



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 Council 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.
 - c. Language that requires the Homeowner's Association or developer to provide continued maintenance of the required open space and pedestrian path once constructed.
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 energy efficient and be downward directed or shielded to avoid light pollution.
 - b. Proposed street lighting shall be consistent with or be of higher standards than all recently installed energy efficient City street lighting, including the color and temperature of proposed lights.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. Specify the required dedication of right-of-way for Stage Way and William Way.
 - g. Detailed water improvement plans in conformance with the City standards.
 - h. Detailed sewer plans approved by Rogue Valley Sewer Services and the City Engineer.
 - i. Detailed stormwater detention and treatment plans approved by Rogue Valley Sewer Services and the City Engineer.
 - j. Provide street access from the proposed pedestrian path through an apron and crosswalk or another method approved by 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. Provide a new street name for William Way and modify 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.
7. The applicant shall provide Community Development with a soils analysis prepared by a licensed environmental science or engineering professional meeting the EPA guidelines to ensure the safety of the soils on the development site.

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 and Open Space OS2 adjacent to lot 25 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

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 per-*

manent 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 parkrows 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 benchmark 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: 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, the type of allowed dwelling for an individual lot or through conditions of the variance addressed below. **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 2nd-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 if 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 applicate 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, 9th 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.**

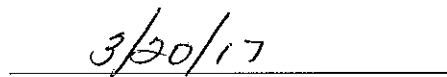
The requests for subdivision and variance approval have been consolidated with applications REZ 2016-001 AND CPA 2016-003 which are designated as Type IV actions in the Talent Zoning Code. The applicant and the City shall adhere to Section 8-3M.180(D)(2) of the Talent Zoning Code outlining the approval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

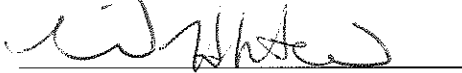


Darby Stricker
Mayor

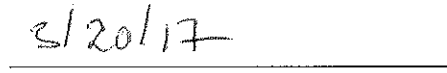


Date

ATTEST



Melissa Huhtala
City Recorder



Date