



**BEFORE THE TALENT PLANNING COMMISSION
STATE OF OREGON, CITY OF TALENT**

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR)
2017-002 AND VAR 2017-001 LOCATED NEAR THE)
INTERSECTION OF SUNCREST RD. AND OR 99 [MAP NO. 38-)
1W-23B TAXLOT 1801, 1802 AND 1803], THE CITY OF TALENT)
PLANNING COMMISSION FINDS THE FOLLOWING:

ORDER

1. The Planning Commission held a properly noticed public hearing on this matter on May 25, 2017;
2. The Planning Commission asked the Community Development Director to present a Staff report and a final order with findings and recommendations at the May 25, 2017 public hearing;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Commission found that the proposed use was allowed and consistent with the intent of the Multiple-Family – High-Density (RM-22) zoning district and with the Site Development Plan Review standards outlined in 8-3L.1 of the Talent Zoning Code;
5. The Commission found that a variance to reduce the parking requirements was necessary to meet the density allowances of the RM-22 zoning district and to alleviate the hardship created by the division of the property when Suncrest Rd. was realigned.

Talent Planning Commission approves the requested Site Development Plan to construct a 16-unit multi-family development with a Variance to reduce the parking requirements from 32 spaces to 22 spaces subject to the following conditions of approval:

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. The applicant shall properly vacate the recently recorded partition plat, consolidating Parcel 1, 2 and 3 into a single parcel.
2. The applicant shall provide Community Development with a revised landscape plan identifying ten (10) 2” caliper trees and forty (40) 5-gallon shrubs.

3. The applicant shall provide a Stormwater Management Plan approved by Rogue Valley Sewer Services (RVSS) that address all detention and treatment requirements outlined in the Rogue Valley Stormwater Design Manual (8/2008).
4. The applicant shall prior to issuance of building permits, provide Community Development with building plans that demonstrate the proposed pathways meet current ADA standards.
5. The applicant shall provide evidence that all SDCs have been paid in full.
6. The applicant shall provide a revised site development plan identifying the location of the required “No Parking” signs and painted yellow curbs.
7. The applicant shall dedicate the portion of the subject property that includes the public sidewalk

PRIOR TO CERTIFICATE OF OCCUPANCY:

8. The applicant shall permanently and clearly mark all parking stalls in accordance with the approved plan.
9. The applicant shall at their own expense have the City’s Public Works Department install the approved signs and paint the curbs in accordance with the approved plan.

GENERAL CONDITIONS

10. All areas of the subject tract not occupied by roadways, parking areas, walkway, patios or structures shall be maintained at all time.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested site development plan to construct a 16-unit multi-family development with a variance to reduce the parking requirements from 32 spaces to 22 spaces based on the information presented in the Staff Report and Findings of Fact below:

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

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

- 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).*

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

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

FINDING: The purpose of the RM-22 zoning district is to accommodate high-density development. The request is for a 16-unit apartment complex on a 0.71-acre tract of land. In accordance with the density allowance in Section 8-3C.470 (B)(4) below, the proposal meets the density requirement provided that Parcel 1, 2 and 3 are consolidated into a single parcel. Section 8-3C.470(B)(4) below allows for apartments at a gross density of 22 unit/acre provided the site is less than 1.5 acres in size. Based on the cumulative tract area of 0.71 acres, the tract can accommodate 16 units. As a condition of approval, prior to the issuance of permits, the applicant shall properly vacate the recently recorded partition plat, consolidating Parcel 1, 2 and 3 into a single parcel. **The provisions of this section have been met subject to conditions of approval.**

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

FINDING: As proposed on the site development plan, all proposed buildings meet the required front, side and rear yard setbacks. **The provisions of this section have been met.**

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:*
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.*

FINDING: The subject tract is approximately 30,927 square feet in size. Based on the requirements above, the subject tract can accommodate up to 17 dwelling units as detailed below:

30,927 (subject tract area)	24,927/1,800 square feet (per ea. additional unit)
<u>-6,000 (3 dwelling units)</u>	= 13.84 (additional units)
24,927 (balance of lot area)	

Total units allowed based on lot area = 16.84

The applicant has proposed 16 units on Parcel 1 of the recently recorded partition plat. As proposed, Parcel 1 alone cannot accommodate the requested density. Considering the density calculation has been based on the tract size and to ensure that the maximum density, a replat of the partition or a property line adjustment vacating the newly established lines is required. As a condition of approval, prior to the issuance of permits, the applicant shall properly vacate the recently recorded partition plat, consolidating Parcel 1, 2 and 3 into a single parcel. **The provisions of this section have been met subject to conditions of approval.**

