

EXHIBIT "L"

**APPLICABLE CRITERIA  
REZ 2016-001/CPA 2016-003**

**OREGON ADMINISTRATIVE RULES**

- OAR 660-012-0060, Plan and Land Use Regulation Amendments

**TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES**

- ELEMENT A – HISTORY OF TALENT
- ELEMENT B – PARKS AND RECREATION
- ELEMENT C – NATURAL HAZARDS
- ELEMENT D – TRANSPORTATION
- ELEMENT E – ECONOMY
- ELEMENT F – PUBLIC FACILITIES
- ELEMENT G – HOUSING NEEDS AND THE UGB
- ELEMENT H – REGIONAL PLAN

**APPLICABLE CRITERIA  
SUB 2016-001/VAR 2016-001**

**TALENT SUBDIVISION CODE**

- Chapter 8-2 Article 2 – Development and Design Standards
- Chapter 8-2 Article 3 – Application Requirements and Approval Criteria

**TALENT ZONING CODE**

- Chapter 8-3 Division C, Article 4 – Multiple-Family – High Density
- Chapter 8-3 Division J, Article 6 – Access, Circulation and Street Improvements  
(addressed in Chapter 8-2, Article 2)
- Chapter 8-3 Division L, Article 4 – Variance



BEFORE THE TALENT CITY COUNCIL

STATE OF OREGON, CITY OF TALENT

IN THE MATTER OF PLANNING FILE NO. REZ 2016-001 AND )
CPA 2016-003 LOCATED ON TALENT AVE [MAP NO. 38-1W- ) ORDER
26AD TAXLOT 500], THE TALENT CITY COUNCIL FINDS THE )
FOLLOWING: )

- 1. The City Council finds that the applicant participated in a pre-application meeting, as required under TMC 8-3M.160 (A), on December 15, 2016 as evidenced in the record and on the land use application.
2. The City Council finds the proposed Comprehensive Plan Map amendment is consistent with the City's Comprehensive Plan and Oregon's Statewide Planning Goals.
3. The City Council finds the proposed Comprehensive Plan Designation is consistent with the residential high density designation on adjacent lands across Talent Avenue.
4. The City Council finds that proposed Comprehensive Plan Map amendment application was duly noticed, including a noticed hearing by the Talent Planning Commission on January 13, 2017 and by the Talent City Council on February 24, 2017.
5. The City Council finds that the Planning Commission recommended denial of the proposed Comprehensive Plan Map amendment during the February 9, 2017 Planning Commission meeting as noted in the draft Planning Commission minutes on February 9, 2017.
6. Section 8-3M.180 (H)(4) provides the Talent City Council to authority to render a decision different from the recommendation of the Planning Commission.
7. The Talent City Council is considering these applications in conjunction with applications SUB 2016-001 AND VAR 2016-001. Applications SUB 2016-001 AND VAR 2016-001 have been consolidated with the applications that are the subject of this order because all four applications concern a single development proposal.
8. The Talent City Council has decided by a majority of the qualified voting members to approve the proposed Comprehensive Plan Map amendment as proposed and to

adopt Staff's recommended Findings below.

9. The Planning Commission held a properly noticed continued public hearing on this matter on January 26, 2017 and a continued public hearing on February 9, 2017;
10. At the public hearing evidence was presented and the public was given an opportunity to comment;

**The Talent City Council approves of the Comprehensive Plan and Zoning Map change from Light Industrial to Residential – High Density (REZ 2016-001/CPA 2016-003) and directs staff to bring back an ordinance implementing this approval. This approval shall not become final unless and until with the approval of the aforementioned files, the Talent City Council also approves the requested the City Council approves the applicant's consolidated Subdivision (SUB 2016-001) and Variance (VAR 2016-001) applications for a 35 lot subdivision, allowing side yard setbacks of 6' for two-story homes, 10' front/porch setbacks and 20' garage setbacks. This City Council approval of the Comprehensive Plan and Zoning Map change from Light Industrial to Residential – High Density (REZ 2016-001/CPA 2016-003) is based on the information presented in the Staff Reports and Findings of Fact below:**

*In the following, any text quoted directly from City codes appears in italics; staff findings appear in regular typeface.*

## **OREGON ADMINISTRATIVE RULES**

### ***OAR 660-012-0060, Plan and Land Use Regulation Amendments***

1. *If an amendment to a functional plan, an acknowledged comprehensive plan or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
  - a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).*
  - b) *Change standards implementing a functional classification system, or*
  - c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of the evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not*

*limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

**FINDING:** The subject tract is adjacent to Talent Avenue which is classified as a collector. The proposed change will not degrade the performance of the existing transportation facility and does not appear to impact the level of service below that required by the Transportation System Plan.

The proposed zoning map amendment would change the existing Comprehensive Plan and Zoning Map from Light Industrial zone to High Density Residential, decreasing the volumes and level of service for the highest and best uses in the Industrial Designation. Considering that the impacts would be unchanged or lessened, the proposed amendment would not significantly affect the transportation facility, the mitigating measures provided in section (2) of this rule are not applicable. **The provisions of this section have been met.**

## **TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES**

### **ELEMENT A – HISTORY OF TALENT**

*POLICY 1: A Sense of Place. It is the policy of the City of Talent to preserve the historic resources of the city as a way to maintain its unique character and to provide for the social and economic needs of the people who live here.*

**FINDING:** The City has an established Historic District and the subject property is not within an area with the mapped Historic District. There are no features of the site with any historical significance. Staff believes that the proposed subdivision meets the intent of Policy 1 and creates a “sense of place.” The subdivision as proposed is consistent with other recent housing projects such as Old Bridge Village and Clearview and provides for smaller scale housing and an opportunity for low to moderate income household ownership. **The provisions of this Section have been met.**

### **ELEMENT B – PARKS AND RECREATION**

***POLICY 3: Recreation: It is the policy of the City of Talent to provide recreational opportunities that balances the needs of all ages and users.***

**FINDING:** The Comprehensive Plan has recognized the value of parks and open space in urban settings. The subject property is abutting an existing City Park (Chuck Roberts), the Bark Park, and the proposed site plan was designed to complement the adjacent park with an open space area and additional pedestrian facilities.

The proposed pedestrian facilities included in the preliminary subdivision plan allow the residents to enjoy Chuck Roberts Park, which is within comfortable walking distance from the site and provides quick and safe access to the local transit facilities. **The provisions of this section have been met.**

### **ELEMENT C – NATURAL HAZARDS**

***GOAL 1: The City of Talent will manage land use in a way that prevents loss of life and reduces risks to property in the event of a natural hazard.***

**FINDING:** The site is not within a map flood plain or flood hazard area or in an area typically known for coastal inundation tsunamis or coastal erosion. The site is not in an area of steep slopes and landslides are not a hazard.

Future development will be subject the prevailing building code at the time of submittal. The State Building Codes include reasonable measures to meet hazards associated with earthquakes and other potential natural hazards in the area. **The provisions of this section have been met.**

### **ELEMENT D – TRANSPORTATION**

***Goal: Provide a safe and efficient transportation system that reduces energy requirements, regional air contaminants, and public costs and provides for the needs of those not able or wishing to drive automobiles.***

**FINDING:** The City has an adopted Transportation System Plan (TSP) in compliance with State requirements. The TSP is a component of the Comprehensive Plan and addresses all modes of transportation provides design standards for all new streets. The Talent Zoning Ordinance implements the goals and policies of the TSP.

The Oregon Transportation Planning Rule (addressed above) assures all land use decisions will consider review of multi-modal forms of transportation in the decision process.

The site plan and tentative plat propose public streets to provide access for the dwelling units and complete a connection to the existing transportation system. The public streets include sidewalks to promote pedestrian connectivity and vehicular access to Talent Avenue and with a narrow street exception meet the cross section requirements in the TSP.

The proposed streets are lower order streets and do not have provisions for bicycle lanes within the right of way. The low traffic volumes and narrow rights of way anticipate safe bicycle travel in the vehicular travel lanes. Talent Avenue is a collector street and provides bicycle travel lanes. **The provisions of this section have been met.**

### **ELEMENT E – ECONOMY**

*The “Economic Element” of the Comprehensive Plan is intended to guide city policy and land use decisions related to commercial and industrial development within the city limits and urban growth boundary of Talent.*

*This element addresses State Economic Development Goal 9, "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."*

**POLICY 1: Land Availability:** *The City will plan for a 20-year supply of suitable commercial and industrial land on sites with a variety of characteristics (e.g., site sizes, locations, visibility, and other characteristics).*

**FINDING:** The Comprehensive Plan includes an Economic Opportunities Analysis (EOA) that was updated in October 2016. The EOA demonstrates the City of Talent has a demand of 20 acres of Industrial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of industrial land currently within the UGB. The City currently has a 26.19 acres supply of Industrially zoned land, a surplus of approximately 6.19 acres.

The City is in the process of reviewing the updated Housing Needs Analysis (HNA) to update the Housing Element of the Comprehensive Plan. While the HNA has not been adopted by the City Council at the time this application was submitted, the information represents the most current data specific to the City’s housing needs.

The proposed HNA indicates the City currently has a capacity of 630 dwelling units for the 20-year planning horizon. The projected growth in the planning horizon indicates a demand of 1,272 dwelling units. The proposed HNA concludes the City has a deficit of 642 dwelling units with a need for all housing types at all densities.

The subject property is currently zoned Light Industrial (IL) and has frontage on Talent Avenue, which is classified as a collector street in the TSP. The site is across from existing High Density (RM-22) zoning and adjacent to a city park and local public transit.

While the subject property is within the primary industrial area of the City, the current intensity of industrial development is relatively low. Using the ITE Trip Generation methodology, the applicant has demonstrated that the subject property has a highest and best use impact of 154 PM Peak Hour Trips (PM-PHT), and 1,540 Average Daily Trips (ADT).

The Site Plan and Tentative Plat submitted with this application identifies 35 single family dwelling units and up to 12 multifamily dwelling in a future phase. The 35 single family dwellings have a total PM-PHT rate of 35.7. The future Multifamily development with up to 12 dwelling units at 0.62 PM-PHT trips has a potential addition of 7.44 PM-PHT for a total of 43.14 PM-PHT.

As stated in the applicant's findings, the effect of the approval of the proposed Comprehensive Plan Amendment and development of the associated subdivision is a reduction of 110.86 PM-PHT from the current IL zoning at the highest and best use.

As noted above, the City has identified a surplus of industrial land and is projecting a deficit of residential land for the 20-year planning horizon requiring an immediate need for additional residential land. Converting this industrial land to high density land addresses the short term residential demands without negative impacts to the industrial land needs of the City as a whole. **The provisions of this section have been met.**

*Objective 2.3: The City will develop policies to identify industrial areas that are more appropriate for other uses (e.g., residential uses) based on their site characteristics (e.g., location, size, configuration, or transportation access).*

**FINDING:** The proposal is for a Comprehensive Plan Map and Zoning Map Amendment to rezone the subject property from industrial land to high density residential land. The approval of this application addresses the identified surplus of industrial land and the deficit of residential land. Although this application doesn't represent a current policy, staff believes that this proposed subdivision represents a good example of a proper mix of housing types and a good mix of aesthetics and lot size.

All necessary public facilities are available with sufficient capacity to serve the proposed development. The subject property is directly across from an existing residential development, adjacent to city park facilities and comfortable walking distance to the downtown core of the city.

*Implementation Strategy 2.3b: If industrial sites are re-zoned to residential uses, identify new industrial sites suitable to replenish the supply of industrial land to meet Talent's identified industrial land need in the Economic Opportunities Analysis.*

*Implementation Steps: (1) This strategy will be implemented if industrial land is rezoned, such as through Implementation Strategy 2.3a. (2) Conduct analysis to identify suitable industrial sites to meet Talent's industrial land need identified in the Economic Opportunities Analysis, which may be found inside or outside of the city's Urban Growth Boundary.*

The City's recently adopted Economic Opportunities Analysis identifies a surplus of approximately 6.19-acres of industrial land for the needs of the 20-year planning horizon.



The proposed Comprehensive Plan and Zoning Map change would convert 4.37 acres of industrial lands to residential lands, leaving a 1.82-acre surplus of industrial land within the current UGB. Considering a surplus of industrial would exist after the amendment, the need for identifying suitable land to replenish the supply of industrial line is not necessary at this time. **The provisions of this section have been met.**

## **ELEMENT F – PUBLIC FACILITIES**

*The purpose of this element is to plan for the provision of economical and efficient public facilities and services to meet the needs of current residents, and to serve new development in a manner that minimizes adverse financial, environmental, and social impacts on the citizens of Talent. This element establishes a long-range plan for compliance with statewide planning Goal 11, Public Facilities and Services.*

**FINDING:** The subject property is currently vacant, however, abutting and adjacent properties are currently developed and served by all necessary public facilities. The development of the subject property is infill development and demonstrates an efficient use of existing infrastructure.

### **Streets**

The property has frontage on Talent Avenue. The adopted TSP classifies Talent Avenue as a collector street. The west half of Talent Avenue adjacent to the proposed development is currently improved to City standards with curb, gutters and sidewalks.

The TSP provides street design standards applicable to all local streets in the City. Section 6 of the TSP provides a standard cross section for local streets with parking, parkrows and sidewalks on both sides of the street. The minimum right-of way for a local street is 60' with a paved surface of 36'. The proposed right-of-way for William Way is 50' with a paved surface of 28'.

Section 6 of the TSP provides an exception that may be considered by the Planning Commission under certain circumstances. The Narrow Street Exception is allowed when the following has been met:

- Average Daily Traffic is not reasonably expected to exceed 800 trips

As noted by the applicant, the average daily trips based in the Institute of Traffic Engineers (ITE) represents a reduction from 1,540 Average Daily Trips (ADT) for industrial to approximately 450 ADT.

- Distance between cross streets is no more than 600 feet

William Way from Talent Ave. to Stage Way is approximately 550 feet. Stage Way extends approximately 600 feet from Talent Ave. to its terminus near Fabricated Glass. It should be noted however that Stage Way was approved and designed as part of the decision for the Shakespeare building.

- The street is a cul-de-sac not designed to provide for future through connection

The request for the narrow street exception is only for William Way, as Stage Way was approved as part of another land use action. William Way is not a cul-de-sac, but it is a street that does not provide a future through connection similar to a cul-de-sac. Considering that no future connection is possible due to its location, staff believes that the intent to allow narrow streets extends to other similar streets that do not or cannot provide a future through connection and will be maintained as a local street indefinitely.

- Expected parking demand can be met off-street

As proposed, all lots with access from a public street have off-street parking. Those lots with alley access provide at least one parking stall on the property, but are provided with additional parking stalls of the 20' alley right-of-way. On-street parking as proposed will be limited to the north side of William Way, providing an additional nine (9) feet of paved driving surface. The paved surface of the street is approximately 28', providing 19' of driving surface. As a comparison, the newly repaved N. Front Street, a higher order collector street has a paved surface of approximately 19.5 feet. Based on the evidence provided by the applicant, the expected parking demand can be met off-street.

- The street is provided as an infill connecting street within an existing grid system or will be a short segment (no more than two blocks) fulfilling a similar secondary role in a proposed subdivision.

William Way is not part of an existing grid system, but is a short segment (no more than two blocks) fulfilling a similar secondary role in a proposed subdivision. Stage Way, an existing half-street serves as the primary street in the subdivision since it has already been designed and partially constructed. The design of William Way is dependent to the location of Stage Way and therefore serves a secondary role.

- The street has alley access on at least one side (however, the City may still require standard right-of-way widths because of the resultant availability of uninterrupted curb for continuous on street parking.

Alley access is provided for Lots 9-13 and 30-32. Dwellings built on these lots will be served directly from the alley and are provided with an additional 10 parking spaces to accommodate the need for more parking if necessary. The subdivision proposes 27 on-street parking spaces on the north side of William Way, providing the necessary uninterrupted curb for continuous on street parking.

The information presented by the applicant meets all of the conditions of the narrow street exception and therefore can be considered as an acceptable transportation method by the Planning Commission. **The provisions of this section have been met subject to conditions addressed in the findings below.**

**Domestic Water**

The City’s Public Works Department is responsible for the domestic water system currently available in Talent Avenue from a water main in the public right of way. The public ROW on the north-west side of the property was developed with a public water line. Future development on the site will be required to comply with the standards in effect at the time of development the extension of urban services.

