



BEFORE THE TALENT CITY COUNCIL

STATE OF OREGON, CITY OF TALENT

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

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

8. The Talent City Council has decided by a majority of the qualified voting members to approve the proposed Comprehensive Plan Map amendment as proposed and to adopt Staff's recommended Findings below.
9. The Planning Commission held a properly noticed continued public hearing on this matter on January 26, 2017 and a continued public hearing on February 9, 2017;
10. At the public hearing evidence was presented and the public was given an opportunity to comment;

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

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

OREGON ADMINISTRATIVE RULES

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

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

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

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

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

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

TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES

ELEMENT A – HISTORY OF TALENT

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

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

ELEMENT B – PARKS AND RECREATION

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

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

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

ELEMENT C – NATURAL HAZARDS

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

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

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

ELEMENT D – TRANSPORTATION

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

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

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

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

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

ELEMENT E – ECONOMY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ELEMENT F – PUBLIC FACILITIES

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

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

Streets

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

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

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

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

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

- Distance between cross streets is no more than 600 feet

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

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

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

- Expected parking demand can be met off-street

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

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

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

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

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

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

Domestic Water

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

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

Sanitary Sewer

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

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

Storm Water

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

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

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

ELEMENT G – HOUSING NEEDS AND THE UGB

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

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

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

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

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

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

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

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

ELEMENT H – REGIONAL PLAN

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

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

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


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

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


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

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

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

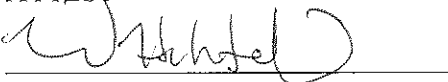


Darby Stricker
Mayor

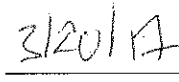


Date

ATTEST



Melissa Huhtala
City Recorder



Date