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

4. *Apartment* 22

FINDING: The purpose of the RM-22 zoning district is to accommodate high-density development. The request is for a 16-unit apartment complex on a 0.71-acre tract of land. In accordance with the density allowance in Section 8-3C.470 (B)(4) and provided that applicant complies with the parcel consolidation condition above, the proposal meets the density requirement. Section 8-3C.470(B)(4) above allows for apartments at a gross density of 22 unit/acre provided the site is less than 1.5 acres in size. Based on the cumulative tract area of 0.71 acres, the tract can accommodate 16 units. As a condition of approval, prior to the issuance of permits, the applicant shall properly vacate the newly recorded lines, consolidating Parcel 1, 2 and 3 into a single parcel. **The provisions of this section have been met subject to conditions of approval.**

C. *Maximum Building Coverage*

4. *Apartment:* 40 percent

FINDING: The proposed development includes three separate buildings with covered patios. The total building footprint, including the covered patios is approximately 6,186 square feet or 20 percent coverage after the parcels have been consolidated. The proposed coverage is less than the allowed 40 percent. **The provisions of this section have been met.**

E. *Maximum Building Bulk:*

1. *Height: 30 feet.*

FINDING: The proposed development includes three separate buildings with a maximum height of 25 feet 6 inches. The proposed building height is less than the allowed height of 30 feet. **The provisions of this section have been met.**

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.

FINDING: Considering there are 16 units proposed, the applicant is required to provide a minimum of 4,000 square feet. The applicant has proposed three different open space areas on the development site. The larger of the three sites is located in the northeast corner of the development, between the northern and eastern property lines and the proposed building. The largest area provides approximately 2,188 square feet of usable space with no dimensions less than 15 feet. The other two open space areas are located on the western boundary of the property between the sidewalk and the west elevation of the proposed dwelling units. These two areas total approximately 4,010 square feet. As proposed, all areas have turf grass and the two smaller areas include trees. **The provisions of this section have been met.**

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]

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]

FINDING: The proposed landscape and buffering plan adequately demonstrates compliance with the provisions of Section 8-3J.4. Specific landscape and buffering requirements are addressed in the findings for Section 8-3J.420-430 and 8-3J.450 below. **The provisions of these sections have been met.**

8-3J.420 MINIMUM LANDSCAPED AREA

A. *The minimum percentage of required landscaping is as follows:*

1. *Residential Zones. 30 percent of each lot for residential developments.*

FINDING: The subject tract totals approximately 30,927 square feet which requires 9,278 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 13,004 square feet of landscaped area. **The provisions of this section have been met.**

8-3J.430 MINIMUM VEGETATION AND GROUND COVER

- A. *Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:*
1. *One tree, minimum 2” caliper.*
 2. *Four 5-gallon shrubs or accent plants.*
- B. *Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material as defined in Section 8-3J.430(C) below, shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy unless a xeriscape plan is approved.*
- C. *Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. “Coverage” is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting. The landscape materials below may be modified as part of an approved xeriscape plan.*

FINDING: The subject tract totals approximately 30,927 square feet which requires 9,278 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 13,004 square feet of landscaped area. Pursuant to Section 8-3J.430(A), the applicant shall plant ten (10) 2” caliper trees and forty (40) 5-gallon shrubs or accent plants to meet the minimum landscape requirements. The proposed landscape plan identifies thirteen (13) 1.5” caliper trees and 261 2-gallon shrubs. As a condition of approval, prior to issuance of building permits, the applicant shall provide Community Development with a revised landscape plan identifying ten (10) 2” caliper trees and forty (40) 5-gallon shrubs. **The provisions of this section have been met subject to conditions of approval.**

8-3J.450 BUFFER AND SCREENING

The Planning Commission shall require a buffer when a development or use proposed in a commercially and industrially zoned area is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone.

- A. ***Commercial and Industrial Transition Buffers.*** *The following standards shall be considered during any land use review that include commercial or industrial uses adjacent to a residential use.*

1. *The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use.*
2. *The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired.*
3. *Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography or other features. In the case that a proposed building is directly adjacent to the required setbacks, a fence or wall is not an appropriate buffer and a Section (b) below shall be required.*
 - a. *When a fence or wall is being proposed as a buffer it shall be sight-obscuring. In order to be “sight-obscuring”, fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall.*
 - b. *Hedges shall be of an evergreen species which will meet and maintain year-round 75 percent opacity. Opacity shall be obtained within three (3) years of planting.*
 - c. *Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis at the discretion of the Community Development Director or Planning Commission.*

FINDING: The proposed multi-family residential development is located adjacent to a low density residential development and considering that the nature of the proposed use could conflict with the adjacent use, the applicant shall meet the buffer and screening standards addressed in Section 8-3J.450.