The proposed development represents an efficient use of the existing infrastructure. **The provisions of this section have been met subject to conditions addressed in the findings below.**

**Sanitary Sewer**

Rogue Valley Sewer Service (RVS) can provide sanitary sewer facilities to the proposed subdivision through an 8” sanitary sewer line in the public right of way. RVS provided comment stating there is adequate capacity within the system for the purposes of the Comprehensive Plan Amendment and Zone Change and to serve 35 new single family homes and 12 apartments. All Future development on the site will be required to comply with the standards in effect at the time of development.

The proposed development represents an efficient use of the existing infrastructure. **The provisions of this section have been met subject to conditions addressed in the findings below.**

**Storm Water**

RVS provided comments on the storm water issues of the Site. The City has responsibility for the storm water conveyance in the area and RVS has responsibility for onsite collection, treatment, and discharge to the public system.

Currently storm water facilities are available in the Talent Avenue right of way and the systems have adequate capacity for the purposes of the Comprehensive Plan Amendment and Zone Change. Future development on the site will be required to comply with the standards in effect at the time of development.

The proposed development represents an efficient use of the existing infrastructure. **The provisions of this section have been met subject to conditions addressed in the findings below.**

**ELEMENT G – HOUSING NEEDS AND THE UGB**

***POLICY 1: PROVIDE FOR ALL OF TALENT’S HOUSING NEEDS FOR THE TWENTY YEAR PLANNING PERIOD WITHIN THE EXISTING URBAN GROWTH BOUNDARY.***

**FINDING:** As proposed, this application would convert 4.3 acres of industrial land to high density residential land providing a mixture of housing types, small lot single family detached, small lot single family attached and multifamily.

The proposed Housing Needs Analysis demonstrates Talent currently has a capacity of 630 residential dwelling units. Based on the projected population growth in the next 20 years, the Talent will have a need of 1,272 dwelling units. The City has a deficit of 642 dwelling units in the next 20 years.

The shortage of available land residential development negatively effects the affordability of housing of all housing types and all residential densities. Solutions for the housing deficit require intensification of existing residential land and the conversion of land currently designated with commercial or industrial uses to residential. **The provisions of this section have been met.**

***Objective 4.1:** Provide a variety of housing types in Talent, especially in the downtown area, at densities that support maintaining a compact town form.*

The housing types proposed provide an efficient use of land on an infill property with adequate infrastructure. The proposed development includes a variety of housing types suitable for the RM-22 zoning district.

The proposed housing types include small lot single family detached, small lot single family attached and future attached multifamily dwellings. The proposed density of the development is approximately 10 units per acre when including the multi-family component. As proposed, the density is greater than the target 6.6 units per acre required by the Regional Plan, aiding in the increased overall density of the City. The additional density in this location is appropriate considering the adjacent high density developments and its proximity to public services such as transit and parks.

The proposed subdivision would provide some relief to the short term supply of needed housing for the next 12 months. The conversion of industrial land to high density residential land is an intensification of suitable property within the current UGB. The approval of this application expedites a solution of both the short-term housing needs and the conversion of the surplus of industrial lands within the City. **The provisions of this section have been met.**

## **ELEMENT H – REGIONAL PLAN**

*The Greater Bear Creek Valley Regional Plan (Regional Plan) is the product of a comprehensive regional land-use planning effort undertaken by the cities of Ashland, Central Point, Eagle Point, Medford, Phoenix, Talent, and Jackson County to address longterm urbanization needs of the region, including the establishment of goals and policies.*

*The most significant product of the Regional Plan is the establishment of requirements which affect the form and function of future urban-level development and the creation of an Urban Reserve (UR) for each of the cities, the purpose of which is to*

*set aside a 50-year supply of land for future urban-level development. The method of establishing an urban reserve is defined in state law (see ORS 195.137–145).*

*The purpose of this comprehensive plan element is to acknowledge by reference the entire Greater Bear Greek Valley Regional Plan (Regional Plan) 1, and to incorporate those sections of the Regional Plan that are applicable to the City of Talent, and in so doing commence implementation of the Regional Plan.*

**FINDING:** The City has identified multiple future growth areas for the expansion of the UGB through the adoption of the RPS Plan. However, the expansion of the UGB is a long-term process and the City has an immediate need for additional land suitable for residential use. With an identified surplus of industrial land and a deficit of available residential land in both the short term and long term, converting the subject property from industrial land to residential land has a significant beneficial impact to the City.

As proposed, the density is greater than the target 6.6 units per acre required by the Regional Plan, aiding in the increased overall density of the City. The additional density in this location is appropriate considering the adjacent high density developments and its proximity to public services such as transit and parks and can meet the short-term demand for housing until a time the Regional Plan can be amended to accommodate additional residential land. **The provisions of this section have been met.**

**This approval shall become final the day the City Council’s decision approving applicant’s consolidated Subdivision (SUB 2016-001) and Variance (VAR 2016-001) applications becomes final and this decision and supporting findings of fact are signed by the Mayor, below. An appeal of the City Council’s decision must be submitted to the Land Use Board of Appeals within 21 days of the date the City Council’s decision becomes ing final.**

**Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.**

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Darby Stricker  
Mayor

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Date

ATTEST

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Zac Moody  
Community Development Director

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Date

PROPOSED



**BEFORE THE TALENT CITY COUNCIL**

**STATE OF OREGON, CITY OF TALENT**

IN THE MATTER OF PLANNING FILE NO. SUB 2016-001 AND )  
VAR 2016-001 LOCATED ON TALENT AVE [MAP NO. 38-1W- ) ORDER  
26AD TAXLOT 500], THE TALENT CITY COUNCIL FINDS THE )  
FOLLOWING: )

1. The City Council finds that the applicant participated in a pre-application meeting, as required under TMC 8-3M.160 (A), on December 15, 2016 as evidenced in the record and on the land use application;
  2. At the public hearing evidence was presented and the public was given an opportunity to comment;
  3. The City Council finds the proposed Subdivision and Variance applications are consistent with the City’s Comprehensive Plan and the Talent Zoning and Subdivision Codes;
  4. The City Council finds that with a density of 10 units per/acre, the preliminary subdivision plat meets the density requirement of the Multi-Family – High Density (RM-22) zoning district;
  5. The City Council finds that the requested variance to the standard setbacks is necessary because exceptional and extraordinary circumstances apply to the property and to the City as a whole;
  6. The City Council finds that proposed Subdivision and Variance applications were duly noticed, including a noticed hearing by the Talent Planning Commission on January 13, 2017 and a notice hearing by the Talent City Council on February 24, 2017;
  7. The City Council finds that the Planning Commission recommended denial of the proposed Subdivision and Variance applications during the February 9, 2017 Planning Commission meeting as noted in the draft Planning Commission minutes on February 9, 2017;
  8. The City Council finds that Section 8-3M.180 (H)(4) provides the Talent City Council to authority to render a decision different from the recommendation of the
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Planning Commission.

9. The City Council has approved applications REZ 2016-001 AND CPA 2016-003, and has ordered staff to prepare ordinances rezoning the subject property from Light Industrial (IL) to Residential High Density (RH) and to amend the comprehensive plan map to reflect those changes.
10. The City Council has decided by a majority of the qualified voting members to approve the proposed Comprehensive Plan Map amendment as proposed and to adopt Staff's recommended Findings below.

**Subject to final adoption of the ordinance implementing the Council's decision on applications REZ 2016-001 AND CPA 2016-003** ~~†~~**The Talent City Councils hereby approves the requested Subdivision (SUB 2016-001) and Variance (VAR 2016-001) applications for a 35 lot subdivision, allowing side yard setbacks of 6' for two-story homes, 10' front/porch setbacks and 20' garage setbacks with the following conditions of approval:**

**GENERAL CONDITIONS:**

1. The applicant shall complete all required public improvements in both subdivision phases within three (3) years of the approval of the final plat or an application for preliminary approval shall be resubmitted.
2. The applicant shall prior to final plat, provide the City a proposed time schedule for the development of each phase.

**PRIOR TO FINAL PLAT:**

3. Applicant shall prior to final plat provide the City a copy of the draft Conditions, Covenants and Restrictions (CC&Rs) including:
  - a. Additional details on the continued maintenance of the private open space by the Home Owner's Association.
  - b. Language that disallows required buffers to be removed unless to replace dead, dying or diseased vegetation.
4. Applicant shall provide Community Development with Public Improvement Plans approved by the City Engineer including the following additional information:
  - a. Pathway lighting type and location. All pathway lighting shall be downward directed or shielded to avoid light pollution.



- b. Pathway surface type and the path's conformance to ADA requirements. Pathway surface shall be concrete, asphalt or any other surface as approved by the City Engineer.
  - c. Location, type of no parking sign to be installed and the method of installation of each required sign type. All required street signage shall be installed prior to the City's acceptance of the dedicated public street.
  - d. Street grades and the location, type of street signs to be installed and the method of installation of each required sign type. All required street signage shall be installed prior to the City's acceptance of the dedicated public street.
  - e. Specify the required dedication of right-of-way for Stage Way and William Way.
  - f. Detailed water improvement plans in conformance with the City standards.
  - g. Detailed sewer plans approved by Rogue Valley Sewer Services and the City Engineer.
  - h. Detailed stormwater detention and treatment plans approved by Rogue Valley Sewer Services and the City Engineer.
5. Applicant provide Community Development with a landscape plan including the following:
- a. The size and type of each tree and the method of soil preparation and irrigation.
  - b. The design of the proposed living wall, including type, size and spacing of trees as well as the vegetation type proposed between the required trees.
6. Applicant shall provide Community Development with a revised preliminary plat including the following information:
- a. The open space providing access to lots 16-18 shall be identified as a 20' share access easement.
  - b. Rename William Way to Everett Way and the name of the subdivision.
  - c. Identify a reserve strip of land south of Lots 3 and 6, alternatively the applicant may dedicate the entire right-of-way with the recording of the Phase 1 final plat and not identify a reserve strip.
  - d. Amend the lot widths of some, or all of Lots 2-8, 11-13, 22-25 and 28-29 to the 40' minimum lot width requirement or alternatively the applicant shall be allowed to only build single-family attached dwellings on Lots 2-8, 11-13, 22-25 and 28-29.

## PRIOR TO ISSUANCE OF BUILDING PERMITS

7. The applicant shall submit building plans that meet the following setbacks for all single-family lots:

- 5' side-yard setback for single store units
- 6' side-yard setback for all two-story units
- 10' front-yard setback for houses and porches (no additional setback exceptions allowed)
- 20' front-yard setback for all garages
- 10' rear-yard setback for all units
- 5' alley-garage setback

## PRIOR TO CERTIFICATE OF OCCUPANCY:

8. Applicant shall landscape the pedestrian pathway adjacent to the dwellings on lots 29 and 30 in accordance with the approved landscape plan.
9. The applicant shall plant the required trees in accordance with the approved landscape plan and meet the landscape requirements of Section 8-3J.4 of the Talent Zoning Code.

**IT IS HEREBY ORDERED THAT the Talent City Council approves the requested Subdivision (SUB 2016-001) and Variance (VAR 2016-001) applications for a 35 lot subdivision, allowing side yard setbacks of 6' for two-story homes, 10' front/porch setbacks and 20' garage setbacks on all of the newly created lots based on the information presented in the Staff Reports and Findings of Fact below. This approval shall take effect upon the effective date of the ordinances implementing approval of applications REZ 2016-001 AND CPA 2016-003.**

*In the following, any text quoted directly from City codes appears in italics; staff findings appear in regular typeface.*

## TALENT SUBDIVISION CODE REQUIREMENTS

### 8-2. Article 2.

### **DEVELOPMENT AND DESIGN STANDARDS**

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#### **8-2.210 OPEN SPACE**

- A. *Purpose. To preserve the character of the City and to conserve natural resources by encouraging development that incorporates open space and the natural features of the land into neighborhood design, and by allowing density distribution within the development project so that there is no penalty for creative design.*

B. *Open Space Standard. Designated Locally Significant Wetland and Riparian areas and a fifty-foot “safe harbor” setback from these areas shall be maintained as permanent open space, pursuant to 8-3H.2. Additional open space may also be required by the City or dedicated by the developer of a subdivision, in conformance with the Comprehensive Plan and the provisions of 8-2.220(D). The open space shall be shown on the preliminary plat, and recorded with the final plat or separate instrument in accordance with one of the following methods: [amended 15 October 2008; Ord. No. 847]*

1. *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.)*

**FINDING:** As proposed on the preliminary partition plat, the applicant has incorporated approximately 5,045 square feet of open space into the subdivision plan to provide separation between the Bark Park and the nearest residences. The proposed open space will be owned and managed by the Homeowner’s Association. As a condition of approval, the applicant shall prior to final plat provide the City a copy of the draft Conditions, Covenants and Restrictions (CC&Rs) that include details on the continued maintenance of the private open space by the Home Owner’s Association. **The provisions of this section have been met subject to conditions.**

D. *Open Space for Public Park Use. If determined by the Planning Commission to be in the public interest in accordance with the adopted Comprehensive Plan, the City may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.*

**FINDING:** As proposed on the preliminary partition plat, the applicant has incorporated approximately 5,045 square feet of open space into the subdivision plan to provide separation between the Bark Park and the nearest residences. The proposed subdivision is directly adjacent to the Bark Park and near Chuck Robert’s Park, therefore the need for a dedicated open space for public park use is not necessary. **The provisions of this section are not applicable.**

F. *System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.*

**FINDING:** As proposed on the preliminary partition plat, the applicant has incorporated approximately 5,045 square feet of private open space into the subdivision plan to provide separation between the Bark Park and the nearest residences. Considering the proximity to Chuck Robert's Park and the Bark Park, an additional public open space dedication is not required. **The provisions of this section are not applicable.**

#### **8-2.220 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.*

**FINDING:** A request for subdivision approval shall meet all of the public facilities standards set forth above. The applicant has stated that all public facilities proposed in the preliminary Plat meet or can meet with conditions, the City of Talent Standard Details amended June 18, 2014. A pre-application conference with the City Engineer and Public Works Director confirmed that the existing public facilities are sufficiently sized for the proposed subdivision and that proposed development can feasibly meet the required design standards. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer. **The provisions of this section have been met subject to conditions.**

#### **8-2.230 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, based on the following definitions:*
  - 1. *Reasonably direct. A route that does not deviate unnecessarily from a*

*straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.*

**FINDING:** As proposed, the pedestrian pathway between lots 29 and 30 provide a reasonable, direct route between the north side of the development near Stage Way and the south side of the development on William Way. **The provisions of this section have been met.**

2. *Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*

**FINDING:** As proposed, the subdivision is designed with sidewalks on both sides of the William Way and on the south side of Stage Way. The paved surface of the proposed street is 28' with parking on the north side of William Way. William Way as proposed is a local street that has an adequately sized paved street surface to accommodate bicycle traffic. **The provisions of this section have been met.**

4. *For residential buildings, the primary entrance is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the primary entrance may be a lobby, courtyard, or breezeway, which serves as a common entrance for more than one dwelling.*

**FINDING:** With the exception of lots 11 and 12 which only have access to the proposed alley, all primary home entrances either face Stage Way or William Way. **The provisions of this section have been met.**

*B. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 250(J)(5). Pathways shall also be provided where cul-de-sacs or permanent dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other existing or future developments. Pathways used to comply with these standards shall conform to all of the following criteria:*

1. *All pathways shall be located within not less than 10 feet and not more than a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;*

**FINDING:** The proposed subdivision provides a pedestrian pathway between lots 29 and 30 through the creation of a 10' wide pedestrian access easement. To ensure the safety of the public using the pedestrian pathway, the path shall meet the standards of Section 8-2.230 (C) below. As a condition of approval, the applicant shall, prior to final plat provide the City a copy of the draft Conditions, Covenants and Restrictions (CC&Rs) that include additional details on the continued maintenance of the pedestrian pathway by the Home

Owner's Association. **The provisions of this section have been met subject to conditions.**

