



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: July 10, 2020
Prepared by: Jeff Wilcox

Item: MLP 2020-003
Minor Land Partition

Applicant..... L.J. Friar & Associates, PC.
P.O. Box 1947
Phoenix, OR 97535

Owner..... West Valley View LLC
1175 E. Main St. Ste 2B
Medford, OR 97501

Application Received..... May 5, 2020

Application Complete June 5, 2020

Notice Mailed and Posted..... June 8, 2020

Requested Action..... Partition one lot in into three

Assessor's Map Number..... 38-1W-23D, Tax Lot 1900

Lot Size..... 14.68 Acres

Zoning..... Commercial Zone, Highway Commercial (CH)

Other applicable code sections Talent Municipal Code (TMC) Title 17, Subdivisions & Chapter 15.15 – Flood Damage Prevention

PROPOSAL

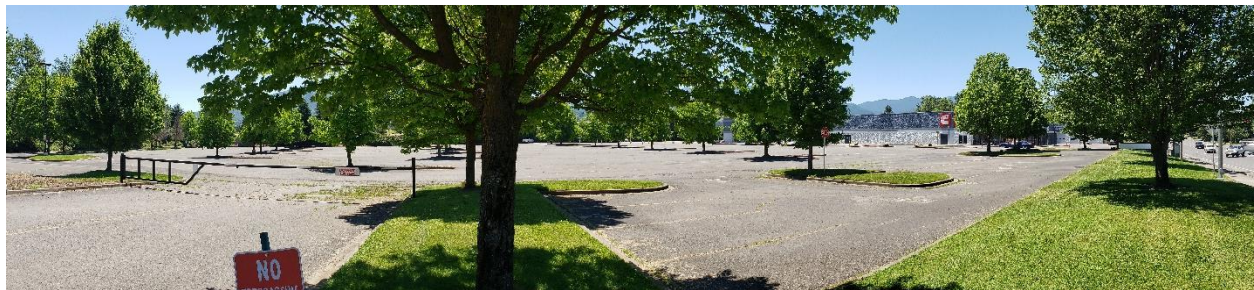
The request is for the approval of a preliminary plat to divide one (1) parcel: 300 W. Valley View Rd., into three (3) parcels. The parcel currently totals 14.68 Acres (over 639,000ft²). As proposed, parcel 1 is 87,465ft², parcel 2, is 374,761ft² and parcel 3 is 177,230ft².

PROPERTY CHARACTERISTICS

As proposed, parcel 1 is currently undeveloped and features a sizable wooded riparian area. Parcel 2 is occupied by one (1) site-built 98,521ft² commercial building (Cummins), a private road – Mountain View Dr., and a large parking lot with mature landscaping. Parcel 3 is also occupied by a large parking lot with mature landscaping.

The subject property is bordered by Wagner Creek to the west, and Bear Creek to the east. The FEMA National Flood Hazard Layer indicates that much of the subject property falls within the 100- and/or

500-year floodplain, and certain portions are within the floodway. The topography is relatively flat with a slight drop in elevation to the north.



Transportation Service

As proposed, access is available to parcel 1 from Mountain View Dr., a private road. Access is available to parcels 2 and 3 from W. Valley View Rd. The City Transportation System Plan (TSP) identifies W. Valley View Rd. as a “Minor Arterial” Street.

This section of W. Valley View Rd. features full improvements, I.e.: paved roads with curbs, gutters and sidewalks; Mountain View Rd. is also improved with curbs, gutters and a sidewalk.

No new public streets, improvements or dedications are being proposed by the applicant.

Wastewater Service

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

Water Service

Water service currently supplies the existing commercial building and is adjacent to the proposed new parcel.

APPROVAL CRITERIA

- TMC Title 17, Subdivisions
- TMC Ch 18.60, Commercial Zone, Highway Commercial (CH)
- Chapter 15.15 – Flood Damage Prevention

PUBLIC COMMENTS

One public comment form was received, encouraging approval of the request.

