



**STAFF REPORT and TENTATIVE DECISION**

Type-2 Land Use Application — Administrative Review

Date: March 23, 2017 Item: MLP 2017-001  
Prepared by: Zac Moody Minor Land Partition

Applicant.....L.J. Friar and Assoc. P.C.  
PO Box 1947  
Phoenix, OR 97535

Application Received.....February 21, 2017

Application Complete.....March 7, 2017

Notice Mailed and Posted.....March 7, 2017

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

Assessor's Map Number.....38-1W-26CB, Tax Lot 300

Lot Size.....18,486 ft<sup>2</sup> (0.42 acres)

Zoning.....Single Family – Manufactured Housing  
(RS-MH)

Other applicable code sections.....Ch. 8-2. Subdivision Code, Ch. 8-3.  
Traffic Impact Study

**PROPOSAL**

The request is for the approval of a preliminary plat to divide a 0.42 acre parcel into two (2) parcels. Parcel 1 (12,442ft<sup>2</sup>) contains the pre-existing structures; parcel 2 (6,038ft<sup>2</sup>) will remain vacant for now as proposed.

**PROPERTY CHARACTERISTICS**

This application is for a lot partition located at 6397 Wagner Creek Road. The property is currently occupied by a 1,512ft<sup>2</sup> manufactured home that was installed in 1998 and a 900ft<sup>2</sup> detached garage. The subject parcel is relatively flat with a slight drop in elevation to the northeast. Currently, no curbs, gutters or sidewalks exist on Wagner Creek Road and Frost Lane adjacent to the subject parcel.



**Transportation Service**

Primary access is available to the property from a private driveway off of Wagner Creek Road, a City street. The proposed second parcel would require access from Frost Lane, an unimproved City street which connects with Wagner Creek Road. Cowdry Lane, an unimproved private road, also abuts the subject parcel to the east. The Transportation System Plan (TSP) categorizes Wagner Creek Road as a collector street whereas Frost Lane is a local street. No new streets, public improvements or dedications are being proposed.

**Wastewater Service**

Wastewater service is currently provided to the subject parcel by Rogue Valley Sewer Service (RVSS).

**Water Service**

Water service currently serves the existing residence and is adjacent to the proposed new parcel.

**APPROVAL CRITERIA**

- Talent Subdivision Code, 8-2.2 – 8-2.4;
- Talent Zoning Code, 8-3C.3 – Single-Family Manufactured Housing
- Talent Zoning Code, 8-3L.9 – Traffic Impact Study



## PUBLIC COMMENTS

Two public comments were received; one encouraged the proposal but both requested that the following concerns be addressed:

- Concern about vehicle access in the vicinity and on-street parking.

Staff has addressed the concerns applicable to this request in the findings below.

The proposed partition will not reduce available on-street parking. Short-term on-street parking is a privilege available to the public on a first-come first-served basis. The City of Talent does not permit long-term storage of vehicles and associated equipment in the public right-of-way. The current TSP does not identify imminent road system upgrades for this portion of Wagner Creek Road or Frost Lane.

## AGENCY COMMENTS

Talent Irrigation District submitted comment stating in accordance with ORS 92.090(6), the property owner must provide to Community Development a certification from the Irrigation District prior to final plat addressing the following:

- Water Right Issues
- Easements (Private/District)
- Facilities
- Drainage

Rogue Valley Sewer Services has also provided comment and has proposed conditions of development approval which are addressed in the Findings below.

## ANALYSIS

Preliminary administrative approval is subject to compliance with the criteria found in the Subdivision Code (8-2.310, 8-2.330), and the underlying zoning district (8-3C.3, Single Family Manufactured Housing). Text from the code appears in italics.