2. *Pathways within subdivisions shall be lighted;*

**FINDING:** As detailed in the applicant's findings, the pedestrian pathway between lots 29 and 30 shall be lighted in accordance with City standards. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that detail the pathway lighting type and location. All pathway lighting shall be downward directed or shielded to avoid light pollution. The applicant is encouraged to use LED or other energy efficient light for the proposed pathway. **The provisions of this section have been met subject to conditions.**

3. *Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;*

**FINDING:** The proposed pedestrian pathway does not have any stairs or switchbacks and is proposed with grade of less than 5%. **The provisions of this section are not applicable.**

4. *The City may require landscaping and/or fencing within the pathway easement/right-of-way for screening and the privacy of adjoining properties;*

**FINDING:** As detailed in the applicant's findings, the pedestrian pathway between lots 29 and 30 shall be landscaped upon the completion of the homes adjacent to the pathway. As a condition of approval, the applicant shall, prior to Certificate of Occupancy, landscape the pedestrian pathway adjacent to the dwellings on lots 29 and 30 in accordance with the approved landscape plan. **The provisions of this section have been met subject to conditions.**

- C. *Design and Construction. Pathways shall conform to all of the standards in 1-5 below:*

1. *Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps that comply with the federal Americans with Disabilities Act (ADA).*

**FINDING:** The pedestrian pathway between lots 29 and 30 not parallel or directly adjacent to a driveway. **The provisions of this section are not applicable.**

2. *Housing/Pathway Separation. Pedestrian pathways for public use shall be separated a minimum of 5 feet from all residential living areas on*

*the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of 8-3J.4. No pathway/building separation is required for commercial, industrial, public, or institutional uses, except required for mixed uses when residential use is on the ground floor.*

**FINDING:** The required side-yard setbacks, if a variance is approved would be 5 feet, therefore, all segments of the path will meet the minimum separation standard of 5 feet. As a condition of approval, the applicant shall, prior to Certificate of Occupancy, landscape the pedestrian pathway adjacent to the dwellings on lots 29 and 30 in accordance with the approved landscape plan. **The provisions of this section have been met subject to conditions.**

3. *Crosswalks. Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application. Striping, because of on-going maintenance costs, is not the City’s preferred alternative.*

**FINDING:** The pedestrian pathway terminates at the intersection of William Way and does not cross a parking area, driveway or street. **The provisions of this section are not applicable.**

4. *Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other surface as approved by the City, at least 6 feet wide or as approved by the City, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 12 feet wide. (See also, Section 250—Transportation Standards for public, multi-use pathway standard.) Pathway right-of-way shall be no less than 15 feet to provide emergency vehicle access. Right-of-way of less than 15 feet may be used where a path could not otherwise be provided, but in no case may a right-of-way less than 12 feet be approved for a public path.*

**FINDING:** The proposed pedestrian pathway is not intended as a multi-use path, but rather as a pedestrian path. Both William Way and Stage Way have been designed in such a manner to provide a safe, convenient route for bicycles, eliminating the need for bicycle traffic on the pathway. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that detail the pathway surface type and the path’s conformance to ADA requirements. Pathway surface shall be concrete, asphalt or any other surface as approved by the City Engineer. **The provisions of this section have been met subject to conditions.**

5. *Accessible routes. Pathways shall comply with the ADA, which requires accessible routes of travel.*

**FINDING:** The pedestrian pathway shall be constructed to comply with all ADA requirements and shall be included on the public improvement plans. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that detail the pathway surface type and the path's conformance to ADA requirements. Pathway surface shall be concrete, asphalt or any other surface as approved by the City Engineer. **The provisions of this section have been met subject to conditions.**

#### **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:** As proposed, the subdivision provides a parkrow on both sides of William Way to accommodate street trees. There are no parkrows proposed on Stage Way due to the insufficient right-of-way. The proposed site plan identifies trees fronting the street along Stage Way. Lots 4, 7, 8-10 and 13 shall plant trees in the locations identified on the proposed site plan. All required trees, including those on the aforementioned lots shall be from the approved street tree list and shall be 2" caliper in size. In order for the revised landscape plan to be approved, the plan shall be in substantial conformance with Section 8-2.240(C-F). As a condition of approval, the applicant shall, prior to final plat, provide Community Development with a landscape plan identifying the size and type of each tree and the method of soil preparation and irrigation. Prior to Certificate of Occupancy of each dwelling, the applicant shall plant the required trees in accordance with the approved landscape plan and meet the landscape requirements of Section 8-3J.4 of the Talent Zoning Code. **The provisions of this section have been met subject to conditions.**

- C. *Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:*
  - a. *Provide a broad canopy where shade is desired.*
  - b. *Use low-growing trees for spaces under utility wires.*
  - c. *Select trees, which can be "limbed-up" where vision clearance is a*



- concern.*
- d. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.*
  - e. Use species with similar growth characteristics on the same block for design continuity.*
  - f. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.*
  - g. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
  - h. Select trees for their seasonal color, as desired.*
  - i. Use deciduous trees for summer shade and winter sun.*
- D. Caliper Size. The minimum caliper size at planting shall be 1½ inches diameter at breast height (dbh), based on the American Association of Nurserymen Standards.*
- E. Spacing and Location. If a planter strip is provided, street trees shall be planted within the planting strip. If a planter strip is not provided, trees shall be planted behind the sidewalk or in sidewalk tree wells (e.g., downtown area) when determined in the review process to be a reasonable accommodation. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with sight distance requirements, or existing trees, retaining walls, utilities and similar physical barriers.*
- F. Soil Preparations, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first year after planting and individual homeowners or established homeowner’s association will be responsible thereafter.*
- G. Street Tree List. Only trees included on the City of Talent’s approved tree list shall be planted as street trees. The Pacific Power approved tree list where overhead power lines are a factor, or other native tree lists acceptable to the Parks and Recreation Commission and Tree Subcommittee will be acceptable as well.*

**FINDING:** As proposed, the subdivision provides a parkrow on both sides of William Way to accommodate street trees. There are no parkrows proposed on Stage Way due to the insufficient right-of-way. The proposed site plan identifies trees fronting the street along Stage Way. Lots 4, 7, 8-10 and 13 shall plant trees in the locations identified on the

proposed site plan. All required trees, including those on the aforementioned lots shall be from the approved street tree list and shall be 2” caliper in size. In order for the revised landscape plan to be approved, the plan shall be in substantial conformance with Section 8-2.240(C-F). As a condition of approval, the applicant shall, prior to final plat, provide Community Development with a landscape plan identifying the size and type of each tree and the method of soil preparation and irrigation. Prior to Certificate of Occupancy of each dwelling, the applicant shall plant the required trees in accordance with the approved landscape plan and meet the landscape requirements of Section 8-3J.4 of the Talent Zoning Code. **The provisions of this section have been met subject to conditions.**

#### **8-2.250 TRANSPORTATION FACILITY STANDARDS**

A. *Purpose. The purpose of this chapter is to ensure that developments provide a safe and efficient public street system for pedestrians and vehicles, in conformance with the City’s Transportation System Plan and applicable ordinances.*

**FINDING:** The proposed plan utilizes two existing intersections: The ½ street improvement shared with OSF identified as “Stage Way” and the improvement of the existing exit next to the Bark Park identified as “William Way” that aligns with Everett Way across Talent Avenue. **The provisions of this section have been met.**

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 Section 260—Access and Circulation, as well as Article 8-3J.6, and the following standards are met:*

**FINDING:** The proposed subdivision shares approximately 300’ of frontage with Talent Avenue – a public street and each newly created lot as proposed has frontage on an approved street, alley or shared access easement. **The provisions of this section have been met.**

1. *Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan Standards;*

**FINDING:** The proposed subdivision plan uses a narrow street exception within the Standards Section (Section 6) of Transportation System Plan. An exception to the local residential standard may be considered by the Planning Commission under the following conditions:

- *Average Daily Traffic is not reasonably expected to exceed 800 trips.*
- *Distance between cross streets is no more than 600 feet.*

As proposed, both streets are under 600 feet and the projected traffic trips at 9.7 trips per day per unit are expected to be less than 800 a day.

- *The street is a cul-de-sac not designed to provide future through-connection.*

Although a loop and not a cul-de-sac the effect is the same with no future connections to this road system, there will be no increase in capacity in the future

- *Expected parking demand can be met off street (considering the land uses/zoning in the vicinity).*

As proposed, the designed allows parking on one side of the street creating extra spaces near lots 20, 21, 22, and 29 through 35. All lots have off street parking and additional parking for back loaded alley lots have been designated adjacent to the alley. The proposed subdivision provides a 28' wide pave section and could accommodate parking on one side of the street.

- *The street is provided as an infill connecting street within an existing grid system or will be a short segment (no more than two blocks) fulfilling a similar secondary role in a proposed subdivision.*

The subject property is an infill parcel connecting completing an existing ½ street improvement on the north property line and tying into Talent Ave at the intersection of Everett Way and Talent Ave.

- *The street has alley access on at least one side (however, the City may still require standard right-of-way widths because of the resultant availability of uninterrupted curb for continuous on-street parking).*

As proposed, the subdivision provides alley access on Stage Way, with each lot having two off street parking spaces and an additional parking off of the alley. Considering that each parcel provides off-street parking and that on-street parking will be minimized adjacent to the parkrow and stormwater facilities, the ROW width proposed is adequate and it is not necessary to increase the width of the ROW.

- *Although the City may agree that a wide street is not necessary now, it may become necessary in the future. For this reason, the Planning Commission may require dedication of a standard right-of-way—with reduced paving width when initially built—so the City may increase capacity when needed. The Commission may also consider requiring the provision of additional parking on a one-to-one basis to compensate for loss of on-street parking. Such parking may be located in mini-lots or some other alternative.*

There are not future connections to this local street system. The proposed street system only serves the properties within the subdivision, minimizing the need for future ROW dedication.

Based on the aforementioned evidence, the proposed streets in the subdivision meet the narrow street exception outlined in the Transportation System Plan and can, at the Planning Commission's discretion, be approved. It should also be noted that during the pre-application conference, Public Works, City Engineer and Jackson County Fire District #5 agreed that the proposed street network provided adequate space to protect the public.

To ensure that the proposed narrow street remains functional and that adequate space is provided to protect the public, "NO PARKING THIS SIDE OF STREET" signs shall be installed on the west and south side of William Way in an appropriate number to clearly denote that parking is not allowed. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that detail the location, type of no parking sign to be installed and the method of installation of each required sign type. All required street signage shall be installed prior to the City's acceptance of the dedicated public street. **The provisions of this section have been met subject to conditions.**

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;*

**FINDING:** As proposed in the preliminary plat, the applicant shall complete the half-finished right-of-way along the Shakespeare frontage in accordance with the design & engineering plans established by the Planning Staff and Commission when Shakespeare obtained their Site Plan approval. William Way's compliance with Talent's narrow street exception is addressed in the findings above. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer. **The provisions of this section have been met subject to conditions.**

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 exist:*
  - a. *A partial improvement may create a potential safety hazard to motorists or pedestrians;*
  - b. *Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;*
  - c. *The improvement would be in conflict with an adopted capital*

*improvement plan; or*

- 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:** Other than the proposed improvements, there are no other future improvements necessary as a result of the subdivision request. **The provisions of this section are not applicable.**

- C. Variances. A variance to the transportation design standards in this Section may be granted pursuant to Article 8-3L.4.*

**FINDING:** The proposed subdivision request proposes a narrow street exception which can only be approved through a variance pursuant to Section 8-3L.4 which is addressed below. **The provisions of this section have been met.**

- E. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Section 260—Vehicular Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.*

**FINDING:** The proposed subdivision proposes two areas where an access easement is necessary. Lots 16-18 near the southwest corner of the subdivision requires the use of a shared access from William Way in order to provide proper frontage. As proposed, the 20' access way serving these lots are classified as open space owned by the Home Owner's Association and does not meet the requirements for proper frontage. While the open space can be a separate legal lot owned by the Home Owners Association, staff recommends that the open space providing access to lots 16-18 also be identified as a 20' private access easement for consistency with the frontage standards. Additionally, the applicant has proposed a 10' pedestrian access easement between Lots 29 and 30. As a condition of approval, the applicant shall, prior to final plat provide a revised preliminary plat identifying the open space providing access to lots 16-18 as a 20' shared access easement. **The provisions of this section have been met subject to conditions.**

- F. Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan, as applicable, and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:*

- a. Street grades shall be approved by the Public Works Director or designee in accordance with the design standards in Section 250(O), below; and*

**FINDING:** As shown on the preliminary subdivision plat, the subject site is gently sloping with an elevation change of approximately 20 feet, and as proposed, road grades are anticipated to be less than 5%. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that detail the street grades. **The provisions of this section have been met subject to conditions of approval.**

b. *Where the location of a street is not shown in an existing street plan (See Section 250(I)), the location of streets in a development shall either:*

i. *Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Section, or*

**FINDING:** The proposed subdivision request proposes a road system that connects two existing intersections along Talent Avenue. One connection is to the existing ½ street south of Oregon Shakespeare Festival’s property which will be improved to full street standards and the other connects to Talent Avenue at Everett Way. **The provisions of this section have been met.**

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. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:*

- a. *Street classification in the Transportation System Plan;*
- b. *Anticipated traffic generation;*
- c. *On-street parking needs;*
- d. *Sidewalk and bikeway requirements based on anticipated level of use;*
- e. *Requirements for placement of utilities;*
- f. *Street lighting;*
- g. *Proposed traffic calming devices;*
- h. *Minimize drainage, slope, and sensitive lands impacts, as identified by the Comprehensive Plan;*
- i. *Street tree location, as provided for in Section 240—Street Trees;*
- j. *Protection of significant vegetation (i.e., trees with a caliper of 4 inches (dbh) or greater)*
- k. *Safety and comfort for motorists, bicyclists, and pedestrians;*
- l. *Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;*
- m. *Access needs for emergency vehicles; and*
- n. *Transition between different street widths (i.e., existing streets and new streets) where applicable.*

**FINDING:** As proposed, the preliminary subdivision plat identifies William Way as a “narrow street” with a 28’ paved surface. As shown on the preliminary site plan, the proposed right of way is adequate to provide needed on street parking, street lighting, street trees and proper emergency vehicle access and meets the narrow street exception requirements outlined in the TSP. **The provisions of this section have been met.**

*J. Street Alignment and Connections.*

2. *Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.*

**FINDING:** As proposed, the only local intersection on this plan is at the intersection of Stage Way at William Way which is more than 125’ from the intersection of Stage Way and Talent Ave. **The provisions of this section have been met.**

4. *Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks and transit facilities wherever possible.*

**FINDING:** The proposed streets within the subdivision provide direct and easy access to Talent Avenue, which has RVTD transit service, is close to downtown Talent, and close to recreation at Chuck Roberts park. **The provisions of this section have been met.**

5. *In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the standards in 260—Vehicular Access and Circulation, and block length shall not exceed the dimensions in a-b below:*
  - a. *400 foot maximum block length, and 1,200-foot maximum perimeter in the Residential zones;*
  - b. *400 foot maximum block length and 1,200-foot maximum perimeter in the Central Business District Zone;*
  - c. *800 foot maximum block length and 2,400-foot maximum perimeter in the Light Industrial District;*

*Exceptions to the above standards may be granted when the developer can clearly demonstrate that compliance is not feasible, or when a non-vehicle access way is provided at or near mid-block, in conformance with the provisions of Section 230— Pedestrian Access*

*and Circulation. (See examples in Figure 250.J.)*

**FINDING:** As proposed, the design meets these standards because the pedestrian pathway between lots 29 & 30 provides a direct route for residents walking downtown or to Chuck Roberts Park or the dog park. **The provisions of this section have been met.**

- K. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes in public right-of-way shall be installed in conformance with the TSP. Pathways and bike paths within subdivisions shall be designed to promote the safety of those using the path, and the privacy of adjoining property owners to the greatest extent practicable. For example, pathway connections shall be as direct as possible. Overhead street lighting shall be coordinated with pathway entrances wherever possible, and pedestrian-oriented lighting shall be considered in other areas where overhead lighting cannot be provided. Fences and landscaping may be required for privacy screening and buffering between pathways and adjacent land uses. Alternatively, grade change between pathways and adjacent uses may be a suitable buffer. Ease of maintenance of paved areas and use of native landscaping shall also be encouraged. Maintenance of sidewalks and planter strips is the continuing obligation of the adjacent property owner. (ORS 105.672)*

