCATED AT 59 TALENT AVENUE [MAP NO. 38-1W-) ORDER
23DC TAXLOT 902], THE CITY OF TALENT PLANNING)
COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on January 8, 2019;
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 complied substantially with the criteria for approval in 8-3D.2 and 8-3L.2 of the Talent Zoning Code.

The Talent Planning Commission approves the Conditional Use Permit (CUP 2018-001) with the following conditions of approval:

GENERAL CONDITIONS:

1. Obtain any necessary building permits and licenses necessary to operate a brewery and tasting room.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

2. All requires System Development Charges shall be paid in full.
3. Provide Community Development a Landscape Plan that demonstrates compliance with the provision of Section 8-3J.450(B), Single-Family Transition Buffers including one or more of the following:
 - A masonry wall (stucco, stone or similar quality material) coupled with trees planted every 30 feet on center within six (6) feet of the wall.
 - A “see-through” wall (wrought iron or similar quality material) coupled with trees planted every 30 feet on center within six (6) feet of the wall.
 - A living wall where a combination of trellises and plants provide a 95% opaque vegetative screen to maintain minimum height of six (6) feet.

4. Provide Community Development a Landscape Plan that meets the requirements of Section 8-3J.4 including the following:

- Section 8-3J.420 Minimum Landscaped Area
- Section 8-3J.430 Minimum Vegetation and Ground Cover

PRIOR TO ISSUANCE OF BUSINESS LICENSE

5. Install all approved landscaping and buffers.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested conditional use permit to operate a brewery and tasting room 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.250 BUILDINGS AND USES SUBJECT TO CONDITIONAL USE REVIEW

The planning commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2.

B. *Brewery, Distillery, Winery not exceeding 6,000 square feet (pub or tasting room required).*

FINDING: The proposed brewery use is located within a building that is less than 6,000 square feet. There are no proposed expansions to the footprint of the building. **The provisions of this section have been met.**

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 subject.**

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

FINDING: The purpose of the CBD zoning district is to serve as the hub of government, public services and social activities and to permit retail trade, personal and business services to enliven the community core. The proposed use is the addition of brewery and tasting room allowed as a conditional use in the CBD zone. The proposed 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: The proposed brewery is a change of use from the former use as an auto repair shop. There is no proposed expansion of the building footprint and no off-street parking is being proposed. The applicant has provided a site plan identifying the location of the existing buildings and improvements as required by this section. **The provisions of this section have been met.**

- 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 addition of brewery and tasting room operation will be a low-impact business similar in nature to other local retail businesses. The proposed brewery will serve foot traffic only, no large-scale distribution of product is proposed. **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 use will not create capacity issues for the public facilities. System Development Charges will be assessed for the change in use relating to transportation. As a condition of approval, the applicant shall, prior to issuance of permits, pay all required System Development Charges. **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 use of the building as a brewery and tasting room does not increase the site size, building dimensions, location, topography or generate a significant increase in traffic or create any environmental quality impacts. **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: The proposed use of the building as a brewery and tasting room does not increase the site size, building dimensions, location, topography or generate a significant increase in traffic. Jackson County Fire District #5 was provided notice of the proposed application and to date, no comments have been received. Should the Fire District determine that the proposed use increases risk to fire personnel, appropriate building related conditions

may be imposed at the time of building permits. **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:

- J. *Requiring berms, screening, landscaping or other measures to protect adjacent or nearby property and designating standards for their installation and maintenance including, but not limited to a recorded development agreement approved by the City Attorney;*

FINDING: The subject parcel and the area in general is zoned Commercial Business District (CBD). However, there are three single family uses directly adjacent to the proposed use. In order to minimize the potential impacts to the residential neighbors due to the outside seating areas, a landscape buffer is required. As a condition of approval, the applicant shall, prior to issuance of permits, provide Community Development a Landscape Plan that demonstrates compliance with the provision of Section 8-3J.450(B), Single-Family Transition Buffers including one or more of the following:

- A masonry wall (stucco, stone or similar quality material) coupled with trees planted every 30 feet on center within six (6) feet of the wall.
- A “see-through” wall (wrought iron or similar quality material) coupled with trees planted every 30 feet on center within six (6) feet of the wall.
- A living wall where a combination of trellises and plants provide a 95% opaque vegetative screen to maintain minimum height of six (6) feet.

The provisions of this section have been met subject to conditions of approval.

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 CBD zoning district is to serve as the hub of government, public services and social activities and to permit retail trade, personal and business services to enliven the community core. The proposed use is the addition of brewery and tasting room allowed as a conditional use in the CBD zone. The proposed 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. *All applicable portions of the City comprehensive plan or other adopted plan are complied with;*

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 subject.**

- 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 subject parcel and the area in general is zoned Commercial Business District (CBD). However, there are three single family uses directly adjacent to the proposed use. In order to minimize the potential impacts to the residential neighbors due to the outside seating areas, a landscape buffer is required. As a condition of approval, the applicant shall, prior to issuance of permits, provide Community Development a Landscape Plan that demonstrates compliance with the provision of Section 8-3J.450(B), Single-Family Transition Buffers including one or more of the following:

A masonry wall (stucco, stone or similar quality material) coupled with trees planted every 30 feet on center within six (6) feet of the wall.

A “see-through” wall (wrought iron or similar quality material) coupled with trees planted every 30 feet on center within six (6) feet of the wall.

A living wall where a combination of trellises and plants provide a 95% opaque vegetative screen to maintain minimum height of six (6) feet.

The provisions of this section have been met subject to conditions of approval.

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

FINDING: No new structures are being proposed and the existing and proposed uses do not produce any exterior waste other than normal water runoff. **The provisions of this section have been met.**

- F. *The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:*

3. *parking and loading facilities;*

FINDING: No site improvements other than the outdoor seating area are being proposed at this time. The CBD zoning district does not require parking or parking area improvements. Entry to the site is from the sidewalk along Talent Avenue and parking is from the available on-street parking. **The provisions of this section have been met.**

5. *walls, fences, landscaping and street and shade trees.*

FINDING: The proposal includes the installation of a fence six (6) feet in height on the east side of the property. No landscaping has been proposed at this time, however, the site does not currently conform to the landscape standards. Therefore, as a condition of approval, the applicant shall, prior to issuance of building permits, provide a landscape plan that meets the requirements of Section 8-3J.4 including the following:

- Section 8-3J.420 Minimum Landscaped Area
- Section 8-3J.430 Minimum Vegetation and Ground Cover
- Section 8-3J.450(B) Single-Family Transition Buffers

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 brewery use is consistent with the intent of the Commercial Comprehensive Plan designation. The use, as proposed, increases but does not require additional public facilities or service improvements. **The provisions of this section have been met.**

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.

Dave Pastizzo
Planning Commission Chair

Date

ATTEST

Zac Moody
Community Development Director

Date