



**PLANNING COMMISSION
REGULAR MEETING AGENDA**

- HELD in PERSON-

Town Hall

February 27, 2024 – 6:30 PM

This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

- 1. Call to Order / Roll Call**
- 2. Brief Announcements by Staff**
- 3. Approval of Minutes – None**
- 4. Public Comment on Non-Agenda Items**
- 5. Public Hearings Remand from City Council – CPA 2023-001 and REZ 2023-001 for consideration of a comprehensive plan amendment and zone change from commercial to residential.**
- 8. Propositions and Remarks from the Commission**
- 10. Adjournment**

This meeting will be held in person and electronically via Zoom.

1. You can join the meeting with your computer or smart phone using the following link & passcode:
Link to join Webinar:
https://us02web.zoom.us/webinar/register/WN_VNITUWcUS262TCmi7ly8TQ

City of Talent

Community Development Department - Planning



STAFF REPORT and ANALYSIS

Type-4 Land Use Application — Legislative Review — Planning Commission

Meeting date: February 27, 2024
File no: CPA 2023-001 and REZ 2023-001
Prepared by: Kristen Maze, Community Development Director
Item: Comprehensive Plan and Zoning Map Amendment

GENERAL INFORMATION

Property OwnerWest Valley View, LLC.
Agent.....Rogue Planning & Development Service,
LLC.
Requested ActionAmendments to the City of Talent’s Com-
prehensive Plan and Zoning Map
Amended MapsComprehensive Plan and Zoning Map

BACKGROUND

On September 26, 2023, the Planning Commission held a public hearing for the proposed Comprehensive Plan amendment and Rezone. At the hearing, the commission discussed the wetlands mitigation located on the project site along Wagner Creek that was required for the Walmart project approved in 1993, this wetland area is not shown on the city GIS map or the State Lands Wetland Inventory. A motion was made to approve the proposed project and seconded, this motion was not upheld by a majority vote, therefore the motion did not carry and there was no motion made to deny the project. Based on this action there is no recommendation by the Planning Commission. As per the Talent Municipal Code Section 18.190.060 b, staff shall *provide notice and put the matter on the city council’s agenda, a public hearing to be held, and a decision to be made by council. No further action shall be taken by the planning commission.*

At the public hearing on December 6, 2023, that was continued to January 17, 2024, a concern as to whether this application should be a quasi-judicial procedure, or a legislative procedure was raised. This application is a zone and comprehensive map change which makes it a legislative procedure. However, the application is both quasi-judicial and legislative because it is an applicant driven zone change request on a single parcel this makes it quasi-judicial. Since the Talent Municipal Code is not clear as to how to process applications that fall under both quasi-judicial and legislative and clearly identifies the process as a Type IV Legislative process, staff managed the application as both by making the findings with a Final Order and an Ordinance. The City Attorney has since researched this issue

and determined that based on LUBA cases and case law and since the project is proposed by a single owner, on a single lot that the project is a quasi-judicial process.

The City Council remanded the application back to the Planning Commission for a recommendation to approve or deny. See attached Memo dated February 14, 2024.

PROPERTY DESCRIPTION

The subject property is located on the south side of Valley View Road at 300 W. Valley View Road. The property has 65 feet of frontage along W. Valley View Road and extends more than 500 feet to the south. The lot is 2.01 acres and has approximately 0.8 acres of useable land (net acreage). Valley View Road has an 80-foot-wide right-of-way to the north. Mountain View Drive is a 40-foot-wide private street with an ingress/egress access easement on the east. Wagner Creek bounds the property to the west.

The property has a Comprehensive Plan Map designation of Commercial (C) and Parks/Open Space. The applicant is requesting to amend the Commercial portion to Residential Low Density (rl) designation. The Parks/Open Space designation will remain. The rezone request is from Commercial-Highway Commercial (CH) portion of the property to Single Family Residential-Medium Density. The area zoned CH that has a Comprehensive Plan designation of Public Open space will be added to the Public Land and Facilities district.

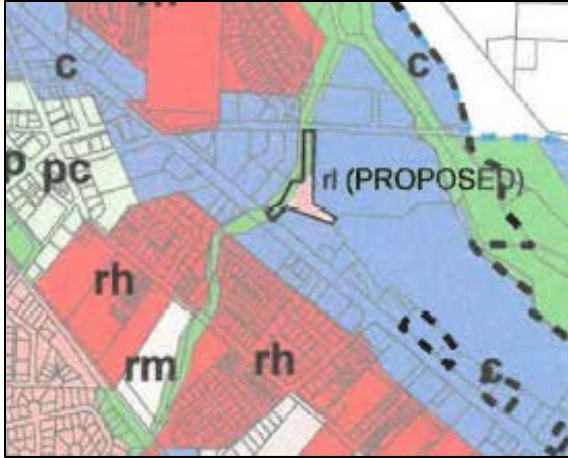
The property to the west is also zoned CH. The property to the south is Residential – Single-Family Manufactured Home (RS-MH). There is also Highway Central Business District (CBH) zoned properties to the south and west. Across West Valley View Road, the properties are zoned CH and RM-HD. The subject property and the adjacent properties are subject to the drive-through overlay subzone.

Wagner Creek adjacent to the parcel is located within the Floodway and 100-Year Floodplain. There is also a 50-foot “safe harbor” setback from Wagner Creek serving as a riparian preservation area. The property includes multiple trees, with both significant and heritage status.

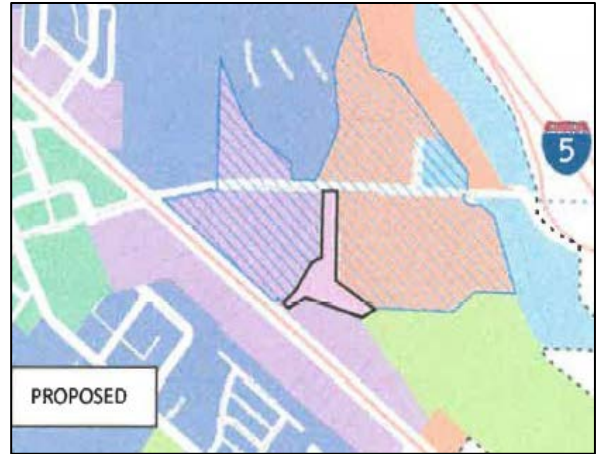
PROPOSAL

The subject properties are currently identified on the Comprehensive Plan Map as being within the Commercial (C) designation and within the Highway Commercial (CH) zoning district. The proposed map change demonstrates compliance with the City of Talent Comprehensive Plan Goals and Policies and does not have a significant effect beyond the immediate area of change.

The approval of this application would amend the map designations for what is currently identified as Tax Lot 1903 to the Residential Low Density (RL) designation and the Zoning Map to the Residential – Medium Density (R-MD) zoning district.



Proposed Comprehensive Plan Map



Proposed Zone Map

As noted by the applicant, there is a substantial amount of vacant and/or re-developable commercial zoned Highway Commercial (CH) properties that allow for residential development in conjunction with commercial development along the highway frontage in the immediate vicinity.

The requested map changes are consistent with the Comprehensive Plan. Specifically, Element G, The Housing Element and the stated goals found within the Housing Element. According to the Housing Element, the City of Talent will need an additional 109 acres of residential land to meet the projected population growth; 77 acres of Low-Density Residential Land, 17 acres of Medium Density Residential land, and 15 acres of High-Density Residential and mixed-use Commercial land. The Buildable Land Inventory found that with a deficit of nearly 109 acres of residential land, Talent does not have an adequate supply of residential land to meet the 20-year projected demand within its current UGB. Though not an area of significant acreage, the nearly two-acre area provides additional land area for medium density residential adjacent to the transportation corridor and the Bear Creek Greenway.

The proposal is also consistent with the State of Oregon Land Use Planning Goals as evidenced in the findings within the proposed final order. At a local level, the State mandates that cities inventory their "buildable lands", this refers to land inside an urban growth boundary that is suitable and available for residential use. The city is required to provide enough land to accommodate growth during the planning period.

Goal 10 encourages cities to provide Comprehensive plans that encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density. This proposal seeks to provide additional land area con-

sistent with the Statewide Planning Goal 14 for Urbanization and furthers Goal 5 by allowing urbanization in an area that lacks significant natural resources, leaving areas that are constrained by natural features free from increased development impacts.

The request zone change conceptually allows for the development of ten (10) attached wall, townhome units. These units will generate approximately 70 daily vehicle trips. The property is located on West Valley View Road, and due to the limited number of trips, the proposed zone change will not have a substantial negative impact on the level of service of any of the intersections in the immediate vicinity. Multi-Modal Transportation options are provided in the vicinity of the property with the Rogue Valley Transportation District (RVTD) bus service on Hwy 99. Bike lanes are found on West Valley View Road and Hwy. 99. A Traffic Impact Analysis is not necessary because the total number of vehicle trips is below the thresholds and the AM and PM peak hour trips.

The Talent Zoning Code does not provide criteria for map change requests. Considering this, the applicant has demonstrated that the request is consistent with applicable zoning regulations for the RM-HD and the Commercial zones. The application also demonstrates compliance with the Comprehensive Plan and Regional Problem Solving Plan adopted in 2012. Findings have been provided by the applicant addressing the Transportation Planning Rule (TPR) and Traffic Impact Study requirements and have been included in the proposed final order.

AGENCY AND PUBLIC COMMENTS

The applicant submitted the required pre-application conference forms and fees and attended the conference on March 16, 2023. The applicant held a meeting with residences within 250 feet of the property on September 18, 2023 (see attached summary). The comments include affordable housing concerns and the number of people that were notified for comments. During the comment period, the city received no comment from local agencies other than Rogue Valley Sewer Services. Comments have been included with this staff report for reference. The city received 3 public comments that were all in favor of additional residential housing in Talent.

