EXHIBIT A

CITY OF TALENT • COMMUNITY DEVELOPMENT
PO Box 445, Talent, Oregon 97540
Phone: (541) 535-7401 Fax: (541) 535-7423 www.cityoftalent.org

PRELIMINARY/FINAL PLAT APPLICATION

Number of Lots: 35	**Associated Files:**	
Property Owner Bradley Properties LLC, et al	Mailing Address (include zip) 612 Iowa St - Ashland, OR 97520	Phone 541.621.2136
Street Address or Property Location Talent Ave adjacent to OSF's Production Bldg	Email Address tom@bradleyprop.com	
Applicant/Consultant (if not owner)	Mailing Address (including zip)	Phone

Assessor's Map Number (Township, Range, Section, Quarter Section)	Tax Lots	Acres	Zone
38-1W- 26 AD	500	4.37	Light Industrial
38-1W-			

Subzone (if applicable)

Type of Application
(Application fees are calculated by ACTUAL PROCESSING COSTS)

☒	Subdivision	☐	Partition
☐	Flag Lot Partition	☐	Plat Vacation
☐	Subdivision or Partition Replat	☐	Final Plat

☒ Variance

Required Submittals

- ☒ Pre-Application Conference Completed (if yes, then date) 15 December 2016
- ☒ Application Form (signed).
- ☒ Tentative Plat (15 copies/subdivision or 3 copies/partition) – Drawn to scale, including ALL applicable provisions of 8-2.320 of the Talent Subdivision Code.
- ☒ Applicant's Statement (15 copies/subdivision or 3 copies/partition) – Including ALL applicable provisions of 8-2.330 of the Talent Subdivision Code.
- ☒ One electronic copy of plat and applicant's statement in PDF format. Plat shall be reduced to 11x17.
- ☒ Tree Removal Permit (if applicable).
- ☐ Supplementary information as required by the Talent Subdivision Code or the Talent Zoning Code.

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that all property pins must be shown on the drawings and visible upon the site inspection. In the event the pins are not shown or their location is found to be incorrect, the owner assumes full responsibility.

Applicant's Signature **Date**

Property Owner's Signature (required) **Date**

Digitally signed by Thomas MacLeod Bradley
DN: cn=Thomas MacLeod Bradley, o=William Way, ou=Owner/Applicant, email=tom@bradleyprop.com, c=US
Date: 2016.12.23 10:17:57 -08'00'

APPLICATION FEES & DEPOSITS

Fees and deposits are intended to cover the full cost for processing applications. Applicants seeking development which requires more than one type of review (such as site plans and conditional use permits) must pay all applicable fees and deposits.

Application Deposits: Certain application fees are represented by a deposit amount. Applicants shall be charged for actual processing costs incurred by the City. The actual costs charged to the City for technical review of land use applications, including but not limited to City's planning, public works, engineering, administration, legal, wetland specialists, geologists, biologists, arborist, and any other services provided in processing applications, shall be charged to Applicant, at the rate(s) charged to the City. In addition, the actual costs of preparing and mailing notices to abutting property owners or others required to be notified, the costs of publishing notices in newspapers, and any other mandated costs shall be charged to applicant. Any additional costs incurred beyond the deposit amount shall be charged to and paid by the applicant on a monthly basis. The applicant agrees that any deficiencies shall be collected from applicant, and that applicant's failure to pay these amounts triggers the City's option to pursue any or all remedies, as listed below.

Fixed Fee Applications: Fees are non-refundable and are based on average application processing costs rounded to the nearest dollar.

Applicant acknowledges and agrees that Applicant's failure to pay City costs over the deposit fee amounts, as charged monthly by the City, may result in the City pursuing any or all legal remedies available, including but not limited to liening property in the amount owed; prosecution for violation of the City's current fee resolution and City land development or division ordinances; issuance of a stop work order, non-issuance of building permits for property, or cessation of related proceedings; set-off against any reimbursement owed; and turning amounts owed over to a collection agency.

Applicant's Signature **Date**

Property Owner's Signature (required) **Date**

Digitally signed by Thomas MacLeod Bradley
DN: cn=Thomas MacLeod Bradley, o=William Way, ou=Owner/Applicant, email=tom@bradleyprop.com, c=US
Date: 2016.12.23 10:18:12 -08'00'

I hereby acknowledge that my applications may be consolidated. When an applicant applies for more than one type of land use or development permit (e.g., Type-II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: (1) City Planner, (2) the Planning Commission, and (3) the City Council. Joint meetings between governing bodies may be held to streamline the decision process.

Applicant's Signature **Date**

Property Owner's Signature (required) **Date**

Digitally signed by Thomas MacLeod Bradley
DN: cn=Thomas MacLeod Bradley, o=William Way, ou=Owner/Applicant, email=tom@bradleyprop.com, c=US
Date: 2016.12.23 10:18:33 -08'00'

FOR OFFICE USE ONLY			
Deposit Paid (Amount):	*Date:*	*Received By:*	*File Number:*
$1956.00	12/23/16	JW	SUB 2016-001

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

FEE N/A PROCESSING AS TYPE-C

CITY (ENT

Phone: t.org

Property Owner		Phone
Bradley Properties, et al	)	541.621.2136
Street Address or Property Location Talent Ave adj to OSF's producti		
Applicant/Consultant (if not owner)		Phone

Assessor's Map Number (Township, Range, Section, Quarter Section)	Tax Lot Number	Acres	Zone
38-1W- 26 AD	500	4.37	IL
38-1W-			

Subzone (if applicable)_____

Please provide a brief description of the trees proposed for removal, including common name, health and diameter at breast height (DBH @ 4 1/2' above grade). (Note: dead trees do not count towards the amount of significant trees that can be removed, but should be indicated to allow for verification of tree condition by City Staff).

A. Description of Trees Proposed for Removal:

Tree #	Common Name	Health	DBH (inches)
1	Big Leaf Maple	☐ Good ☒ Poor ☐ Dead	14
2	"	☐ Good ☒ Poor ☐ Dead	12
3	"	☐ Good ☒ Poor ☐ Dead	8
4	"	☐ Good ☒ Poor ☐ Dead	6
5	"	☐ Good ☒ Poor ☐ Dead	16
6		☐ Good ☐ Poor ☐ Dead	

B. Explanation of Why Tree Removal is Necessary:

Applicant has submitted plans to subdivide the subject parcel into 35 residential lots. The existing trees are not healthy and will be replaced by several dozen healthy, new trees

C. Tree Fund Assistance (if available):

Would you like to receive assistance from the Tree Fund to plant a new tree (if funds are available)? ☐ Yes ☒ No

D. Site Plan:

On a separate sheet of paper, please provide a sketch of the location and number of trees in relation to surrounding structures, property lines, etc., sufficient to allow City staff to locate the trees in question. All trees to be removed shall be identified by a method obvious to a site inspector, such as tagging, painting or flagging, in addition to clear identification on construction or application documents.

E. Tree Protection Measures

Please provide a brief explaination of what tree protection measures will be taken. In conformance with Section 8-3J.370 of the Talent Zoning Code address protection of the tree trunk, canopy and soils within the critical root zone (CRZ) during and after the tree removal process. Examples of tree protection methods include mulching, irrigation and protective fencing.

After removal and before the replantings, there will be no trees to protect

F. Tree Replacement

☒ Replacement of Private Property ☐ Off-Site Mitigation ☐ Payment in Lieu of Planting

Please provide a brief description of the proposed tree replacement program with a detailed explanation, including the number, size, species and any necessary activities to ensure viability including, but not limited to mulching and irrigation.

The proposed residential subdivision meets all landscaping requirements, including tree plantings

I hereby certify that the statements and information contained in this application, including the enclosed drawings and the required findings of fact, are in all respects, true and correct. I understand that if found to be incorrect, the owner assumes full responsibility.

Property Owner's Signature (required) — **Date**

Applicant's Signature — **Date**

Digitally signed by Thomas MacLeod Bradley
DN: cn=Thomas MacLeod Bradley, o=William Way, ou=Owner/Applicant, email=tom@bradleyprop.com, c=US
Date: 2016.12.23 10:19:30 -08'00'

A person seeking to remove two or more trees within a 12-month period, or proposing to remove a heritage tree shall apply to the City of Talent for a Type "B" Tree Removal Permit. There is a $150.00 processing fee for a Type "B" tree removal permit.

Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in Talent Zoning Code (TZC) 8-3J.3.

By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property upon 24 hours' notice as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.

In order for us to process your permit, please completely fill out and submit this form to Community Development. Your permit will be processed within ten (10) days of receipt.

FOR OFFICE USE ONLY			
Deposit Paid (Amount):	*Date:*	*Received By:*	*File Number:*
N/A	12/23/16	JW	SEE SUB 2016-001

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.