### **8-2.240**      ***STREET TREES***

*A. Plantings. Street trees shall be planted in planter strips on all arterial and collector streets, for all developments that are subject to Land Division or Site Design Review, except that street trees may be planted in planter wells as provided in subsection 4 below. Street trees are encouraged, but not required, for local streets. When provided on local streets, street trees shall be in planter strips. Additional requirements for tree planting are provided in Section 8-3J.422. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks.*

**Finding:** The subject parcel is adjacent to two City streets: Wagner Creek Road and Frost Lane. Cowdry Lane, an unimproved private road, also abuts the subject parcel to the east. Frost Lane is identified in the TSP as a local street and therefore does not require (but encourages) street trees. Wagner Creek Road is identified in the TSP as a collector street and requires street trees. However, the grade has not been set on Wagner Creek Road adjacent to the proposed partition, therefore street trees cannot be immediately planted. If a planter strip is developed as part of future improvements to Wagner Creek Road, the corner property (Parcel

1) shall be responsible for planting and maintaining street trees. Until that time, street trees are not required. **The provisions of this section are not applicable.**

**8-2.260 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 Section 250— 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.*
2. *Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Jackson County. In that case, the City or County shall determine whether access is granted based on its adopted standards.*

**Finding:** The subject parcel is adjacent to two City streets: Wagner Creek Road and Frost Lane. Cowdry Lane, an unimproved private road, also abuts the subject parcel to the east. Access is available to the original parcel from Wagner Creek Road. The applicant has indicated that a common drive to serve Parcel 1 and Parcel 2 is not being requested; therefore, access to Parcel 2 will be from Frost Lane. As a condition of approval, prior to issuance of building permits, the property owner shall obtain an encroachment permit for Parcel 2 from the Community Development Department. **The provisions of this section have been met subject to conditions of approval.**

3. *Permits for access to County highways shall be subject to review and approval by Jackson County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.*

**Finding:** Access to the subject parcel is not from a County highway. **The provisions of this section are not applicable.**

D. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared in accordance with Section 8-3L.9 Traffic Impact Study.*

**Finding:** The request is for the approval of a preliminary plat to divide a 0.42 acre parcel into two (2) parcels. Parcel 1 (12442ft<sup>2</sup>) contains the pre-existing structures; parcel 2 (6038ft<sup>2</sup>) will remain vacant for now as proposed. TIS is not required in accordance with Section 8-3L.9 of TZC. **The provisions of this section are not applicable.**

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.*

1. *Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street*

*before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).*

**Finding:** The proposed partition would create an additional double-frontage lot since the subject parcel is paralleled by Frost Lane and Cowdry Lane. However, pre-existing vegetation and fencing on the common property line precludes access to Cowdry Lane, which is a private access drive. As a condition of approval, prior to the issuance of a certificate of occupancy for Parcel 2, the property owner shall install a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner. **The provisions of this section have been met subject to conditions of approval.**

G. *Access Spacing. Driveway access shall be separated from other driveways and public and private street intersections in accordance with the following standards and procedures:*

1. *Local Streets. A minimum of 10 feet separation (as measured from the sides of the driveway/ street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in Subsection 3, below.*
2. *Arterial and Collector Streets. Access spacing on collector and arterial streets shall be determined by the Public Works Director. Access to State Highway 99 shall be subject to review and approved by the Oregon Department of Transportation (ODOT), based on the applicable standards contained in the City's Transportation System Plan and policies contained in the 1999 Oregon Highway Plan.*
3. *Special Provisions for All Streets. Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified by Subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. (See Subsection I, below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/ out, right in only, or right out only) may be required.*

H. *Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot. Alley access is strongly encouraged before other access points are considered; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), and subject to the access spacing standards in Section G, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection I, below, in order to maintain the required access spacing, and minimize the number of access points.*

**Finding:** Access is available to the original parcel from Wagner Creek Road. The applicant has indicated that a common drive to serve Parcel 1 and Parcel 2 is not being requested; therefore, access to Parcel 2 will be from Frost Lane. Since access will be provided to Parcel 2 from

Frost Lane and access to Parcel 1 is platted to remain at its current location, access separation will exceed the required 10ft minimum separation. **The provisions of this section have been met.**

I. *Shared Driveways.* The number of driveway and private street intersections with public streets may be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they may be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*
2. *Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.*

**Finding:** The applicant has indicated that a common drive to serve Parcel 1 and Parcel 2 is not being requested; therefore, access to Parcel 2 will be from Frost Lane. **The provisions of this section are not applicable.**