AGENCY COMMENTS

Jackson County Fire District #5 response: The Fire District has no comment on the proposed land partition at 300 West Valley View, Talent.

Rogue Valley Sewer Services provided detailed comment and development requirements which are addressed in the Findings below.

ANALYSIS

Preliminary administrative approval is subject to compliance with the criteria found in the Subdivision Code (TMC Title 17), the underlying zoning district, CH (TMC Ch 18.60) and the Flood Damage Prevention Code (TMC Ch 15.15). Text from the code appears in italics.

15.15.160 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

A. Anchoring. Anchoring is required for all substantial improvements, and new and replacement dwellings in the regulatory floodplain or in the 500-year floodplain, as follows:

- 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.*
- 2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)*

B. Construction Materials and Methods.

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*
- 3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located to prevent water from entering or accumulating within the components during conditions of flooding.*

The proposal is for partition, not subdivision or site development. The FEMA National Flood Hazard Layer indicates that much of the subject property falls within the 100- and/or 500-year floodplain, and certain portions are within the floodway. However, a substantial portion of all proposed parcels remain outside the fifty (50) foot "safe harbor" setback and may be further developed or subdivided.

As a general condition of approval, new construction in the floodplain shall be anchored and adhere to construction materials and methods outlined in TMC Ch 15.15.160(A) and (B). **The provisions of this section have been met subject to conditions of approval.**

C. *Utilities.*

1. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; and*
2. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;*
3. *On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.*

The proposal is for partition, not subdivision or site development. The FEMA National Flood Hazard Layer indicates that much of the subject property falls within the 100- and/or 500-year floodplain, and certain portions are within the floodway. However, a substantial portion of all proposed parcels remain outside the fifty (50) foot “safe harbor” setback and may be further developed or subdivided.

As a general condition of approval, new and replacement utilities shall be designed in accordance with TMC Ch 15.15.160(C). **The provisions of this section have been met subject to conditions of approval.**

D. *Subdivision Proposals.*

1. *All subdivision proposals shall be consistent with the need to minimize flood damage. Subdivision lot layout shall be designed to avoid conflicts with flood damage prevention strategies, and to protect water-related resources, as demonstrated in this chapter and in Chapter 18.85 TMC;*
2. *All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;*
3. *All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and*
4. *Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 10 lots or two acres (whichever is less).*

The proposal is for partition, not subdivision or site development. The FEMA National Flood Hazard Layer indicates that much of the subject property falls within the 100- and/or 500-year floodplain, and certain portions are within the floodway. However, a substantial portion of all proposed parcels remain outside the fifty (50) foot “safe harbor” setback and may be further developed or subdivided.

As a general condition of approval, in the event vegetation is proposed to be removed or disturbed within the “safe harbor” setback, a Riparian Landscape Plan will be required in accordance with TMC Ch 18.85.

As a condition of approval, prior to issuance of building permits, the applicant shall provide Community Development with a Flood Plain Management application in accordance with TMC Ch 15.15. **The provisions of this section have been met subject to conditions of approval.**

17.10.010 OPEN SPACE

B. *Open Space Standard. Designated locally significant wetland and riparian areas and a 50-foot “safe harbor” setback from these areas shall be maintained as permanent open space, pursuant to Chapter 18.85 TMC. Additional open space may also be required by the city or dedicated by the developer of a subdivision or planned unit development (PUD), in conformance with the comprehensive plan and the provisions of TMC 17.10.020(D). The open space shall be shown on the preliminary plat (for a subdivision) or the conceptual and detailed development plans (for a PUD), and recorded with the final plat or separate instrument in accordance with one of the following methods:*

1. *By dedication to the city as publicly owned open space. Open space proposed for dedication to the city must be acceptable to the city council with regard to the size, shape, location, improvement, environmental condition*

(i.e., the applicant may be required to provide a level-one environmental assessment), and budgetary and maintenance terms; or

2. As private open space, by leasing or conveying title (including beneficial ownership) to a corporation, homeowners association or other legal entity, with the city retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the city, and shall establish that the subject property may not be developed for any purpose other than that specified in the approved plan. (Note: This section is intended to ensure that open space is used for open space or recreational purposes only.)