As proposed, the buffer along the eastern boundary of the project is sufficient to protect residents in the adjacent low density development from the higher density use and proposed parking area. There are two buffer types identified in the proposed development. The first buffer extends from the northeastern portion of the tract south about 60 feet past Building B. This buffer consists of a variety of plant types including Arborvitae, Laurel and Heavenly Bamboo, all which can provide a buffer greater than the existing fence height. All proposed hedge plantings are of evergreen species and based on the proposed spacing, can achieve the opacity requirements within three (3) years of planting. The second buffer is an existing sight-obscuring fence that is nearly 100 percent opaque. The existing fence extends along the entire eastern boundary of the property.

The first buffer, once established can reasonably shield the view of the proposed buildings from the adjacent low density residential uses to the east. The second, an existing solid wood fence six (6) feet in height provides a sight-obscuring buffer for the nine (9) parking stalls facing the residential development. **The provisions of this section have been met.**

8-3J.470 LANDSCAPE MAINTENANCE

It shall be the responsibility of the property owner to maintain landscaping on their property. All landscaping and trees shall be provided with irrigation or other facilities for the continuing care of the vegetation.

A. Residential Areas

In all residential zones, areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be maintained.

FINDING: The proposed landscape plan includes specific irrigation details sufficient to facilitate the continued care of the vegetation. As a general condition of approval, all areas of the subject tract not occupied by roadways, parking areas, walkway, patios or structures shall be maintained at all time. **The provisions of this section have been met subject to conditions of approval.**

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

A. *The number of off-street parking spaces required shall be not less than as set forth in Table 540-1, except as otherwise provided in this Article.*

Table 540-1. Parking Requirements by Use

<i>Use</i>	<i>Standard</i>
<i>Residential Uses.</i>	
<i>One- and two-bedroom dwelling unit</i>	<i>two (2) spaces per dwelling unit</i>

FINDING: The proposed 16-unit multi-family residential development has twelve (12) one (1) bedroom units and four (4) studio units. Section 8.3J.540 requires that all one and two bedroom units provide two (2) spaces per unit. There are no requirements in Table 540-1 for studio units and no similar use exists in the table. Considering the number units proposed and assuming two (2) spaces for each of the studio apartments, the applicant is required to have thirty-two (32) parking stalls. The applicant has provided twenty-two spaces (22) and has requested a variance to the parking standards to account for the remaining.

As proposed, the applicant has proposed eighteen (18) parking stalls for the twelve (12) one-bedroom units and four (4) for the remaining studio units for a total of twenty-three (22) standard parking stalls. The proposed twenty-two (22) spaces provide 1.5 spaces per one-bedroom unit and 1 space for the studios. The applicant has requested a variance to the parking standards, reducing the required parking from thirty-two (32) spaces to twenty-

two (22) spaces to achieve the maximum density possible on the subject tract. The variance standards are addressed in the findings below.

Although the applicant has submitted a variance to the parking standards, the Planning Commission can reduce the number of off-street parking spaces if applicant can demonstrate that the driving characteristics of the development do not necessitate full parking space requirements and that mass transit is available. Staff believes that even without the variance application, the Planning Commission can reduce the parking standards when the above characteristics exist. Previous comments during the concept planning stage of the TA-5 Urban Reserve area from RVTD indicate that they are willing to create a new stop along OR 99 north of Suncrest Rd. when an increase in ridership occurs. The addition of this new stop benefits all residents on the east side of OR 99 reducing the need for those residents to cross the highway.

Staff has also provided the following off-street parking matrix to outline other city's parking standards and to serve as a decision-making guide should the Planning Commission choose to relax the off-street parking rules by authority or through the requested variance, or both.

Off-Street Parking Standards (multi-family residential)

City of Medford	1 space per dwelling unit	1.5 spaces per dwelling unit
City of Ashland	1 space per dwelling unit (less than 500 square feet)	1.5 spaces per dwelling unit (1-bedroom unit)
City of Phoenix	1 space per dwelling unit (less than 500 square feet)	1.5 spaces per dwelling unit (1-bedroom unit)
City of Central Point	1 space per dwelling unit (studio/1-bedroom unit)	1.5 spaces per dwelling unit (2-bedroom unit)

Based on the information above, the City's parking standards are excessive when compared to multi-family uses in other jurisdictions. Additionally, transit facilities are available on Talent Avenue and will be available in the future along OR 99 north of Suncrest Rd. Considering the above parking standards from other jurisdictions and the proximity of public transit, the reduction request is in line with the Planning Commission's authority to amend the parking requirements. **The provisions of this section have been met.**

- C. The following parking shall be provided for disabled persons, in conformance with the Americans With Disabilities Act (Table 540-2). Disabled parking is in addition to the minimum number of required parking spaces in 8-3J.540(A).

