



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: October 8, 2019
Prepared by: Jeff Wilcox

Item: MLP 2019-003
Minor Land Partition

Applicant..... Tyler Davis
137 N. Front St.
Talent, OR 97540

Owner..... Tyler Davis
137 N. Front St.
Talent, OR 97540

Application Received..... July 10, 2019

Application Complete August 8, 2019

Notice Mailed and Posted..... August 20, 2019

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

Assessor's Map Number..... 38-1W-23CB, Tax Lot 600

Lot Size..... 0.58 Acres

Zoning Residential Zone, Single Family – Medium Density (RS-7)

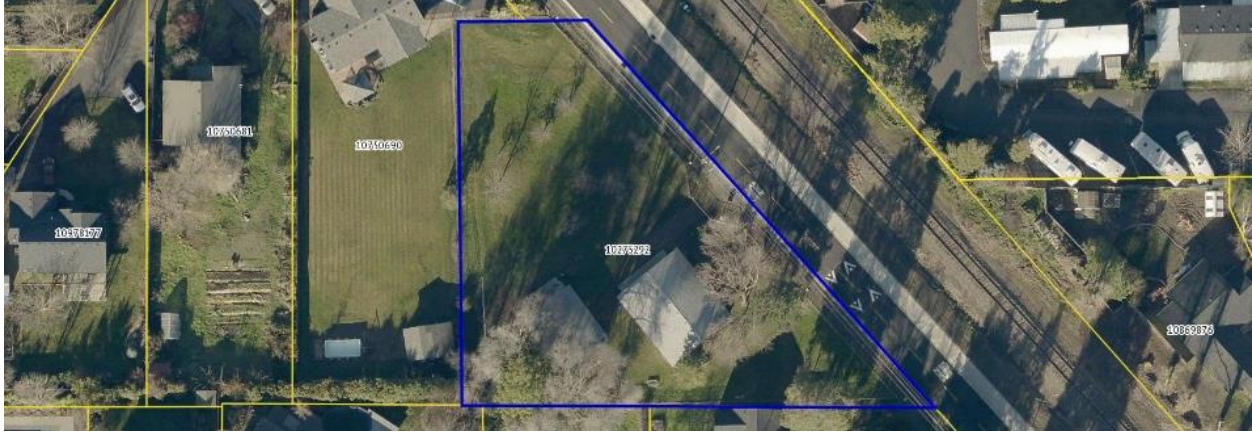
Other applicable code sections Talent Municipal Code (TMC) Title 17, Subdivisions

PROPOSAL

The request is for the approval of a preliminary plat to divide 137 N. Front St., a 0.58-acre parcel, into three (3) parcels; parcel 1 (7,284ft²), parcel 2 (7,033ft²) and parcel 3 (8,254ft²). Two of the proposed parcels contain pre-existing structures; however, the applicant is proposing to remove one structure as part of this request.

PROPERTY CHARACTERISTICS

The subject property is currently occupied by one (1) single-story site-built residence and one (1) detached garage. The applicant indicates that the residence is proposed to remain, but the garage will be removed. The topography is relatively flat with a drop in elevation to the northeast.



Transportation Service

Access is available to the subject property from N. Front St., an improved City street. This street is ranked as a “Collector Street” in the Transportation System Plan and was recently improved with curb, gutters and sidewalks on the Northeast side; the Southwest side features a rolled curb but no sidewalk. All proposed parcels would also require access from N. Front St.. 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 parcels.

APPROVAL CRITERIA

- TMC Title 17, Subdivisions
- TMC Ch 18.30, Residential Zone, Single Family – Medium-Density (RS-7)

PUBLIC COMMENTS

Three public comment forms were received with the following concerns addressed:

- Future one- vs two-story construction (2)
- Stormwater management
- Parking and traffic
- Increased density (2)

AGENCY COMMENTS

Talent Irrigation District response: No comment

Jackson County Fire District #5 response: No comment

Rogue Valley Sewer Services provided 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), and the underlying zoning district, RS-7 (TMC Ch 18.30). Text from the code appears in italics.