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BEFORE THE TALENT, OREGON PLANNING COMMISSION & CITY COUNCIL

IN THE MATTER OF AN APPLICATION TO)
APPROVE A RESIDENTIAL SUBDIVISION)
ON A 4.37 ACRE TRACT LOCATED ON THE) FINDINGS OF FACT
SW SIDE OF TALENT AVENUE BETWEEN)
OSF'S PRODUCTION BUILDING AND THE)
"BARK PARK")

Applicant - Bradley Properties, L.L.C
Tom Bradley
612 Iowa Street - Ashland, OR 97520
541.621.2136 tom@bradleyprop.com

Property 381W26AD TL 500 – Talent Avenue

Bradley Properties, L.L.C.
California Townhouses, L.L.C.
TKAB Real Estate, L.L.C.
Sharon Harris

Current Comprehensive Plan Map Designation	Light Industrial (li)
Current zoning district	Light Industrial (LI)
Proposed Comprehensive Plan Map Designation	Residential High Density (rh)
Proposed Zoning District	Multiple Family – High Density (RM-22)

Project Summary

On 21 December 2016, the Applicant submitted a separate application seeking approval to amend Talent's Comprehensive Map and Zoning Map to re-zone his vacant, 4.37 acre, light industrial (IL) lot adjacent to OSF's production facility to high-density residential (RM-22).

This Application seeks approval to create a two-phase, residential subdivision dividing the subject lot into 35 residential lots with 22,019 sf of land reserved for future multi-family development.

The City of Talent urban growth boundary encloses an acute shortage of developable residential land and a surplus of industrial land, and the Applicant's proposal will help mitigate both imbalances.

Largely because of this residential land shortage, Talent's median home price increased 77% over the past five years from $145K to $256K: At this writing, there are only four homes listed for sale in Talent, the least expensive listing is priced at $339,000, and there isn't a single, buildable, residential lot for sale. This supply-constrained, pricing pressure can only worsen until Talent's residential land inventory increases.

Talent's Citizens Advisory Committee (CAC) & City Staff recently engaged consultancy ECONorthwest to perform a thorough, Economic Opportunities Analysis (EOA) that concluded that Talent's developable, industrial land inventory exceeds projected demand by 6.2 acres.

In addition, City staff & CAC also recently engaged ECONorthwest to perform an exhaustive, Housing Needs Analysis (HNA) and concluded that:

1. The City of Talent suffers a 17-acre deficit of developable, Medium-Density, residential land and a 9-acre deficit of developable, High-Density residential land

2. The City's density assumptions do not meet RPS Regional Plan requirements

3. Steep slopes and inadequate utility infrastructure hamper development of much of Talent's designated, developable residential land

4. 75% of Talent's housing is single-family detached, and the City needs to provide a wider range of housing types to maintain affordability and to increase density

To alleviate these problems, ECONorthwest recommends that the City of Talent should:

1. Provide opportunities to develop a wider range of housing types

2. Develop a Medium-Density zone & Plan Designation with a 5 to 10 dwelling unit per acre density

3. Consider rezoning its excess, commercial/industrial land to residential

The proposed subdivision addresses their conclusions and incorporates their recommendations: The plan's blend of detached, semi-detached, attached, and fourplex residences provides a wide range of housing types. The proposed density of 9.8 dwelling units per acre (including two, future fourplexes) utilizes the land and existing utility infrastructure more efficiently than lower-density alternatives. To achieve this density, the Applicant seeks 4 variances to setback standards and provides findings below to justify the variances.

Unlike other lands slated for residential development within Talent's UGB, existing stormwater, sewer, and water services are sufficient to support the development, and the subdivision is close enough to downtown Talent and Chuck Roberts Park (& the Bark Park...) to encourage more pedestrian (2- & 4-legged) movement and fewer vehicle-trips.

The parcel abuts 290 feet of Talent Avenue, a fully-developed arterial with RVTD service, and this Application proposes using the two, existing, street entries with no additional curb cuts.

On the land abutting the parcel's northwest boundary, The Oregon Shakespeare Festival assembles and stores theater props & sets & costumes in a large, but quiet facility. Talent Dog Park and Micro-Trains occupy the land to the southeast, and neither occupant conducts activities that could conflict with neighboring residences.

Fabricated Glass Specialties occupies the land abutting the southwest boundary of the parcel: Their manufacturing process requires a loud, cooling process most afternoons, but their large building separates their loading docks and parking/circulation from the proposed subdivision.

The Applicant has collaborated with the owner/operators of the three light industrial facilities abutting the proposed subdivision to develop a multi-faceted, buffering plan designed to mitigate noise & light generated by their current & future operations.

Future occupants of the vacant, light-industrial-zoned lands abutting the southern corner of the parcel will comply with Talent's Light Industrial codes, which limit noisy, noxious activities that could conflict with residents of the proposed subdivision.

Although the Applicant intends to subdivide the entire parcel at one time, he requests approval to perform the subdivision in two phases, as shown on the preliminary plat. Doing so will provide the Applicant some financial flexibility should market conditions change unexpectedly.

APPLICABLE CRITERIA & PROCEDURES

Talent's critical housing shortage and overlapping Comp Plan Map and Zoning Map amendment criteria induced City staff to suggest that the Applicant concurrently submit its Map Amendment Application and its Subdivision Application under a Type-IV (Legislative) Procedure. The following findings only relate to the Subdivision Application.

Title 8, Chapter 2 of Talent's General Ordinances describes **Subdivision Application and Approval Criteria** in detail & requires findings pursuant to:

Talent Subdivision Code	TGO – Title 8, Chapter 2
Application/Approval	Article 3
Design Standards	Article 2

Talent's Transportation System Plan: Section 6 Standards - Narrow Street Exception

Title 8 Chapter 2 also directs Applicants to prepare findings responding to:

Talent Zoning Code	TGO – Title 8, Chapter 3
High Density Zoning	Division C, Article 4 (RM-22)
Variance	Division L, Article 4
Administration	Division M, Article 1 (Neighborhood Meeting)

Attached Exhibits include:

- Preliminary Plat (11x17)
- Subdivision site-plan (11x17)
- Neighborhood Meeting Mailing list & Invitation

SubdivisionCode

General Ordinances, Title 8, Chapter 2
Adopted by Ordinance No. 692 on 3 October 2001& Amended by Ordinance No. 912 on 17 February 2016

Article 3. Application Requirements and Approval Criteria

310 Review Procedures and Approvals Process
320 Preliminary Plat Submission Requirements
330 Approval Criteria: Preliminary Plat
340 Variances Authorized

Article 2. Development and Design Standards

210 Open Space
220 Public Facilities and Standards Improvements
230 Pedestrian Access and Circulation
240 Street Trees
250 Transportation Facility Standards
260 Vehicular Access and Circulation
270 Sanitary Sewer and Water Service Improvements
280 Storm Drainage and Surface Water Management
290 Utilities

8-2. Article 3 APPLICATION REQUIREMENTS & 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.

Applicant's pre-application conference occurred on 15 December 2016

2. The preliminary plat for a partition and subdivision shall be approved by the Planning Commission before the final plat can be submitted for approval consideration.

3. The final plat shall include all conditions of approval of the preliminary plat.

B. The preliminary plat for a partition shall be an administrative review with public notice. The preliminary plat for a subdivision shall be a qu[redacted]

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)...

Because this section specifically excludes RM-22 Zoned lands, the Applicant performed its density calculations below using 8-3C.460 below.

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.

Applicant's 8-2.2 (Development & Design Standards) Findings below address these standards

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.

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

The subdivision design responds to the HNA's density & design recommendations by weaving together a variety of housing types, 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. The plan also 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 also attempts to use the land more efficiently and erect smaller homes to lower homeowner & renter costs. Doing so not only lowers the average home cost, but it also helps the city alleviate the housing shortage by increasing the density per acre.

However, Talent's setback codes were not conceived to facilitate efficient land usage and small homes: They were written to serve much larger, 5,000 – 8,000 sf lots.

Talent's current, front-yard setback is 20' for the house or porch and 24' for the garage, and because that inefficient requirement consumes more than 25% the average lot, the Applicant seeks variances to reduce front-yard setbacks to 10' for houses/porches and to 20' for street-loaded garages. Doing so maintains adequate, off-street parking while lessening the visual impact of the garage door. 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.

Jackson County Fire District 5 staff also noted that structures closer to streets provide faster emergency access.

Talent's current, side-yard setback of 5' for 1-story and 8' for 2-story structures was also conceived to serve larger lots: It means that adjacent, 2-story homes must be 16' apart. Those 8' setbacks consume nearly half of the frontage of today's typical, 35'-wide, residential lot, an ineffective strategy for increasing density reducing costs.

