



STAFF REPORT and TENTATIVE DECISION
Type-2 Land Use Application — Administrative Review

Date: October 31, 2018 Item: MLP 2018-005
Prepared by: Jeff Wilcox Minor Land Partition

Applicant Polaris Land Surveying LLC
 PO Box 459
 Ashland, OR 97520

Owner Shel Harris
 467 Arnos St.
 Talent, OR 97540

Application Received July 16, 2018

Application Complete August 10, 2018

Notice Mailed and Posted August 29, 2018

Requested Action Partition a single lot into two.

Assessor's Map Number 38-1W-25B, Tax Lot 2901

Lot Size 0.41 Acres

Zoning High-Density Residential (RM-22)

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

PROPOSAL

The request is for the approval of a preliminary plat to divide a 0.41-acre parcel into two (2) parcels. Parcel 1 (9,204ft²) and Parcel 2 (8,813ft²). Both parcels contain pre-existing structures.

PROPERTY CHARACTERISTICS

This application is for a lot partition located at 467 Arnos St. The property is currently occupied by one 1-story wood-framed house on concrete foundation and one detached garage/shop building on concrete foundation. The house on Parcel 1 was built in 1978 and is 1,212 ft²; the shop on Parcel 2 was built in 1988 and is 550 ft². The subject property is relatively flat with a slight drop in elevation to the north. Arnos St. has been improved with curbs, gutters and sidewalks.



Transportation Service

Primary access is available to the property from Arnos St., a City street. The proposed partition would create a new flag lot. Therefore, no new streets, public improvements or dedications are required as part of this request.

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.

APPROVAL CRITERIA

- Talent Subdivision Code, 8-2.2 – 8-2.6;
- Talent Zoning Code, 8-3C.4 – Residential: Multiple-Family High-Density

PUBLIC COMMENTS

One public comment form was received with the following option selected:

- No comment

AGENCY COMMENTS

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 (8-2.310, 8-2.330), and the underlying zoning district (8-3C.4, Residential: Multiple-Family High-Density). Text from the code appears in italics.

8-2.240 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 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: Subject property is located along a portion of Arnos St. classified as “Collector” according to the 2015 Transportation System Plan. This portion of Arnos St. has been improved with curb, gutter, sidewalk, and street trees. **The provisions of this section have been met.**

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.*

FINDING: As a condition of approval, prior to final plat, the property owner shall surface the proposed 24ft wide shared access drive leading to proposed Parcel 2 with concrete or asphalt and obtain a revised access permit to accommodate for wider curb cut. **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 Section 8-3L.9 Traffic Impact Study.

FINDING: The request is for the approval of a preliminary plat to divide a 0.41-acre parcel into two (2) parcels. TIS is not required in accordance with Section 8-3L.9 of TZC. **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: As a condition of approval, prior to final plat, the property owner shall surface the proposed shared access drive with concrete or asphalt to a width of 13ft. Prior to issuance of building permits for multi-family, the property owner shall re-surface the proposed shared access drive with concrete or asphalt to a width of 24ft and obtain a revised access permit to accommodate for wider curb cut. **The provisions of this section have been 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.

Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

FINDING: As a condition of approval, prior to final plat, the property owner shall surface the proposed shared access drive with concrete or asphalt to a width of 13ft. Prior to issuance of building permits for multi-family, the property owner shall re-surface the proposed shared access drive with concrete or asphalt to a width of 24ft and obtain a revised access permit to accommodate for wider curb cut. **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. 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.