Table 540-2. Minimum Number of Accessible Parking Spaces
ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	Column A		
1-25	1	1	0

FINDING: As proposed, with an approved variance or reduction of the parking standards by the Planning Commission, the multi-family residential development will provide twenty-two (22) standard spaces and a single van accessible ADA space for a total of twenty-three (23) spaces. **The provisions of this section have been met.**

- E. The number of off-street parking spaces may be reduced by the Planning Commission when the developer can demonstrate that the driving characteristics of the development clientele does not necessitate full parking space requirements, that mass transit service is available, and/or that company-provided transportation is provided.

8-3J.560 BICYCLE PARKING FACILITIES

Commercial, industrial facilities and multiple-family dwellings shall provide adequate, safe and conveniently located parking facilities for bicycles. All uses, which are subject to Site Design Review, shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

- A. Number of Bicycle Parking Spaces. A minimum of 2 bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:
1. Multiple-Family Dwellings. Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

FINDING: Considering there are sixteen (16) proposed dwelling units, the applicant shall provide sixteen (16) sheltered bicycle spaces to meet this standard. The proposed site plan provides four (4) sheltered bicycle parking spaces that can accommodate up to eight (8) bicycles under the stairwells of each unit. Additionally, the plan identifies two other

sheltered parking areas on-site that can accommodate up to eight (8) bicycles for a total of sixteen (16) bicycle spaces. **The provisions of this section have been met.**

- C. *Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided, unless demonstrated otherwise by the applicant. Street furniture includes benches, streetlights, planters, and other pedestrian amenities. Creative designs are strongly encouraged.*
- D. *Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.*
- E. *Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;*
- F. *Lighting. Bicycle parking shall be as well lit as vehicle parking for security, unless otherwise well lit by an existing street light in the public right-of-way.*
- G. *Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.*
- H. *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (8-3J.6).*

FINDING: The proposed bicycle parking spaces are conveniently located with respect to the right-of-way and building entrances and provide appropriate lighting to ensure security from theft or damage. **The provisions of this section have been met.**

8-3J.570 PARKING AREA DESIGN STANDARDS

- B. *Groups of three (3) or more parking spaces shall be served by service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required.*
- E. *Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping.*

FINDING: The proposed parking area design, including parking stalls provides adequate space for proper movement and other maneuvering of vehicles. The drive alley between the parking stalls is 24' in width, consistent with a two-way driveway. As required in Section 8-3J.570 (E) and proposed in the site development plan, all parking stalls shall be improved to City standards for surfacing, stormwater management and striping. As proposed, the parking area will be paved and striped to meet the current city standards. Stormwater management is required for all new impervious surfaces in the development. As a condition of approval, prior to issuance of permits, the applicant shall provide a

Stormwater Management Plan approved by Rogue Valley Sewer Services (RVSS) that addresses all detention and treatment requirements outlined in the Rogue Valley Stormwater Design Manual (8/2008). **The provisions of this section have been met subject to conditions of approval.**

8-3J.575 PARKING AREA IMPROVEMENTS

All public and private parking areas, which contain three (3) or more off-street parking spaces, except for single and two-family dwellings and mobile homes on individual lots, shall be improved according to the following:

- A. *All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland Cement Concrete, or other materials approved by the City Engineer. The use of pervious asphalt paving in parking areas is encouraged to meet on-site stormwater standards that may significantly reduce the requirement for drainage facilities.*

FINDING: All driveway and parking areas in the proposed site plan consist of a durable dust-free paved surface. **The provisions of this section have been met.**