Ashland code requires 6' minimum side-yard setbacks for both one- and two-story homes, and Medford codes require a 4' side-yard setback for one-story homes and increases them proportional to building height. Narrower setbacks and smaller lots are the simplest means of increasing Talent's density & preserving the surrounding, open space.

When Talent's City Council enacted the 8' side-yard setback, Fire Chief Dan Marshal testified that the 8' setback wouldn't facilitate their efforts because they don't typically fight fire from the sides of houses. There was one council member who still wanted it and it was passed even against the fire Marshal's testimony.

When the Applicant recently discussed narrower, side-yard setbacks with current, Fire District 5 staff, they agreed that they wouldn't fight the fire from the side of a house. They noted that they 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 will be sufficient room to set a ladder.

The Applicant seeks a variance to reduce side yard setbacks from 8' to 6' for 2-story homes. With District 5 staff's blessing, the Applicant also seeks approval to reduce side-yards from zero lot line garages to 5' for single-story and 6' for two-story homes.

The plan complies with rear-yard minimum setbacks of 10' and alley-garages of 5'

All proposed lots include space for at least one, single car garage, as the site-plan indicates, but Applicant may adjust the garage areas prior to final approvals.

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

The Applicant's attached, 8-2.2 (Development and Design Standards) findings describe the Application's compliance with the preceding section.

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.

This design includes no lots abutting Arterial or Collector Streets.

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. Lastly, to reduce the likelihood of subdivision occupants complaining about adjacent, light industrial activities, the Applicant will record non-remonstrance covenants with the deeds that require owners to acknowledge their awareness and acceptance of the adjacent, Light Industrial activities.

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.

Applicant's attached, 8-2.2 (Development and Design Standards) findings address compliance with the preceding section

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.

The Applicant will provide a reciprocal easement ensuring access and maintenance rights that shall be recorded with the approved subdivision

D. Conditions of Approval. City staff, Planning Commission, or City Council may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations. When not voluntarily accepted by the Applicant, conditions shall be roughly proportional to the impact of development, and the written findings and decision shall include findings of proportionality.

The Applicant understands this concept

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

The Applicant accepts this concept

F. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use

district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the zoning district and this Code. A re-division plan shall be submitted that identifies:

1. Potential future lot division(s) in conformance with the housing and density standards of the underlying zoning district;

2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.

3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. Development activities that prevent implementation of the re-division plan shall not be permitted unless they achieve the housing densities and street connections required by the applicable zoning district and this ordinance. The City may require dedication and improvement of rights-of-way within the future plan area to provide needed secondary access and circulation.

The Applicant understands that additional development must undergo additional entitlement procedures & merely presents its conceptual ideas for the ½ acre of land reserved for multi-family development.

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

Applicant's attached, 8-2.2 (Development and Design Standards) findings address compliance with the preceding section

8-2.340 VARIANCES AUTHORIZED

Adjustments to the standards of this Chapter shall be processed in accordance with 8- 3L.4—Variances of the Talent Zoning Code. Applications for variances shall be submitted prior to or at the same time as an application for land division or lot line adjustment is submitted. [amended 15 October 2008; Ord. No. 847]

Applicant's attached, 8-3L.2 (Variances) findings address compliance with this section

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]

To maintain an open viewscape around the entry into the subdivision and to provide some separation between the Bark Park & the nearest residences, the Applicant incorporated an open space of 5,045 sf

1. By dedication to the City as publicly owned open space. Open space proposed for dedication to the City must be acceptable to the City Council with regard to the size, shape, location, improvement, environmental condition (i.e., the Applicant may be required to provide a level-one environmental assessment), and budgetary and maintenance terms; or

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

The open space will be owned and managed by the Homeowners' Association

C. Uses of Required Open Space. Subject to review and approval by the City Council, an open space dedication may be used to comply with the City's wetland and riparian protection codes and ordinances (8-3H.2 and 8-5) and/or mitigate parks and recreation impacts related to the subject development.

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.

The open space will be owned and managed by the Homeowners' Association

E. Additional Open Space. If the developer is required to reserve additional land area in excess of conservation areas prescribed in Subsections B-D, above, for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 24 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

(Note: When the developer is required to reserve additional land area in excess of conservation areas, *Dolan v. City of Tigard* findings should be in the staff report and decision to justify the exaction.)

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.

The Application meets the open space standards set forth above. The preliminary plat depicts 5,045 sf of dedicated, open space adjacent to Bark Park.

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.

The Application meets the public facilities standards set forth above. All public facilities contemplated herein comply with City Design & Engineering standards, and these Findings affirm that the existing, public facilities are sufficiently sized for the proposed subdivision. The City engineer, RVSS, Pacific Power, and gas & phone utilities have all indicated that there are adequate public facilities to service this subdivision.

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.

The pedestrian pathway between lots 29 and 30 provides a reasonably direct route between the most distant lots and downtown Talent as well as for pedestrians walking to Chuck Roberts Park or Bark Park.

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

The proposed, pedestrian pathway is free of hazards and provides a reasonably direct route of travel

3. For commercial, industrial, mixed use, as well as public and institutional buildings, the primary entrance is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

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.

All primary, home entrances face the highest order street. For example - those lots with street or alley

frontage have the primary entrance facing the street, and not the alley.

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;

The proposed pathway easement is 10' wide

2. Pathways within subdivisions shall be lighted;

The proposed path way will be lighted.

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;

The pedestrian pathway will not have any stairs or switchbacks and will have a gentle grade of less than 5%.

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

There will be landscaping along the pathway which will be installed just after the completion of the homes on either side of the pathway.

5. The Planning Commission may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded prior to the effective date of this Code prohibit the pathway connection.

NA

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).

The proposed pathway is perpendicular to William Way.

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.

The building envelopes abutting the pathway have 5' sideyard set-backs from the pathway.

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.

The pedestrian pathway doesn't cross any parking lots or driveways.

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.

The pedestrian pathway shall be 6' wide, constructed of asphalt, and shall conform to ADA requirements

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

The pedestrian pathway shall comply with ADA requirements, as the final plat will indicate.

This Application meets the pedestrian access & circulation standards set forth above. The combination of ROW sidewalks and dedicated, pedestrian paths on the site plan provide safe, reasonably direct and convenient connections between building entrances and adjacent streets. Pathway, crosswalk, and pathway surface designs and specifications meet the foregoing criteria.

8-2.240 STREET TREES

A. Purpose. This section is intended to improve the comfort, safety and appearance of streets through the appropriate use of street trees. The standards in this section supplement, but do not replace the provisions of Article 8-3J.4.

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.

The Applicant is proposing to install street trees in the planter strip.

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:

1. Provide a broad canopy where shade is desired.

2. Use low-growing trees for spaces under utility wires.

3. Select trees, which can be "limbed-up" where vision clearance is a concern.

4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.

5. Use species with similar growth characteristics on the same block for design continuity.

6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.

7. 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.

8. Select trees for their seasonal color, as desired.
9. 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.

The Application meets the street trees standards set forth above. The preliminary site plan emphasizes street tree and buffering tree plantings that provide important shade, color, and sound/ light attenuation.

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.

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

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:

The proposed subdivision shares approximately 300' of frontage with Talent Avenue – a public street.

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

The proposed streets will meet TSP Standards

2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable City, county or state jurisdiction;

Applicant will complete the half-finished ROW 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. See below for William Way's compliance with Talent's narrow street exception.

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.

The Applicant does not anticipate that the subdivision will require future improvements.

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

See below for findings for Article 8-3L.4.

D. Creation of Rights-of-Way for Streets and Related Purposes. Streets, sidewalks and walkways shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street, sidewalk or walkway by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the City Administrator and shall name "the public" as grantee.

The Applicant shall adhere to all requisite procedures designing, installation and recording the final plat which provides for the dedication of the public improvements.

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.

Fire District 5 staff have reviewed the proposed plan and stated their satisfaction proposed, vehicular access and circulation.

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:

The streets in the proposed subdivision conform to TSP standards

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

The subject site is gently sloping, and road grades are anticipated to be less than 5%: Final road grades will be detailed on the final plat

2. 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:

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

The proposed road system connects two existing intersections along Talent Avenue – the one shared with Shakespeare and the Everett Way intersection

   b. Conform to a street plan adopted by the Planning Commission, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

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:

1. Street classification in the Transportation System Plan;

2. Anticipated traffic generation;

3. On-street parking needs;

4. Sidewalk and bikeway requirements based on anticipated level of use;

5. Requirements for placement of utilities;

6. Street lighting;

7. Proposed traffic calming devices;

8. Minimize drainage, slope, and sensitive lands impacts, as identified by the Comprehensive Plan;

9. Street tree location, as provided for in Section 240—Street Trees;

10. Protection of significant vegetation (i.e., trees with a caliper of 4 inches (dbh) or greater)

11. Safety and comfort for motorists, bicyclists, and pedestrians;

12. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;

13. Access needs for emergency vehicles; and

14. Transition between different street widths (i.e., existing streets and new streets) where applicable.

See below for compliance with the TSP narrow street exception.