**FINDING:** The proposed subdivision plan proposes the necessary sidewalks and park-rows in the public right-of-way. Bicycle lanes are not required on local streets. The proposal identifies a pedestrian pathway between lots 29 and 30 as a means to join the two phases of the subdivision together. To ensure the safety of those using the pedestrian pathway, pathway lighting is required. In addition to pathway lighting, the applicant shall, to the greatest extent practicable, locate the overhead street lighting adjacent to or near the pedestrian pathway. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that detail the pathway lighting and the location of all required overhead lighting. All pathway lighting shall be downward directed or shielded to avoid light pollution. The applicant is encouraged to use LED or other energy efficient light for the proposed pathway. **The provisions of this section have been met subject to conditions.**

- L. Intersection Angles. Streets shall be laid out to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:*
- a. No street intersection may be created within 25 feet of a street curve, and no street curve may be created within 25 feet of a street intersection (on the same street). Such intersections and curves shall have at least 25 feet of tangent between them unless topography requires a lesser distance;*



- b. *Intersections that are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and*

**FINDING:** As proposed, all planned intersections meet at right angles with radii greater than 20'. **The provisions of this section have been met.**

- 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.*

**FINDING:** As proposed, the subdivision completes the recently approved existing ½ street shared with OSF and dedicate the right-of-way to the City of Talent. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that specify the required dedication of right-of-way for Stage Way and William Way. **The provisions of this section have been met subject to conditions.**

- O. *Grades and Curves. Grades shall not exceed 10 percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:*
  - a. *Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and*
  - b. *Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent slope or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.*

**FINDING:** As proposed, the subdivision street grades are less than 5%, & both intersections at Talent Ave shall have stop signs. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that detail the street grades and the location, type of street signs to be installed and the method of installation of each required sign type. All required street signage shall be installed prior to the City's acceptance of the dedicated public street. **The provisions of this section have been met subject to conditions.**

## **8-2.260           VEHICULAR ACCESS AND CIRCULATION**

- 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. [amended 17 February 2016; Ord. No. 912]*

**FINDING:** The provision of this section are addressed above in Section 8-2.250(B). **The provisions of this section have been met.**

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

1. *Local Streets. A minimum of 10 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in Subsection 3, below.*

**FINDING:** As proposed, each lot on William Way and Stage Way either have a permitted shared driveway or have a minimum of 10' of separation between driveways. The exception is Lot 31 and 32 which are accessed by the 20' public alley. These lots access a lower function public access, not a local street, therefore the 10 feet of separation does not apply to alley accessed lots. **The provisions of this section have been met.**

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, each lot has only one access point. **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:*

**FINDING:** As proposed, nearly half of the proposed lot share a driveway, promoting additional vehicular and pedestrian safety. **The provisions of this section have been met.**

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 proposed 14 of the 35 lots share a driveway. With the exception of Lots 16-18, all shared driveway share only a driveway apron which is in the public right-of-way. Therefore, these lots do not require a recorded shared access easement. **The provisions of this section are not applicable.**

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

- A. *Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.*
- 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.*
- C. *Over-sizing. Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing. (Note: Dolan versus City of Tigard findings should accompany any decision to require over-sizing.)*
- D. *Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building or development moratoriums shall conform to the criteria and procedures contained in ORS 197.505.*

**FINDING:** During the pre-application conference, Rogue Valley Sewer Services staff and the City Engineer reviewed the proposal and determined that there is adequate existing capacity for the project. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that detail the proposed water improvements. Additionally, prior to final plat, the applicant shall provide Community Development with Public Improvement Plans approved by Rogue Valley Sewer Services that detail the proposed sewer improvements. **The provisions of this section have been met subject to conditions.**

**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.*
- 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 Stormwater 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.*
- C. *Effect on Downstream Drainage. Where it is anticipated by the Public Works Director or designee that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold permits of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards. Any applicable procedures in state development moratorium statutes shall be followed.*
- D. *Easements. Where a watercourse, drainage way, channel, or stream traverses a development, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance. Development within designated Locally Significant Wetland and Riparian areas shall be in conformance with the requirements in 8-3H.2, Natural Areas, Parks and Floodplains.*

**FINDING:** During the pre-application conference, Rogue Valley Sanitary Sewer staff reviewed the proposed subdivision plan and determined that there is sufficient capacity within the storm drain system for the project. Rogue Valley Sewer Service also stated that the proposed development shall meet the requirements of the RVS Stormwater Design Manual including onsite detention and treatment of all stormwater. As a condition of approval, the applicant shall, prior to final plat provide Community Development with Public Improvement Plans approved by the City Engineer that detail the stormwater detention and treatment plans approved by Rogue Valley Sewer Services. **The provisions of this section have been met subject to conditions.**

**8-2. Article 3.**

**APPLICATION REQUIREMENTS AND APPROVAL CRITERIA**

**8-2.310 REVIEW PROCEDURES AND APPROVALS PROCESS**

- A. *Subdivision and Partition Approval Through Three-step Process. Applications for subdivision or partition approval shall be processed through a three-step process: the pre-application conference, the preliminary plat, and the final plat.*

1. *A pre-application conference is required for all partitions and subdivisions.*

**FINDING:** The applicant attended the required pre-application conference on December 15, 2016. **The provisions of this section have been met.**

*G. Phased Development.*

1. *The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than 3 years without reapplying for a preliminary plat;*
2. *The criteria for approving a phased land division proposal are:*
  - a. *Public facilities shall be constructed in conjunction with or prior to each phase;*
  - b. *The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 460—Performance Guarantees. A temporary public facility is any facility not constructed to the applicable City or district standard;*
  - c. *The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and*
  - d. *The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.*

**FINDING:** The applicant has proposed to develop the subdivision in two phases. Pursuant to this section, all required public improvements, utilities and streets for both phases shall be installed within three (3) years of the final plat approval. If public improvements are not installed within three (3) years of the final plat, the applicant shall reapply for a preliminary plat. As a general condition of approval, the applicant shall complete all required public improvements in both subdivision phases within three (3) years of the approval of the final plat or an application for preliminary approval shall be resubmitted. Additionally, the applicant shall prior to final plat, provide the City a proposed time schedule for the development of each phase. **The provisions of this section have been met subject to conditions.**

H. *Compliance with ORS Chapter 92. All subdivision and partition proposals shall be in conformance to state regulations set forth in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.*

**FINDING:** As proposed, the preliminary plat is in compliance with ORS 92. **The provisions of this section have been met.**

### 8-2.320 **PRELIMINARY PLAT SUBMISSION REQUIREMENTS**

A. *Preliminary Plat Information. The preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:*

1. *General information:*

- a. *Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);*
- b. *Date, north arrow, and scale of drawing;*
- c. *Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site, including vicinity;*
- d. *Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor, and the date of the survey; and*
- e. *Identification of the drawing as a “preliminary plat.”*

**FINDING:** The applicant has provided a preliminary plat that includes all of the required general information above. The proposed subdivision name does not duplicate the name of another subdivision in the County, however, the City has determined that the William Way street name is not appropriate since it has a direct connection with Everett Way. Considering this direct connection, Staff recommends that William Way be renamed to Everett Way to minimize confusion for emergency responders. As a condition of approval, the applicant shall, prior to final plat provide a revised preliminary plat changing the name of William Way to Everett Way and the name of the subdivision. Staff has verified that Stage Way Subdivision is an acceptable name should the applicant choose to keep Stage Way named as proposed on the plat. **The provisions of this section have been met subject to conditions.**

2. *Site analysis:*

- a. *Streets: Location, name, present width of all existing streets, alleys and rights- of- way on and abutting the site;*
- b. *Easements: Width, location and purpose of all existing easements of record on and abutting the site;*
- c. *Utilities: Location and identity of all utilities on and abutting the*

- site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
- d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench- mark or other datum approved by the County Surveyor. This requirement may be waived for partitions of one (1) acre or less with grades, on average, less than 5 percent;
  - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
  - f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having substantial erosion potential;
  - h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
  - j. The location, size and species of trees having a caliper (diameter) of 4 inches (dbh) or greater at four feet above grade;
  - k. Lighting plan, mailbox plan; and
  - l. Other information, as deemed appropriate by the City Planner or City Administrator. The City may require studies or exhibits prepared by qualified professionals, such as a traffic study, anticipated water use and conservation study, cultural resource study, tree report and preservation study, wetland delineation, or similar study, to address specific site features and code requirements.

**FINDING:** The Preliminary Plat (prepared by Friar & Associates) includes all the information pursuant to the requirements of Section 8-2.320 above. **The provisions of this section have been met.**

**8-2.330 APPROVAL CRITERIA: PRELIMINARY PLAT**

- A. *General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*
  1. *The proposed preliminary plat complies with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter and the provisions of the underlying zoning district 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; [amended 15 October 2008; Ord. No. 847]*

**FINDING:** As proposed the Preliminary Plat complies with or can comply with conditions all applicable code sections, ordinances & regulations, including this Chapter 8-2 (Subdivision Development & Design Standards), Chapter 8-3C.4 (RM-22 Zoning District), except for the requested setback variance in accordance with Section 8-3L.4 (Variance) of

the Talent Zoning Code addressed below. **The provisions of this section have been met subject to conditions.**

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

**FINDING:** The proposed subdivision name does not duplicate the name of another subdivision in the County, however, the City has determined that the William Way street name is not appropriate since it has a direct connection with Everett Way. Considering this direct connection, Staff recommends that William Way be renamed to Everett Way to minimize confusion for emergency responders. As a condition of approval, the applicant shall, prior to final plat provide a revised preliminary plat changing the name of William Way to Everett Way and the name of the subdivision. Staff has verified that Stage Way Subdivision is an acceptable name should the applicant choose to keep Stage Way named as proposed on the plat. **The provisions of this section have been met subject to conditions.**

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:** As proposed the preliminary plat details the completion of the existing, ½ street improvement abutting the northern boundary of the parcel. The preliminary plat identifies the construction of a new street, "William Way," that connects Stage Way to Talent Avenue. William Way intersects Talent Avenue directly opposite Everett Way, eliminating the need for additional intersections. The applicant has proposed a two phase development, however, it appears that both proposed streets are necessary for the development of either phase. The construction of Phase 1 as proposed would include the completion of the ½ street and the partial construction of William Way near the intersection of Stage Way. Should the applicant choose to construct the improvement for only Phase 1 initially, the street stub near Lots 3 and 6 would require a reserve strip to ensure future street construction. Considering this segment of William Way is less than 150', there is no need for an emergency vehicle turn-a-round. As a condition of approval, the applicant shall prior to final plat, provide Community Development with a revised preliminary plat identifying a reserve strip of land south of Lots 3 and 6 or dedicate the entire right-of-way with the recording of the Phase 1 final plat. **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:** As proposed, the Preliminary Plat identifies all private common areas and improvements that will be maintained by the Homeowner's Association. Lots 16-18 near



the southwest corner of the subdivision requires the use of a shared access from William Way in order to provide proper frontage. As proposed, the 20' access way serving these lots are classified as open space owned by the Home Owner's Association and does not meet the requirements for proper frontage. While the open space can be a separate legal lot owned by the Home Owners Association, staff recommends that the open space providing access to lots 16-18 also be identified as a 20' private access easement for consistency with the frontage standards. Additionally, the applicant has proposed a 10' pedestrian access easement between Lots 29 and 30. As a condition of approval, the applicant shall, prior to final plat provide a revised preliminary plat identifying the open space providing access to lots 16-18 as a 20' shared access easement. **The provisions of this section have been met.**

*B. Residential Density*

1. *Minimum and Maximum Density Requirements. When lots are created through a subdivision, the development shall achieve a minimum of forty percent (40%) and a maximum of one hundred percent (100%) of the dwelling unit density permitted by the applicable zoning district. The minimum density provision shall not apply to parcels that are smaller than one (1) acre. For purposes of this section, the minimum number of dwelling units required shall be determined by multiplying the maximum density by 0.4. The result shall be rounded up for any product with a factor of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. [amended 15 October 2008; Ord. No. 847]*
2. *Residential Density Calculation Procedure...The following steps describe how to calculate density (For density calculation in the RM-22 zone, refer to Zoning Code, 8-3C.460. Do not use the method below for the RM-22 zone).*

**FINDING:** The proposed Comprehensive Plan and Zoning Map change is to RM-22 which is excluded in this Section. The density calculations are addressed below pursuant to Section 8-3C.460. **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 applicant has requested a variance to the required setbacks which are addressed in the findings below. As proposed, all lot area and other dimensional standards required in the RM-22 zoning district have been met either through an average lot area for the subdivision or due to the type of allowed dwelling for an individual lot. Section 8-3C.470(D) provides the minimum lot widths for specific dwelling types. The dwelling

types in this subdivision are single-family attached and detached. Pursuant to Section 8-3C.470(D), single-family detached lots have a minimum lot width of 40 feet, while single family attached have no minimum lot size. Considering the minimum standards for single family detached housing, Lots 2-8, 11-13, 22-25 and 28-29 shall be a single-family attached dwelling in order to accommodate a dwelling. An alternative to requiring the aforementioned lots to be attached is a revision of the plat to meet the minimum lot standards for single-family detached dwellings. As a condition of approval, Lots 2-8, 11-13, 22-25 and 28-29 shall be allowed to only build single-family attached dwellings or the applicant shall, prior to final plat, provide Community Development a revised preliminary plat amending the lot widths of some, or all of Lots 2-8, 11-13, 22-25 and 28-29 to the 40' minimum lot width requirement. **The provisions of this section have been met subject to conditions.**

- a. *Single-family residential lot sizes may be averaged to allow lots less than the minimum lot size in the RS-5 and RS-7 residential districts, as long as the average area for all lots is not less than allowed by the district. In order to prevent exceeding the maximum allowable densities, no lot shall be created that can be divisible in the future unless a re-division plan is filed for the subject lot, pursuant to Section 330(F). No lot created under this provision shall be less than eighty-five (85%) percent of the minimum lot size allowed in the zone. For example, in the RS-5 zone the following three lots could be created from a 24,000-square-foot tract: 6,800 square feet; 8,000 square feet; and 9,200 square feet. [amended 1 December 2004; Ord. No. 777]*
- b. *In the High-Density S&MF Residential (RM-22) zoning district, individual lots may not be created that are too small to provide a residential building footprint, adequate access, any required undeveloped or landscaped areas, and covered off-street parking for at least two dwelling units.*

**FINDING:** As proposed, all lots with the exception of Lot 12 meet the minimum lot area standards required in the RM-22 zoning district. An exception for lots with an area smaller than 1,800 square feet is outline in Section 8-3C.470(A)(3). This section allows attached or zero lot line townhouses or row houses on individual lots smaller than 1,800 square feet provided the net density for the development does not exceed 16 units and that 250 square feet of open space is provided. The development as proposed has a net density of approximately 10 units per net acre, below the required 16 units per net acre allowance and proposes approximately 4,244 square feet of open space adjacent to Lot 25. **The provision of this section have been met.**

2. *Setbacks shall be as required by the applicable zoning district. [amended 15 October 2008; Ord. No. 847]*

**FINDING:** The proposed subdivision design is consistent with the HNA's density & design recommendations including row-houses, common-wall houses, houses with common garage walls, houses with zero lot lines, detached homes, and future apartments on the ½ acre in reserve. As proposed, the plan incorporates a variety of garage locations, sizes, & accesses - some via rear alley, others via shared driveway with attached garages. In addition to integrating a variety of home types into the subdivision, the plan provides a more efficient use of land and smaller more affordable homes.