- 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: As proposed, there is one street access point serving Parcel 1 and a separate street access point serving Parcel 2 (via the Shared Access Easement).; both access points connect to Arnos St. An access permit is assumed to have been approved by Public Works prior to issuance of building permits for the residence on proposed Parcel 1. **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: As a condition of approval, prior to final plat, the property owner shall surface the proposed shared access drive with concrete or asphalt to a width of 13ft. Prior to issuance of building permits for multi-family, the property owner shall re-surface the proposed shared access drive with concrete or asphalt to a width of 24ft and obtain a revised access permit to accommodate for wider curb cut. **The provisions of this section have been met subject to conditions of approval.**

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: Sanitary sewer and water service improvements have been installed in conjunction with development of Parcel 1. RVSS explained that sewer service to Parcel 1 will not be affected by the proposed partition. Sewer service to Parcel 2 will require a new tap on the same sewer main and private easement across Parcel 1. The permit for this tap will be issued by RVSS upon payment of related fees. Furthermore, plans do not indicate location of water lines. Therefore, as a condition of approval, prior to final plat, the applicant shall provide a revised plat identifying the location of water and sewer lines serving proposed Parcel 1 and 2 and any necessary easements to convey water and sewer service across property lines. Furthermore, prior to issuance of building permits, the property owner shall obtain a sewer tap permit for 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: Parcel 1 is fully developed and RVSS does not require a stormwater management plan for the proposed partition. However, prior to issuance of building permits, the property owner shall obtain a small lot development stormwater permit for Parcel 2. **The provisions of this section are met subject to conditions of approval.**

8-2.290 *Utilities*

- B. *Easements. Recorded easements shall be provided for all underground utility facilities.*

FINDING Plans do not indicate location of gas lines. Therefore, as a condition of approval, prior to final plat, the property owner shall record a utility easement for underground gas line service to be shown on final plat. **The provisions of this section are met subject to conditions of approval.**

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.

- 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.**

8-2.330 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:

- 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: The proposed partition complies with or can comply with provisions of TZC 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: There are no streets, roads, sidewalks, bicycle lanes, pathways or other public improvements required or proposed as part of the partition request. **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.**

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 for a detached Single-Family Residence in RM-22 is 5,000ft². As proposed, Parcel 1 is 9,204ft² and Parcel 2 is 8,813ft². Both parcels and pre-existing structures meet all flag lot and underlying zone (RM-22) setback requirements. **The provisions of this section have been met.**

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

FINDING: As proposed, both pre-existing structures meet all flag lot and underlying zone (RM-22) setback requirements. **The provisions of this section have been met.**

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

FINDING: The proposed partition complies with or can comply with provisions of Section 260—Vehicular Access and Circulation through the application of conditions of approval. **The provisions of this section have been met.**

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: There are no conflicting uses necessitating screening or buffering. Landscaping standards have been addressed as part of the zoning review process for residential structure on Parcel 1 and meets current TZC requirements. As a condition of approval, prior to issuance of certificate of occupancy, the property owner shall install landscaping for Parcel 2 in accordance with TZC 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 Section 260—Vehicular Access and Circulation.*

FINDING: Access permits are not required as both residences have pre-existing connection to the public street. However, the applicant proposes to combine driveways with neighboring parcel (467 Arnos St., 381W25B2901) into one shared 24ft wide driveway. **The provisions of this section have been met subject to conditions of approval.**

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: The applicant proposes to combine driveways with neighboring parcel (461 Arnos St., 381W25B2902) into one shared 24ft wide driveway. Therefore, as a condition of approval, prior to final plat, the property owner shall record a maintenance agreement covering the driveway to assure safe access to the closest public street for all users of the private street/drive. **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: 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-redivision plan is required. **The provisions of this section have been met.**

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

FINDING: All development and design standards outlined in the Talent Zoning Code have been addressed as part of the zoning review process for both structures. Subject parcel is not located near/within a riparian or wetland zone, therefore 8-3H.2 does not apply. **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.**

8-2.630 FLAG LOT PARTITIONS

2. *When a flag lot is allowed. A flag lot is allowed only when the following are met:*
 1. *An existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width standard of its zoning district.*
 2. *Only one flag lot is proposed;*
 3. *There will be only one residence on the flag lot (except in RM-22 zone);*
 4. *Minimum density, minimum lot size and maximum building coverage requirements of the zone will be met; and*
 5. *In the interest of protecting existing neighborhood context, structures taller than 18 feet will not be allowed if more than 50 percent of the lots sharing common lot lines, not including the parent lot, have houses on them that are less than 18 feet tall. Lots without houses on them will not be considered.*