RECOMMENDATION

Staff has reviewed the proposal and determined that as proposed, the request for Comprehensive Plan and Zoning Map change meets the standards set forth in the Oregon Statewide Planning Goals, Oregon Administrative Rules, Talent Comprehensive Plan and the Talent Zoning Codes.

POTENTIAL MOTIONS

“I move to approval of CPA 2023-001, a request to change the comprehensive map designation on Tax Lot 1900 to Residential Low Density (RL)”

“I move to approval of REZ 2023-001, a request to change the zoning map designation on Tax Lot 1900 to Residential - Medium Density (R-MD)”

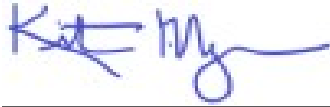
OR

“I move to deny CPA 2023-001, a request to change the comprehensive map designation on Tax Lot 1900 to Residential Low Density (RL) based on findings to deny the project.”

“I move deny REZ 2023-001, a request to change the zoning map designation on Tax Lot 1900 to Residential - Medium Density (R-MD) based on findings to deny the project.”

EXHIBITS

- Exhibit 1 – Memo dated Feb. 14. 2024
- Exhibit 2 – Applicants Submittal
- Exhibit 3 – Notice of Public Hearing
- Exhibit 4 – Neighborhood Meeting Summary
- Exhibit 5 – Public Comments
- Exhibit 6 – Proposed Final Order CPA 2020-001/REZ 2020-001
- Exhibit 7 – Ordinance 2023-980 and Ordinance 2023-981



Kristen Maze, Community Development Director

September 26, 2023

Date

Staff has recommended these amendments for approval, but it will require at least one public hearing before the Planning Commission and one public hearing before the City Council for a decision. The Talent Zoning Code establishes procedures for legislative hearings in TMC 18.190.060.

An in-person public hearing on the proposed action is scheduled before the Planning Commission via Zoom on September 26, 2023, at 6:30 PM. In addition, electronic meeting access and public comment instructions are provided on the Planning Commission agenda for the September 26, 2023, meeting.

For copies of public documents or for more information related to this staff report, please contact the Community Development Director at 541-535-7401 or via e-mail at kmaze@cityoftalent.org.



Memo

TO: File
FROM: David Lohman
RE: Planning Commission Action on Rezone and Comprehensive Plan Amendment Applications
DATE: February 14, 2024

BACKGROUND

On May 26th, 2023, the owner of Talent Tax Lot 1903 filed applications to (1) change the portion of the property's 2.01 acres currently zoned "Highway Commercial (CH)" to "Single Family Residential - Medium Density" (REZ 2023-001) and (2) change the current comp plan designation for the portion of the property shown as "Commercial" to "Residential Low Density (CPA 2023-001)."

TMC 18.190.020(D) says "Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts)." Table 18.190.020 (Summary of Development Decisions/Permits by Type of Decision-Making Procedure) lists Comprehensive Plan Amendments and Rezoning as Type IV matters. In consideration of TMC 18.190.020(D) and Table 18.190.020, staff notified the applicant that the applications would be processed as Type IV (Legislative) matters. The applicant did not contest that determination.

To demonstrate compliance with Oregon's Statewide Planning Goals, Oregon Administrative Rules, Talent's Zoning Code, and Talent's Comprehensive Plan Policies, Goals, and Objectives, the applicant submitted proposed findings asserting compliance with those requirements. Staff agreed with the applicant's findings and presented the applications, proposed findings, and an approval recommendation to the Talent Planning Commission for its September 26, 2023 hearing on the matter.

After closure of the hearing, a motion to recommend approval of the applications failed to receive a majority of votes, and the Planning Commission took no further action on REZ 2023-001 and CPA 2023-001.

Under TMC 18.190.060H, if the Planning Commission fails to adopt a recommendation on a Type IV matter, "No further action shall be taken by the Planning Commission and a hearing on the matter is to be placed on a city council agenda." REZ 2023-001 and CPA 2023-001 were initially scheduled for the December 6, 2023 Council meeting and then deferred. At the January 17, 2024 Council meeting, the applications were remanded to the Planning Commission with

direction to provide a recommendation to the Council on approving or disapproving the applications.

This memo is to respond to questions that have arisen about the process to be followed as the Planning Commission once more takes up REZ 2023-001 and CPA 2023-001.

QUESTIONS AND ANSWERS

Question 1: In responding to rezoning and comprehensive plan amendment applications regarding Tax Lot 1903 in the City of Talent, should the applications be processed as a legislative matter or as a quasi-judicial matter?

Brief Answer: Because the applications concern a small, single tract of land and few persons, quasi-judicial processing is required.

Authorities/Analysis:

- a) Land Use (Oregon State Bar publication, 2010 Ed.) Chapter §14.4 Quasi-judicial vs. Legislative Proceedings:

“The procedures to be followed when making a land use decision depend on the nature of the decision being made. The determination of whether an action is legislative or quasi-judicial is based on general legal principles. A legislative land use decision typically involves the adoption of new policy that applies to a large area or group of people rather than the application of existing general standards to a single tract of land. *South of Sunnyside Neighborhood League v. Board of Comm'rs*, 280 Or 3, 10-12, 569 P2d 1063 (1977). The initial adoption of a comprehensive plan or zoning ordinance is a clear example. An amendment of the plan or zoning ordinance, however, may or may not be legislative. See *Sullivan v. Polk County*, LUBA No. 2005-024, 49 Or LUBA 543 (2005) (quasi-judicial change to plan inventory and zoning map); *Stevens v. Jackson County*, LUBA Nos. 2004-011, 2004-012, 2004-013, 2004-107, 2004-026, 47 Or LUBA 381 (2004) (major changes to plan and zoning code are legislative).

“In the case of *Strawberry Hill 4 Wheelers v. Board of Comm'rs*, 287 Or 591, 602-603, 601 P2d 769 (1979), the Oregon Supreme Court established a list of factors to be weighed to determine whether a land use decision is legislative or quasi-judicial:

- (1) Is the process bound to result in a decision?
- (2) Is the decision bound to apply preexisting criteria to concrete facts?
- (3) Is the action directed at a closely circumscribed factual situation or a relatively small number of persons?....

“....The more definitely the *Strawberry Hill 4 Wheelers'* questions are answered in the negative, the more likely the decision is legislative. *Valerio v. Union County*, LUBA No. 97-150, 33 Or LUBA 604, 607 (1997). Otherwise, the decision is quasi-judicial. No single answer is determinative. *Estate of Gold v. Portland*, 87 Or App 45, 740 P2d 812 (1987).”

b) Davenport v. City of Tigard, 854 P.2d 483 (page 486); 121 Or. App. 135 (Or. App. 1993):

“Although the city may interpret its legislation, subject to the limited standard of review defined in Clark, neither its interpretation nor its legislation can be given effect if it is contrary to or necessitates the misapplication of a state statute. See Ramsey v. City of Portland, 115 Or.App. 20, 836 P.2d 772 (1992). For example, a city could not circumvent ORS 227.178(3) by "interpreting" approval standards or criteria in its legislation as not being approval standards or criteria....The statute is for LUBA and us [the court], rather than the city, to interpret definitively.”

c) Valerio v. Union County, LUBA No. 97-150 (Or. LUBA 10/27/1997) (Or. LUBA 1997) (pages 5-7):

“As petitioners state, the adoption of Ordinance No. 1997-7 arguably has both legislative and quasi-judicial aspects. Nevertheless, we conclude that it is essentially legislative. Our determination is based upon consideration of the three factors identified by the Oregon Supreme Court in *Strawberry Hill 4-Wheelers v. Benton Co. Bd. of Comm.*, 287 Or 591, 602-03, 601 P2d 769 (1979), and addressed by the following three questions:

1. Is "the process bound to result in a decision?"
2. Is "the decision bound to apply preexisting criteria to concrete facts?"
3. Is the action "directed at a closely circumscribed factual situation or a relatively small number of persons?"

“The more definitely these questions are answered in the negative, the more likely the decision under consideration is a legislative land use decision. The answer to each of the questions must be weighed; no single answer is determinative. *Estate of Paul Gold v. City of Portland*, 87 Or App 45, 740 P2d 812, rev den 304 Or 405 (1987).

“Since the process of considering the amendments ultimately adopted in Ordinance 1997-7 could have been terminated by the county at any time without any action, the process was not "bound to result in a decision." The first question must therefore be answered in the negative.

“The second factor is present to some extent in nearly all land use decisions, which almost invariably apply preexisting criteria to concrete facts. See *Churchill v. Tillamook County*, 29 Or LUBA 68, 71 (1995); *Friends of Cedar Mill v. Washington County* 28 Or LUBA 477, 482 (1995). In this case, which involves an amendment to the county's plan text and map and the county's zoning ordinance and zoning map, the application of the Statewide Planning Goals and local comprehensive plan was prompted by a specific proposal which concerns the subject area.

“The third question must be answered in the negative. Not only do the text amendments to the county's plan and zoning ordinance potentially affect a variety of factual situations and people, but the rezone affects 185 acres in a number of different ownerships. Parcels outside the subject area may be indirectly affected. Therefore, the amendment cannot be viewed as "directed at a closely circumscribed factual situation or a relatively small

number of persons.

“Because only the second question can be answered in the affirmative, we conclude the decision to adopt Ordinance 1997-7 was a legislative land use decision.”