H. Traffic Signals and Traffic-Calming Features.

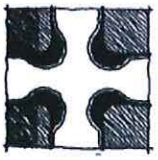
1. Traffic-calming features, such as traffic circles, roundabouts, curb extensions, crosswalks, speed bumps, narrow residential streets, and special paving should be used to slow traffic in existing and planned neighborhoods and areas with high pedestrian traffic.

NA

2. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

NA

Figure 250.H—Traffic Calming Features

Drawing	*Technique*	*Description*
	Traffic Circles	Circular raised islands centered within intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.
	Chicanes	Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicanes are offset from each other in mid-block locations and can be used to keep through-trucks versus local delivery off residential streets.
	Curb Bulb-Outs, Chokers/ Neckdowns	Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible. Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.
	Special Paving	Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.

I. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the Applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other dividable parcels within 600 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions to serve future development.

The roadway design connects two existing intersections &anticipates no, future street extensions

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Planning Commission determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:

   a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs or permanent dead-end streets since they are intended to continue as through streets when the adjoining property is developed.

   b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be

constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

The Transportation Systems Plan does not depict any additional street connections other than those on the proposed plan. During its deliberations regarding Shakespeare's Site Plan application, the Planning Commission determined that extending Stage Way to Fabricated Glass was not warranted.

The Applicant met with the three, abutting property owners: Micro Trains, Fabricated Glass and Shakespeare and none expressed desire for any additional road connections

J. Street Alignment and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.

The plan does not propose any new intersections: It improves two, existing intersections

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.

There is only one local intersection on this plan – Stage Way at William Way - and it is more than 125' from any other intersections.

3. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15 percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The Applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

The roadway slope will be less than 5%

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.

The subdivision roadways provide direct and easy access to Talent Avenue, which has RVTD service, is close to downtown Talent, and close to recreation at Chuck Roberts park.

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.)

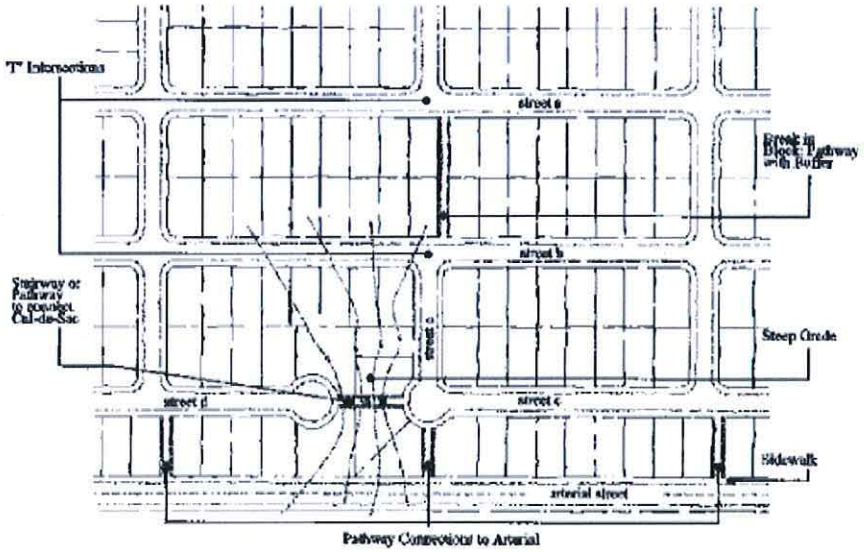
The design meets these standards because the pedestrian pathway between lots 29 & 30 provides a direct route for residents walking downtown or to Chuck Roberts Park or the dog park.

Figure 250.J—Street Connectivity

Street Connectivity and Formation of Blocks

Standard Blocks

Exceptions



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)

The proposed design meets the Transportation System Plan narrow street exception - see below for additional findings.

A landscape plan for the abutting pathway will be included with plan submittal for lots 29 & 30

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:

1. 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;

2. 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

3. Right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet.

All planned intersections meet at right angles with radii greater than 20'.

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.

Applicant will complete the existing, ½ street shared with OSF and dedicate the ROW to Talent.

N. Cul-de-sacs. A permanent dead-end street shall be no more than 250 feet long, shall not provide access to more than 12 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a circular or hammerhead turnaround. Circular turnarounds shall have a radius of not less than 30 feet, and not more than a radius of 40 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and

2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac pavement.

3. Pathways shall be provided to connect cul-de-sacs in conformance with Section 230(B).

There are no cul-de-sacs or hammer-head tur- arounds on the plan.

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:

1. 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

2. 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.

The anticipate street grades are less than 5%, & both intersections at Talent Ave shall have stop signs.

P. Curbs, Curb Cuts, Ramps, and Driveway approaches. Concrete curbs, curb cuts, wheelchair and bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Section 260—Vehicular Access and Circulation and Americans with Disabilities Act (ADA) standards.

The Final Plat will comply with this section.

Q. Streets Adjacent to Railroad Right-of-Way. Wherever a proposed residential subdivision is adjacent to a railroad right-of-way, a street approximately parallel to such right-of- way at a distance suitable for the appropriate use of the land shall be created. Exception: This standard shall not apply where physical constraints (e.g. wetlands, slopes, etc.) make development of a road impracticable. In this situation, the subdivision shall contain adequate buffering and additional setbacks may be required, as determined by the Planning Commission. New railroad crossings and modifications to existing crossings are subject to review and approval by the Oregon Department of Transportation.

NA

R. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. To satisfy this requirement, the design shall include one or more of the following:

1. A parallel access street along the arterial with a landscape buffer separating the two streets;

2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Section 260(F)—Access Options;

3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or

4. Other treatment suitable to meet the objectives of this subsection;

NA

S. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 260—Vehicular Access and Circulation.

Lots 20-22 & 31-35 obtain their primary vehicular access from the depicted, access way, and lots 6-8 obtain their primary vehicular access from a different access way: Both are in compliance with this section.

T. Alleys, Public or Private. Alleys shall conform to the standards in the Transportation System Plan. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

There are no sharp changes in alignment and no radii less than 12'.

U. Private Streets. A private street shall not provide access to more than two single-family residential lots. A private street shall not be used to avoid connections with public streets. Gated communities and private street systems (i.e., where a gate limits access to a development from a public street) are prohibited. Design and construction standards for grading, base rock, compaction, paving and drainage of private streets shall be the same as for public streets. [amended 15 October 2008; Ord. No. 847]

No private streets are proposed with this project.

V. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in Jackson County except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.

Both street names Stage Way and William Way comply with this section.

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

The final plat will demonstrate compliance with this section.

X. Street Signs. The City, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

The final plat will demonstrate compliance with this section.

Y. Mail Boxes. Plans for mailboxes to be used shall be approved by the United States Postal Service.

The final plat will demonstrate compliance with this section.

Z. Street Light Standards. Streetlights shall be installed in accordance with City standards. Street lighting shall be designed to provide necessary lighting only, with all fixtures hooded and all resulting lights projected downward, and with no light projected on to adjoining property.

The final plat will demonstrate compliance with this section.

AA. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than when 50% of the structures in the new development are completed or 3 years from the commencement of initial construction of the development, whichever is less.

1. Sub-base and leveling course shall be of select crushed rock;

2. Surface material shall be of Class C or B asphaltic concrete;

The final plat will demonstrate compliance with this section.

3. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and

4. No lift shall be less than 1-1/2 inches in thickness.

8-2.260 VEHICULAR ACCESS AND CIRCULATION

A. Intent and Purpose. The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate "level of service" and to maintain the "functional classification" of roadways as required by the City's Transportation System Plan. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.

These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

B. Applicability. This ordinance shall apply to all public streets within the City and to all properties that abut these streets.

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

1. Permits for access to City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Section and the provisions of Section 250—Transportation Facility Standards. An access permit may be in the form of a letter to the Applicant, or it may be attached to a land use decision notice as a condition of approval.

The final plat will demonstrate compliance with this section.

2. Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Jackson County. In that case, the City or County shall determine whether access is granted based on its adopted standards.

The final plat will demonstrate compliance with this section.

3. Permits for access to County highways shall be subject to review and approval by Jackson County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

The final plat will demonstrate compliance with this section.

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]

To determine the traffic impact of the proposed Comp Plan & Zoning Map Amendments, the Applicant obtained trip generation rates from the ITE Trip Generation Manual, 9th edition (ITE).

According to the ITE, the trip count most closely associated with vacant light industrial land is Code 110, General Light Industrial, with a trip generation of .97 PM Peak Hour Trips per 1,000 square feet of development.