- B. *All parking areas, aisles, turnarounds, and outdoor vehicle sales areas shall be graded so as not to drain storm water over sidewalks, public rights-of-way, and abutting private property. Storm water runoff generated beyond that which is normal for the site in its natural state shall, as much as possible, be retained on the site. Direct flow in stream channels is to be avoided. Methods to accomplish this provision include exhausting the possibilities of grading and draining parking lots into one or more of the following: percolation wells, trenches or ponds; vegetated or landscaped swales; natural drainage channels other than creek channels; and, for peak rainfall or runoff periods, seldom-used portions of the parking lot itself. It is the responsibility of the property owner to maintain the storm water system on his property in an operational manner so as to maintain the public safety and welfare; failure to maintain such a system in good repair may be constituted as a public nuisance in accordance with the provisions of any City ordinance regarding public nuisances. At least, drainage systems shall be conducted to public storm water sewers and ditches. (Please see Stormwater Design Standards).*

FINDING: As required in Section 8-3J.570 (E) and demonstrated in the proposed plan, all parking stalls shall be paved to meet the current city standards and no stormwater will drain over sidewalks, public rights-of-way or abutting properties. Stormwater management is required for all new impervious surfaces in the development. As a condition of approval, the applicant shall, prior to issuance of building permits, provide a Stormwater Management Plan approved by Rogue Valley Sewer Services (RVSS) that address all detention and treatment requirements outlined in the Rogue Valley Stormwater Design Manual (8/2008). **The provisions of this section have been met subject to conditions of approval.**

C. *All spaces shall be permanently and clearly marked.*

FINDING: The proposed plan identifies all required parking stalls in accordance with Section 8-3J.570(E) Figure 570-1 and Table 570-1. As a condition of approval, prior to Certificate of Occupancy, the applicant shall permanently and clearly mark all parking stalls in accordance with the approved plan. **The provisions of this section have been met subject to conditions of approval.**

D. *Wheel stops and bumper guards shall be provided where appropriate for all spaces abutting property lines or buildings, and where necessary to protect trees or other landscaping; and no vehicle shall overhang a public right-of-way.*

FINDING: All proposed parking stalls abut a raised sidewalk seven (7) feet in width. The proposed sidewalk serves as sufficient protection for adjacent properties and other landscaping. **The provisions of this section have been met.**

E. *Where parking facilities or driveways are located adjacent to residential or agricultural uses, school yards, or similar institutions, a site-obscuring fence, wall or evergreen hedge not less than five (5) feet and not more than six (6) feet in height (except that such wall, fence or screen planting may exceed six feet in height if located beyond the required yard setbacks), and adhering to any vision clearance requirements and the yard requirements of the zone in which it is located, shall be provided on the property line, or between the property line and the parking area or driveway. Screen plantings shall be of such size and number as to provide the required screening at maturity, and shall be planted within twelve (12) months of the issuance of the building permit.*

FINDING: The proposed multi-family residential development is located adjacent to a low density residential development. Considering that the nature of the proposed use could conflict with the adjacent low density residential use, the applicant shall meet the buffer and screening standards addressed in Section 8-3J.450.

As proposed, the buffer along the eastern boundary of the project is sufficient to protect residents in the adjacent low density development from the higher density use as well as the proposed parking area. There are two buffer types identified in the proposed development. The first buffer extends from the northeastern portion of the tract south about 60 feet past Building B. This buffer consists of a variety of plant types including Arborvitae, Laurel and Heavenly Bamboo, all which can provide a buffer greater than the existing fence height. All proposed hedge plantings are of evergreen species and based on the proposed spacing, can achieve the opacity requirements within three (3) years of planting. The second buffer is an existing sight-obscuring fence that is nearly 100 opaque. The existing fence extends along the entire eastern boundary of the property.

The first buffer, once established can reasonably shield the view of the proposed buildings from the adjacent low density residential uses to the east. The second, an existing solid wood fence six (6) feet in height provides a sight-obscuring buffer for the nine (9) parking stalls facing the residential development. **The provisions of this section have been met.**

F. Trees and Landscaping.

- 1. Trees shall be retained and/or planted in landscaped areas, which shall cover not less than seven percent (7%) of the area devoted to outdoor parking facilities. Such landscaping shall be uniformly distributed throughout the parking area and may consist of trees plus shrubs, ground cover or related material. The intent is to break up large expanses of asphalt and thus provide shade in the warmer months and pervious surfaces for stormwater, and aesthetic relief. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for sustainable plant growth, with appropriate timing devices to encourage water conservation.*
- 2. Irrigation facilities or other provisions for the continuing care of the vegetation and protective curbs or raised wood headers shall be provided for landscaped areas.*
- 3. Trees shall be of a type and distribution to reduce the reflection of heat by paved surfaces and should have an adequate lifespan, be pollution tolerant and have low maintenance requirements in order to save long-term costs. An approved recommended tree list will be provided to the applicant.*
- 4. Trees shall be planted in a manner that will minimize interference with the solar access of adjacent properties.*

FINDING: The purpose landscape plan provides trees and shrubs uniformly distributed throughout the parking area and meets the intent of breaking up large expanses of asphalt, creating shade during the warmer months and pervious surfaces for stormwater. As proposed, the plan identifies seven (7) trees along the western boundary of the property, five (5) of which are directly west of the proposed parking area providing necessary cover.