The applicant contends that the City's setback requirements were written to serve much larger 5,000 – 8,000 square foot lots and not conceived to facilitate efficient land usage and small homes. Although that logic has not been confirmed, Staff agrees that the existing setbacks are not consistent with other jurisdictions that encourage higher densities and that greater setbacks can be a barrier to efficient high density development. Talent's current, front-yard setback is 20' for the house or porch and 24' for the garage. As an example, a two 1,800 square foot lots meant to accommodate a single-family attached home would require approximately 1,140 square feet per lot to be dedicated to required setbacks, leaving only 660 square feet of building space. This requirement, along with a lot coverage maximum of 40 percent averaged over the development is a barrier to high density development. Considering this barrier, the applicant is seeking a variance to reduce front-yard setbacks to 10' for houses/porches and to 20' for street-loaded garages, similar to that approved in the Clearview development in 2007 and to Old Bridge Village in 2005. The proposed request maintains adequate, off-street parking while lessening the visual impact of a dominating street facing garage. Similarly, compressed setbacks have enhanced communities across the state, including several in Talent and Ashland, by increasing density, improving overall aesthetics, lowering costs, and encouraging interaction.

Talent's current, side-yard setback of 5' for 1-story and 8' for structures taller than 18'. In general, a standard setback means that adjacent, 2-story homes must be 16' apart consuming approximately 500 square feet of valuable building space.

The applicant references the City of Ashland Land Development Code which requires 6' minimum side-yard setbacks for both one- and two-story homes, and Medford codes which require a 4' side-yard setback for one-story homes and increases them proportional to building height. Staff agrees that narrower setbacks and smaller lots are the simplest means of increasing Talent's density & preserving the surrounding, open space.

During the pre-application conference, the issue of narrow side-yard setbacks was discussed with Jackson County Fire District 5 staff who agreed that need enough space to place a ladder to reach a 2<sup>nd</sup>-floor windowsill and that a 5' side yard setback for a single story and a 6' side-yard setback for a 2-story building is sufficient.

As proposed, the Applicant is seeking a variance to reduce side yard setbacks from 8' to 6' for 2-story homes and a reduction front-yards setbacks from 20 feet for houses and porches to 10' feet and from 24' feet for garages, to 20' feet. The plan complies with rear-yard minimum setbacks of 10' and alley-garages of 5'. Considering the evidence presented by the applicant and further considering the direction the City must head in the coming years

to achieve higher densities within the City, staff recommends allowing the reduced setbacks. Reduced setbacks afford this applicant the same opportunities as other recent higher density development without additional risk to fire, life or safety. As a condition of approval, prior to the issuance of building permits, the applicant shall submit building plans that meet the following setbacks for all single-family lots:

- 5' side-yard setback for single store units
- 6' side-yard setback for all two-story units
- 10' front-yard setback for houses and porches (no additional setback exceptions allowed)
- 20' front-yard setback for all garages
- 10' rear-yard setback for all units
- 5' alley-garage setback

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

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

**FINDING:** The provisions of this section are addressed in Section, 8-2.2 (Development and Design Standards) above. **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:** As indicated on the proposed plan and in Applicant's accompanying, Comprehensive Plan Map and Zoning Map Amendment Applications, landscape buffering meeting 8-3 J.450 (Buffering and Screening Standards) separates the subdivision from the adjacent, Light Industrial parcels. The design integrates both Section A- 3a (opaque fencing) with Section B-2c ("living wall") to create a stronger and more aesthetic buffer. Additionally, to reduce the likelihood of future residents' complaints about noise from the adjacent, light industrial activities, the applicant has proposed non-remonstrance covenants to be recorded with the deeds requiring the owners to acknowledge their awareness and acceptance of the adjacent, Light Industrial activities. As proposed, the opaque fence and "living wall" which includes a combination of trees and trellises at 95% opacity provides an adequate buffer to protect the adjacent industrial uses and to address the concerns of the neighbors. As a condition of approval, the applicant shall, prior to final plat, provide Community Development with a landscape plan consistent with Section 8-3J.450(A)(3)a and 8-3J.450 (B)(2)c, that specifically identifies the design of the proposed living wall, including type, size and spacing of trees as well as the vegetation type proposed between the required trees. Additionally, the applicant shall, prior to final plat, provide Community Development a copy of the proposed development agreement to be recorded to each lot which shall include language that states the owners acknowledge their awareness and acceptance of the adjacent industrial uses and that disallows required buffers to be removed unless to replace

dead, dying or diseased vegetation. **The provisions of this section have been met subject to conditions.**

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:** All proposed lots front a local street or are within 150 feet of a public right-of-way or approved access drive. **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:** Lot 16, 17 and 18 of the preliminary plat are served by a common driveway. To ensure continued unobstructed access the applicant shall provide a reciprocal easement for the above mentioned lots prior to final plat. As a condition of approval, the applicant shall, prior to final plat, provide the City with a copy of the draft reciprocal easement for Lots 16, 17 and 18 that shall be recorded concurrently with the final plat. **The provisions of this section have been met with conditions.**

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

**FINDING:** The applicant has proposed a two phase development, however, it appears that both proposed streets are necessary for the development of either phase. The construction of Phase 1 as proposed would include the completion of the ½ street and the partial construction of William Way near the intersection of Stage Way. Should the applicant choose to construct the improvement for only Phase 1 initially, the street stub near Lots 3 and 6 would require a reserve strip to ensure future street construction. Considering this segment of William Way is less than 150', there is no need for an emergency vehicle turn-a-round. As a condition of approval, the applicant shall prior to final plat, provide Community Development with a revised preliminary plat identifying a reserve strip of land south of Lots 3 and 6 or dedicate the entire right-of-way with the recording of the Phase 1 final plat. **The provisions of this section have been met subject to conditions.**

## **TALENT ZONING CODE REQUIREMENTS**

### **8-3L.440 REQUIRED FINDINGS FOR GRANTING A VARIANCE**

*The Planning Commission shall not grant any variance unless all of the following findings are made:*

- A. *There are exceptional or extraordinary circumstances or conditions applying to the property or intended use that do not apply generally to other properties in the same*

*zone or vicinity and which result from lot sizes or shape legally existing prior to the adoption of this chapter, topography, or other circumstances over which the applicant has no control;*

**FINDING:** The applicant contends that the primary objectives of the proposed development is to provide a mixture of housing types and ownership opportunities at a higher target density. The proposed development provides four housing types, including single-family attached and detached, townhouses and multiplexes (apartments).

The proposed subdivisions because of its adjacency to a conflicting industrial use, requires the use of a minimum 5' wide vegetative buffer reducing the total land available on this site for residential development. The applicant has proposed reductions in the front yard and the front of the garages to allow the dwellings to be sited street ward to provide more private outdoor space in the rear yards and to accommodate the required vegetative buffer.

The requested variance for side and front yard setbacks is necessary for this property and other RM-22 infill properties to be developed at a residential density greater than 6.6 units per acre. As noted in the HNA, the City needs to begin the process of using its available stock of residential land more efficiently in order to accommodate the City's needed housing and mixture of housing types. As proposed, this subdivision serves as an example of how future infill projects might be developed and provides a basis for establishing zoning regulations to eliminate the need for future variances. The variances requested as part of this application satisfy RPS and HNA recommendations to increase residential densities. Considering the variance request was based on the required buffer, a condition establishing the buffer is necessary. As a condition of approval, the applicant shall, prior to final plat, provide Community Development with a landscape plan consistent with Section 8-3J.450(A)(3)a and 8-3J.450 (B)(2)c, that specifically identifies the design of the proposed living wall, including type, size and spacing of trees as well as the vegetation type proposed between the required trees. **The provisions of this section have been met subject to conditions.**

*B. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as is possessed by the owners of other property in the same zone or vicinity;*

**FINDING:** The applicant contends that the City of Talent had setbacks similar to those propose in this application, and those standards were repealed with the repealing of the PUD Ordinance. The historic development in the RM-22 zoning district was able to utilize the repealed Code for reduced setbacks. The applicant's position appears to have some merit. Developments such as Clearview, Old Bridge Village and home built on Everett Way across from the proposed development all have reduced setbacks providing owners in these developments a property right not available to the applicant. Further, it should be noted that when these developments were built, Talent's housing deficit hadn't been realized and the need for housing was not the purpose for allowing the reduced setbacks. **The provisions of this section have been met.**

- C. *The variance would not be detrimental to the purposes of this chapter, the objectives of any City development plan or policy, the goals, policies or text of the Comprehensive Plan, or other property in the zone or vicinity in which the property is located; and*

**FINDING:** As proposed, the reduction in setbacks similar to those in surrounding high density developments would not be detrimental to the purposes of this chapter, the objectives of any City development plan or policy or the goals, policies or text of the Comprehensive Plan. Many of the policies in the proposed Housing Element are similar to those in the existing element and draw special attention to the need for higher density development and creative methods allowing unique developments. As proposed, this subdivision serves as an example of how future infill projects might be developed and provides a basis for establishing zoning regulations to eliminate the need for future variances. The variances requested as part of this application satisfy RPS and HNA recommendations to increase residential densities. **The provisions of this section have been met.**

- D. *The variance requested is the minimum variance from the provisions and standards of this chapter, which will alleviate the hardship.*

**FINDING:** As proposed, the requested variances are the minimum that would allow the applicant to meet the densities required in the RPS Plan and both the current and proposed Housing Element G. **The provisions of this section have been met.**

*In addition to criteria A through D, variances from access management standards are subject to the following additional standards:*

- E. *The granting of the variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.*

F: *Applicants for a variance must include proof that:*

1. *Indirect or restricted access cannot be obtained;*
2. *No practical engineering or construction solutions can be applied to mitigate the condition;*
3. *No alternative access is available from a street with a lower functional classification than the primary roadway.*

**FINDING:** The proposal does not make a request for a variance to access management standards. **The provisions of this section are not applicable.**

### **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:** Each property in the city, with city zoning, has an underlying traffic impact. To determine the traffic impact of the proposed Comprehensive Plan Amendment, standardized trip generation rates from the International Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> edition were used for an analysis.

According to the ITE, the traffic impact most closely associated with vacant light industrial land is Code 110, General Light Industrial with a trip generation of 0.97 PM PHT per 1,000 square feet of development.

The subject property is currently zoned Light Industrial (IL) and has frontage on Talent Avenue, which is classified as a collector street in the TSP. The site is across from existing High Density (RM-22) zoning and adjacent to a city park and local public transit.

While the subject property is within the primary industrial area of the City, the current intensity of industrial development is relatively low. Using the ITE Trip Generation methodology, the applicant has demonstrated that the subject property has a highest and best use impact of 154 PM Peak Hour Trips (PM-PHT), and 1,540 Average Daily Trips (ADT).

The Site Plan and Tentative Plat submitted with this application identifies 35 single family dwelling units and up to 12 multifamily dwelling in a future phase. The 35 single family dwellings have a total PM-PHT rate of 35.7. The future Multifamily development with up to 12 dwelling units at 0.62 PM-PHT trips has a potential addition of 7.44 PM-PHT for a total of 43.14 PM-PHT.

As stated in the applicant's findings, the effect of the approval of the proposed Comprehensive Plan Amendment and development of the associated subdivision is a reduction of 110.86 PM-PHT from the current IL zoning at the highest and best use.

With a reduction in the PM Peak Hour Trips from the existing impacts, this application does not warrant a Traffic Impact Study as identified in the section 8-3L.920 of the Talent Zoning Code. **The provisions of this Section are not applicable.**



PROPOSED

The requests for subdivision and variance approval have been consolidated with **applications REZ 2016-001 AND CPA 2016-003 which are designated as Type IV legislative actions in the Talent Zoning Code. The applicant and the City and** shall adhere to Section 8-3M.180(D)(2) of the Talent Zoning Code outlining the approval authority of consolidated proceedings. Approval ~~these~~ **subdivision and variance request applications** are subject to the review requirements for a Type IV review as provided in Section 8-3M.160 of the Talent Zoning Code.

This approval shall become final this decision and supporting findings of fact are signed by the Mayor, below. **However, this approval shall take effect upon the effective date of the ordinance implementing approval of applications REZ 2016-001 AND CPA 2016-003.** An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the **date** City Council's decision becomes **final**.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

\_\_\_\_\_  
Darby Stricker  
Mayor  
Date

ATTEST

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

EE: R02 2016-001

**Zac Moody**

---

**From:** Gary Dorris <garyd@dorrisconstruction.com>  
**Sent:** Wednesday, March 01, 2017 3:28 PM  
**To:** Zac Moody  
**Subject:** mayor@cityoftalent.org

I amj responding to email from Chamber:

My concerns are about making the proposed housing compatible in regard to being next to the OSF building - being built AND planned with open space. Making sure units are not too crowded in regard to access, parking etc. Building construction should be high quality and designed to be energy efficient and sustainable.

This for the record.

Gary

Gary Dorris

Dorris Construction

541-821-4199

1

2

**Zac Moody**

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**From:** Joi and Geoffrey Riley <joigeoff@gmail.com>  
**Sent:** Wednesday, March 01, 2017 10:46 AM  
**To:** Zac Moody  
**Subject:** Williams Sub app



Zac

I see in the council packet that there's a possibility of remand on the Williams Subdivision.

If that happens will we get the original findings or the amended findings? And if it's amended findings will the public hearing be renoticed and reopened?

Thanks,  
Joi

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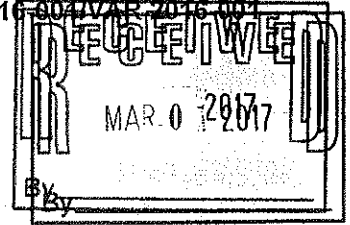
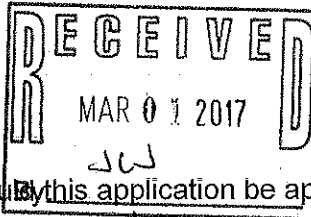
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# Comment Form

REZ 2016-001/CPA 2016-003 & SUB 2016-004/VAR 2016-001

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:



It is my opinion that more housing be available  
for the continued growth of Talent.

- We encourage denial of this request for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Please let us know the results.

*Please feel free to attach additional sheets as needed to complete your comments.*

Comments by: Chris LeBelle

Mailing Address: 1100 Lithia Way  
Talent OR 97540

Date: 2/26/17

Failure to raise an issue by returning this form, or in person or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals.

Interested parties may review the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards at City Hall at no cost. Interested parties may obtain copies at 25 cents per page; 50 cents for 11" x 17" copies.

In compliance with the Americans with Disabilities Act, if you need special assistance, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

*The City of Talent is an Equal Opportunity Provider*



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Talent City Council will hold a public hearing on **Wednesday, March 1, 2017 at 6:45 p.m.** in the Talent Town Hall located at 206 East Main Street, Talent, Oregon. The purpose of the public hearing is for the:

*Consideration of a Comprehensive Plan Map Amendment from Light Industrial (LI) to Residential High Density (RH) and a Zoning Map Amendment from Light Industrial (IL) to Multiple-Family High Density (RM-22) for property described as Township 38 South, Range 1 West, Section 26AD, Tax Lot 500. The application also requests the consideration of a 35 Lot Subdivision and associated Variance to property setbacks. Decisions are based on the approval criteria found in Zoning Ordinance 8-3M.160 and 8-3L.4 and Subdivision Ordinance 8-2.320 and are also based on compliance with the Talent Comprehensive Plan and Oregon Statewide Planning Goals. File: REZ 2016-001/CPA 2016-003 and SUB 2016-001/VAR 2016-001. Applicant: Bradley Properties, LLC.*

Oregon law and Section 8-3M.160 of the Talent Zoning Code provide the procedures for City sponsored legislative actions. Testimony, arguments, and evidence must be directed toward the approval criteria, or other criteria in the Ordinance which the person believes apply to the application. Failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. A copy of the rules (Talent Zoning Code, Section 8-3M.160) governing conduct of the hearing and submission of evidence and testimony at the hearing may be inspected at the Community Development Department at no cost any time prior to the hearing and can be provided at reasonable cost.