The subject parcel's current, IL zoning is unrestricted with no traffic caps, so the highest and best use of the property would consist of 3.66 net acres or 159,429 square feet of development (applying all standard setbacks identified in the TDC), so the existing Trip Generation potential of the property is 154 PM Peak hour trips.

Approval of this Application would create 35 single family lots, plus reserve acreage for up to 12 dwelling units under separate application. The 35 single family dwellings contribute 1 PM Peak hour trip per dwelling unit for a total of 35 PM Peak Hour Trips. The future Multifamily development - with up to 12 dwelling units at .62 PM Peak hour trips - adds 7.44 PM Peak hour trips for a total of 42.44 PM Peak hour trips.

Therefore, approval of these Applications would reduce PM Peak hour trips by 111.56 PM Peak hour trips and negate the need for a Traffic Impact Study per 8-3L.920 of the TDC.

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

F. Access Options. When vehicle access is required for development, access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider.

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

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

Public access easements shall be recorded for both, proposed, access ways

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

4. Subdivisions Fronting onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or

collector) streets for access to individual lots.

NA

5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

NA

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.

Except for the permitted, shared driveways, all driveways on local streets have at least 10' of separation

2. Arterial and Collector Streets. Access spacing on collector and arterial streets shall be determined by the Public Works Director. Access to State Highway 99 shall be subject to review and approved by the Oregon Department of Transportation (ODOT), based on the applicable standards contained in the City's Transportation System Plan and policies contained in the *1999 Oregon Highway Plan*.

NA

3. Special Provisions for All Streets. Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified by Subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. (See Subsection I, below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

NA

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.

Each single-family lot has only 1 access point.

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:

14 of the 35, proposed lots share driveways

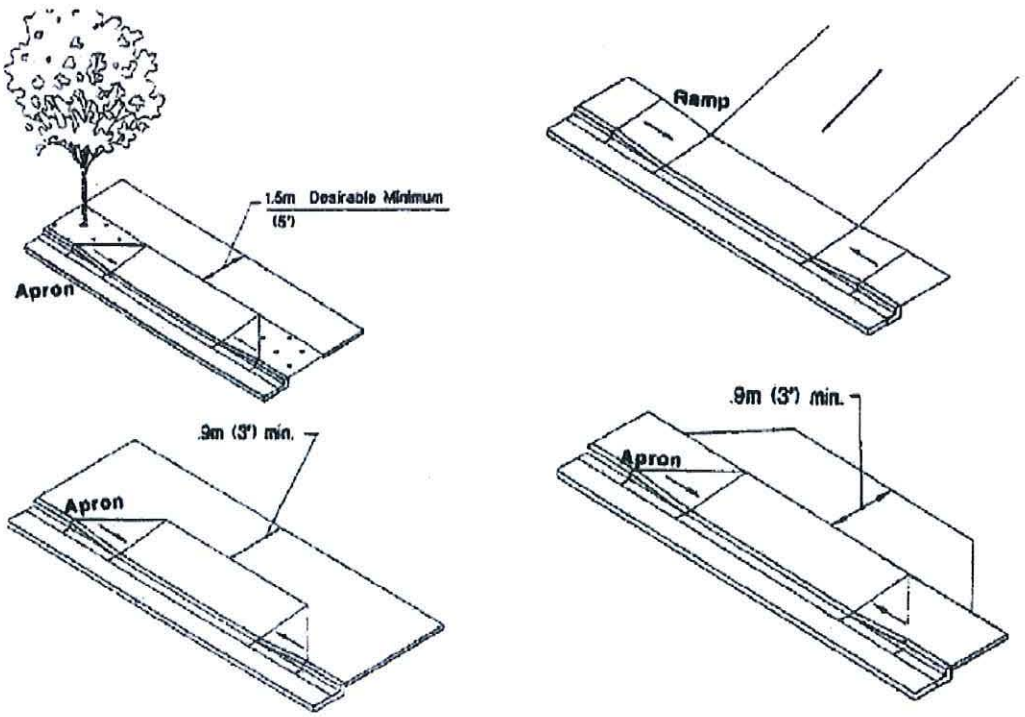
1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they may be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

NA

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.

Access easements shall be recorded for all shared driveways

Figure 260.I—Examples of Acceptable Driveway Openings Next to Sidewalks/Pathways



J. Driveway Openings/Curb Cuts. Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single family, two-family, and three-family uses shall have a minimum driveway opening/curb cut width of 10 feet, and a maximum width of 24 feet.

All shared driveway opening/curb cuts shall meet this requirement.

2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway opening/curb cut width of 20 feet, and a maximum width of 24 feet.

3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway opening/curb cut width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Public Works Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

Compliance with this section shall be provided when the Applicant submits for site plan approval for the multifamily dwellings.

4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in 8-3J.5;

5. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous accessible route of travel, with a cross slope not exceeding 2 percent.

Compliance with this section shall be provided at time of final plat

K. Fire Access and Parking Area Turn-arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section 250—Transportation Facility Standards.

There are no cul-de-sacs associated with this project, and Fire District 5 has reviewed the site plan for compliance.

L. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

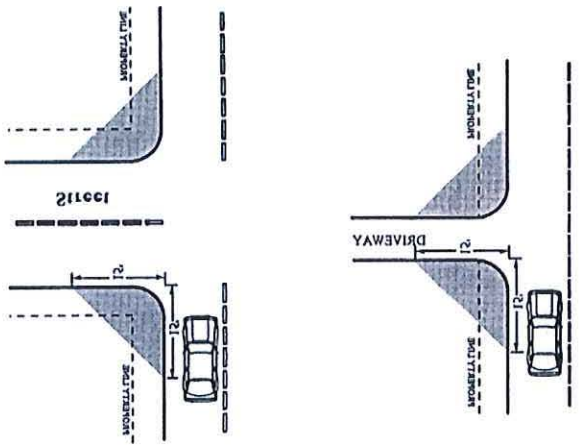
Compliance with this section shall be provided at time of final plat

M. Vision Clearance. No signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas", as shown below. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due

to traffic speeds, roadway alignment, etc.).

Compliance with this section shall be provided at time of final plat

Figure 260.M-Vision Clearance Areas



N. Construction. The following construction standards shall apply to all driveways and private streets:

1. Surface Options. Driveways, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material that will support emergency vehicles may be used to reduce surface water runoff and protect water quality.

2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards.

3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See also, Subsection K. above.)

Compliance with this section shall be provided with submission of the final plat

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.

Rogue Valley Sanitary Sewer staff have reviewed the proposal and determined that there is adequate existing capacity for the project. Compliance with the rest of this section *shall be provided with submission of the final plat*

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.

Rogue Valley Sanitary Sewer staff have reviewed the proposed subdivision plan and assert that there is sufficient capacity within the storm drain system for the project. Compliance with the remainder of this section shall be provided at time of final plan.

8-2.290 UTILITIES

A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground and shall provide for future expansion of services, except for surface mounted

transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or higher. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. All above ground equipment shall not obstruct vision clearance areas for vehicular traffic (8-3J.6);

2. The City reserves the right to approve the location of all surface mounted facilities;

3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

5. Adequate capacity for communications services shall be provided. Underground conduit for communications lines, or oversized conduit for phone or other compatible utilities, shall be installed whether or not provision of such services is planned at the time of development.

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

C. Exception to Under-Grounding Requirement. The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, or existing development conditions, when demonstrated by the Applicant

All utility providers have verified that their existing infrastructure provides sufficient capacity to service the subdivision. Compliance with the remainder of this section will occur at time of final plan.

Transportation System Plan: Section 6: Standards

Narrow Street Exception

An exception to the local residential standard may be considered by the Planning Commission under certain conditions:

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

- Distance between cross streets is no more than 600 feet.

The distance between William Way and Stage Way is less than 600 feet, and the projected traffic of 10 trips per day per unit amounts to less than 480 trips/ day.

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

Although William Way is a loop, not a cul-de-sac, its effect is the same as a cul-de-sac, with no anticipated, future connections or capacity increases

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

The designed parking on one side of the street provides 27 spaces, and lots 7-13 and 30- 32 each have one off street parking space and an additional, designated parking space across the access way.

In comparison, Ashland requires a 47-50' ROW for similar streets and permits parking on both sides of the street with a 25-28' paved section. We propose a 28' wide paved section and seek parking on one side only (though Applicant would consider parking both sides if staff and Commissioners prefer additional parking).

- 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.

As an infill street connecting Talent Avenue's Everett Way intersection to the ½ street improvement on the NW edge of the subdivision, the proposed street meets this criteria

- 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).

William Way meets this standard because there is an alley on one side, and in addition to the off-street parking provided by garages and 20' driveways, the plan designates 10, additional parking stalls adjacent to the access way. Unlike comparably dense subdivision designs, this plan provides abundant parking and wouldn't benefit from widening the ROW for additional parking.

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.