All proposed landscaping, including trees, shrubs and groundcover include irrigation facilities and protective curbs to prolong the life of the vegetation and to provide proper provisions for healthy establishment. All trees are of the type and distribution to reduce the reflection of heat by paved surfaces. Among the selected trees are Linden, Maple, Oak and Ironwood, all which have mature heights between 30 and 150 feet. **The provisions of this section have been met.**

- G. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect light away from any abutting or adjacent residential district and limit excessive light pollution.*

FINDING: The proposed plan identifies the use of hooded downlights in the parking area as well as the areas around the buildings. As proposed, all lights reflect light away from the abutting residential use to the east. **The provisions of this section have been met.**

8-3J.630 STREET ACCESS AND CIRCULATION

A. *General. This Article shall apply to all public streets within the City and to all properties that abut these streets.*

1. *General Considerations. The number of access points to a single property shall be limited to a minimum that will allow the property to accommodate and service such traffic as may be reasonably anticipated to be commensurate with the safety of the traveling public, and must not infringe on the frontage of adjoining property. Access points shall be located where they do not create undue interference or hazard to the free movement of normal road, bicycle or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other services that affect traffic operation are to be avoided.*

FINDING: There are currently no curb cuts or access points from Suncrest Rd. to the subject parcel. The City Engineer has determined that to ensure the safety of vehicles and pedestrians, the best point of access is at the south end of the parcel as shown on the site development plan. The proposed driveway access provides more than the minimum required ten (10) feet per travel lane with an overall opening of twenty-two (22) feet. Considering that Suncrest Rd. is currently identified as a Collector street in the City's Transportation System Plan, and due to the curved nature of the road adjacent to the property, Staff has concerns that unpermitted public parking along Suncrest Rd. could create undue interference or hazards to the free movement of normal road, bicycle or pedestrian traffic. To ensure unpermitted parking does not become a safety issue along the portion of Suncrest Rd. abutting and adjacent to the subject parcel, "No Parking" signs and yellow painted curbs shall be installed on both sides of Suncrest Rd. from OR99 to the southeast corner of the property. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised site development plan identifying the location of the required "No Parking" signs and painted yellow curbs. As an additional condition of approval, prior to Certificate of Occupancy of the first dwelling unit, the applicant shall at their own expense have the City's Public Works Department install the approved signs and paint the curbs in accordance with the approved plan. **The provisions of this section have been met subject to conditions of approval.**

2. *Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum width of 10 feet per lane is required). These methods are "options" to the developer/subdivider, unless one method is specifically required by Divisions 8-3C through 8-3H, and Article 8-3J.1.*

- c. *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 point. Street access points shall comply with Paragraph 630(A)3.*

FINDING: There are currently no curb cuts or access points from Suncrest Rd. to the subject parcel. The City Engineer has determined that to ensure the safety of vehicles and pedestrians, the best point of access is at the south end of the parcel as shown on the site development plan. The proposed driveway access provides more than the minimum required ten (10) feet per travel lane with an overall opening of twenty-two (22) feet. **The provisions of this section have been met.**

- 4. *Curb Cut—Driveway Standards.*
 - a. *Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts. Driveways shall be designed and constructed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. Curbs, sidewalks, landscaping, signs and/or other improvements shall be utilized to clearly define points of ingress and egress.*
 - b. *Curb cuts or driveways widths shall be sized according to the following:*
 - (2) *Multiple-family uses: minimum of ten (10) feet and maximum of twenty-nine (29) feet; or*

FINDING: The proposed driveway is consistent with the City Engineer's recommendation siting the driveway away from the future extension of Suncrest Rd. and from the apex of the curve along the south end of the development site. The driveway location provides adequate vision clearance and facilitates the efficient and safe flow of traffic ingress and egress as required above. **The provisions of this section have been met.**

8-3J.640 PEDESTRIAN ACCESS AND CIRCULATION

To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicyclists.)

- A. *Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails,*

public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Sections 630 and 640.