C. *Uses of Required Open Space.* Subject to review and approval by the city council, an open space dedication may be used to comply with the city's wetland and riparian protection codes and ordinances (Chapters 15.15 and 18.85 TMC) and/or mitigate parks and recreation impacts related to the subject development.

FINDING: The subject property is bordered by Wagner Creek to the west, and Bear Creek to the east. The FEMA National Flood Hazard Layer indicates that much of the subject property falls within the 100- and/or 500-year floodplain, and certain portions are within the floodway. The tentative plan indicates the fifty (50) foot "safe harbor" setbacks from top of bank for both Wagner Creek and Bear Creek.

As a condition of approval, prior to final plat, the fifty (50) foot "safe harbor" setbacks shall be maintained as permanent open space and shall be recorded with the final plat or separate instrument in accordance with TMC 17.10.010(B)(1) or (2). **The provisions of this section have been met subject to conditions of approval.**

17.10.020 PUBLIC FACILITIES STANDARDS AND IMPROVEMENTS

A. *Purpose.* The purpose of this section is to provide planning and design standards for public and private transportation facilities and utilities.

B. *When Standards Apply.* All development shall comply with the city's public facilities standards and construction specifications. When a new subdivision uses existing streets and other public facilities, those facilities shall be improved to current standards.

C. *Standard Specifications.* The public works director and city engineer shall establish written standard construction specifications and standard construction drawings consistent with the design standards of this section and application of engineering principles. They are incorporated in this code by reference.

D. *Conditions of Development Approval.* No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact. [Ord. 818 § 2 (Exh. A (§ 8-2.220)); Ord. 692 § 3.]

FINDING: The application is for a minor land partition, not a subdivision and is served by an existing private access easement. The standards in Section 17.10.020 apply when a subdivision is proposed.

Mountain View Dr., a forty (40) foot wide private road, extends through proposed parcel 2. This private road currently serves the commercial facility on proposed parcel 2, and over 160 dwelling units on the adjacent Mountain View Estates manufactured home park. Future development plans identified in the required pre-application meeting indicate that between 10 and 18 units could be developed raising concerns as to if the existing private road is sufficiently sized to serve what currently exists and up to 18 new dwelling units.

The Transportation System Plan provides standards for public rights-of-way, including width, and indicates the current width of Mountain View Drive would be appropriate for an alley, but not for a residential or commercial local road, which calls for a minimum width of sixty (60) feet.

The City acknowledges the need for the existing private access to be upgraded to public street consistent with Transportation System Plan, but also understands that upgrading the private access to public right-of-way, including new water, storm and sewer lines, curbs, gutters, sidewalks and an additional twenty (20) feet of paved surface is not roughly proportional to the impacts of the development of possibly eighteen (18) units. Further, staff recognizes that the expansion of the existing access would require the removal of twelve (12) mature trees.

Approval of a zoning and comprehensive plan map change along with approval of a site development plan review is required prior to development of the standalone residential dwelling units identified in the pre-application information and will provide the City with an additional review opportunity as it pertains to access. At that time, should the City determine that the proposed development differs from what was identified in the partition application and pre-application, either access will need to be improved to local street standards or a new rough proportionality finding will need to be made. As a condition of approval, concurrent with submittal of a development plan, the applicant shall provide a rough proportionality finding demonstrating the conversion of the Mountain View Drive from private to public is not roughly proportional to the proposed development. **The provisions of this section have been met subject to conditions of approval.**

17.10.030 PEDESTRIAN ACCESS AND CIRCULATION

A. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets...