As there are no reasonably anticipated, future connections to the proposed, street system, there should be no reason to need to increase the width of the ROW in the future.

8-3 Division C. Article 4.

RESIDENTIAL ZONE
MULTIPLE-FAMILY—HIGH-DENSITY *(RM-22)*

8-3C.410 DESCRIPTION AND PURPOSE

The Residential—Multiple-Family—High-Density (RM-22) zone is intended to provide a healthful and livable residential environment, together with the full range of urban services, for housing units at densities higher than provided for in other residential zones. This zone is also intended to accommodate housing alternatives to conventional housing and an area where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur indistinguishably or compatibly with the residential character. It is generally intended that high-density residential zones will be situated in close proximity to activity centers and major streets.

The proposed, subdivision plan integrates a variety of housing types into a high-density, residential community nestled close to recreational activity centers (Bark & Chuck Roberts Parks) and adjacent to an arterial street with RVTD service.

The plan's unconventional combination of row-houses, common-wall houses, homes with attached garages, homes with zero lot lines, traditional, single family homes, plus acreage for future apartments is intended to provide a healthful and livable residential environment suitable for home occupations and for employees of the neighboring, low-impact, commercial enterprises.

8-3C.420 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

A. Detached Single-family dwellings on individual lots.

The proposed design includes 3 detached single family lots will be subject to Type-1 Review

B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport. Manufactured homes are prohibited within the Old Town or other historic district.

NA

C. Use of existing structures for the permitted uses listed in Sections 430 and 440 of this Article below, where all the provisions of this Chapter and any amendment thereto are met.

There are no existing structures on the property

D. Home occupations, subject to the provisions of Article 8-3L.6

None sought under this Application

E. [*Reserved*]

F. Other uses determined by the Planning Commission to be similar to those listed above.

Except for multi-family development on Tract A, which the Applicant will apply for under a separate application, the subdivision design contemplates only single-family residences subject to Type-1 Permit review.

G. Accessory buildings and structures, not including additional or accessory dwellings.

None are being applied for with this application

8-3C.430 BUILDING AND USES PERMITTED SUBJECT TO TYPE- 2 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site plan review process in Article 8-3L.1.

A. Up to four dwelling units, either duplexes, multiple-family dwellings, condominiums, row houses and townhouses (attached single-family dwellings), but not including the conversion of multiple-family dwellings to unit ownership. Attached single-family dwellings (row houses or townhouses) are permitted only if vehicular access is provided via alleyway(s).

B. Boarding and rooming houses not exceeding accommodations for five (5) residents.

C. Conversion of existing single-family dwellings to multi-family units, up to four dwelling units, provided each unit shall have no less than 450 square feet of living area and 250 square feet of open space in compliance with the provision of Section 470, below.

D. More than one single-family dwelling (detached or attached and not exceeding four dwelling units) on an individual lot that is with or without existing dwelling units.

E. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.

F. Other uses determined by the Planning Commission to be similar to those listed above or under Section 420.

Except for multi-family development on Tract A, which the Applicant will apply for under a separate application, the subdivision design contemplates only single-family residences subject to Type-1 Permit review.

8-3C.440 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE- 3 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses, which are permitted subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to whether and how the use can be located on the designated site.

Except for Tract A which will come before the City for review all of the other homes are similar to section A and will be a type 1 permit.

A. Any use in Section 430, above, that exceeds the size thresholds listed.

B. Parks and playgrounds.

C. Public and semi-public buildings essential to the physical welfare of the area; such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of twenty percent (20%) of the property width but no less than ten (10) feet.

D. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.

E. Kindergartens, day nurseries and pre-schools.

F. Relocated Structures.

G. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 420 or 430.

8-3C.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in Article 8-3L.2. The following uses permitted conditionally in the RM-22 zone meet the description and purpose set forth in Article 8-3L.2:

A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).

B. Public and private elementary, junior high, and high schools and colleges.

C. Community centers, fraternal or lodge buildings.

D. Business, technical, art or music schools.

E. Professional offices for accountants, attorneys, engineers, architects, landscape architects, surveyors, designers, planners and similar professionals.

F. Studios for interior decorators, photographers, artists and draftsmen.

G. Antique stores.

H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area.

I. Mobile home for the infirm, subject to the supplemental provisions of Section 8-3L.250.

J. Building over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is less. Such buildings must also meet the Building Height Transition Standards in Section 8-3J.123(A).

K. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RM-22 zone.

The Applicant is not seeking any Conditional Use Permits

8-3C.460 YARD REGULATIONS

A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.

The subdivision design responds to the HNA's density & design recommendations by weaving together a variety of housing types, 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. The plan also 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 also attempts to use the land more efficiently and erect smaller homes to lower homeowner & renter costs. Doing so not only lowers the average home cost, but it also helps the city alleviate the housing shortage by increasing the density per acre.

However, Talent's setback codes were not conceived to facilitate efficient land usage and small homes: They were written to serve much larger, 5,000 – 8,000 sf lots.

Talent's current, front-yard setback is 20' for the house or porch and 24' for the garage, and because that inefficient requirement consumes more than 25% the average lot, the Applicant seeks a variance to reduce front-yard setbacks to 10' for houses/porches and to 20' for street-loaded garages. Doing so maintains adequate, off-street parking while lessening the visual impact of the garage door. 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.

Chief Vince Lockett & Dave Meads of Fire District 5 also noted that structures closer to streets provide faster emergency access.

B. Side yard.

1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height; zero (0) feet for attached single-family dwellings. The following additional provisions shall also apply to side setbacks:

Talent's current, side-yard setback of 5' for 1-story and 8' for 2-story structures was also conceived to serve larger lots: It means that adjacent, 2-story homes must be 16' apart. Those 8' setbacks consume nearly half of the frontage of today's typical, 35'-wide, residential lot, an ineffective strategy for increasing density reducing costs.

Ashland code requires 6' minimum side-yard setbacks for both one- and two-story homes, and Medford codes require a 4' side-yard setback for one-story homes and increases them

proportional to building height. Narrower setbacks and smaller lots are the simplest means of increasing Talent's density & preserving the surrounding, open space.

When Talent's City Council enacted the 8' side-yard setback, Fire Chief Dan Marshal testified that the 8' setback wouldn't facilitate their efforts because they don't typically fight fire from the sides of houses. There was one council member who still wanted it and it was passed even against the fire Marshal's testimony.

When the Applicant recently discussed narrower, side-yard setbacks with Chief Vince Lockett & Dave Meads of Fire District 5, they agreed that they wouldn't fight the fire from the side of a house. They noted that they 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 will be sufficient room to set a ladder.

The Applicant seeks a variance to reduce side yard setbacks from 8' to 6' for 2-story homes. With District 5 staff's blessing, the Applicant also seeks approval to reduce side-yards from zero lot line garages to 5' for single-story and 6' for two-story homes.

a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.

b. Ten (10) feet on one side for zero lot-line lots.

For the reasons described above, & with District 5 staff's endorsement, the Applicant also seeks approval to reduce the side-yard of a zero lot line garage to 5' for single-story structures and 6' for 2-story structures.

C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages.

The Application design complies with existing, rear-yard setbacks

8-3C.470 LOT AREA AND DIMENSIONS

In the RM-22 zone, the minimum lot area shall be as follows:

A. Minimum lot size by dwelling type:

1. Single-Family Residence (SFR)

   (detached): 5,000 square feet.

   Note: Lots (or groups of lots forming a development) greater than two (2) acres in size may not be used for SFR developments; such lots shall be preserved for higher-density

development. In developments larger than two acres, half of the area—but only up to two acres total—may be designed to contain SFRs.

The Application's three, detached, single-family lots (#'s 4-6) are larger than 5,000 Sq. Ft.

2. Duplex: 6,000 square feet.

3. SFR (attached): 1,800 square feet.

   Attached or zero lot line townhouses or row houses may be on individual pad lots smaller than 1,800 square feet so long as the density per net acre does not exceed 16 dwellings and for each dwelling there is at least 250 square feet of recreation area, as described in Section 480, below.

Only 1 of the 35, proposed lots measures less than 1,800 Sq. Ft. (# 13), and the average area of the SFR-attached lots is 2,852 sf

Applicant anticipates that nearly every lot will contain 250 Sq. Ft. of recreation area as described in Section 480, and compliance shall be evident when Applicant applies for building permits.

The Applicant voluntarily incorporated an open space- recreational area, so if a particular lot lacks the requisite, 250 Sq. Ft. the open space can be reduced accordingly.

4. Apartment building containing three dwellings: 6,000 square feet. For each additional dwelling unit on the same lot, the lot size shall be 1,800 square feet larger.

The plan designates 25,139 sf, Tract A for future multifamily development, providing sufficient land for 13 apartments under these minimum area criteria.