- d) Thomas v. City of Veneta, LUBA No. 2002-128 (Or. LUBA 2/11/2003) (Or. LUBA 2003) (pages 8-9)

“As an initial point, while not determinative, we note that the city followed the quasi-judicial procedures described at ORS 197.763 and gave the notice described in ORS 197.763(3)(e), which requires that the city's notice of hearings must “[s]tate that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.” Record 93-94. The analysis that is required to determine whether a decision is quasi-judicial is set out at *Strawberry Hill 4 Wheelers v. Benton Co. Bd. of Comm.*, 287 Or 591, 602-03, 601 P2d 769 (1979). The inquiry can be summarized as follows:

1. Is `the process bound to result in a decision?’
2. Is `the decision bound to apply preexisting criteria to concrete facts?’
3. Is the action `directed at a closely circumscribed factual situation or a relatively small number of persons?’” *Leonard v. Union County*, 24 Or LUBA 362, 368 (1992).

“Factors 1 and 2 are present here. Although comprehensive plan and land use regulation text is amended in ways that may indirectly affect other properties and a new road is approved, only two tax lots and 6.4 acres are directly affected by the challenged comprehensive plan and zoning map amendments. This is a "circumscribed factual situation" and a "relatively small number of persons" are affected by the rezoning.

“Therefore, factor 3 is present as well. Although a larger number of persons may be indirectly affected in some small way by other aspects of the decision, we do not believe those impacts are sufficient to convert what is otherwise clearly a quasi-judicial decision into a legislative decision.”

Conclusion: In *Valerio v. Union County*, LUBA had to determine whether to apply legislative or quasi-judicial procedures when the case “arguably has both legislative and quasi-judicial aspects.” LUBA resolved that classification dilemma in *Valerio* by applying the *Strawberry Hill 4 Wheelers* 3-factor test and deciding the matter was legislative in nature because the proposed rezone would affect 185 acres and a number of different ownerships. In contrast, in *Sullivan v. Polk County*, LUBA No. 2005-024, 49 Or LUBA 543 (2005) and *Thomas v. City of Veneta*, LUBA No. 2002-128 (Or. LUBA 2/11/2003) (Or. LUBA 2003), LUBA applied the *Strawberry Hill 4 Wheelers* 3-factor test and decided the matters were quasi-judicial because the proposed changes were plan and zoning map amendments directed at just one or two relatively small tax lots.

TMC 18.190.020D confusingly seems to use applications for “adoption of land use regulations, zone changes, and comprehensive plan amendments” as examples of legislative matters. But TMC 18.190.020D adds this qualifying phrase to its examples: “which apply to entire districts.” That qualifying phrase is pivotal. It makes the Talent provision consistent with *Sullivan* and *Thomas* because it clarifies that zone changes and comp plan amendments which apply to “a circumscribed factual situation and a relatively small number of persons” or “the application of existing general standards to a single tract of land” should not be deemed to be legislative in nature. Therefore, LUBA would be highly likely to classify the current Talent applications REZ 2023-001 and CPA 2023-001 as quasi-judicial matters. The consequences of such a determination are addressed below.

Question 2: In quasi-judicial Planning Commission deliberations on applications for rezoning and comp plan amendments concerning only a single parcel, should the Planning Commission’s conclusions be based on compliance or non-compliance with established criteria, that is, on findings?

Brief Answer: Yes.

Authorities/Analysis:

a) Land Use (Oregon State Bar publication, 2010 Ed.) Chapter §14.90 Purposes of Findings:

“Findings explain why a decision is made. Findings ensure that applicable legal standards have been addressed and show that the decision complies with the applicable law. “[F]indings must (1) identify the relevant approval standards, (2) set out the facts which are believed and relied upon, and (3) explain how those facts lead to the decision on compliance with the approval standards.” *Mountain Gate Homeowners Association v. Washington County*, LUBA No. 97-218, 34 Or LUBA 169, 173 (1998); *Heiller v. Josephine County*, LUBA No. 92-032, 23 Or LUBA 551, 556 (1992); *see also South of Sunnyside Neighborhood League v. Board of Comm’rs*, 280 Or 3, 20–21, 569 P2d 1063 (1977); *Vizina v. Douglas County*, LUBA No. 89-007, 17 Or LUBA 829, 835 (1989). Findings help protect participants in the land use, limited land use, and expedited land use review processes from arbitrary governmental action and facilitates the review of local decisions on appeal.”

b) *Valerio v. Union Country*, LUBA No. 97-150 (~~Or. LUBA 10/27/1997~~) (Or. LUBA 1997)

“[E]ven where a challenged plan amendment is legislative, Goal 2 requires a local government to explain why the amendment complies with applicable Statewide Planning Goals, either in findings or somewhere in the record.” (Page 5?)

Conclusion: In response to an agenda item on applications for rezoning and a Comprehensive Plan Amendment regarding a single tract of land, the Planning Commission must identify the relevant approval standards; state the facts relied upon; and explain how those facts lead to the Commission’s decision on compliance with the approval standards. This is a requirement to make findings as to compliance or non-compliance with the apposite decision-criteria. The requirement must be met whether the agenda item is deemed to be a legislative matter or a quasi-judicial matter.

Question 3: When the Planning Commission again considers REZ 2023-001 and CPA 2023-001 pursuant to City Council’s direction, would it be permissible for Commission to take action without conducting another public hearing?

Brief Answer: No.

Authorities/Analysis:

- a) The 9/26/23 Commission agenda item on this matter included a properly-noticed public hearing conducted in compliance with Type III (quasi-judicial) procedures. And attendees at the 9/26/23 meeting had full opportunity in the public hearing to present facts, allegations, and opposing or supporting viewpoints on what the applicable decision-criteria are and on whether the proposal in the applications satisfies those criteria. However, with the understanding at the time of the first hearing that the matter was legislative, Commission members were not prompted to provide statements about possible lack of impartiality, conflicts, or ex parte contacts. Accordingly, interested parties had no opportunity at the September 2023 hearing to present allegations about or challenges to Commission member statements on such matters.
- b) As the Planning Commission’s September 2023 hearing was conducted pursuant to Type IV procedures, interested parties must be given the opportunity at a new hearing to provide input framed with Type III requirements in mind. Further, since five months will have passed between the September 2023 and the February 2024 Planning Commission meeting, interested parties could potentially have relevant points to make in February that did not come to light last September.

Conclusion: The Planning Commission’s reconsideration of REZ 2023-001 and CPA 2023-001 must include a new hearing pursuant to Type III procedures. Testimony provided at the Commission’s September 2023 hearing on these applications remains part of the record of this case; so it would be appropriate for the Commission Chair to ask those testifying again at the subsequent hearing to limit the scope of their testimony to matters they did not address earlier.

Question 4: When the Planning Commission again considers REZ 2023-001 and CPA 2023-001 pursuant to City Council’s direction, should each Commissioner publicly declare whether he or she lacks impartiality, has any conflicts of interest, or has had any ex parte contacts with respect to the matter before them?

Answer/Conclusion: Yes.

Authorities/Analysis:

- a) See TMC 18.190.050D(5) and (6) and item a) under Question 3 above.

- b) Even if Commission members had made the required statements about impartiality, conflicts and ex parte contacts at the Commission's September 2023 meeting, the possibility that such issues arose or came to light thereafter means members must make the required statements upon reconsideration of REZ 2023-001 and CPA 2023-001

Question 5: If the applicant in this case decides to appeal the decision of the Planning Commission when it again considers the matter, should the appeal be heard by the City Council?

Answer: Yes.

Authorities/Analysis:

- a) "Type III decisions are made by the planning commission after a public hearing with appeals reviewed by the city council." TMC 18.190.020C. This unequivocal statement assigning Council the role of reviewing appeals was enacted in Ordinance 2021-96-0 ("Housing Code Amendments"). Prior to enactment of Ordinance 2012-96-0, TMC 18.190.020C had assigned appeals of Planning Commission's Type III decisions to a hearings officer.
- b) "An appeal of a Type III application to the City Council shall be heard through a de novo hearings procedure." TMC 18.190.050F. Again, this statement assigning Council the role of reviewing appeals was enacted in Ordinance 2021-96-0. Prior to enactment of the 2021 Housing Code Amendments, TMC 18.190.050F (like TMC 18.190.020C above) had assigned appeals of Planning Commission's Type III decisions to a hearings officer. Inexplicably, the last two sentences of TMC 18.90.050F were not changed in the 2021 Housing Code Amendments; so, confusingly, they still refer to a hearings officer.
- c) The March 31, 2021 Staff Report on Talent Ordinance 2021-96-0 ("Housing Code Amendments" says, "The Planning Commission accepted the staff recommendation to change the review body for appeals of Planning Commission Type III decisions from the hearings officer to City Council" (page 9 of 207). This Staff Report is more determinative than just typical legislative history that can guide ordinance interpretation: the Staff Report was Attachment A to Ordinance 2021-96-0 as enacted.

Conclusion: TMC 18.190.020 clearly assigns Type III appeals to the Council, while TMC 18.190.050F says the same but also contains references to a hearings officer. However, a court (or LUBA) would certainly conclude the recently-enacted unequivocal wording changes in two sections of the 2021 Housing Code Amendments must be deemed to mean Council is the appeal body for Type III decisions, despite the confusing retention of pre-existing adjacent references to a hearings officer.

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CITY OF TALENT • COMMUNITY DEVELOPMENT

PO Box 445, Talent, Oregon 97540
Phone: (541) 535-7401 Fax: (541) 535-7423 www.cityoftalent.org

GENERAL LAND USE APPLICATION

Street Address or Property Location: 300 West Valley View Road
Project Description Comprehensive Plan Map Amendment and Zone Change

Property Owner West Valley View LLC c/o Evan Archerd	Mailing Address (include city, zip) 1175 E Main Street Ste 2A, Medford OR 97504
Phone # 541-944-3704	Email Address evanarcherd@gmail.com
Applicant/Consultant (if not owner) Rogue Planning & Development Services LLC	Mailing Address (including city, zip) 1314-B Center Dr., PMB 457
Phone # 541-951-4020	Email Address amygunter.planning@gmail.com

Assessor's Map Number (Township, Range, Section, Quarter Section-Tax Lot Number)	Zone
38-1W- 23D; Tax Lot#1900	
38-1W-	

Pre-Application Meeting Completed? Yes No N/A Date Completed: 3.16.2023

APPLICATION TYPE (check all boxes that apply)

Site Development Plan Review		Conditional Use Permit
Variance		Code Interpretation
Fence		Comprehensive Plan Amendment (text)
Annexation	<input checked="" type="checkbox"/>	Comprehensive Plan Map/Zoning Map Change
Accessory Dwelling Unit		Development Code Amendment
Appeal		

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.