#### **8-2.270 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS**

A. *Sewers and Water Mains Required.* Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

**Finding:** The residence on Parcel 1 is currently served by an 8-inch sewer connection on Frost Lane and will not be affected by the proposed partition. Based on comments from Rogue Valley Sewer Services, Parcel 2 will require a new tap into the same sewer main or the adjacent 8-inch main on Frost Lane along the southwest portion of the property. As a condition of approval, prior to issuance of building permits, the property owner shall provide Community Development with an approved sewer permit for Parcel 2 from Rogue Valley Sewer Services.

The residence at Parcel 1 is currently served by City water along Wagner Creek Road. Frost Lane also serves residences in the vicinity and would likely be used to serve Parcel 2. As a condition of approval, prior to the issuance of building permits, the property owner shall submit an application and fee to the City for the installation of water service to Parcel 2. **The provisions of this section have been met subject to conditions of approval.**

#### **8-2.280 STORM DRAINAGE AND SURFACE WATER MANAGEMENT**



- A. *General Provisions.* The City shall issue a development permit only where adequate provisions for storm water and surface water runoff have been made pursuant to Resolution 517, Stormwater Design Standards.

**Finding:** The property slopes slightly to the northeast towards Wagner Creek Road. There is currently no evidence that adequate stormwater and surface water runoff plans have been made pursuant to the City's Stormwater Design Standards. In accordance with Section II of the City's Storm Drainage Design Standards, all surface or subsurface drainage caused by the placement of impervious surfaces or structures shall not flow over adjacent public or private property in a volume or location materially different from runoff conditions before development occurred. As a condition of approval, prior to the issuance of building permits, the property owner shall provide Community Development with a drainage plan approved by the City Engineer that provides for appropriate stormwater and surface water runoff. **The provisions of this section have been met subject to conditions of approval.**

#### 8-2.290 Utilities

- C. *Exception to Under-Grounding Requirement.* The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, or existing development conditions, when demonstrated by the applicant.

**Finding:** The proposed land division does not classify as a subdivision. **The provisions of this section are not applicable.**

#### 8-2.310 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.**

#### 8-2.330 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 8-3L.4—Variances;*

**Finding:** ORS 92.090(6) requires the City to obtain certification from Talent Irrigation District that all conditions of the District have been met. As a condition of approval, prior to final plat, the property owner shall provide Community Development with certification from Talent Irrigation District that all requirements have been met or are bonded for in accordance with ORS 92.090(6). All other applicable criteria has been met or can be met with conditions of approval and are addressed below. **The provisions of this section have been met subject to conditions of approval.**

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 are not applicable.**

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:** The grade of Wagner Creek Road and Frost Lane adjacent to the proposed partition have not been set. There are no proposed streets, roads, sidewalks, bicycle lanes, pathways or other public improvements required or proposed as part of the partition request. Should public improvements become necessary in the future, the property owner shall contribute to the project in accordance with the Talent Subdivision Code. As a condition of approval, prior to issuance of building permits, the property owner shall sign and record a public improvements non-remonstrance agreement prepared by the City. **The provisions of this section have been met subject to conditions of approval.**

4. *All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.*

**Finding:** There are no common areas proposed on the preliminary plat. **The provisions of this section are not applicable.**

B. *Residential Density.*

**Finding:** The density and use of the proposed partition conforms to RS-MH zone standards. **The provisions of this section have been met.**

- 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 Section 250(J)—Street Connectivity and Formation of Blocks.*

**Finding:** The minimum lot size in the RS-MH zone is 6,000 square feet for interior lots and 7,000 square feet for corner lots. The zone permits a maximum building coverage of 35 percent. Minimum lot width is 50 feet.