5. Additional regulations:

   a. Corner lots for all the above: increase minimum lot size by 1,000 square feet.

Both corner lots exceed 2,600 sf and comply with the preceding, Section 3 SFR "density per net acre" criteria.

   b. Double-frontage lots for all the above: increase minimum lot size by 1,000 square feet.

B. Maximum number of dwellings by type per net acre (see definition below):

1. SFR (detached) 6

2. Duplex 12 (i.e., six separate buildings)

3. SFR (attached) 16

4. Apartment 22

Net Acre: For the purposes of this Section, a *net acre* is the total development acreage net of undevelopable lands (as defined in Article 8-3B.1) and a 24-percent reduction allowing for infrastructure. Development projects less than 1.5 acres in size do not need to subtract infrastructure allowance. Development proposals 1.5 acres or larger may not exempt 1.5 acres from calculating infrastructure allowance.

The area of the entire, subject parcel is 190,357 sf (4.37 acres)

Deducting the 25,239 sf, Tract A (for future multi-family) leaves 165,118 "gross square feet," or 125,490 "net square feet" (after the 24% reduction).

The design includes 3 detached, single-family lots that together consume 15,163 sf, leaving 110,327 sf (2.53 acres) of single-family attached lots. At 16 units per acre the 2.53 acres could sustain 40 units.

The maximum, design- density could therefore be 43 units (minimum permitted density is 16 units), but the proposed plan includes only 35 units, 81% of maximum density.

C. Maximum Building Coverage

1. SFR (detached): 40 percent

The three detached single family homes will demonstrate compliance with the 40% lot coverage at time of building permit.

2. Duplex: 40 percent

3. SFR (attached): 40 percent, as averaged over the entire development area minus streets.

The area of the subject parcel is 190,357 sf (4.37 acres)

Deducting the 25,239 sf, Tract A (for future multi-family) and 27,776 sf for street areas leaves 137,342 sf, and 40% of 137,342 equals 54,937 sf. The aggregate, buildable areas of the attached, SFR lots amounts to 53,621 sf, which equates to 39% coverage (before applying 100 sf/lot coverage deduction for pations/porches), so the design is in compliance.

4. Apartment: 40 percent

D. Minimum Lot Width

1. SFR (detached): 40 feet

The three detached SFR lots are all more than 40'

2. Duplex: 50 feet

NA

3. SFR (attached): None

4. Apartment: 50 feet

E. Maximum Building Bulk:

1. Height: 30 feet.

No buildings will be over 30' tall

2. Building Coverage: 40 percent.

See Section C above for a detail analysis of lot coverage

F. Non-conforming Lots of Record:

1. A lot having an area of less than 5,000 square feet of record at the time of the passage of this ordinance may be occupied by one single-family dwelling or one duplex dwelling if all other dimensional requirements of the zone are complied with. [Section 6 amended by Ord. 793; 11/02/2005]

NA

8-3C.480 RECREATION AREA FOR MULTI-FAMILY DWELLINGS

In addition to the required landscaped open space (see Section 476, below), a minimum of 250 square feet of useable recreation area shall be provided for each multi-family dwelling unit. The recreation area may be in one or more locations, and may include recreation buildings, but no area with any minimum dimension of less than fifteen (15) feet—except for bicycle paths—shall be counted toward this requirement.

Applicant will demonstrate compliance with this section when it seeks approval for the Tract A, multifamily portion of the project.

8-3C.482 LANDSCAPING, FENCES, WALLS AND SIGNS

In the RM-22 zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

All landscaping and fencing will be installed in accordance with Section 8-3J.4. The plan includes no signs other than street signs

8-3C.484 BUFFERING

When a development or use is proposed on property in the RM-22 zone, which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450. [Amended by Ord. No. 918; 7/15/2016]

The subdivision's buffering design incorporates the entirety of both the 8-3J.450.A (Commercial & Industrial Transition Buffers) and the 8-3J.450.B (Single-Family Transition Buffers) standards

8-3L.410 AUTHORIZATION TO GRANT OR DENY VARIANCES

A. The Planning Commission is delegated the authority to approve, approve with conditions, or disapprove any proposed variance from the provisions of this chapter. Where practical difficulties, unnecessary hardships, and results inconsistent with the general purposes of this chapter and the Talent Comprehensive Plan would result from the strict and literal interpretation and enforcement of the provisions of this chapter, variances may be granted as provided in this Article.

B. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which such property is located.

The subdivision design responds to the HNA's density & design recommendations by weaving together a variety of housing types, 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. The plan also 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 also attempts to use the land more efficiently and erect smaller homes to lower homeowner & renter costs. Doing so not only lowers the average home cost, but it also helps the city alleviate the housing shortage by increasing the density per acre.

However, Talent's setback codes were not conceived to facilitate efficient land usage and small homes: They were written to serve much larger, 5,000 – 8,000 sf lots.

Talent's current, front-yard setback is 20' for the house or porch and 24' for the garage, and because that inefficient requirement consumes more than 25% the average lot, the Applicant seeks a variance to reduce front-yard setbacks to 10' for houses/porches and to 20' for street-loaded garages. Doing so maintains adequate, off-street parking while lessening the visual impact of the garage door. 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.

Jackson County Fire District 5 officials, Chief Vince Lockett & Dave Meads also noted that structures closer to streets provide faster emergency access.

Talent's current, side-yard setback of 5' for 1-story and 8' for 2-story structures was also conceived to serve larger lots: It means that adjacent, 2-story homes must be 16' apart. Those 8' setbacks consume nearly half of the frontage of today's typical, 35'-wide, residential lot, an ineffective strategy for increasing density reducing costs.

Ashland code requires 6' minimum side-yard setbacks for both one- and two-story homes, and Medford codes require a 4' side-yard setback for one-story homes and increases them proportional to building height. Narrower setbacks and smaller lots are the simplest means of increasing Talent's density & preserving the surrounding, open space.

When Talent's City Council enacted the 8' side-yard setback, Fire Chief Dan Marshal testified that the 8' setback wouldn't facilitate their efforts because they don't typically fight fire from the sides of houses. There was one council member who still wanted it and it was passed even against the fire Marshal's testimony.

When the Applicant recently discussed narrower, side-yard setbacks with Chief Vince Lockett & Dave Meads of Fire District 5, they agreed that they wouldn't fight the fire from the side of a house. They noted that they 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 will be sufficient room to set a ladder.

The Applicant seeks a variance to reduce side yard setbacks from 8' to 6' for 2-story homes. With District 5 staff's blessing, the Applicant also seeks approval to reduce side-yards from zero lot line garages to 5' for single-story and 6' for two-story homes.

For the reasons described above, & with District 5 staff's endorsement, the Applicant also seeks approval to reduce the side-yard of a zero lot line garage to 5' for single-story structures and 6' for 2-story structures.

In summary, the Applicant seeks the following, 4 variances:

- ***Reduction of front-yard setbacks from 20' to 10' for house/porch.***
- ***Reduction of front-yard setbacks from 24' to 20' for garage***
- ***Reduction of side-yard setbacks for second stories reduced from 8' to 6'***
- ***Reduction of sideyard setbacks for zero-lot-lines reduced from 10' to 5'***

Assuming Staff, Commissioners, & Councilors approve the Applicant's concurrent applications to amend the Comp Plan and Zoning Maps to re-zone the parcel to RM-22, the proposed variances will not change the use of the property: They should actually enable development of the property to the highest and best use permitted under RM-22 codes.

C. In granting a variance, the Planning Commission may attach conditions that it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this chapter.

8-3L.420 APPLICATION

Please refer to 8-3M.1 for application requirements.

8- 3 L. 430 PUBLIC HEARING

Before the Planning Commission may act upon a request for a variance, it shall hold a public hearing. Notice of the public hearing shall be provided as prescribed by 8-3M.1. The public hearing shall be held within sixty (60) days from the date the application for variance is filed. The Planning Commission may, but shall not be required to, act upon the proposed variance at the meeting at which the public hearing is held; provided, however, that disposition shall be made of the matter within forty (40) days of the date of the public hearing.

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;

Talent's shortage of buildable residential land has reached crisis proportions: The Southern Oregon Multiple Listing database indicates that only 4, buildable lots sold during the last 2 years: The MLS doesn't list a single residential lot at this writing, and the most recent residential lot sale was over 9 months ago.

Largely because of this residential land shortage, Talent's median home price increased 77% over the past five years from $145K to $256K: At this writing, there are only four homes listed for sale in Talent, and the least expensive listing is priced at $339,000. This supply-constrained, pricing pressure can only worsen until Talent's residential land inventory increases.

Talent's CAC recently approved ECONorthwest's thorough HNA and forwarded it to the Planning Commission for approval. The HNA indicates that Talent's existing land inventory amounts to less than 50% of the buildable residential land needed to meet projected demand during the next 20 years.