Amy Gunter
Applicant's Signature

[Signature]
Property owner's Signature (required)

5.26.2023
Date

6-12-23
Date

APPLICATION FEES & DEPOSITS

(Application fees are calculated by ACTUAL PROCESSING COSTS)

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.

Amy Junter
 Applicant's Signature
James D. [Signature]
 Property owner's Signature (required)

5.26.2023
 Date
6-12-23
 Date

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.

Amy Junter
 Applicant's Signature
James D. [Signature]
 Property owner's Signature (required)

5.26.2023
 Date
6-12-23
 Date

FOR OFFICE USE ONLY		<i>File Number:</i>	
<i>CD Approval Date:</i>	<i>Community Development Approval:</i>	<i>Public Works/Engineering Approval:</i>	<i>PW Approval Date:</i>

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

West Valley View LLC

Request for Comprehensive Plan Map Amendment and Zone
Change request from Commercial uses to Residential use and
Public Land Facility district

38 1W 23D; 1900

Comprehensive Plan Map Amendment and Zoning Map Amendment

Subject Properties

Property Addresses: W Valley View Road

Map & Tax Lot: 38 1W 23D; 1900

Comprehensive Plan

Designation: Commercial

Zoning: Commercial Highway (CH)

Property Owner: West Valley View LLC
C/O Evan Archerd
1171 W Main Street STE 2A
Medford, OR 97501

Surveying: L.J. Friar and Associates
PO BOX
Medford, OR 97501

Site Planning: Terrain Landscape Architecture
174 Hidden Lane
Ashland, OR 97520

Agent: Rogue Planning & Development Service, LLC
1314-B Center Dr., PMB#457
Medford, OR 97501

Request:

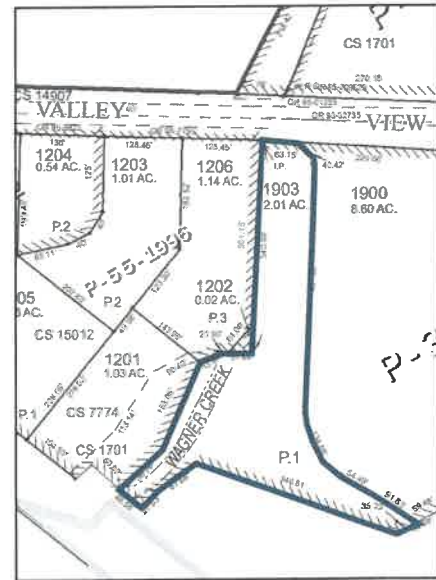
The request is for a Comprehensive Plan Map amendment and Zone Change request to re-zone the 2.01-acre parcel southwest of the intersection of West Valley View Road and Mountain View Drive, the property is to the west of 300 West Valley View (Cummins).

The Comprehensive Plan Designation is Commercial and Parks/Open Space and the request is to amend the Commercial portion to Residential Low Density (rl). The Parks/Open Space designation remains. Also, the request is to rezone the Commercial – Highway Commercial (CH) portion of the property to Single Family Residential – Medium Density. The area zoned CH that is Comprehensive Plan Designated as a public open space (the FEMA Floodway) will be added to the public land and facilities (PLF) district.

Property Description:

The subject property is located southwest of the intersection of West Valley View Road and Mountain View Drive, east of 300 W Valley View Road. The vacant property is 2.01 acres. The property has a narrow street frontage of 63.15 feet along West Valley View Road and extends more than 500 feet to the south nearly to South Pacific Hwy. The property is bounded by Mountain View Drive along the east property line.

Wagner Creek is adjacent to the west property line. Wagner Creek is a protected stream and has a Federal Emergency Management Agency (FEMA) 100-year floodplain and floodway with Base Flood Elevations identified. There is a 50-foot “safe harbor” setback from Wagner Creek for riparian zone preservation.



A tree inventory has been provided on the topographical survey of the property. A large number of the trees are within the protected riparian area. There are a few fire-damaged snags remaining on site adjacent to Wagner Creek nearer OR HWY 99, but the riparian area is in a pre-Almeda fire condition.

West Valley View Road has an 80-foot wide right-of-way. West Valley View Road is improved with two travel lanes, a center turn lane, bioswale stormwater filtration buffers, and a protected bike lane. There are curbside sidewalks and the pedestrian crossings for West Valley View Road and Mountain View Drive were recently installed.

Mountain View Drive is a 40-foot wide private street that is upon the adjacent property to the east. The subject property and the adjacent manufactured housing development have ingress/egress access easements. Mountain View Drive is improved along the frontage of the subject property with a curbside sidewalk.

The subject property has a Comprehensive Plan Map designation of Commercial (c) and Parks (p) and is zoned Highway Commercial (CH).

The adjacent properties have similar zoning. Across Mountain View Drive, the property is also zoned CH. The properties to the southeast are zoned Residential, Single Family – Manufactured Home (RS-MH), and Commercial Highway Central Business District (CBH). The Highway Central Business District (CBH) zoning is present to the south and the west. Across West Valley View Road, the properties are zoned Highway Commercial (CH) and Residential Zone – Multiple Family – High Density (RM-HD). The subject property and the adjacent properties have the “drive-through overlay” subzone.

Proposal:

The request is for a Comprehensive Plan Map Change for a portion of the property's Comprehensive Plan Designation of Commercial (c) to Residential Low Density (rl).

The request includes the rezoning of the property from Commercial – Highway Commercial (CH) to Single Family Residential – Medium Density. The area of the parcel identified as parks/open space area as designated on the Talent Comprehensive Plan map (the area of the FEMA Floodway) is proposed to be rezoned to public land and facilities (PLF) district and the area to be dedicated to the city of Talent for future open space development.

According to the City of Talent Buildable Lands Inventory, the current housing inventory severely lacks High and Medium Density Residential zoned land that is suitable for development.

Based on the review of the Buildable Lands Inventory, there is a substantial amount of vacant and/or re-developable commercial-zoned properties. The Commercial Highway Zone (CH) of the subject property does not allow residential development. Additionally, there is a substantial amount of vacant and/or re-developable commercial zoned Commercial Business Highway (CBH) properties.

The conceptual development plan demonstrates that a density of ten (10) attached and detached single-family dwelling units is consistent with the residential density of the adjacent property at Mountain View Estates and the allowed residential density of the adjacent zoning where Mountain View Estates is located.

The density demonstrated utilizes a reduced lot area that is available for development due to the floodway of Wagner Creek and a small area of slopes that exceed 25 percent. Portions of the property that are floodway and that are within the Parks/Open space designation and will be subject to PLF Standards for the future trail and open space development are excluded from the lot area for density purposes.

The future development of the site utilizes the physical attributes and characteristics of the land and existing utility and transportation infrastructure efficiently.

The proposed Comprehensive Plan modification and Zone change will not create lots that do not comply with the minimum lot areas for the zone.

The requested Comprehensive Plan Map change and Zone change appear to be consistent with the Comprehensive Plan. Specifically, Element G, The Housing Element, and the stated goals found within the Housing Element. According to the Housing Element, the City of Talent will need an additional 109 acres of residential land to meet the projected population growth; 77 acres of Low-Density Residential Land, 17 acres of Medium Density Residential land, and 15 acres of High-Density Residential and mixed-use Commercial land.

The Buildable Land Inventory found that with a deficit of nearly 109 acres of residential land, Talent does not have an adequate supply of residential land to meet the 20-year projected demand within its current UGB.

The proposal is consistent with the State of Oregon Land Use Planning Goals. At a local level, the State mandates that cities inventory their "buildable lands", this refers to land inside an urban growth boundary that is suitable and available for residential use. Local jurisdictions are to assure there is enough land available to achieve the five-year supply minimum of land area to accommodate the population growth expected. Goal 10 encourages cities to provide Comprehensive plans that encourage the availability of adequate numbers of housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households and allow for flexibility in housing location, type, and density.

Additionally, the proposal seeks to provide additional land area consistent with the Statewide Planning Goal 14 for Urbanization by allowing the change of vacant, marginal commercial land to a viable urban, residential use.

The requested zone change results in substantially fewer vehicular trips generated than what would be generated by a permitted Commercial use of the property.

Due to the limited number of trips, the proposed zone change will not have a substantial negative impact on the level of service of any of the intersections in the immediate vicinity. Multi-Modal Transportation options are provided in the vicinity of the property with the Rogue Valley Transportation District (RVTDD) bus service on Hwy 99. Buffered bike lanes are found on West Valley View Road and OR Hwy. 99. According to the memo provided by Southern Oregon Transportation Engineers, a Traffic Impact Analysis is not necessary because the total number of vehicle trips is far below the thresholds and the AM and PM peak hour trips, daily trips, and heavy vehicle trips.

The City of Talent Zoning Code does not provide direct code criteria for zone change requests. This proposal demonstrates the request is consistent with applicable zoning regulations for the Residential – Medium Density zones. The application also addresses how the proposal is supported by the Comprehensive Plan of the City of Talent and is consistent with the Regional Problem Solving Plan as adopted in 2012. Findings addressing the Transportation Planning Rule (TPR) are provided within the Traffic Impact Study consistent with TZC 18.185.