- B. 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:*
- 4. For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multiple-family 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.*
- C. Connections Within Development. For all developments subject to Site Development Plan Review (8-3L.1), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas, and adjacent developments to the site, as applicable.*
- D. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Sec. 630(A). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable.*
- E. Design and Construction. Pathways shall conform to all of the following standards:*
- 1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by, at minimum, a five-foot-wide 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.*
 - 2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of five (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 in Divisions 8-3C through 8-3G and Article 8-3L.7. Where there is no building separation, a pathway is not required for commercial, industrial, public, or institutional uses.*
 - 3. Accessible Routes. Pathways shall comply with the Americans With Disabilities Act, which requires accessible routes of travel.*

FINDING: All proposed pathways within the development are continuous and provide safe, direct and convenient access to the proposed dwelling units. The pathway system within the development includes four (4) access points to the public right-of-way and are elevated six (6) inches above the grade of the adjacent right-of-way and parking area. It is unclear from the proposed plans whether the proposed pathways meet ADA standards, therefore, the applicant shall demonstrate during the building permit process that the proposed pathways comply with ADA standards. As a condition of approval, the applicant shall prior to issuance of building permits, provide Community Development with building plans that demonstrate the proposed pathways meet current ADA standards. **The provisions of this section have been met subject to conditions of approval.**

8-3L.150 REQUIRED FINDINGS FOR APPROVAL OF PLAN

After an examination of the site, the Planning Commission shall approve, or approve with conditions the site development plan if all of the following findings are made:

- A. All provisions of this Chapter and other applicable City ordinances and agreements are complied with;*
- B. The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;*

FINDING: Provided the request to relax the parking standards is approved, the proposed multi-family development complies with the provisions of the Talent Zoning Code and meets the high-density objectives of the RM-22 zone subject to conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

- C. All applicable portions of the City comprehensive plan or other adopted plan are complied with;*

FINDING: The proposed use is consistent with the intent of the uses allowed on a property with a high-density residential Comprehensive Plan Designation. **The provisions of this section have been met.**

- D. The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area;*

FINDING: The proposed multi-family residential development is located adjacent to a low density residential development and considering that the nature of the proposed use could conflict with the adjacent use, the applicant shall meet the buffer and screening standards addressed in Section 8-3J.450 above.

As proposed, the buffer along the eastern boundary of the project is sufficient to protect residents in the adjacent low density development from the higher density use and proposed parking area. There are two buffer types identified in the proposed development. The first buffer extends from the northeastern portion of the tract south about 60 feet past Building B. This buffer consists of a variety of plant types including Arborvitae, Laurel and

Heavenly Bamboo, all which can provide a buffer greater than the exiting fence height. All the proposed hedge plantings are of evergreen species and based on the proposed spacing, can achieve the opacity requirements within three (3) years of planting. The second buffer is an existing sight-obscuring fence that is nearly 100 percent opaque. The exiting fence extends along the entire eastern boundary of the property.

The first buffer, once established can reasonably shield the view of the proposed buildings from the adjacent low density residential uses to the east. The second buffer, an existing solid wood fence six (6) feet in height provides a sight-obscuring buffer for the nine (9) parking stalls facing the residential development. **The provisions of this section have been met.**

- E. *That no wastes, other than normal water runoff, will be conducted into City storm and wastewater facilities;*

FINDING: The proposed site development plan does not propose to drain any waste other than normal water runoff into the City storm and wastewater facilities. **The provisions of this section have been met.**

- F. *The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:*

1. *buildings, structures, and improvements;*
2. *vehicular and pedestrian ingress and egress, and internal circulation;*
3. *parking and loading facilities;*
4. *setbacks and views from structures;*
5. *walls, fences, landscaping and street and shade trees;*
6. *lighting and signs; and*
7. *noise generation facilities and trash or garbage depositories.*

FINDING: The proposed development has been arranged in a manner that is best suited for an irregularly shaped parcel such as this one. The applicant has requested the Planning Commission relax the parking requirements to allow the maximum density of the subject parcel.

Internal vehicular and pedestrian access and circulation have been adequately addressed. The proposed buildings provide adequate transition to the adjacent single story structures to the east and the proposed landscaping has been designed to create an attractive

development that when fully mature, will create a sufficient buffer to the single-family residential homes. **The provisions of this section have been met.**

G. *The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this Chapter and the applicable portions of the City Subdivision Code, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made.*

FINDING: There are no required street or other needed public facilities or service improvements required as a part of this development. There is however, a portion of the public sidewalk along the southern boundary of the property that is on private property. To ensure there is no future encroachment in the right-of-way and allow public works to adequately maintain public sidewalk the applicant shall dedicate the portion of the property that contains the public sidewalk (approximately 118 square feet). As a condition of approval, prior to the issuance of permits, the applicant shall dedicate the portion of the subject property that includes the public sidewalk. **The provisions of this section are not applicable subject to conditions of approval.**