**A SIGN UP SHEET WILL BE PROVIDED AT THE HEARING AND WHEN YOUR NAME IS CALLED YOU MAY GIVE YOUR ORAL TESTIMONY. ORAL TESTIMONY ON THIS HEARING SHALL BE LIMITED TO FIVE MINUTES PER PERSON. ADDITIONAL TESTIMONY (BEYOND THE FIVE MINUTE LIMIT) MAY BE SUBMITTED IN WRITING.**

Alternatively, respondents may comment by using the comment sheet on the reverse side and return it to the Community Development Department in person or via mail to:

City of Talent, Community Development Department  
P.O. Box 445,  
110 East Main Street  
Talent, Oregon 97540

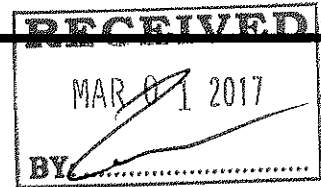
**NOTICE TO MORTGAGE, LIENHOLDER, VENDOR, OR SELLER: THE TALENT CITY CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**

A copy of the proposed amendments, all documents and evidence relied upon for the amendments and applicable criteria is available for inspection at no cost on the City's website, [www.cityoftalent.org](http://www.cityoftalent.org) and will be provided at reasonable cost, if requested. A copy of the record will be available for inspection seven days prior to the hearing. Failure to specify which ordinance criteria an objection is based on precludes your right of appeal to LUBA on that criterion. Additional information is available by contacting Zac Moody at the City of Talent Community Development Department, 110 E. Main Street, Talent, Oregon 97540, phone: 541-535-7401 email: [zmoody@cityoftalent.org](mailto:zmoody@cityoftalent.org).

**OVER**



**Zac Moody**



**From:** Ron Hodgdon - Creative Arts <hodg1027@mind.net>  
**Sent:** Wednesday, March 01, 2017 2:10 PM  
**To:** Zac Moody  
**Cc:** Mayor Stricker  
**Subject:** Fwd: IMPORTANT FOLLOW UP to Housing email

Date: March 1, 2017  
From: Ron Hodgdon  
To: Zack Moody / Talent City Planning  
Re: Zone Change Proposal / 4.37 acre Parcel off Talent Avenue

Hello Zack:

Please read the following "Thoughts" into the Council record this evening for Council review and discussion. My response to the Chambers request to bring this to a yes or no answer is not possible without further consideration.

I will likely be unable to sit through tonight's entire Council Hearing regarding the attached Chamber of Commerce request for comments on the proposed 4.37 acre parcel off Talent Avenue. This proposal calls for a zone change from Light Industrial to High density Residential - with 35 new homes and sufficient residual land for 12 apartments. I would like to recommend the following considerations be reviewed before requesting a final decision be made by City Council.

Thank you for your consideration in advance.

Response sent to Chamber Request:

Gretchen / Chamber of Commerce

I leave for NY tomorrow morning at 5am and will not be able to sit through this discussion this evening beyond the TURA meeting. I will try and take a run through the proposed project site today to gain a better perspective of both the density issues for housing proposed and the non-neighborly affects of placing light industrial in the middle of a residential area due to zoning.

**Thoughts:**

1. If Shakespeare's building (70,000 sq.ft.) is considered light industrial then I can only say there need to be some specific regs for such structures including scale, traffic, sight lines, set-backs, noise issues, etc. when placed in contact with current residential. Most residential home owners consider the expansive views of our natural resources an important condition for moving and working here. This needs to be factored in. It's not just the zoning but the future condition created through forward thinking community planning.

2. Suncrest Homes is certainly a preferred builder/developer in Talent, but any residential project needs to be held accountable to its current residents to protect many of the same valued features as expected of light industrial projects. Some local projects are built for maximum density and infill and end up with few park spaces, very narrow streets, limited parking and restricted space for second vehicles. If we plan residential spaces for more than 1 or 2 people, space must be available to accommodate lifestyle needs for growing families. Seems like the goal for such

developments should be creating space for working neighborhoods beyond the short term gains of those developing these properties.

Not sure where the City, planning or the Chamber falls in on this discussion, but a realistic, long term overview is needed. One poorly conceived or located project can affect the long term vitality and future growth of a community (TID for example).

Thanks for taking this on. The local business community is very lucky to have you involved.

Ron Hodgdon

Creative Arts, Inc. / 541.535.1620

Ron Hodgdon  
Creative Arts, Inc.  
541.535.1620

Please read the following personal response to the Chambers request for input into tonights at tonights meeting

Begin forwarded message:

**From:** Ron Hodgdon - Creative Arts <[hodg1027@mind.net](mailto:hodg1027@mind.net)>  
**Subject:** Re: **IMPORTANT FOLLOW UP to Housing email**  
**Date:** March 1, 2017 at 11:06:58 AM PST  
**To:** Talent Chamber of Commerce <[info@talentchamber.org](mailto:info@talentchamber.org)>  
**Cc:** Mayor Talent <[Mayor@cityoftalent.org](mailto:Mayor@cityoftalent.org)>

Gretchen / Chamber of Commerce

I leave for NY tomorrow morning at 5am and will not be able to sit through this discussion this evening beyond the TURA meeting. I will try and take a run through the proposed project sight today to gain a better perspective of both the density issues for housing proposed and the non-neighborly affects of placing light industrial in the middle of a residential area due to zoning.

Thoughts:

1. If Shakespeare's building (70,000 sq.ft.) is considered light industrial then I can only say there need to be some specific regs for such structures including scale, traffic, sight lines, set-backs, noise issues, etc. when placed in contact with current residential. Most residential home owners consider the expansive views of our natural resources an important condition for moving and working here. This needs to be factored in. It's not just the zoning but the future condition created through forward thinking community planning.

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Thanks for taking this on. The local business community is very lucky to have you involved.

Ron Hodgdon

Creative Arts, Inc. / 541.535.1620

On Mar 1, 2017, at 9:03 AM, Talent Chamber of Commerce <[info@talentchamber.org](mailto:info@talentchamber.org)> wrote:

**Feb. 28, 2017**

**Hello Chamber Members,**

**THE ORIGINAL EMAIL WAS MISSING THE FOLLOWING ASK FOR HELP FROM A TALENT BUSINESS OWNER -- PLEASE READ AS IT AS SUBMITTED. If you are interested in details of the project, they can be found on the City of Talent Website.**

**WE APOLOGIZE FOR CONFUSION CAUSED BY THE FIRST EMAIL,**

Help !

**This Wednesday, March 1st at 6:30pm Talent's City Council will be hearing a new subdivision proposal, and I want your opinion.**

The project is located with walking distance to downtown on Talent Ave. between the Shakespeare building and the dog park on a vacant, 4.37 acre parcel. The proposal calls for a zone change from Light Industrial to High density Residential – with 35 new homes and sufficient residual land for 12 apartments on the docket. I think everyone is aware of Talents serious housing crises, housing costs and rents

are skyrocketing. This is a simple supply & demand problem – there just are not enough homes and apartments to meet demand.

A “Yes” vote will allow 47 new homes and apartments to be built bringing more customers & potential employees into town and it makes a dent in our housing crises. A “No” vote leaves the land as it sits today zoned as light industrial. Please come to the meeting to let the Council know whether you prefer homes or light industrial within walking distance to downtown.

If you can't make the meeting please email City Planner Zac Moody at [ZMoody@cityofTalent.org](mailto:ZMoody@cityofTalent.org) and let him know which way you think the City should go.

If you need more information or have specific questions please contact –

**Charlie Hamilton Suncrest Homes (541) 944-3976 and I will be happy to talk or meeting with you to answer any questions.**

Thank you for your valuable time.

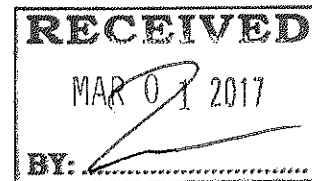
Best Regards,

Gretchen Hartrick  
President,  
Talent Chamber  
[president@talentchamber.org](mailto:president@talentchamber.org)

## Zac Moody

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**From:** thomas gunn <operagunn@charter.net>  
**Sent:** Wednesday, March 01, 2017 11:39 AM  
**To:** Zac Moody  
**Subject:** Suggestion for tonight's meeting



hey Zac

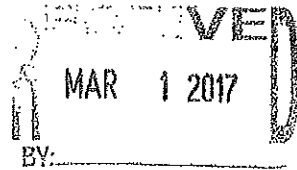
I just read the application of Suncrest to build some housing adjacent to the OSF bldg. It looks perfectly OK to me, although it does not mention one possible benefit that might well accrue from its approval : namely, that it might lessen the proliferation of trailer parks in the area, which constitute a real blight. Talent and Ashland are both afflicted by those unsightly items and regular houses and apartments are a much better route for our town. I hope this doesn't come across as too "elitist", but I am concerned with the apperance of our town.

Thank you.

Tom Gunn

(

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February 23, 2017

Talent City Council  
110 E. Main Street  
Talent, OR 97540

Re: Comprehensive Plan Map Amendment – Bradley Properties, LLC.

Council Members:

The members of the Holtz Family Trust purchased land in the Talent Industrial Park with the intention of expanding light industrial operations to benefit the community of Talent. Keeping in mind the property was designated as light industrial, it has always been the intention, as landowners, to take care of the property and reduce the industrial impact to the city while providing an opportunity for employment.

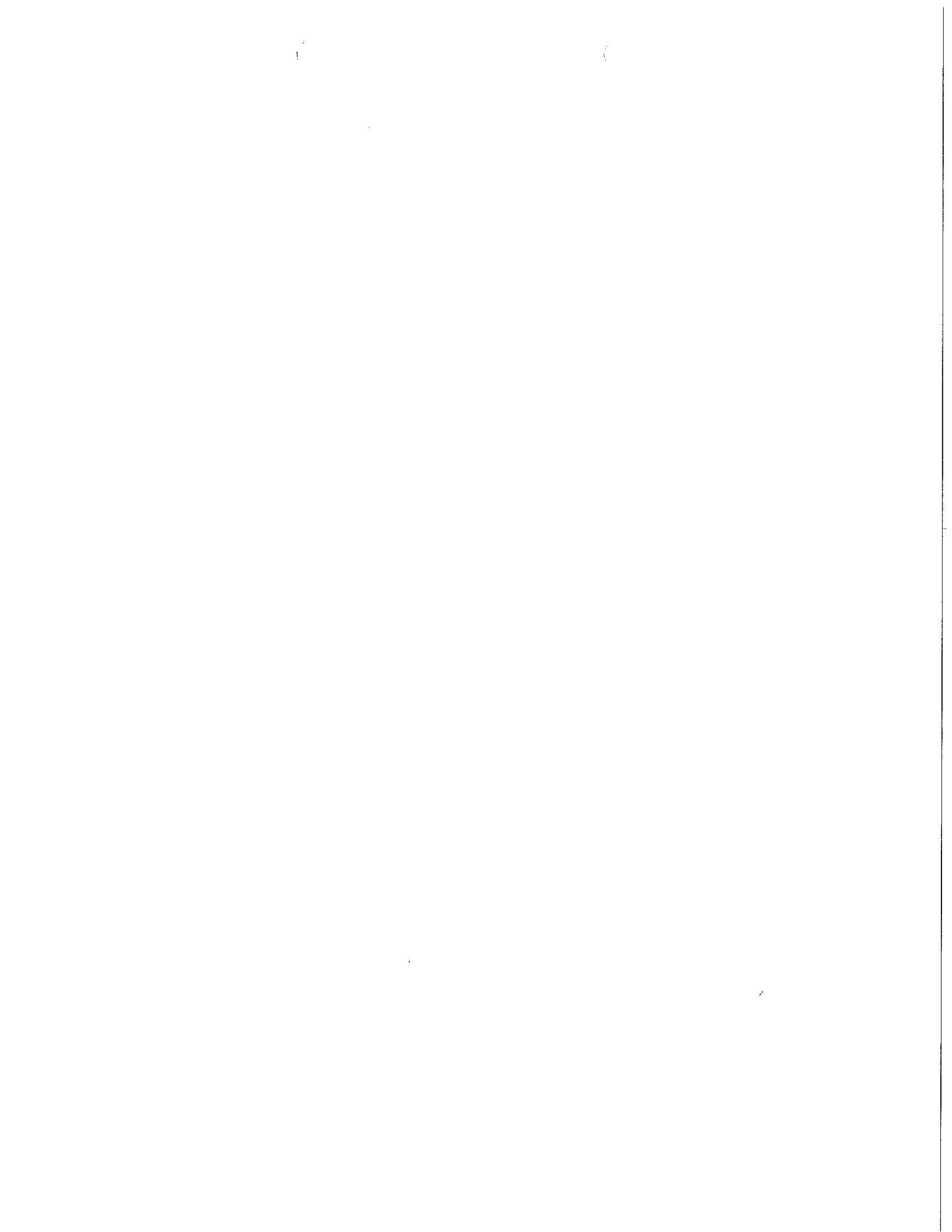
The Holtz Family Trust is concerned about the re-zoning of the property with the intention of mixing multi-family high density residential use with industrial use. The following is a listing of concerns the Holtz Family Trust has in regards to the proposed re-zoning:

1. The possible loss in value to any existing development.
2. The possibility the re-zoning will reduce the desirability of any future development on undeveloped land.
3. The liability which might arise, in the event any future residents wander onto the adjoining industrial property and are injured or suffer a loss.
4. The possible litigation which might arise due to residents being disturbed during normal conditions of an industrial operation.
5. The additional impact due to the requirement of the Transition Buffer as defined in 8-3J.450 of the City Of Talent Zoning Code.
6. The additional impact due to requirement of 8-3F.196 of the City Of Talent Zoning Code.
7. Additional possible impact of 8-3F.160 of the City of Talent Zoning Code.

The Holtz Family Trust requests the City of Talent Planning Commission takes items stated above and their impact, when reviewing the proposed zoning change.

Sincerely,

Harvey R. Holtz, Trustee  
Holtz Family Trust





## Zac Moody

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**From:** Karen Larsen <karenlarsen@windermere.com>  
**Sent:** Wednesday, March 01, 2017 11:12 AM  
**To:** Zac Moody  
**Subject:** Talent Ave. project



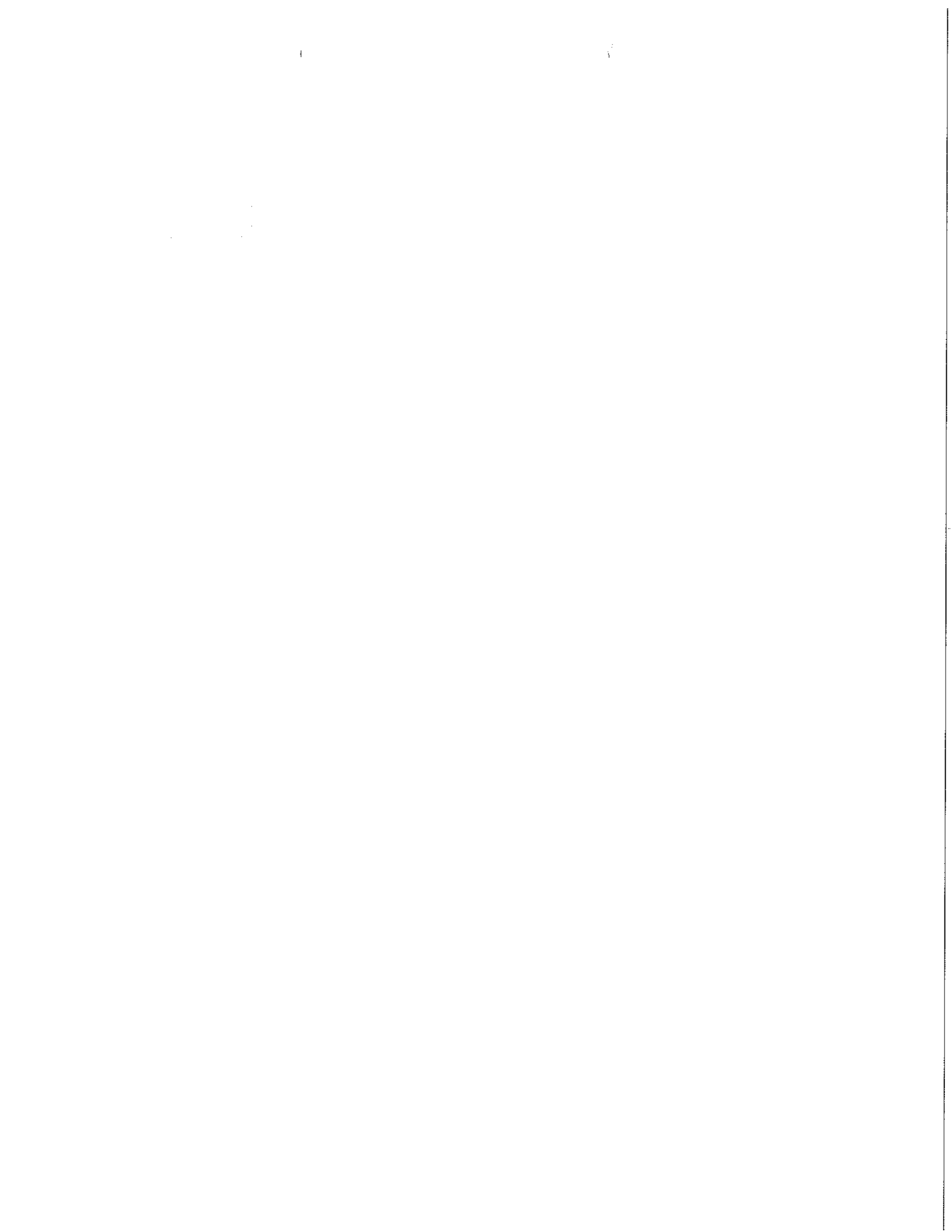
I cannot come to the meeting but I would vote "yes" for the Talent Ave. project of 47 new homes.