The proposed zone change from Commercial to Residential is not considered "spot zoning". Spot zoning is when a small parcel of land is rezoned to a use classification that is different from that of the surrounding area and for the benefit of the owner of the property and where the rezoning is a detriment to other owners.

The proposed zone change is compatible with the residential zone and use of the immediately adjacent property. Though the Talent Comprehensive Plan calls for the manufactured housing parks to be commercially zoned in the future. Due to the present development pattern and the post-fire situation, emergency action was taken to prevent changes in the use of those properties from manufactured housing to anything else, thus preserving the residential zone and use. The properties are actively being redeveloped with manufactured housing solidifying the use for the next 30+ years. The proposed zoning is also compatible with the use of the adjacent property to the east, across West Valley View Road which is also residential use.

On the following pages, findings of fact addressing the criteria from the Talent Municipal Code are provided. For clarity, the criteria are in Times New Roman font and the applicant's findings are in Calibri font.

FINDINGS OF FACT

Talent Zoning Code:

Section 18.10.030 Establishment of Zones by Map

A. The location and boundaries of the zones designated in TMC [18.10.020](#) are hereby established as shown on the map entitled “The Zoning Map of the City of Talent,” bearing the number of the ordinance codified in this title and authenticated by the signature of the mayor and city recorder endorsed thereon at the time of the passage of the ordinance codified in this title. The map shall be hereinafter referred to as the “zoning map.” An updated zoning map was adopted by Ordinance No. [817](#) (November 1, 2006) along with the reorganization of the zoning code.

Finding:

The most current zoning map of the City of Talent is found below on the left. The proposed revised zoning map is on the right with the subject property shown as Single-Family Residential – Medium Residential zone. The proposal would modify the current zoning map.



Zoning Map

Adopted: 11/1/2006 by ORD 817, Amended: 10/07/2020 by ORD 964, Effective: 10/07/2020

Urban Growth Boundary	Zone Description	Industrial Zone - Light
City Limit	Commercial Zone - Central Business District	Residential Zone - Multiple-Family - High Density
Overlay - Drive-up	Commercial Zone - Highway Central Business District	Residential Zone - Single-Family - Medium Density
Tax Lot	Commercial Zone - Highway Commercial	Residential Zone - Single-Family - Low Density
	Commercial Zone - Interchange	Residential Zone - Manufactured Home
	Commercial Zone - Neighborhood	

Section 18.10.040 Boundaries of Zones

Where uncertainty exists as to the boundaries of any zone as shown on the zoning map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following street or alley centerlines or right-of-way lines, or lot lines, such lines shall be construed to be such boundaries.

Finding:

There is no uncertainty over the location of the boundaries of the zoning district.

B. If the zone boundary line divides a lot into two or more zones, the entire lot shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the zone boundary; provided, that the boundary adjustment is for a distance of less than 20 feet. If an adjustment of more than 20 feet is required, the change in the zone boundary shall be treated as a change of zone.

Finding:

A zoning boundary does not presently divide the property, the property is zoned Highway Commercial (CH), and the adjacent properties to the north and east are also zoned Highway Commercial (CH). The property to the west is zoned Highway Central Business District (CBH).

Single Family-Manufactured Housing (RS-MH) zoning abuts the southeast corner of the subject parcel. The manufactured housing zone density is similar to that of the proposed Medium Density zoning and the Single Family Residential – Medium Density zone as found in the Comprehensive Plan.

C. In the case of un-subdivided property, and where a zone boundary divides such property (except as provided in subsection (B) of this section), the location of such zone boundaries shall be determined by the use of the scale appearing on said zoning map.

Finding:

The property has been partitioned recently. The proposed zone change follows the property boundaries and/or centerline of public right-of-ways where applicable.

D. Areas of dedicated streets or alleys and railroad rights-of-way which are not designated on the zoning map as being classified in one of the zones provided in this title shall be deemed to be unclassified and, in the case of railroad rights-of-way, shall be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock. [Ord. 817 § 8-3A.240, 2006.]

Finding:

There are no areas of dedicated streets or alleys or railroad rights-of-way on the subject property. The rights-of-way of West Valley View and OR HWY 99 to the south do not have a zoning designation.

Mountain View Drive is a private access easement and is zoned CBH. The requested rezoning would not rezone the private access easement.

Section 18.10.050 Zoning of Annexed Areas

Zoning regulations in effect in an area prior to annexation to the city shall continue to apply and shall be enforced by the city until such time as a zone change has been adopted or a new zone created by the city for the annexed area. Newly created zoning districts shall conform to the city's comprehensive plan.

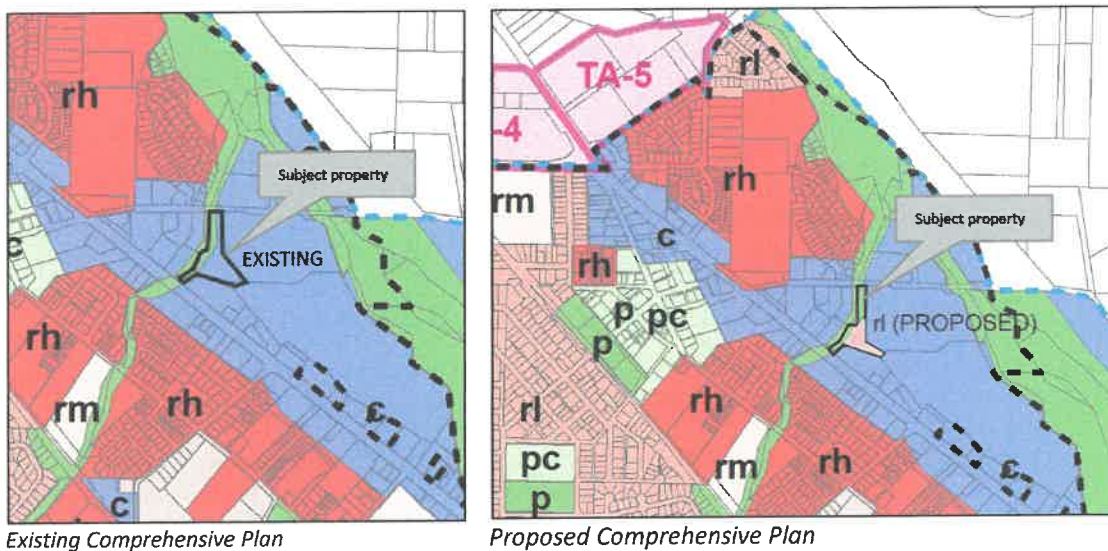
Finding:

The proposed area of the requested zone change from Commercial Zone – Highway Commercial (CH) to Residential Medium Density (R) is within the city limits.

The proposal requests a modification of the city’s comprehensive plan.

The Comprehensive Plan Designation of the area of the property seeking rezoning from Commercial to Residential is presently designated as Commercial on the Comprehensive Plan Map.

The Comprehensive Plan Map Amendment is requested to be amended to reflect the requested change.



Section 18.10.060 Dimensional Standards by Zone

Finding:

The subject property proposed for rezoning exceeds the minimum lot area for the Residential, Medium Density zone. The lot area of 87,461 square feet exceeds the minimum in the zone of 6,000 square feet. The width of the lot exceeds 50 feet with 63.15 feet of frontage on West Valley View Road.

The future development of the property will demonstrate compliance with the standards for medium density, residential development standards, and subdivision/PUD standards. Additionally, future development will be constructed to the Floodplain Development Standards, and construction must comply with the Federal standards for residential construction in a floodplain.

Future development of the Residential, Medium Density zoned area will demonstrate compliance with the minimum standards found in section Dimensional Standards by Zone (TZC 18.10.060).

Section 18.30. Residential Zone – Medium Density

Section 18.30.010 Description and Purpose:

The medium-density residential (RMD) zone is intended to provide a stable, healthful and livable residential environment with a variety of residential options, together with the full range of urban services, for those residents choosing to live in neighborhoods with small economic enterprises, such as home occupations and neighborhood commercial activity.

Finding:

The proposal is to increase the area within the city of Talent that is zoned for medium-density, residential development. The proposed zone change is in an area with convenient access to a full range of urban services including pedestrian and bicycle facilities, transit, and urban-level infrastructure including adequate potable water, sewer, storm drainage, and electricity. The proposed area for residential zoning is adjacent to other residential-zoned and utilized properties.

The property will be accessed by vehicles, pedestrians, and bicycles from Mountain View Drive, the private access road along the east boundary of the property.

The lot proposed for rezoning allows for ten (10) residential dwelling units. The lot area is 2.01 acres of which 1.54 acres is unconstrained (floodway and greater than 25 percent slope). A conceptual site plan demonstrating the area of the property proposed for rezoning has an adequate land area for the residential units, landscape buffers, riparian zone buffers, and parking areas and provides for a livable community, has been provided with the application.

All future development of the residentially zoned area will conform to the process, procedures, and development standards for residential developments.

We believe that a subdivision with lot areas that comply with the minimum lot area requirements, setback, and coverages, can be met with future site development.

Section 18.30.060 Yard Regulations:

Finding:

The conceptual site plan demonstrates that the yard area and setbacks are all met.

Section - 18.30.065 Density Regulations:

- A. Minimum Density. The minimum density shall be 7.2 units per acre.
- B. Maximum Density.

1. For subdivisions recorded after the effective date of the ordinance codified in this chapter, the maximum density for the subdivision shall be 14.5 units per acre calculated according to TMC 17.15.030(B)(2)(a); provided, that the minimum lot area standards in TMC 18.30.070(A) are met.