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

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

A. *There are exceptional or extraordinary circumstances or conditions applying to the property or intended use that do not apply generally to other properties in the same zone or vicinity and which result from lot sizes or shape legally existing prior to the adoption of this chapter, topography, or other circumstances over which the applicant has no control;*

FINDING: The applicant contends that the realignment of Suncrest Rd. that created two separate irregular parcels is an extraordinary circumstance which the property owner had no control over and that does not generally apply to other properties in the same zone. Staff agrees that the irregular shape of the parcel together with the parking requirements, additional setback requirements and required access point restricts the property from developing at the intended density without a variance. **The provisions of this section have been met.**

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

FINDING: The applicant contends that the subject property has much of its frontage along Suncrest Rd. which requires a substantial allocation of land for the required front yard setbacks. The applicant further contends that the variance is necessary for the preservation of a property right that were minimized when Suncrest Rd. was realigned and bisected the property. Staff believes that the reduction of the required parking by nine (9) spaces at

minimum, provides the property owner the opportunity to develop the property at its intended density and is an acceptable compromise for the perceived loss of a property right possessed by owners of other property in the same zone or vicinity. **The provisions of this section have been met.**

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

FINDING: The applicant contends that a reduction of parking requirements is one of the recommendations of the Housing Needs Analysis and that it is the direction the City would like to move. Staff agrees that this is the direction the City needs to move to allow more efficient development of our high-density land. As stated in the findings above, the Planning Commission has the authority to reduce the number of off-street parking spaces if applicant can demonstrate that the driving characteristics of the development do not necessitate full parking space requirements and that mass transit is available. Staff believes that even without the variance application, the Planning Commission can reduce the parking standards when the above characteristics exist. Staff has provided the following off-street parking matrix to outline other city’s parking standards and to serve as a decision-making guide should the Planning Commission choose to relax the off-street parking rules by authority or through the requested variance, or both.

Off-Street Parking Standards (multi-family residential)

City of Medford	1 space per dwelling unit	1.5 spaces per dwelling unit
City of Ashland	1 space per dwelling unit (less than 500 square feet)	1.5 spaces per dwelling unit (1-bedroom unit)
City of Phoenix	1 space per dwelling unit (less than 500 square feet)	1.5 spaces per dwelling unit (1-bedroom unit)
City of Central Point	1 space per dwelling unit (studio/1-bedroom unit)	1.5 spaces per dwelling unit (2-bedroom unit)

Based on the information above, the City’s parking standards are excessive when compared to multi-family uses in other jurisdictions. Additionally, transit facilities are available on Talent Avenue and will be available in the future along OR 99 north of Suncrest Rd. Considering the above parking standards from other jurisdictions and the proximity of public transit, the reduction request is in line with the Planning Commission’s authority to amend the parking requirements and 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. **The provisions of this section have been met. The provisions of this section have been met.**

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

FINDING: Based on the parking standards of other local jurisdictions, the requested variance is the minimum variance needed to alleviate the hardship. **The provisions of this section have been met.**

ORD #725 SYSTEM DEVELOPMENT CHARGES

Section 8. COLLECTION OF CHARGES

A. *The System Development Charge is payable upon, and as a condition of, issuance of:*

1. *A building permit*
2. *A development permit and/or a development permit for development not requiring the issuance of a building permit;*
3. *A permit or approval to connect to the water or storm drainage system, or sewer system;*
4. *A right-of-way permit.*

The proposed development includes the addition of sixteen (16) residential unit. System Development Charges (SDCs) will be assessed for each new unit in accordance with Ordinance #725 adopted October 5, 2005. In addition, the applicant will be required to provide evidence that all other SDCs from other jurisdictions have been paid in full. As a condition of approval, the applicant shall, prior to the issuance of building permit, the applicant shall provide evidence that all SDCs have been paid in full. **The provisions of this section have been met subject to conditions of approval.**

This approval shall become final 14 days from the date this decision and supporting findings of fact are signed by the Chair of the Talent Planning Commission, below. A Planning Commission decision may be appealed to the Hearing's Officer within 14 days after the final order has been signed and mailed. An appeal of the Hearing's Officer decision must be submitted to the Land Use Board of Appeals within 21 days of the Hearing Officer's decision becoming final.

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

Felicia Hazel
Planning Commission Chair

Date

ATTEST

Zac Moody
Community Development Director

Date

DRAFT