FINDING: The subject property features pathways along all existing rights of way, offering reasonably direct and convenient connections between the commercial building entrance and all adjacent streets. Additional pathways may be required for future on-site development and will be addressed at that time. **The provisions of this section have been met.**

17.10.040 STREET TREES

B. 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 (E) of this section...

FINDING: The subject property features mature trees along all existing rights of way. **The provisions of this section have been met.**

17.10.050 TRANSPORTATION FACILITY STANDARDS

B. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of TMC 17.10.060, Vehicular access and circulation, as well as Chapter 18.115 TMC, and the following standards are met:

- 1. Streets within or adjacent to a development shall be improved in accordance with the transportation system plan standards;*
- 2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;*

G. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be within the range of appropriate widths adopted in the transportation system plan. A variance shall be required to vary the standards in the transportation system plan.

M. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, in conformance with the standards in the transportation system plan.

U. Private Streets. A private street shall not provide access to more than two single-family residential lots. A private street shall not be used to avoid connections with public streets. Gated communities and private street systems (i.e., where a gate limits access to a development from a public street) are prohibited. Design and construction standards for grading, base rock, compaction, paving and drainage of private streets shall be the same as for public streets, except as modified through a PUD.

W. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the city that all boundary and interior monuments shall be reestablished and protected. The certification shall be a signed statement submitted with the final plat.

FINDING: The application is for a minor land partition, not a subdivision and is served by an existing private access easement. The standards in Section 17.10.020 apply when a subdivision is proposed.

Mountain View Dr., a forty (40) foot wide private road, extends through proposed parcel 2. This private road currently serves the commercial facility on proposed parcel 2, and over 160 dwelling units on the adjacent Mountain View Estates manufactured home park. Future development plans identified in the required pre-application meeting indicate that between 10 and 18 units could be developed raising concerns as to if the existing private road is sufficiently sized to serve what currently exists and up to 18 new dwelling units. .

The Transportation System Plan provides standards for public rights-of-way, including width, and indicates the current width of Mountain View Drive would be appropriate for an alley, but not for a residential or commercial local road, which calls for a minimum width of sixty (60) feet.

The City acknowledges the need for the existing private access to be upgraded to public street consistent with Transportation System Plan, but also understands that upgrading the private access to public right-of-way, including new water, storm and sewer lines, curbs, gutters, sidewalks and an additional twenty (20) feet of paved surface is not roughly proportional to the impacts of the development of possibly eighteen (18) units. Further, staff recognizes that the expansion of the existing access would require the removal of twelve (12) mature trees.

Approval of a zoning and comprehensive plan map change along with approval of a site development plan review is required prior to development of the standalone residential dwelling units identified in the pre-application information and will provide the City with an additional review opportunity as it pertains to access. At that time, should the City determine that the proposed development differs from what was identified in the partition application and pre-application, either access will need to be improved to local street standards or a new rough proportionality finding will need to be made. As a condition of approval, concurrent with submittal of a development plan, the applicant shall provide a rough proportionality finding demonstrating the conversion of the Mountain View Drive from private to public is not roughly proportional to the proposed development. **The provisions of this section have been met subject to conditions of approval.**

17.10.060 VEHICULAR ACCESS AND CIRCULATION

C. *Access Permit Required. A new or modified connection to a public street requires an Access Permit in accordance with the following procedures:*

1. *Permits for access to City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Section and the provisions of TMC 17.10.050, Transportation Facility Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.*

FINDING: The application is for a minor land partition and does not propose new access or development. However, future development is anticipated.

As a condition of approval, prior to the issuance of building permits, the applicant shall obtain an access (encroachment) permit for each parcel. **The provisions of this section have been met subject to conditions of approval.**

D. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared in accordance with Chapter 18.185, Traffic Impact Study.*

FINDING: The application is for a minor land partition and does not propose new access or development. A TIS is not required in accordance with §18.185.020 of the Talent Zoning Code. **The provisions of this section are not applicable.**

17.10.070 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.*

B. *Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the city engineer has approved all sanitary sewer and water plans in conformance with city standards.*

17.10.080 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.*

B. *Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, as designated in the city of Talent storm water master plan, whether inside or outside the development. Such facilities shall be subject to review and approval by the public works director or city engineer.*

FINDING: According to RVSS comments, the subject property is currently served by a 6 inch connection to the 12 inch sewer main on W. Valley View Rd. This service will not be affected by the proposed partition. the proposed partition will not require compliance with the Rogue Valley Stormwater Quality Design Manual, however any future development will be subject to these requirements.