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. 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 TMC 18.105.030. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks.

FINDING: Access is available to the subject property from N. Front St., an improved City street. This street is ranked as a “Collector Street” in the Transportation System Plan and was recently improved with curb, gutters and sidewalks on the Northeast side; the Southwest side features a rolled curb but no sidewalk. Considering the recently constructed street layout, street tree planting is not necessary. **The provisions of this section are not applicable.**

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:

3. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exists:

d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

FINDING: Access is available to the subject property from N. Front St., an improved City street. This street is ranked as a “Collector Street” in the Transportation System Plan and was recently improved with curb, gutters and sidewalks on the Northeast side; the Southwest side features a rolled curb but no sidewalk. No public improvements or dedications are proposed in the application. Considering the recently constructed street layout, sidewalk improvements are not necessary. **The provisions of this section are not applicable.**

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: Access is available to the subject property from N. Front St., an improved City street. This street is ranked as a “Collector Street” in the Transportation System Plan and was recently improved with curb, gutters and sidewalks on the Northeast side; the Southwest side features a rolled curb but no sidewalk. The sole driveway access to the subject property is currently located within the proposed parcel 2 and no common driveways are proposed. As a condition of approval, prior to issuance of building permits, the property owner(s) of parcel 1 and parcel 3 shall obtain an access (encroachment) permit; the property owner of parcel 2 shall obtain an access (encroachment) permit if current access is proposed to be modified. **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 request is for the approval of a preliminary partition plat to divide a 0.58-acre residential parcel into three (3) residential parcels. TIS is not required in accordance with Section 18.185.020 of the Talent Zoning Code. **The provisions of this section are not applicable.**

E. *Conditions of Approval. The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public or private street.*

FINDING: Access is available to the subject property from N. Front St., an improved City street. This street is ranked as a “Collector Street” in the Transportation System Plan and was recently improved with curb, gutters and sidewalks on the Northeast side; the Southwest side features a rolled curb but no sidewalk. The sole driveway access to the subject property is currently located within the proposed parcel 2 and no common driveways are proposed. As a condition of approval, prior to issuance of building permits, the property owner shall provide site plans with driveway and parking area dimensions to accommodate a vehicle turn-around to prevent backing onto the public street. **The provisions of this section are met subject to conditions of approval.**

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.*

3. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (G) of this section.*

FINDING: Access is available to the subject property from N. Front St., an improved City street. This street is ranked as a “Collector Street” in the Transportation System Plan and was recently improved with curb, gutters and sidewalks on the Northeast side; the Southwest side features a rolled curb but no sidewalk. The sole driveway access to the subject property is currently located within the proposed parcel 2 and no common driveways are proposed. As a condition of approval, prior to issuance of building permits, the property owner(s) of parcel 1 and parcel 3 shall obtain an access (encroachment) permit; the property owner of parcel 2 shall obtain an access (encroachment) permit if current access is proposed to be modified. **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:*

2. *Arterial and Collector Streets. Access spacing on collector and arterial streets shall be determined by the public works director...*

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 subject property from N. Front St., an improved City street. This street is ranked as a “Collector Street” in the Transportation System Plan and was recently improved with curb, gutters and sidewalks on the Northeast side; the Southwest side features a rolled curb but no sidewalk. Public comment received indicates concern with the volume of traffic and parking challenges on N. Front St. The applicant has not indicated where driveway access is proposed on the preliminary partition plat. As a condition of approval, prior to final plat, the applicant shall provide a revised plat illustrating one of the following:

- a. all proposed single driveway access points, each with widths between 10-20ft and a minimum 30ft of separation from adjacent driveways, or
- b. a shared access agreement with a minimum 30ft of separation from adjacent driveways

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

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's findings indicate that a common driveway to serve the proposed parcels is not being requested. **The provisions of this section are not required.**

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.*

FINDING: Sanitary sewer and water service improvements have been installed in conjunction with development of the existing residence located on proposed parcel 3. According to RVSS comments, the residence is currently served by a 4-inch sewer connection to the 8-inch main located along Front St; there is also a 4-inch service stubbed to the north portion of the property and may be utilized to serve parcel 1 if found in good working condition. Parcel 2 will require a new service tap to the existing 8 inch main along Front St.