Exacerbating this shortfall, the HNA assumes that many acres west of the railroad are buildable, but these lands cannot be developed without a costly, railroad crossing and expensive, municipal utility extensions.

As the HNA and Talent's Regional Problem Solving (RPS) agreement recommend, the City should increase its base densities to help resolve its housing shortage. Increased densities require smaller lots and narrower setbacks than Talent's current codes provide because those codes were written to accommodate outdated, low-density subdivisions with large lots and wide setbacks.

The variances sought under this Application attempt to satisfy RPS and HNA recommendations to increase residential densities. Smaller lots cannot accommodate smaller houses and comply with current setback criteria. Granting the requested variances would help Talent achieve desired densities and generate housing inventory quickly while maintaining consistency with the general purpose of this chapter and the Talent Comprehensive Plan.

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;

The proposed variances would preserve the owners' property rights and facilitate the best use of the property. Even with the requested variances the Applicant can only achieve approximately 85% of the potential density.

Denying the requested variances would decrease the subdivision density and contravene the RPS & HNA's emphatic recommendations

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

The requested variances enable the Applicant to meet the objectives of Talent's Comprehensive plan, policies, and goals. The proposed subdivision meets the standards of the underlying zone and the neighborhood.

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

The requested variances are the minimum that would allow the applicate to make the densities required in the RPS and in the housing needs analysis.

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

The Applicant is not seeking any variances from access management 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.

8-3L.450 VARIANCE ORDER

Within five (5) days after a decision has been rendered on a request for a variance, the applicant shall be provided with written notice of the decision of the Planning Commission. An order granting or denying the variance, and signed by the Chairperson of the Planning Commission, shall be filed in the planning files of the City, together with the written findings of the Planning Commission. Where an order is entered granting a variance, no person shall begin construction pursuant thereto for a period of five (5) days after the entry of the order and, in the case where an appeal is filed, until disposition of the matter has been made by the City Council. It shall be unlawful for any person to cause or permit the use of any property in violation of the express conditions or limitations of any variance granting with respect to such property.

8-3L.460 APPEAL

Any applicant or any other person may appeal the Planning Commission decision on a variance, pursuant to the provisions of 8-3M.1.

8-3L.470 REVOCATION OF A VARIANCE

A variance granted according to the provisions of this Article shall be revoked unless the use authorized by such variance is commenced or construction begun on or before the time limit specified, within ninety (90) days after the date that the variance order was entered. In all cases, the Commission may extend such time limit for good cause.

8-3L.480 CAUSE FOR REVIEW OR TERMINATION OF VARIANCE

A variance may be revoked or modified by the City Council, after a public hearing, on any one or more of the following grounds:

A. That the approval was obtained by fraud or misrepresentation.

B. That the variance has not been exercised for one year.

C. That the variance granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

D. That the variance has been so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

8-3L.490 PREVIOUSLY AUTHORIZED VARIANCES

Any valid variance issued prior to the effective date of this chapter shall remain in full force and effect in accordance with the terms thereof; provided, however, that such variance is subject to modification or revocation for any of the reasons set forth in Section 480 of this Article.

8- 3 M. 190 SPECIAL PROCEDURES

A. Expedited Land Divisions. An Expedited Land Division (ELD) shall be defined and may be used as in ORS 197.360, which is expressly adopted and incorporated by reference here.

1. Selection. An applicant who wishes to use an ELD procedure for a partition or subdivision, instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;

2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;

3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

B. Neighborhood Meeting Requirement. Applicants shall meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. After a pre-application conference, the applicant shall meet with any adjacent property owners within 250 feet of subject property, prior to the City's acceptance of an application as complete. The City will furnish a form letter to the applicant to be mailed to all property owners within 250 feet of the subject property that provides due notice of the scheduled neighborhood meeting. The applicant shall be responsible for any costs associated with the mailing. The City's intent is to include neighbors in the design process, as wellas improving communication among the City, neighbors, and applicant, and as a result, facilitates the public approval process.

A Neighborhood Meeting shall be required for the following Type-III applications:

1. Subdivisions

2. Site Plan Review applications within a Residential Zoning District.

3. Other Type-III development applications, such as conditional uses, which are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts).

[amended 5 March 2003; Ord. No. 735 and15 October 2008; Ord. No. 847]

The Applicant mailed the attached invitation to all addressees on attached list of all neighbors within 250 feet of the subject parcel, and held a meeting at 6:00 PM on 22 December, 2016 at 328 Talent Avenue in Suncrest Homes' offices.

The attendees were: *Harvey Holtz and "JR" Holtz of Fabricated Glass Specialties*
Ted DeLong, General Manager of the Oregon Shakespeare Festival
Eric and Vicki Smith and Coral Edwards of Micro-Trains

381W25B003600
Housing Authority Of J C
2251 Table Rock Rd
Medford, OR 97501

381W26AA03900
Oceanah D'amore
405 Talent Ave
Talent, OR 97540

381W26AA03700
James Walker
408 S Pacific Hwy
Talent, OR 97540

381W26AD00400
Todd Stubbs
300 Everett Way
Talent, OR 97540

381W26AD00300
Marieke Constance Brecheisen
1775 Ashland Mine Rd
Ashland, OR 97520

381W26AD00200
Kirk & Elizabeth Mickelsen
1780 Mill Creek Dr
Prospect, OR 97536

381W26AA03800
John Gibson
407 Talent Ave
Talent, OR 97540

381W26AA04100
Todd Doriguzzi
303 Rapp Rd
Talent, OR 97540

381W26AA04000
Charles & Colleen Willis
401 Talent Ave
Talent, OR 97540

381W26AA04200
Legacy Development LLC
PO Box 3071
Ashland, OR 97520

381W26AD01400
Fabricated Glass Spec Inc
PO Box 335
Talent, OR 97540

381W26AD00700
Oregon Shakespeare Festival
Association
15 Pioneer St
Ashland, OR 97520

381W26AD01400
Harvey Holtz
P O Box 335
Talent, OR 97540

381W26AD01700
Talent City Of
PO Box 445
Talent, OR 97540

381W26AD01600
Kce LLC
PO Box 1200
Talent, OR 97540

381W26AA03701
Ross Albertson
79 Scenic Dr
Ashland, OR 97520

381W26AD01500
Douglas Healy & Mark Dirienzo
PO Box 965
Ashland, OR 97520

381W26AD00401
Linda Cooley
304 Everett Way
Talent, OR 97540

381W26AD00402
Bb & Hb LLC
1775 Ashland Mine Rd
Ashland, OR 97520

381W26AD00403
John Scott Hill
1409 Kings Hwy
Medford, OR 97501

381W26AD00301
Jean Morrison
PO Box 392
Merlin, OR 97532

381W26AD00302
Chase & Kerri Brooks
305 Everett Way
Talent, OR 97540

381W26AD00303
Evan Petersen
1950 Hutchins Cir
Medford, OR 97504

381W26AD00305
Abe Numair
2610 Darius Way
San Leandro, CA 94577

381W26AD00306
Abe Numair
2610 Darius Way
San Leandro, CA 94577

381W26AD00307
Abe Numair
2610 Darius Way
San Leandro, CA 94577

381W26AD00308
Abe Numair
2610 Darius Way
San Leandro, CA 94577

381W26AD00201
Dawn Howell
511 Talent Ave
Talent, OR 97540

381W26AD01500
Bruce & Mary Bergstrom
705 Roca St
Ashland, OR 97520

381W26AD01400
Fabricated Glass Spec Inc
PO Box 335
Talent, OR 97540

Notice of Neighborhood Meeting

In accordance with Section 8-3M.190(B) of the City of Talent Zoning Code, the following person, persons or company will hold a Neighborhood Meeting to discuss their pending development application.

Applicant: **Bradley Properties, LLC, et al**

Contact: **541.621.2136 or tom@bradleyprop.com**

Development type & size: **Re-zone a vacant, 4.37 acre light industrial parcel to RM-22 & develop a residential subdivision**

Address or location description: **The vacant land between OSF's Production Facility and Talent's Bark Park on Talent Ave, extending south approximately 600 feet to Fabricated Glass Specialties' property**

Time and Date of Neighborhood Meeting: **6:00 PM on Thursday, December 22, 2016**

Location: **Suncrest Homes offices at 328 Talent Avenue, Talent, Oregon**

This notice is being mailed to all property owners within 250 feet of the subject property. The purpose of the meeting is to solicit input and exchange information about the proposed development. The City of Talent requires neighborhood meetings to facilitate community involvement and communication in the land use process. The applicant is obliged to provide a summary of the meeting for the Planning Commission's review.

This is a standard form that has been provided to the applicant by the City, but staff is not involved in the planning or conducting of this meeting. If you have questions for the City, you may contact the planning department at (541) 535-7401.