RVSS is considering the subject property for a regional stormwater management facility with capacity to manage the quality of stormwater from the subject site as well as the entire up stream drainage basin.

Sanitary sewer and water service improvements have been installed in conjunction with development of the existing commercial facility located on proposed parcel 2. However, additional service will eventually be required for future development of proposed parcel 1 and 3.

As a condition of approval, prior to the issuance of building permits, the applicant shall provide Community Development with sewer and water plans to be reviewed and approved by the Public Works Director or City Engineer. **The provisions of this section have been met subject to conditions of approval.**

17.10.090 UTILITIES

C. Exception to Undergrounding Requirement. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, or existing development conditions, when demonstrated by the applicant. [Ord. 818 § 2 (Exh. A (§ 8-2.290)); Ord. 692 § 10.]

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

17.15.010 REVIEW PROCEDURES AND APPROVAL 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 the Community Development Department. **The provisions of this section have been met.**

17.15.030 APPROVAL CRITERIA: PRELIMINARY PLAT

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

- 1. The proposed preliminary plat complies with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, the provisions of the underlying zoning district and the provisions of the Planned Unit Development Section, when applicable, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 18.160 TMC, Variances;*

FINDING: The proposed partition complies with or can comply with the provisions of Talent Subdivision and Zoning Code through the application of conditions of approval. **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 and satisfies the provisions of ORS Ch 92. **The provisions of this section have been met.**

- 3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects; and are consistent with the City's Transportation System Plan. All proposed public improvements and dedications*

are identified on the preliminary plat; and

FINDING: The application is for a minor land partition, not a subdivision and is served by an existing private access easement. The standards in Section 17.10.020 apply when a subdivision is proposed.

Mountain View Dr., a forty (40) foot wide private road, extends through proposed parcel 2. This private road currently serves the commercial facility on proposed parcel 2, and over 160 dwelling units on the adjacent Mountain View Estates manufactured home park. Future development plans identified in the required pre-application meeting indicate that between 10 and 18 units could be developed raising concerns as to if the existing private road is sufficiently sized to serve what currently exists and up to 18 new dwelling units.

The Transportation System Plan provides standards for public rights-of-way, including width, and indicates the current width of Mountain View Drive would be appropriate for an alley, but not for a residential or commercial local road, which calls for a minimum width of sixty (60) feet.

The City acknowledges the need for the existing private access to be upgraded to public street consistent with Transportation System Plan, but also understands that upgrading the private access to public right-of-way, including new water, storm and sewer lines, curbs, gutters, sidewalks and an additional twenty (20) feet of paved surface is not roughly proportional to the impacts of the development of possibly eighteen (18) units. Further, staff recognizes that the expansion of the existing access would require the removal of twelve (12) mature trees.

Approval of a zoning and comprehensive plan map change along with approval of a site development plan review is required prior to development of the standalone residential dwelling units identified in the pre-application information and will provide the City with an additional review opportunity as it pertains to access. At that time, should the City determine that the proposed development differs from what was identified in the partition application and pre-application, either access will need to be improved to local street standards or a new rough proportionality finding will need to be made. As a condition of approval, concurrent with submittal of a development plan, the applicant shall provide a rough proportionality finding demonstrating the conversion of the Mountain View Drive from private to public is not roughly proportional to the proposed development. **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 required or proposed as part of the partition request. **The provisions of this section are not applicable.**

C. *Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zone district, and the standards of TMC 17.10.050(J), Street Alignment and Connections.*

FINDING: The subject property is zoned CH. The minimum lot area is 6,000ft²; As proposed, parcel 1 is 87,465ft², parcel 2, is 374,761ft² and parcel 3 is 177,230ft².