As a condition of approval, prior to the issuance of building permits, the property owner shall provide Community Development with evidence that that sewer tap permit(s) have been obtained and related development fees are paid in full. **The provisions of this section have been met subject to conditions of approval.**

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.*

FINDING: The application is for a three-lot partition; therefore, the applicant must obtain an RVSS-approved Stormwater Management Plan in accordance with the Regional Stormwater Quality Design Manual. It's highly recommended that the applicant schedule a predesign meeting with RVSS to discuss Stormwater management options for this development.

As a condition of approval, prior to final plat, the applicant shall provide Community Development with evidence of an RVSS-approved Stormwater Management Plan.

As a condition of approval, prior to the issuance of building permits, the applicant shall install stormwater infrastructure in accordance with RVSS-approved Stormwater Management Plan. **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 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.

- a. A pre-application conference is required for all partitions and subdivisions.*
- b. 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.*
- c. 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.**

17.15.030 Approval Criteria: Preliminary Plat

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

- a. 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 provisions of T'ZC through the application of conditions of approval. **The provisions of this section have been met.**

- 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: Access is available to the subject property from N. Front St., an improved City street. This street is ranked as a "Collector Street" in the Transportation System Plan and was recently improved with curb, gutters and sidewalks on the Northeast side; the Southwest side features a rolled

curb but no sidewalk. No public improvements or dedications are proposed in the application. Considering the recently constructed street layout, sidewalk improvements are not necessary. **The provisions of this section are not applicable.**

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.**

B. Residential Density.

FINDING: Lots are proposed to be created via partition, not subdivision or planned unit development, therefore the Residential Density Calculation is not required. However, the density and use of the proposed partition conforms to RS-7 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 TMC 17.10.050(J), Street Alignment and Connections.*
2. *Setbacks shall be as required by the applicable zoning district.*

FINDING: The minimum lot area for RS-7 is 6,000ft²; as proposed, parcel 1 is 7,284ft², parcel 2 is 7,033ft² and parcel 3 is 8,254ft².

The minimum lot width for RS-7 is 50ft; as proposed, parcel 1 is 69.13ft, parcel 2 is 51.00ft, and parcel 3 is 122.79ft.

The minimum side-yard setback in RS-7 is 5ft, or 8ft if the building height exceeds 18ft as defined in TMC 18.15.020. The minimum rear-yard setback is 10ft. The existing single-story residence does not indicate side yard setback. The existing garage would encroach upon required setbacks, however it is proposed for removal.

The maximum building coverage in RS-7 is 35%; as proposed, parcel 1 and 2 are undeveloped, and parcel 3 would have 15.4% building coverage.

As a condition of approval, prior to final plat, the applicant shall:

- a. provide a revised plat illustrating side yard setbacks for the residence on parcel 3 and
- b. remove the existing garage, or relocate from required setbacks.

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

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

FINDING: 15ft of vision clearance distance is required on either side of driveways in accordance with Section 17.10.060(M). Subsection 060(N) requires that driveways be paved.

As a condition of approval, prior to final plat, the property owner of parcel 3 shall pave the required driveway and parking area in accordance with TMC 17.10.060(N).

As a condition of approval, prior to certificate of occupancy, the property owner of parcel 1 and parcel 2 shall pave the required driveway and parking area in accordance with TMC 17.10.060(N).