***Karen Larsen***, Broker, GRI, ABR, SRES

Windermere Van Vleet  
375 Lithia Way  
Ashland, OR 97520  
541-890-1138  
[karen@karenlarsen.com](mailto:karen@karenlarsen.com)  
Licensed in Oregon



 **Windermere**  
REAL ESTATE



RECEIVED

MAR 01 2017

BY: 

**Zac Moody**

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**From:** Win Dawson <winn@mind.net>  
**Sent:** Wednesday, March 01, 2017 9:42 AM  
**To:** Zac Moody  
**Subject:** Building project with zoning change

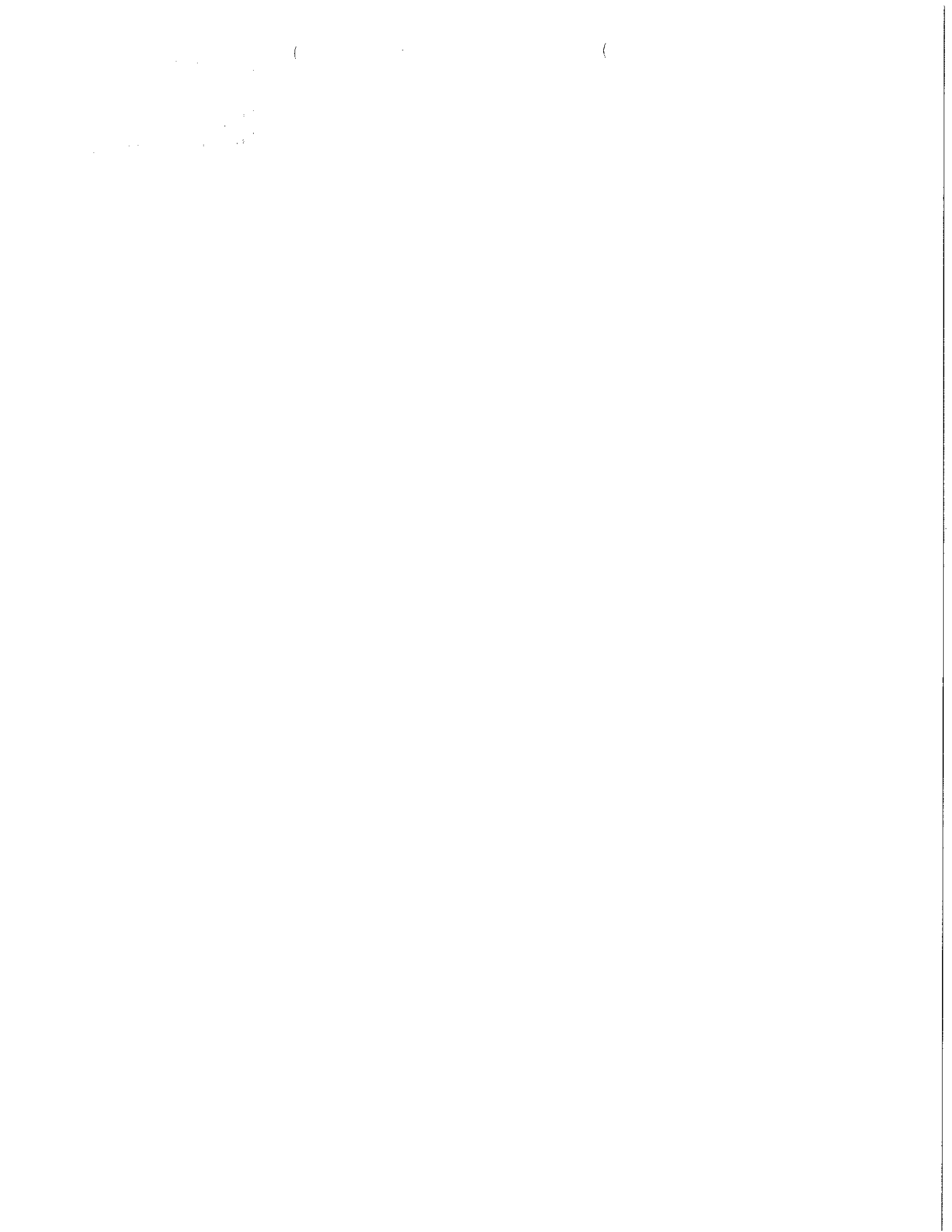
Mr. Moody,

My husband and I cannot attend the meeting tonight but we wanted to voice our preference for housing (over light industrial) on the specified Talent Avenue property adjacent to the dog park.

The announcement did not indicate if the housing would be market-rate real estate or low-income housing. We would vote to support market-rate real estate.

Best wishes,

Win Dawson  
Jack Vitacco  
126 Marin Court





# Comment Form

REZ 2016-001/CPA 2016-003 and SUB 2016-001/VAR 2016-001

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:

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- We encourage denial of this request for the following reasons:

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- Please let us know the results.

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: Paula M Mixson

Mailing Address: 316 Everett Way  
Talent OR 97548

Date: 3/1/2017

Failure to raise an issue by returning this form, or in person or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals.

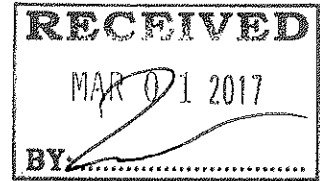
Interested parties may review the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards at City Hall at no cost. Interested parties may obtain copies at 25 cents per page; 50 cents for 11" x 17" copies.

*Talent needs housing desperately and the developer appears to have responded adequately & appropriately to the requirements forward to having new neighbors!*

In compliance with the Americans with Disabilities Act, if you need special assistance, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

The City of Talent is an Equal Opportunity Provider





**From:** [Paula Mixson](#)  
**To:** [Zac Moody](#)  
**Subject:** Comment for Public Hearing March 1, 2017  
**Date:** Wednesday, March 01, 2017 1:19:43 AM  
**Attachments:** [MixsonComments3.1.17.pdf](#)

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Dear Mr. Moody,

I can't make the hearing tomorrow night and am afraid I might not have time to drop the comment form off before 3:00 pm, so I have attached it to this email. I support the development of the Williams Way subdivision and appreciate all the hard work the planning commission and developer have put into it.

I also sent a message via the City of Talent website, but thought you might need something on the form for your records.

Thank you.

Paula

**Paula M Mixson, Certified Validation Trainer**  
**316 Everett Way**  
**Talent OR 97540**  
Landline: [541-897-0854](tel:541-897-0854)  
Mobile: [512-663-4540](tel:512-663-4540)  
Email: [paula.mixson@gmail.com](mailto:paula.mixson@gmail.com)

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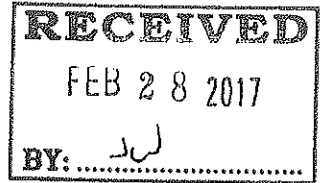
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# NOTICE OF PUBLIC HEARING



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*Consideration of a Comprehensive Plan Map Amendment from Light Industrial (LI) to Residential High Density (RH) and a Zoning Map Amendment from Light Industrial (IL) to Multiple-Family High Density (RM-22) for property described as Township 38 South, Range 1 West, Section 26AD, Tax Lot 500. The application also requests the consideration of a 35 Lot Subdivision and associated Variance to property setbacks. Decisions are based on the approval criteria found in Zoning Ordinance 8-3M.160 and 8-3L.4 and Subdivision Ordinance 8-2.320 and are also based on compliance with the Talent Comprehensive Plan and Oregon Statewide Planning Goals. File: REZ 2016-001/CPA 2016-003 and SUB 2016-001/VAR 2016-001. Applicant: Bradley Properties, LLC.*

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**A SIGN UP SHEET WILL BE PROVIDED AT THE HEARING AND WHEN YOUR NAME IS CALLED YOU MAY GIVE YOUR ORAL TESTIMONY. ORAL TESTIMONY ON THIS HEARING SHALL BE LIMITED TO FIVE MINUTES PER PERSON. ADDITIONAL TESTIMONY (BEYOND THE FIVE MINUTE LIMIT) MAY BE SUBMITTED IN WRITING.**

Alternatively, respondents may comment by using the comment sheet on the reverse side and return it to the Community Development Department in person or via mail to:

City of Talent, Community Development Department  
P.O. Box 445,  
110 East Main Street  
Talent, Oregon 97540

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**OVER**

# Comment Form

REZ 2016-001/CPA 2016-003 and SUB 2016-001/VAR 2016-001

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:

Talent needs more housing. More people,  
more support for our economy!  
There are new businesses coming in, and commercial  
space still available. More people to support that!

- We encourage denial of this request for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Please let us know the results.

*Please feel free to attach additional sheets as needed to complete your comments.*

Comments by: Ann Goebert

Mailing Address: 1110 Lithia Way  
Talent, OR 97510

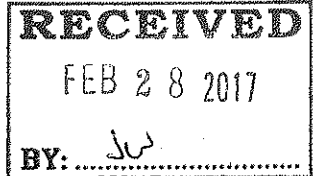
Date: 2-27-17

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OVER

# Comment Form

REZ 2016-001/CPA 2016-003

SUB 2016-001/VAR 2016-001

No comment.

We encourage approval of this request.

Please address the following concerns should this application be approved:

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We encourage denial of this request for the following reasons:

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Please let us know the results.

*Please feel free to attach additional sheets as needed to complete your comments.*

Comments by: \_\_\_\_\_

Mailing Address: 1320 Talent Ave  
Talent, OR 97540

Date: 2-26-17

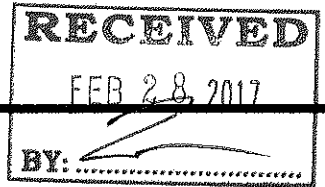
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In compliance with the Americans with Disabilities Act, if you need special assistance, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

*The City of Talent is an Equal Opportunity Provider*

**Zac Moody**



**From:** Mayor Stricker  
**Sent:** Tuesday, February 28, 2017 12:51 PM  
**To:** Tom Corrigan; Melissa Huhtala; Zac Moody; Councilor Wise; Councilor Pederson; Councilor Collins; Councilor Harrison; Councilor Baker; Councilor Berlant; Felicia Hazel; Allison French; Brenda Schweizer; Daniel Milan; David Pastizzo; Joi Riley  
**Subject:** Request for Planning Commission attendance. Not for "reply all".

Hello All,

The City Council appoints Public Officials to different areas of expertise within our City government, to provide best possible recommendations and represent the people of Talent in the most thorough possible way. They train, they research, they ARE the experts! I know we all agree that they do well representing the community's adopted policies and we also probably agree, that their time investment is as meaningful as our own. I am proud of our Public Officials, I have a very high level of respect for their ability but above all, I am profoundly grateful for the time, training and study they have voluntarily offered for our communities' best interest.

With that said, I am at minimum disappointed by the staff report and findings presented in the matter of the Bradley Application, because it seems to under represent the Planning Commission's recommendations. We should all recognize that the Planning Commission invested in 2 meetings well over 4 hours time, reviewing, discussing, thoughtful deliberation and sorted through a confusing process, to end the matter with a recommendation to deny, passing by a 5 to 1 vote. For their recommendation to come before the Council without the technical assistance to prepare findings around their recommendation, as a part of the packet, is concerning and disappointing. Further, the "draft" minutes do not seem to adequately relay to the Council in my opinion, the tangible insights for their reasoning relating to their recommendation. This seems a disappointing disregard for the invested time of these Public Officials, and as the elected official who presides and appoints, I cannot ignore their lack of representation after all their hard work.

It is therefore my request of representatives of the Planning Commission to be present to relay the reasoning of their findings as they relate to the comp plan or zoning or...., so that we can consider all of the facts, and make an unbiased decision based on a complete understanding of all of the reasoning.

Respectfully,

Darby Stricker  
Mayor

[mayor@cityoftalent.org](mailto:mayor@cityoftalent.org)  
541-535-1566

City of Talent  
PO Box 445  
110 East Main St.  
Talent, OR 97540  
[www.CityofTalent.org](http://www.CityofTalent.org)

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**Talent, Oregon**

City of Talent  
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Talent, OR 97540  
[www.CityofTalent.org](http://www.CityofTalent.org)

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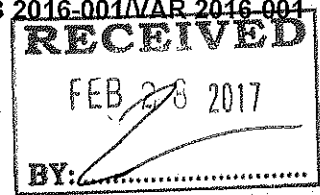
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**Talent, Oregon**

# Comment Form

REZ 2016-001/CPA 2016-003 and SUB 2016-001/VAR 2016-004



No comment.

We encourage approval of this request.

Please address the following concerns should this application be approved:

- 1) HOUSING IS DESPERATELY NEEDED UNIT
- 2) THIS INCLUDES 35 HOMES AND 8 APARTMENTS.
- 3) THESE DEMOGRAPHICS WILL FEED THE BUSINESSES DOWNTOWN
- 4) IT CAN RELIEVE THE HOUSING ISSUE BY 35 HOMES QUICKLY THIS YEAR

We encourage denial of this request for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please let us know the results.

Please feel free to attach additional sheets as needed to complete your comments.

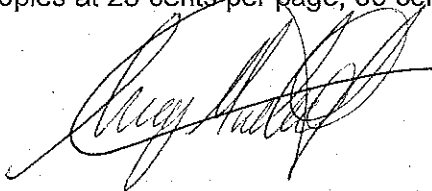
Comments by: GREG GOBERT

Mailing Address: 1110 LYNN WAY  
TALENT, OR, 97540

Date: FEB 23, 2017

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 2/23/17



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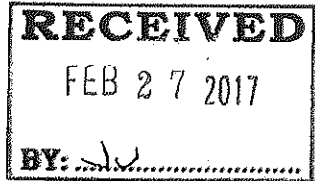
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**OVER**





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OVER ✓

# Comment Form

REZ 2016-001/CPA 2016-003 and SUB 2016-001/VAR 2016-001

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:

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We encourage denial of this request for the following reasons: *Once left industrial property zoning is changed & residential housing is built, where will left industrial be able to be established?*

*you can be sure that residents surrounded by industrial business will start complaining about noise, truck traffic, employee traffic, etc.*

- Please let us know the results.

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: *Kathy Clausser*

Mailing Address: *285 Joseph Dr*  
*Talent OR 97540*

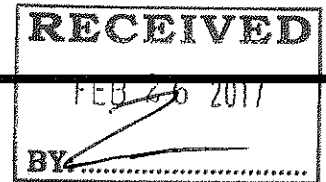
Date: *2/23/17*

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*and you can be sure that residents would oppose changes those businesses next door, might need to make in the future to remain viable.*

**Zac Moody**



**From:** Mayor Stricker  
**Sent:** Sunday, February 26, 2017 7:57 PM  
**To:** Tom Corrigan; Zac Moody  
**Cc:** Charlie Hamilton  
**Subject:** Charlie Hamiltons request for City Attorneys opinion for my recusal,

Hello Tom,

I have reconsidered the matter of recusing myself from the hearings on Wednesday. I will not be recusing myself for the following reasons.