The minimum lot width is 60ft; as proposed, parcel 1 is 64ft, parcel 2 and 3 are both over 200ft each.

The minimum lot depth is 100ft; each proposed parcel is irregular in shape, however they all feature depths of 500ft or greater.

The minimum setbacks are met by the existing Commercial facility on proposed parcel 2. Proposed parcel 1 and 3 are undeveloped, but are large enough to reasonably accommodate setbacks for future development.

There is no maximum building coverage in the CH zone.

As proposed, all parcels meet dimensional requirements of the applicable zone district. **The provisions of this section have been met.**

3. *Each lot shall conform to the standards of TMC 17.10.060, Vehicular Access and Circulation.*

FINDING: The proposed partition complies with or can comply with the provisions of TMC §17.10.060 through the application of conditions of approval listed above. **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 TMC Titles 17 and 18 and Chapter 18.105 TMC.*

FINDING: Subject property is zoned CH, it is adjacent to commercially zoned parcels to the east and west, and a residentially zoned parcel to the south. The conflicting uses have been adequately buffered with vegetation and fencing during the original site development. **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 TMC 17.10.060, Vehicular Access and Circulation.*

FINDING: Jackson County Fire District 5 staff reviewed the application and have not indicated any insufficiency regarding the proposed access drive/parking area turnaround. **The provisions of this section have been met.**

- G. *Compliance. All submittals shall demonstrate compliance with Chapter 17.10 TMC, Development and Design Standards, and Chapter 18.85 TMC.*

FINDING: Staff finds the submittal, with additional conditions attached, complies with the pertinent code requirements. **The provisions of this section have been met subject to conditions of approval.**

17.20.070 FILING AND RECORDING

A. Filing plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Jackson County for signatures of County officials as required by ORS Chapter 92.

B. Proof of recording. Upon final recording with the County, the applicant shall submit to the City a Mylar copy and three paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

C. Prerequisites to recording the plat.

1. *No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92; 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 TMC Section 17.20.070, Filing and Recording, in the Subdivision Code. **The provisions of this section have been met subject to conditions of approval.**

DISCUSSION

The applicant is proposing a three (3) lot partition. Given the opportunity facilitate infill, maintain wetland and riparian area protection, and potentially upgrade local stormwater facilities, staff is supportive of the proposal.

DECISION

Staff tentatively **APPROVES** the minor land partition with the following conditions:

GENERAL CONDITIONS

1. New construction in the floodplain shall be anchored and adhere to construction materials and methods outlined in TMC Ch 15.15.160(A) and (B).
2. New and replacement utilities shall be designed in accordance with TMC Ch 15.15.160(C).
3. In the event vegetation is proposed to be removed or disturbed within the “safe harbor” setback, a Riparian Landscape Plan will be required in accordance with TMC Ch 18.85.
4. Once the City has approved (signed) the plat, the property owner shall follow the procedures outlined in TMC Section 17.20.070, Filing and Recording, in the Subdivision Code.

PRIOR TO FINAL PLAT

5. The fifty (50) foot “safe harbor” setbacks shall be maintained as permanent open space and shall be recorded with the final plat or separate instrument in accordance with TMC 17.10.010(B)(1) or (2).

CONCURRENT WITH DEVELOPMENT PLAN SUBMITTAL

6. The applicant shall provide a rough proportionality finding demonstrating the conversion of the Mountain View Drive from private to public is not roughly proportional to the proposed development.

PRIOR TO ISSUANCE OF BUILDING PERMITS

7. The applicant shall provide Community Development with a Flood Plain Management application in accordance with TMC Ch 15.15.
8. The applicant shall obtain an access (encroachment) permit for each parcel.
9. The applicant shall provide Community Development with sewer and water plans to be reviewed and approved by the Public Works Director or City Engineer

Approved by:



Jeff Wilcox
Assistant Planner

7/10/2020

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 541-535-7401 or via e-mail at zmoody@cityoftalent.org.