Parcel 1 which is on the corner of Wagner Creek Road and Frost Lane meets the minimum 7,000 square foot lot size and Parcel 2 adjacent to Frost Lane (interior lot) meets the minimum 6,000 square foot lot size. **The provisions of this section have been met.**

2. *Setbacks shall be as required by the applicable zoning district.*

**Finding:** The RS-MH zone has a 20-foot front setback (24 feet for garages), a 5- or 8-foot interior side setback, a 10- or 15-foot street-facing side setback (depending on the type of street adjacency), and a 10-foot rear setback. Paragraph 8-3J.121 (B)(6) allows for an unenclosed front porch to extend up to 8 feet into the front setback. As a condition of approval, prior to the issuance of building permits, the property owner shall ensure that all building setbacks are consistent with the standards for the RS-MH zone. **The provisions of this section have been met subject to conditions of approval.**

3. *Each lot shall conform to the standards of Section 260—Vehicular Access and Circulation.*

**Finding:** Vision clearance triangles are required on either side of driveways in accordance with Section 260(M) of the Talent Subdivision Code. Subsection 260(N) requires that new driveways be paved. As a condition of approval, prior to certificate of occupancy, the applicant shall pave the required driveway for Parcel 2. **The provisions of this section have been 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 the Zoning Code, Subdivision Code, and 8-3J.4.*

**Finding:** Parcel 2 can be developed with a residential use which will require landscaping and screening from Cowdry Lane. Landscaping and other screening may be required as part of a development plan and will be reviewed at the time development is proposed for Parcel 2. **The provisions of this section have been met.**

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 Section 260—Vehicular Access and Circulation.*

**Finding:** The proposed partition creates lots that are less than 150 feet in depth. **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:** No shared driveways are proposed. **The provisions of this section are not applicable.**

- E. *The City may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.*

**Finding:** No reserve strips are necessary to control access to adjoining undeveloped properties. **The provisions of this section are not applicable.**

- F. *Future Re-division Plan.*

**Finding:** The proposed lots cannot be further divided; no re-division plan is required. **The provisions of this section are not applicable.**

- G. *Compliance. All submittals shall demonstrate compliance with Article 2, Development and Design Standards, and 8-3H.2 of the Talent Zoning Code.*

**Finding:** Staff finds the submittal, with additional conditions attached, complies with the pertinent code requirements. 8-3H.2 does not pertain since the property is not in either a riparian or wetland zone. **The provisions of this section have been met.**

#### **8-2.470      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; Final Plat Procedures page 36 Subdivision Code*
2. *No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.*

**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 8-3.470, Filing and Recording, in the Subdivision Code. **The provisions of this section have been met subject to conditions of approval.**

#### **8-3L.920      APPLICABILITY**

- 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 fifty (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:** None of the above items exist or will result from an approval of the proposed partition. **The provisions of this section are not applicable.**

#### **DISCUSSION**

The applicant is proposing a two-lot partition. No buildings are proposed at this time as the application is for a partition. At the time of development, all setback and lot coverage standards will be complied with as well as landscaping and irrigation requirements.

#### **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 8-3.470, Filing and Recording, in the Subdivision Code.

#### **PRIOR TO FINAL PLAT**

2. The property owner shall provide Community Development with certification from Talent Irrigation District that all requirements have been met or are bonded for in accordance with ORS 92.090(6).
3. The property owner shall sign and record a public improvements non-remonstrance agreement prepared by the City.

#### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

4. The property owner shall obtain an encroachment permit for Parcel 2 from the Community Development Department.
5. The property owner shall provide Community Development with an approved sewer permit for Parcel 2 from Rogue Valley Sewer Services.
6. The property owner shall submit an application and fee to the City for the installation of water service to Parcel 2.



7. The property owner shall provide Community Development with a drainage plan approved by the City Engineer that provides for appropriate stormwater and surface water runoff.
8. The property owner shall ensure that all building setbacks are consistent with the standards for the RS-MH zone.

**PRIOR TO CERTIFICATE OF OCCUPANCY**

9. The property owner shall install a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner.

Approved by:

  
\_\_\_\_\_  
Zac Moody  
Community Development Director

\_\_\_\_\_  
March 30, 2017

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 \$250.00 deposit. Please refer to 8-3M.140(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 541-535-7401 or via e-mail at [zmoody@cityoftalent.org](mailto:zmoody@cityoftalent.org).