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 RS-7 and is surrounded by other RS-7 zoned parcels; there are no conflicting uses necessitating screening or buffering. The minimum landscaped area for residential zones is 30%. Applicants are encouraged to select native plants.

parcel 1 is 7,284ft² as proposed and requires 2185.2ft² minimum landscaped area. This necessitates a minimum of three (3) two-inch caliper trees and twelve (12) five-gallon shrubs or accent plants.

parcel 2 is 7,033ft² as proposed and requires 2109.9ft² minimum landscaped area. This necessitates a minimum of three (3) two-inch caliper trees and twelve (12) five-gallon shrubs or accent plants.

parcel 3 is 8,254ft² as proposed and requires 2476.2ft² minimum landscaped area. This necessitates a minimum of three (3) two-inch caliper trees and twelve (12) five-gallon shrubs or accent plants.

Landscaping for parcel 1 and parcel 2 will be addressed at time of development. As a condition of approval, prior to final plat, the property owner of parcel 3 shall install required landscaping and provide photo evidence to Community Development. Note: Existing (noninvasive) vegetation may be used in meeting landscape requirements. **The provisions of this section have been met subject to conditions of approval.**

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: 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: Access is available to the subject property from N. Front St., an improved City street. This street is ranked as a “Collector Street” in the Transportation System Plan and was recently improved with curb, gutters and sidewalks on the Northeast side; the Southwest side features a rolled curb but no sidewalk. The sole driveway access to the subject property is currently located within the proposed parcel 2 and no common driveways are proposed. As a condition of approval, prior to issuance of building permits, the property owner(s) of parcel 1 and parcel 3 shall obtain an access (encroachment) permit; the property owner of parcel 2 shall obtain an access (encroachment) permit

if current access is proposed to be modified. **The provisions of this section have been met subject to conditions of approval.**

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

FINDING: Adjoining properties are fully developed. **The provisions of this section are not applicable.**

F. Future Re-division Plan.

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

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. Subject parcel is not located near/within a riparian or wetland zone, therefore Chapter 18.85 does not apply. **The provisions of this section have been met.**

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 Section TMC 17.20.070, Filing and Recording, in the Subdivision Code. **The provisions of this section have been met subject to conditions of approval.**

18.185.020 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 three-lot partition. No development is proposed at this time as the application is just for a partition. At the time of development, all setback and lot coverage standards will be complied with as well as access, stormwater and landscaping 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 TMC 17.20.070, Filing and Recording, in the Subdivision Code.

PRIOR TO FINAL PLAT

2. The applicant shall provide a revised plat illustrating one of the following:
 - a. all proposed single driveway access points, each with widths between 10-20ft and a minimum 30ft of separation from adjacent driveways, or
 - b. a shared access agreement with a minimum 30ft of separation from adjacent driveways
3. The applicant shall provide Community Development with evidence of an RVSS-approved Stormwater Management Plan.
4. The applicant shall:
 - a. provide a revised plat illustrating side yard setbacks for the residence on parcel 3, and
 - b. remove the existing garage, or relocate from required setbacks.
5. The property owner of parcel 3 shall install required landscaping and provide photo evidence to Community Development. Note: Existing (noninvasive) vegetation may be used in meeting landscape requirements.
6. The property owner of parcel 3 shall pave the required driveway and parking area in accordance with TMC 17.10.060(N).

PRIOR TO ISSUANCE OF BUILDING PERMITS

7. The property owner(s) of parcel 1 and parcel 3 shall obtain an access (encroachment) permit; the property owner of parcel 2 shall obtain an access (encroachment) permit if current access is proposed to be modified.
8. The property owner shall provide Community Development with evidence that that sewer tap permit(s) have been obtained and related development fees are paid in full.

9. The applicant shall install stormwater infrastructure in accordance with RVSS-approved Stormwater Management Plan.
10. The property owner shall provide site plans with driveway and parking area dimensions to accommodate a vehicle turn-around to prevent backing onto the public street.

PRIOR TO CERTIFICATE OF OCCUPANCY

11. The property owner of parcel 1 and parcel 2 shall pave the required driveway and parking area in accordance with TMC 17.10.060(N).

Approved by:



Jeff Wilcox
Assistant Planner

October 8, 2019
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 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.