City Charter, section 16 (1) (a).

When present at Council meetings the Mayor **shall** preside over deliberations of the Council.

Council rules, section 6 (A) Presiding Officer. The Mayor **shall** preside at all meetings of the council.

In light of Charlie Hamiltons request for the City Attorney to offer his office an opinion regarding ex-parte contact by me, I do not believe that a developer/citizen/business has greater access to the City Attorney than any one councilor. If any individual wishes to seek the City Attorneys opinion on ex-parte, with council approval, they will be allowed that opportunity in accordance with council rules. Section 10. Legal Advice.

To be clear, I am not seeking the City Attorneys opinion because I am confident that the charter and council rules make clear that the Mayor shall preside over all deliberations.

Grateful to serve,

Darby Stricker  
Mayor  
[mayor@cityoftalent.org](mailto:mayor@cityoftalent.org)  
541-535-1566

City of Talent  
PO Box 445  
110 East Main St.  
Talent, OR 97540  
[www.CityofTalent.org](http://www.CityofTalent.org)

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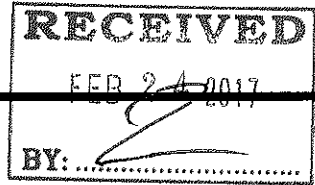
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Talent, Oregon

**Zac Moody**

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**From:** Tom Bradley <tom@bradleyprop.com>  
**Sent:** Friday, February 24, 2017 4:05 PM  
**To:** Zac Moody  
**Cc:** Charlie Hamilton  
**Subject:** Recording of the most recent planning commission public testimony

last email of the day, Zac!

How could we obtain a copy of the recording of the mayor's testimony at the planning commission hearing last month?

Tom Bradley  
541.621.2136

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**Zac Moody**



**From:** Charlie Hamilton <charliehamilton2277@gmail.com>  
**Sent:** Friday, February 24, 2017 2:50 PM  
**To:** Tom Corrigan; Zac Moody; Tom Bradley  
**Subject:** Fwd: Mayor recusing herself from this Wed City Council hearing

Hi Tom,

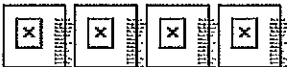
Tom Bradley and myself are asking for you to reach out to the City Attorney to get an opinion regarding if Mayor Strickler needs to recuse herself from the public hearing at the city council this Wednesday. Three weeks ago the mayor was the only citizen to speak before the planning commission in direct opposition to our Talent Ave proposal which is a comprehensive plan change and subdivision approval.

As the applicant we feel we are entitled to a hearing where the decision makers are impartial and unbiased, the Land Use Board of Appeals agrees with us on this topic as well. The Mayor was clear in her opposition during the hearing going on the record to say the project was "impetuous" and "hasty", stated she is an affected property owner by only being 249' feet from the property (275' actually), the Mayor is also online in social media stating her opposition to the project (we can provide the link to these conversations as well).

We expect once given the facts the City attorney will advise that the mayor is to recuse herself, if we don't hear back we will have to seek legal representation and argue that above facts during the public hearing.

Please let me know if you have any questions or concerns,

Charlie Hamilton  
(541) 944-3976  
[Suncrest Website](#)



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**From:** Tom Bradley  
**To:** Zac Moody  
**Subject:** REZ 2016-001/CPA 2016-003 & SUB 2016-001/VAR 2016-001  
**Date:** Friday, February 24, 2017 1:04:58 PM

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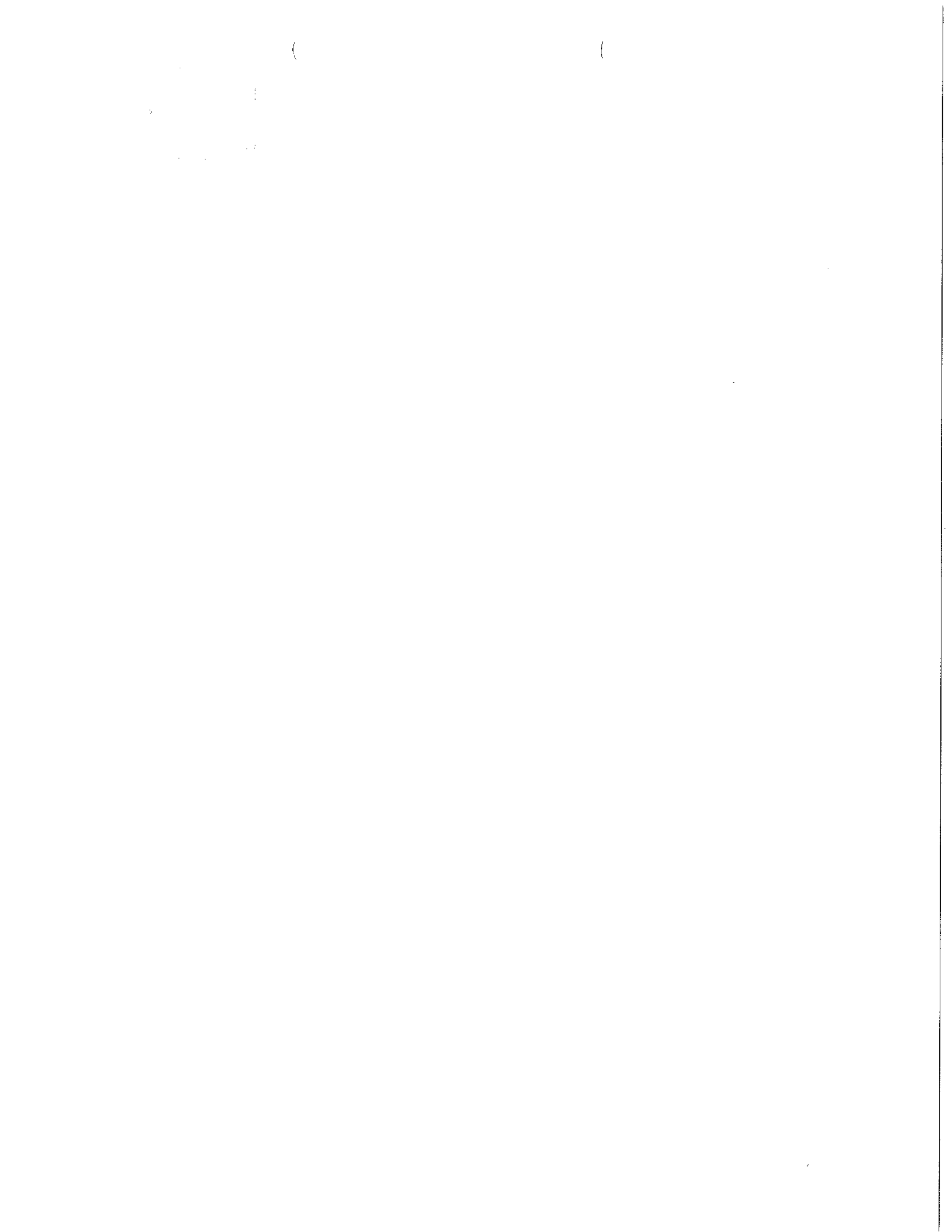
Dear Zac:

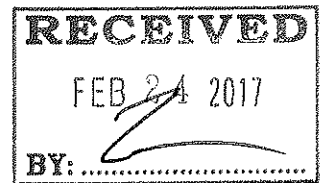
The Applicant understands that Council will take two votes at its 1 March meeting: One vote for/against our Comprehensive Plan Map and Zoning Map Amendment Application (# REZ 2016-001/CPA 2016-003) and a second vote for/against our Subdivision/Variance Application (# SUB 2016-001/VAR 2016-001).

To protect the interests of the subject property's current owners, we ask you enter into the record that we wish to withdraw REZ 2016-001/CPA 2016-003 if Talent's City Council doesn't approve SUB 2016-001/VAR 2016-001 with conditions acceptable to the Applicant.

Gratefully

Tom Bradley, Managing Member  
Bradley Properties LLC, Applicant





**From:** Tom Bradley  
**To:** Zac Moody  
**Subject:** re REZ 2016-001/CPA 2016-003 & SUB 2016-001/VAR 2016-001  
**Date:** Friday, February 24, 2017 1:01:38 PM

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Grateful for all your work on this application, Zac:

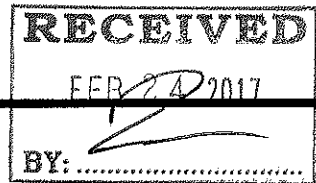
To protect the interests of the subject property's current owners -- who don't want to end up with a re-zoned parcel if Council doesn't approve the subdivision application, would you please confirm that council will not be signing final orders for either application at the next council meeting and that we'll have time to withdraw the applications before anyone executes a final order pursuant?

Many thanks!

Tom  
541.621.2136

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**Zac Moody**

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**From:** Councilor Baker  
**Sent:** Friday, February 24, 2017 11:12 AM  
**To:** Zac Moody  
**Subject:** Question For You

Zac:

Give me a call today if you have time. I am trying to understand in layman's terms why "each application type (legislative and quasi-judicial) should have had their own set of final orders".

Thanks,

Ken Baker  
541-840-4453

City of Talent  
PO Box 445  
110 East Main St.  
Talent, OR 97540  
[www.CityofTalent.org](http://www.CityofTalent.org)

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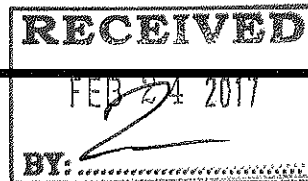
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Talent, Oregon

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Zac Moody



**From:** Mayor Stricker  
**Sent:** Friday, February 24, 2017 5:14 PM  
**To:** Tom Corrigan; Zac Moody; charliehamilton2277@gmail.com  
**Subject:** Fwd: From Charlie at Suncrest

Hello Tom,

Below is a communication from Charlie.

I had asked the same thing last week whether I would need to step down from the dais, thinking I can continue my testimony as a resident.

I am therefore recusing myself from this matter on the agenda. Pederson can take the gavel and act as Mayor during this agenda item.

I received notifications of the hearing.

Thank you.

Gratefully

Mayor Darby Stricker

Sent from my iPhone

Begin forwarded message:

**From:** Charlie Hamilton <[charliehamilton2277@gmail.com](mailto:charliehamilton2277@gmail.com)>  
**Date:** February 24, 2017 at 3:09:17 PM PST  
**To:** [mayor@cityoftalent.org](mailto:mayor@cityoftalent.org)  
**Subject:** From Charlie at Suncrest

Hi Darby,

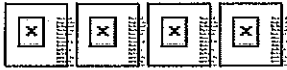
I like to be upfront about things so I wanted to let you know I've requested an opinion from the City attorney about you needing to recuse yourself from our hearing this coming Wednesday. It is not personal but as applicants we feel we are entitled to impartial and unbiased decision makers

I know we are both passionate and care about what is going on in our City and I would love the opportunity to chat with you, I don't think we are that far apart in our thinking.

Let me know if you are open to talking.

Charlie Hamilton  
(541) 944-3976

Suncrest Website



City of Talent  
PO Box 445  
110 East Main St.  
Talent, OR 97540

[www.CityofTalent.org](http://www.CityofTalent.org)

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LOCAL  
GOVERNMENT  
LAW GROUP  
*A member of Speer Hoyt LLC*

Carolyn H. Connelly  
Christy K. Monson  
Ross M. Williamson\*  
Lauren A. Sommers  
Diana Moffat  
Mark A. Wolf  
Russell D. Poppe, *Of Counsel*  
John A. Wolf, *Of Counsel*  
\*Also Admitted in Washington

February 27, 2017

**Via Email Only to: [tcorrigan@cityoftalent.org](mailto:tcorrigan@cityoftalent.org)**

**CONFIDENTIAL**

Tom Corrigan  
P.O. Box 445  
Talent, OR 97450

Re:

*This letter is a confidential communication between attorney and client and as such, it is not subject to disclosure. Discussion of this communication should only take place in an executive session called under ORS 192.660(2)(f) for the consideration of information or records that are exempt by law from public inspection.*

Dear Tom,

You and Zac and Carrie and I spoke on Tuesday, February 21, 2017, about a series of questions related to the consolidated applications for a rezone, zoning map amendment, subdivision, and variance submitted by Bradley Properties, LLC. You also provided our office with an email that included a series of questions about the same applications. This letter will memorialize the phone conversation and address the questions raised in the email.

Please let me know if I have misstated any of the following facts, as that may affect my analysis. Bradley Properties, LLC, submitted an application for two-phase, residential subdivision composed of 35 lots. The subject property is currently zoned Light Industrial, so in order to build a subdivision on the subject property, the property will need to be rezoned to Residential High Density. The zoning map will need to be updated if the property is rezoned.

The applicant has submitted four applications related to the proposed development: an application for a rezone, an application for zoning map amendment, an application for a subdivision and an application for a variance.

The subdivision and variance applications are treated as Type III applications by the Talent Zoning Code. The rezone and zoning map amendment applications are treated as Type IV applications by the Talent Zoning Code.

The Zoning Code contains different procedures for consideration of Type III and Type IV applications. However, section 8-3M.180.D.2 of the Zoning Code provides that when an applicant applies for more than one type of land use or development permit for the same parcel of land, those application proceedings must be consolidated. In compliance with the Code requirement, the four applications have been consolidated.

The Type IV process requires a minimum of two hearings, one before the Planning Commission and one before the Council. Because these four applications have been consolidated, they were first reviewed by the Planning Commission and will soon come to the Council for a hearing and a decision.

The Planning Commission's recommendation was to deny the applications, but the City Council is not bound by that recommendation. Staff continues to recommend approval based on the criteria in the City's Zoning Code. The decision to approve or deny the applications is up to the Council but that decision must be based on the applicable criteria.

### **Applications to be Considered as a Package**

When considering the applications, the Council should keep in mind that if the Council denies the rezone and zoning map amendment applications, the Council will necessarily have to deny the subdivision and variance applications, because the subdivision cannot be approved while the property is zoned Light Industrial. Conversely, if the Council intends to deny the subdivision application, the Council should also deny the rezone and zoning map amendment applications. If the Council wishes to rezone the subject property without approving the subdivision application, the Council should deny the consolidated applications and direct staff to start over with a new application for a rezone only. The applicant has presented these four applications as a package and they should be considered as such. A rezone without the proposed development would essentially impose a zone change on the property owner without the proper accompanying quasi-judicial process. The proposed orders have been drafted so that each of the decisions is contingent upon the others.

### **Remand to Planning Commission**

You asked whether the applications should be remanded back to the Planning Commission for further discussion and a more specific recommendation based on the applicable criteria. The short answer is no. Section 8M-3.160.H of the Zoning Code provides that, even in the event the Planning Commission fails to adopt a recommendation, the City Council is bound to consider and decide Type IV applications. Since these applications were consolidated, all four go to the City Council, regardless of

the Planning Commission's recommendation. There is no good mechanism in the Zoning Code to remand the applications back to the Planning Commission. However, the Council certainly can invite the Planning Commission Chair to the Council's public hearing to speak and answer questions about the Planning Commission's recommendation.

### **Quasi-Judicial Process**

Despite the fact that the rezone and map amendment applications are designated in the Zoning Code as Type IV (legislative), the applicant here is entitled to quasi-judicial protections for all four applications. In particular, the parties are entitled to a decision free from bias and conflicts of interest. In addition, any ex parte contacts councilors have had prior to the hearing must be disclosed.

I understand that both the Mayor and Councilor Wise were present at the Planning Commission meeting where these applications were considered. The Mayor and Councilor Wise will need to declare their presence at the Planning Commission meeting as an ex parte contact at the beginning of the Council public hearing in accordance with sections 8-3M.150.5-6 of the Zoning Code. Since Mayor Stricker testified at the Planning Commission hearing, she should also affirm for the record that she can consider the application based on the factual record and the applicable criteria in the statewide planning goals, the City's comprehensive plan, and the Zoning Code, and, if her vote becomes necessary, make a decision that is free from bias.

Sincerely,



Lauren Sommers

[lauren@localgovtlaw.com](mailto:lauren@localgovtlaw.com)

LAS:cad