Finding:

Density regulations are found in 18.30.065 and with subdivision or a planned unit development TMO 17.15.030.B applies. There is terminology in TMO 17.15 speaking to RS-5 and RS-7. These zones are no longer found within Chapter 18.30, which does not appear to be consistent with Chapter 18 of the zoning code, nonetheless, the proposed Medium Density is similar to the allowed eight units per acre in the RS-7 zone referenced in TMO 17.15 and 18.215. The density regulations in Chapter 17, specify that the density is based on the lot area, after the undevelopable portions are excluded (floodway and slopes greater than 25%), that area is multiplied by a factor of .76 for infrastructure improvements resulting in the total lot area of 1.17 acres for density. (17.15.030.B.2.A)

The minimum density for 1.17 acres is 8.43 dwelling units and a maximum density per 18.30.065.B.1, the maximum density calculation is 14.5 dwellings per acre. Minimum density = 8.5 and maximum density = 16.97. The proposal provides 10 dwellings which are within the range of minimum and maximum. Individual lot areas are allowed to be averaged, the lot area over two acres with some of it constrained by floodway, the resulting 1.54-acre lot area for development purposes is large enough to allow the averaging of the lot areas to exceed the minimum lot areas of 3,000 and 4,000 square feet for the attached and detached type of residential development envisioned in the conceptual drawings and as permitted through the subdivision procedures.

**18.85.040.A.1. Safe Harbor Protections:*

The developed density is allowed at equal to the total number of dwellings that would have been allowed on the whole tract without the conservation area as long as structural setbacks, off-street parking, and other residential development standards are met.

Section 18.30.070 – Lot Area and Dimensions:

In the RMD zone found in Chapter 18.30, the minimum lot area shall be as follows:

A. Minimum Lot Area. For rules on lot averaging, refer to TMC 17.15.030(C)(1)(a).

1. For single-family detached and duplex dwellings: 4,000 square feet.
2. For single-family attached dwellings: 3,000 square feet.

C. Minimum Lot Width.

1. Forty feet; reducible to 35 feet to permit flag lot partitioning.
2. For single-family attached dwellings: 25 feet.

D. Maximum Building Bulk.

1. Height: 30 feet or two and one-half stories, whichever is less.
2. Building coverage: 60 percent.

Section 18.75 – Public Land and Facilities (PLF)

Finding:

The portion of the property that is the FEMA Floodway is also identified on the Parks and Open Space Master Plan as a public land and facility (PLF) and this proposal seeks to allow for the future development of the trail and the open space for the subdivision adjacent to the area for dedication to the city for parks purposes.

The proposed PLF district identifies public uses of land on the zoning map and protects them from inappropriate uses.

The future site development plan will seek a Type 1 review of the plan for the trail or any improvements within the PLF portion of the property.

Section 18.95 – Residential Lot Improvement Standards

Finding:

Standards for the development of single-family attached housing will be met with the future site development.

Section 18.115 – Access, Circulation, and Street Improvements

Finding:

Within the future site development area, the 50-foot "safe harbor" setback will be maintained as part of the subdivision's permanent open space consistent with 18.115.010. The floodway portion of the property will be dedicated to the city as a permanent public open space for the conservation of the area and conveyed to the city of Talent.

As noted, with the development request of the property, a pathway plan will be proposed in the PLF area to provide improved pedestrian access and circulation. There is a segment of private property owned by others between the subject property and the South Pacific Highway that prevents connectivity to the public street at this time.

There are no street improvements or dedications requested, or proposed with this application, and based on the existing conditions of Mountain View Drive, the private street built to the standards applicable at the time of its creation, vehicular, pedestrian, and bicycle access to and through the site exist within the curbside sidewalk. Mountain View Drive was an approved access and circulation per 18.115.060 and adequate easement for the use of Mountain View Drive as the primary site access to the future development complies with the standards.

Future site development of the rezoned area will provide safe, direct, and convenient pathways within the development to provide connections between the primary building entrances and the adjacent streets.

The street system in the area exists and new streets are not proposed. Access from West Valley View Road is not permitted. As noted in previous findings, the only access is via Mountain View Drive which provides reasonable access to private property and allows for safe and efficient travel for vehicles, bicycles, and pedestrians.

Section 18.185 – Traffic Impact Study

Finding:

A Traffic Analysis has been conducted by an Oregon Licensed Transportation Engineer that found that the number of vehicle trips generated by rezoning the Commercial Highway zone to Residential, has fewer vehicle trips than what is anticipated for large tracts of commercial land abutting the highway. The proposed comprehensive plan map amendment and a zone change from Commercial (C)/Commercial Highway (CH) to Residential Low Density (RL)/ Medium Density Residential (RMD), located along the south side of West Valley View Drive, results in a substantial reduction of trips to the transportation system. As a result of generating fewer trips to the transportation system, the proposed plan amendment and zone change are not shown to change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification system, or result in any of the effects listed in paragraphs (A)-(C) of OAR 660-012-0060 (1). The Transportation Planning Rule is, therefore, satisfied. – Pg. 2 Findings and Conclusions of Traffic Analysis. The proposal does not exceed the thresholds of Chapter 18.185.

City of Talent Comprehensive Plan Compliance:

Comprehensive Plan

Element A. Citizen Involvement.

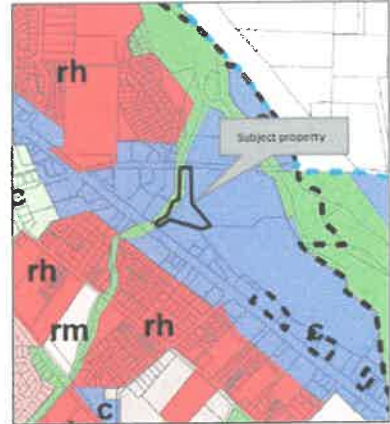
Finding:

A public hearing before the Planning Commission and the City Council is held. The public is notified of the public hearings through both direct mailing (those directly adjacent to the property) by the city of Talent Community Development Department Staff, and with a sign on the property that notifies the citizens at large. The city's governing body may authorize the Planning Commission to make final decisions on applications for amendments to the city comprehensive plan map (ORS 227.188). The State of Oregon Department of State Lands is also notified of the requested Comprehensive Plan Amendment and Zone change per ORS 197.610.

Element B. Parks: Recreation, Open Space and Urban Forestry.

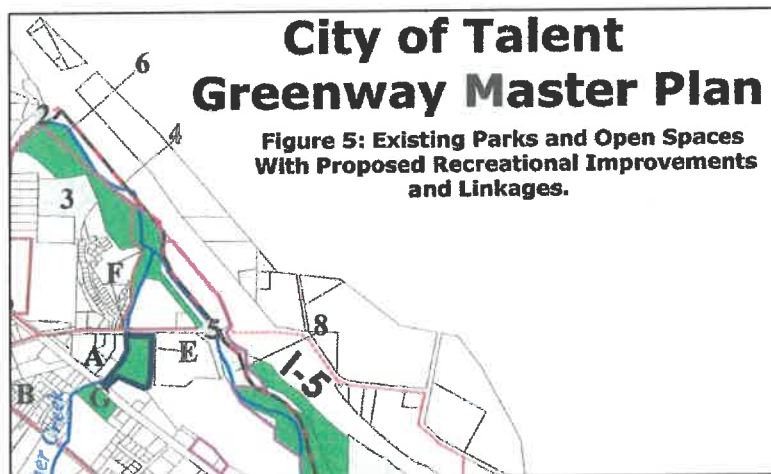
Finding:

The floodway portion of Wagner Creek is shown on the Comprehensive Plan as a public park and connects the Wagner Creek Corridor. This application dedicates the floodway area adjacent to the creek, identified as the parks/open space from the Comprehensive Plan, and Parks Master Plan as a public park/open space.



As part of the dedication of the parks land with the future subdivision of the property, a pedestrian trail connection consistent with the Parks & Trail Plan from the Parks Master Plan will be provided from the sidewalk on Mountain View Drive, through the common open space and into the dedicated public land that will connect from West Valley View Road or OR Hwy 99/South Pacific Highway sidewalk.

There are several trees on the site that contribute to the remaining “urban forest”. This riparian area is one of the limited stretches of Wagner Creek retaining the pre-Alameda fire vegetation. Some trees within the area of future development include 6” DBH – 24” DBH willows and cottonwood trees. There are three, 12” fir trees. These trees will be removed to facilitate development. Upon completion of the development, the removed trees will be mitigated. As the mitigation trees grow and mature, they will provide the community oxygen, improved air quality, increased enjoyment of the complex, and temperature moderation in the summer months. The majority of the vegetation will be retained in the riparian area.



Element C. Natural Hazards

Finding:

Wagner Creek is a Goal 5 protected resource that has a 50-foot 'safe harbor' or riparian buffer zone. Wager Creek also has Base Flood Elevations identified for the FEMA Floodway, 100-year and 500-year floodplains which encompass the property. (The Bear Creek Floodplain covers a substantial portion of the adjacent properties in the vicinity).

The future development will require a Site Plan Architectural Review and a floodplain development permit. The structures will be constructed to the applicable building and fire safety codes. These regulations can include measures such as anchoring and elevated floors to meet the adopted Floodplain Development Standards criteria at the time of proposed site development.

On-site, stormwater detention, retention, treatment, etc. will be required by the Rogue Valley Stormwater Quality Design Standards Manual when the development proposal is made. The RVSWQ Design Manual requires reductions in the amount of impervious surface run-off into the storm drain system which drains into Bear Creek. Large strides in improving stormwater quality are being made in the area.

The site exhibits no evidence of landslides.

Tree removal within the area of development is the minimum required for future site development. This is outside of the riparian buffer zone and the trees removed will be mitigated for a similar species that will achieve replacement canopy at maturity.

The future landscaping will be drought resistant and of native species and does not include new large conifers which reduces the wildfire potential.

Element D. Transportation System Plan

Finding:

West Valley View Road is a Major Arterial Street. Mountain View Drive, a private street, is improved to city standards that were applied at the time of the development of the street. Mountain View Drive is on the adjacent property to the east.