FINDING: Site conditions meet all criteria listed above. **The provisions of this section have been met.**

3. *Flag lot access pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:*
 1. *The pole must connect to a street and must be at least 13 feet wide at the street and for its entire length, or 24 feet if the length from the centerline of the street right-of-way to the flag portion is more than 150 feet or if there will be more than one residence on the flag lot;*
 2. *The pole portion must be part of the flag lot and must be under the same ownership as the flag portion.*
 3. *The access drive must be at least 12 feet wide (or 24 feet; see paragraph 1, above) and paved with concrete or asphalt. The drive must be designed so that stormwater run-off is directed toward an appropriate location and not onto neighboring properties.*
 4. *The flag lot and the existing lot will share the flag lot access pole for common access to the two lots unless the City Planner finds such a set-up physically impractical.*

FINDING: Parcel 1 has a front-loading garage and will retain its existing driveway as sharing access with Parcel 2 is physically impractical. Proposed flag lot (Parcel 2) will retain both the flag and pole under one owner. The pole is to be 11ft wide and combined with an adjacent flag lot pole (461 Arnos St., 381W25B2902) of 13ft width to create a shared access easement of 24ft width. Prior to final plat, the property owner shall surface the proposed shared access drive with concrete or asphalt to a width of 13ft. Prior to issuance of building permits for multi-family, the property owner shall re-surface the proposed shared access drive with concrete or asphalt to a width of 24ft and obtain a revised access permit to accommodate for wider curb cut. **The provisions of this section have been met subject to conditions of approval.**

4. *Minimum lot dimensions. No dimension of a flag lot may be less than 40 feet, excepting the pole portion. For the purposes of this subsection width and depth are measured at the midpoint of the opposite lot lines. All other lot dimension standards must be met.*
5. *Flag lot development standards. The following standards apply to development on flag lots:*
 1. *Setbacks (See Figure 630–E). Flag lots have required building setbacks that are the same along all lot lines, except that the setback on the pole portion side shall be at least 13 or 24 feet, as appropriate, plus an additional 20 feet for garage entrances, or more if there is a possibility the pole may someday become part of a larger public right-of-way. The City reserves the right to require greater setbacks in such cases for garages and/or entire structures. The required setbacks for primary structures, including houses and garages, are:*

<i>Zone</i>	<i>Setback</i>
<i>RS-5</i>	<i>15 feet</i>
<i>RS-7</i>	<i>10 feet</i>
<i>RS-MH</i>	<i>10 feet</i>
<i>RM-22</i>	<i>10 feet</i>

FINDING: As proposed, both structures meet all flag lot and underlying zone (RM-22) setback requirements. **The provisions of this section have been met.**

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 subject residence on Parcel 1 is pre-existing and is currently connected with its own services, Parcel 2 will be prepared for services and development as part of the plat's final signature and recording process. Overall, the application for a two-lot partition complies with City zoning standards.

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

1. The property owner shall surface the proposed shared access drive with concrete or asphalt to a width of 13ft.
2. The applicant shall provide a revised plat identifying the location of water and sewer lines serving proposed Parcel 1 and 2 and any necessary easements to convey water and sewer service across property lines.
3. The property owner shall record a utility easement for underground gas line service to be shown on final plat.
4. The property owner shall record a maintenance agreement covering the driveway to assure safe access to the closest public street for all users of the private street/drive.

PRIOR TO ISSUANCE OF BUILDING PERMITS

5. The property owner shall obtain a sewer tap permit for Parcel 2.
6. The property owner shall obtain a small lot development stormwater permit for Parcel 2.

PRIOR TO ISSUANCE OF PERMITS FOR MULTI-FAMILY

7. The property owner shall re-surface the proposed shared access drive with concrete or asphalt to a width of 24ft and obtain a revised access permit to accommodate for wider curb cut.

PRIOR TO CERTIFICATE OF OCCUPANCY

8. The property owner shall install landscaping for Parcel 2 in accordance with TZC requirements.

Approved by:



Jeff Wilcox
Community Development Assistant

October 31, 2018

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.