Adequate parking facilities for vehicles and bicycles will be provided with future development of the property requested for rezoning from Commercial to Residential.

The proposal will not have an impact on the West Valley View Road projects outlined in the Transportation System Plan. The West Valley View Road project was recently completed, creating a buffered bike lane with bioswale storm drain facilities and curb ramps with crosswalks.

Element E. Economy

Finding:

The requested zone change of 2.01 acres from Commercial to Residential will have little to no impact on the substantial amount of vacant or partially vacant commercial land which currently is roughly 62.47 acres.

According to the Economic Element, Talent has nearly 63 acres of commercial land available for commercial development whereas, the employment forecast from 2016 to 2036 calls for a demand of 17 acres of commercial land. There is a 45-acre surplus of commercial land. Talent has substantially more commercial land than the city is projected to need over 20 years. The change of 2.01 acres of more than 60 acres of commercial land will not harm the potential commercial development and ability to provide adequate land for employment in the City of Talent (Talent Economic Opportunities Analysis (2016), ECONorthwest., Page 64).

Element F. Public Facilities and Services Element

Finding:

The requested zone change will not have an adverse financial, environmental, or social impact on the citizens of Talent.

With future development, it can be found that there is adequate potable water, Sanitary Sewer services, Storm Water, Electric service, trash and recycling services, and transportation services available to service the property.

The future residential and commercial development in the area will not have an adverse impact on the operations of the various utility services.

Element G. Housing

Finding:

Perhaps the most critical Comprehensive Plan element is Housing. According to the Housing Element, the City of Talent will need an additional 109 acres of residential land to meet the projected population growth for the next 20 years. Of the needed housing types, there is a need for 77 acres of Low-Density Residential Land, 17 acres of Medium Density Residential land, and 15 acres of High-Density Residential and mixed-use Commercial land. The Buildable Land Inventory found that with a deficit of nearly 109 acres of residential land, Talent does not have an adequate supply of residential land to meet the 20-year projected demand within its current UGB.

The property proposed for rezoning is 2.01 acres. Of this, 1.54 acres are outside of the Floodway. The proposed ten units are consistent with the envisioned minimum density of 7.2 units per net acre and the maximum density of 14.5 units per acre.

The proposed residential development can be found to meet identified needed housing as described in ORS 197.303, "needed housing" means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at all price ranges and rent levels. "Needed housing" includes the following housing types: Attached and detached single-family housing and multiple-family housing for both owner and renter occupancy;

Though not an area of significant acreage, the request provides for an actual development area that will provide an additional land area for Medium Density Residential development.

The State of Oregon is committed to providing more resources to communities, especially rural communities to increase not only housing production but to increase the ability for homeownership. Oregon Statewide Housing Plan seeks to have greater access to homeownership. That involves allowing the development of various types of housing including townhomes, detached single-family, and multifamily development. The proposed zone change and Comprehensive Plan amendment address a priority of homeownership. Homeownership is key to building wealth and in markets like the Rogue Valley, homeownership leads to stability because the mortgage does not fluctuate like rent can. (Statewide Housing Plan, Page 46)

<https://www.oregon.gov/ohcs/Documents/swhp/swhp-full-plan.pdf>

This property is within the Urban Growth Boundary and has adequate urban services to provide adequate access to housing.

Element H. Urban Reserve Areas

Finding:

The property is not identified as an Urban Reserve Area from the Regional Plan. The proposal is consistent with the city growth guidelines and policies as affirmed during the Regional Planning Process. The proposal decreases the area of vacant commercial lands in which Talent has a surplus and increases the area for residential housing which Talent is currently deficient in.

Element I. The History of Talent and Historic Preservation Policies

Finding:

Not applicable as the property is occupied by non-historic, non-conforming residential structures.

Compliance with Statewide Planning Goals:

Statewide Planning Goal 1 – Citizen Involvement:

Finding:

Talent’s Comprehensive Plan Addresses Citizen Action Committees that advise the Planning Commission and City Council. With zone changes, the Planning Commission, a public body with appointed citizen volunteer members, is the first to review the proposal. This meeting will be held consistent with local and state laws that allow citizen testimony.

Statewide Planning Goal 2 – Land Use Planning:

Finding:

The proposal demonstrates compliance with the City of Talent Comprehensive Plan Goals and Policies. Additionally, the future development of vacant residential land will demonstrate compliance with the applicable zoning ordinances applicable to the types of future development proposed for the parcel.

Statewide Planning Goal 5 – Environment:

Finding:

Wagner Creek is a Goal 5 protected resource. The proposed rezoning and comprehensive plan map modification acknowledge the 50-foot riparian buffer zone consistent with the Oregon Administrative Rules for the requirement of compliance with OAR 660-023-0050 which requires the resource to be protected and that ordinances exist to allow partially or fully allow conflicting uses (the development of a pathway system and alteration of the topography within the protection zone to achieve this transportation, parks development goal). The development of residential structures in the future will demonstrate compliance with the FEMA floodplain development standards such as elevated finished floors and utilities, and limits on fill and encroachments. The tree removals requested for the development of the site are outside of the 50-foot riparian buffering zone.

This application seeks to allow for the future allowance of residential development. That provides more protection and enjoyment of the Goal 5 protected natural area than the rear

facade side of a permitted commercial use oriented toward the streets likely a vehicle-oriented business as envisioned in the current zone and comprehensive plan designation.

Statewide

Statewide Planning Goal 9 – Economy:

Finding:

The proposal will not have a negative impact on the surplus of commercially zoned land in the City of Talent. The Economic Opportunities Analysis project there is adequate commercial land to provide for the 20-year population growth and this will not impact the supply.

Statewide Planning Goal 10 – Housing:

Finding:

Goal 10 encourages cities to provide Comprehensive plans that encourage the availability of adequate numbers of housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households and allow for flexibility in housing location, type, and density.

This proposal allows for there to be more residential land than presently provided. A substantial deficiency of nearly 15 acres of residential land is available in Talent. Though not a substantial area of additional land for housing, it does provide adequate area for ten (10) residential dwellings.

The proposed residential development can be found to meet identified needed housing as described in ORS 197.303, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at all price ranges and rent levels. "Needed housing" includes the following housing types: Attached and detached single-family housing and multiple-family housing for both owner and renter occupancy;

This furthers the intent of Element G. Housing, of the Talent Comprehensive Plan.

Statewide Planning Goal 12 – Transportation:

Finding:

The findings addressing the Comprehensive Plan Element D, Transportation demonstrate that the proposal provides adequate transportation for vehicles, bicycles, and pedestrians. There is a transit service in the vicinity. Transportation Planning Rule findings are provided.

There are buffered bicycle lanes and sidewalks along the West Valley View frontage of the property.

The rezoning request allows for the dedication of parkland which includes a future trail that furthers the Transportation Element of the Comprehensive Plan by providing additional pedestrian connectivity from West Valley View Road to and through to OR HWY 99.

Conclusion:

It can be found that the proposed zone change from Highway Commercial (CH) to Single Family Residential – Medium Density and Comprehensive Plan designation to allow for low-density residential (rl) is consistent with the Goals and Policies of the City of Talent Planning Commission and City Council to the further development of additional residential units to increase the supply of available dwellings within the city.

According to the most current data available from the Buildable Lands Inventory, the slight reduction in the area of buildable, vacant commercial land which the city has an adequate supply of, to a residential zone provides a benefit to the community by allowing for new residential development directly adjacent to newly constructed, medium density residential development.

The commercially developed lands are positively impacted by the zone change. The additional residential density increases the potential business customers and clients in the vicinity. Additionally, additional residential density provides housing for employees of the commercial developments.

There is no lack of commercial and employment lands within the City of Talent whereas, there is a severe housing shortage. Though not a large development, lot by lot, unit by unit, Talent can address their lack of residentially zoned lands available for residential development.

Thank you for your consideration.

Amy Gunter
Amy Gunter

Rogue Planning & Development Services, LLC

Attachments:

Transportation Analysis
Existing Zoning Map
Proposed Zoning Map
Existing Comprehensive Plan Map
Proposed Comprehensive Plan
Parks & Trails Map, Parks Master Plan, July 2006
Topographical Survey
Conceptual Site Plan

West Valley View LLC
Comprehensive Plan Amendment and Zone Change Request
38 1W 23D; TL 1900
June 29, 2023

Southern Oregon Transportation Engineering, LLC

319 Eastwood Drive | Medford, OR 97504 | Cell (541) 941-4148 | Email: Kim.parducci@gmail.com

May 25, 2023

Amy Gunter
Rogue Planning & Development Service
33 N Central Ave., Suite 213
Medford, Oregon 97501

RE: Comprehensive Plan Map Amendment / Zone Change - Trip Generation Evaluation

Dear Amy,

Southern Oregon Transportation Engineering, LLC prepared a trip generation evaluation for a proposed comprehensive plan map amendment and concurrent zone change on 2.01 acres of tax lot 1900 (created through a minor land partition MLP 2020-030) located on Township 38S Range 1 West Section 23D in Talent, Oregon. The minor land partition created the subject 2.01-acre parcel, which has approximately 0.806 acres of usable land (net acreage). The plan map designation and zoning on both parcels is currently Commercial (C) and Commercial Highway (CH). A plan amendment and zone change is proposed from C/CH to Residential Low Density (RL)/ Medium Density Residential (RMD), to facilitate development of up to 12 single family residential detached dwelling units (worst-case scenario).

Plan Map Amendment & Zone Change Evaluation

In order to satisfy the requirements of a plan map amendment and zone change, the applicant must demonstrate compliance with Goal 12 of Oregon's Statewide Land Use Planning Goals. Goal 12 requires cities, counties, and the state to create a transportation system plan that takes into account all relevant modes of transportation. The Transportation Planning Rule (TPR) implements Goal 12 and specifies what must be included in local planning efforts. The administrative rule that implements Goal 12 is Oregon Administrative Rule (OAR) 660-12-0060 (1), which specifically addresses plan and land use regulation amendments.

OAR 660-012-0060 (1): Plan and Land Use Regulation Amendments

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. 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
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C)
 - (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.

Compliance with the TPR is achieved if a proposed land use change does not result in additional trips or a greater impact on the transportation system. This argument is made based on a comparison of reasonable "worst-case" uses for both existing and proposed zones. The proposed zone change from CH

to Medium Density Residential (RMD) is considered a down-zoning because commercial uses within the CH zoning district are estimated to generate a higher number of trips than residential uses within the medium density zoning district. This is demonstrated below:

Existing Zoning (CH):

The City of Talent Commercial Highway (CH) zone (Chapter 18.60 of the municipal code) allows a range of commercial uses including, but not limited to, drive-through coffee stands, fast-food restaurants, retail uses, service stations, veterinary clinics, and breweries. Of these uses, the highest generator of primary trips (net trips) to the transportation system that could fit on this size of a site is a fast-food restaurant with drive-through. The average size of a fast-food restaurant with a drive through is 3,000 square feet.

Proposed Zoning (RMD):

The highest uses within the City of Talent Medium Density Residential (RMD) zone (Chapter 18.30 of the municipal code) applicable to the site are single-family detached dwellings and single-family attached dwellings (also considered duplex units or townhouses with only one common wall). Of these uses, single-family detached dwellings generate the highest number of trips. The maximum number of units shown to fit on the 0.807 net acres is 12 units, which is used in our analysis as the “worst-case” scenario.

Trip generation calculations for existing and proposed “worst-case” land uses were prepared utilizing data provided in the Institute of Transportation Engineers (ITE) *Trip Generation* 11th Edition. Pass-by trips were considered in accordance with ITE pass-by rates. Results are summarized in Table 1. ITE graphs are provided in the attachments.

ITE Land Use	Unit	Size	Daily Trips	AM Peak Hour		PM Peak Hour	
				Rate	Total	Rate	Total
Existing Zoning (CH)							
934 – Fast-Food with drive through	1000 SF	3.00	1402	44.61	134	33.03	99
			Pass-by 50%/55%		(701)		(67)
			Total Existing Trips		701		45
Proposed Zoning (RMD)							
210 – Single Family Residential	Units	12	143	Fitted ¹	11	Fitted ¹	14
			Total Proposed Trips		143		14

SF = Square Footage, ADT = Average Daily Trips

1. Fitted Curve Equations: AM: $\ln(T) = 0.91\ln(X) + 0.12$, PM: $\ln(T) = 0.94\ln(X) + 0.27$

As seen in Table 1, proposed RMD zoning is shown to generate fewer vehicle trips than existing CH zoning on the transportation system.

Findings and Conclusions

The proposed comprehensive plan map amendment and zone change from Commercial (C)/Commercial Highway (CH) to Residential Low Density (RL)/ Medium Density Residential (RMD) on 0.807 net acres, located along the south side of West Valley View Drive, east of Wagner Creek, results in a reduction of trips to the transportation system. As a result of generating fewer trips to the transportation system, the proposed plan amendment and zone change is not shown to change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification system, or result in any of the effects listed in paragraphs (A)-(C) of OAR 660-012-0060 (1). The TPR is, therefore, satisfied.

Additionally, a traffic impact study is required in accordance with Chapter 18.185 of the Talent municipal code if any of the following actions exist:

1. A zoning or comprehensive plan map or text amendment is projected to generate 500 or more net daily vehicle trips.

The net daily vehicle trips from the proposed land use action is negative (-) 558 ADT

2. A development proposal is projected to generate 50 or more net peak hour trips on an arterial or collector segment or intersection.

The net peak hour trips from the proposed land use action is negative (-) 56 AM, (-) 31 PM

3. A land use action or development proposal will impact known safety, congestion, or capacity problems.

A reduction in net trips to the transportation system will not further impact any known safety, congestion, or capacity problems

4. A land use action or development proposal is on a highway segment with special access control.

The proposed land use action does not include a parcel on a highway segment

Based on these findings, it is concluded that the proposed plan amendment and concurrent zone change complies with the TPR and is not shown to require a traffic impact study (TIS) based on Chapter 18.185 of the Talent municipal code. Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Kimberly Parducci PE, PTOE

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Attachments: ITE Graphs



ATTACHMENTS

Land Use: 934

Fast-Food Restaurant with Drive-Through Window

Description

This land use includes any fast-food restaurant with a drive-through window. This type of restaurant is characterized by a large drive-through and large carry-out clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours a day) and high turnover rates for eat-in customers. The restaurant does not provide table service. A patron generally orders from a menu board and pays before receiving the meal. A typical duration of stay for an eat-in patron is less than 30 minutes. Fast casual restaurant (Land Use 930), high-turnover (sit-down) restaurant (Land Use 932), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

Additional Data

Users should exercise caution when applying statistics during the AM peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the AM peak hour of the adjacent street traffic were removed from the database.

If the restaurant has outdoor seating, its area is not included in the overall gross floor area. For a restaurant that has significant outdoor seating, the number of seats may be more reliable than GFA as an independent variable on which to establish a trip generation rate.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alaska, Alberta (CAN), California, Colorado, Florida, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Texas, Vermont, Virginia, Washington, and Wisconsin.

Source Numbers

163, 164, 168, 180, 181, 241, 245, 278, 294, 300, 301, 319, 338, 340, 342, 358, 389, 438, 502, 552, 577, 583, 584, 617, 640, 641, 704, 715, 728, 810, 866, 867, 869, 885, 886, 927, 935, 962, 977, 1050, 1053, 1054

Fast-Food Restaurant with Drive-Through Window (934)

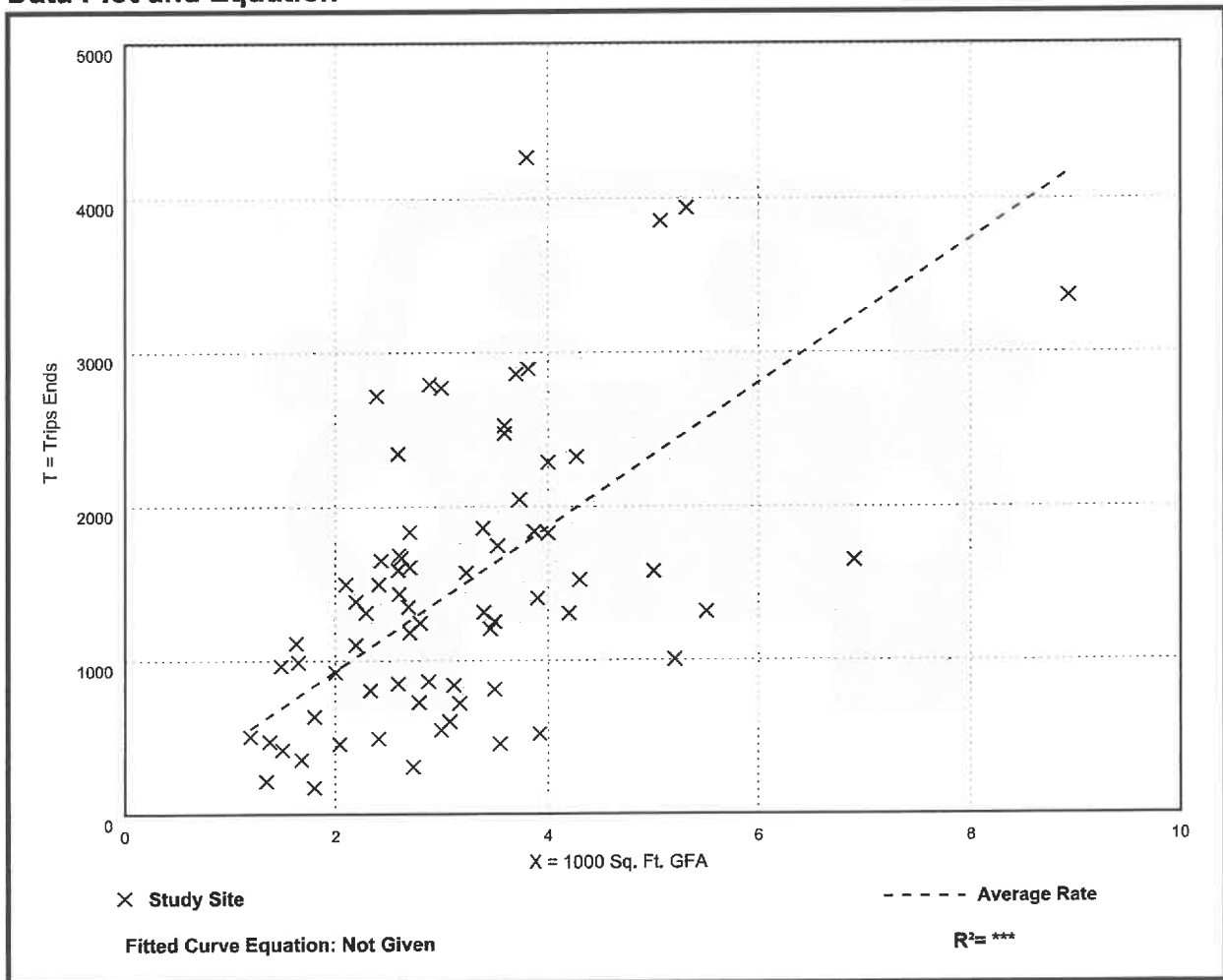
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 71
Avg. 1000 Sq. Ft. GFA: 3
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
467.48	98.89 - 1137.66	238.62

Data Plot and Equation



Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 96

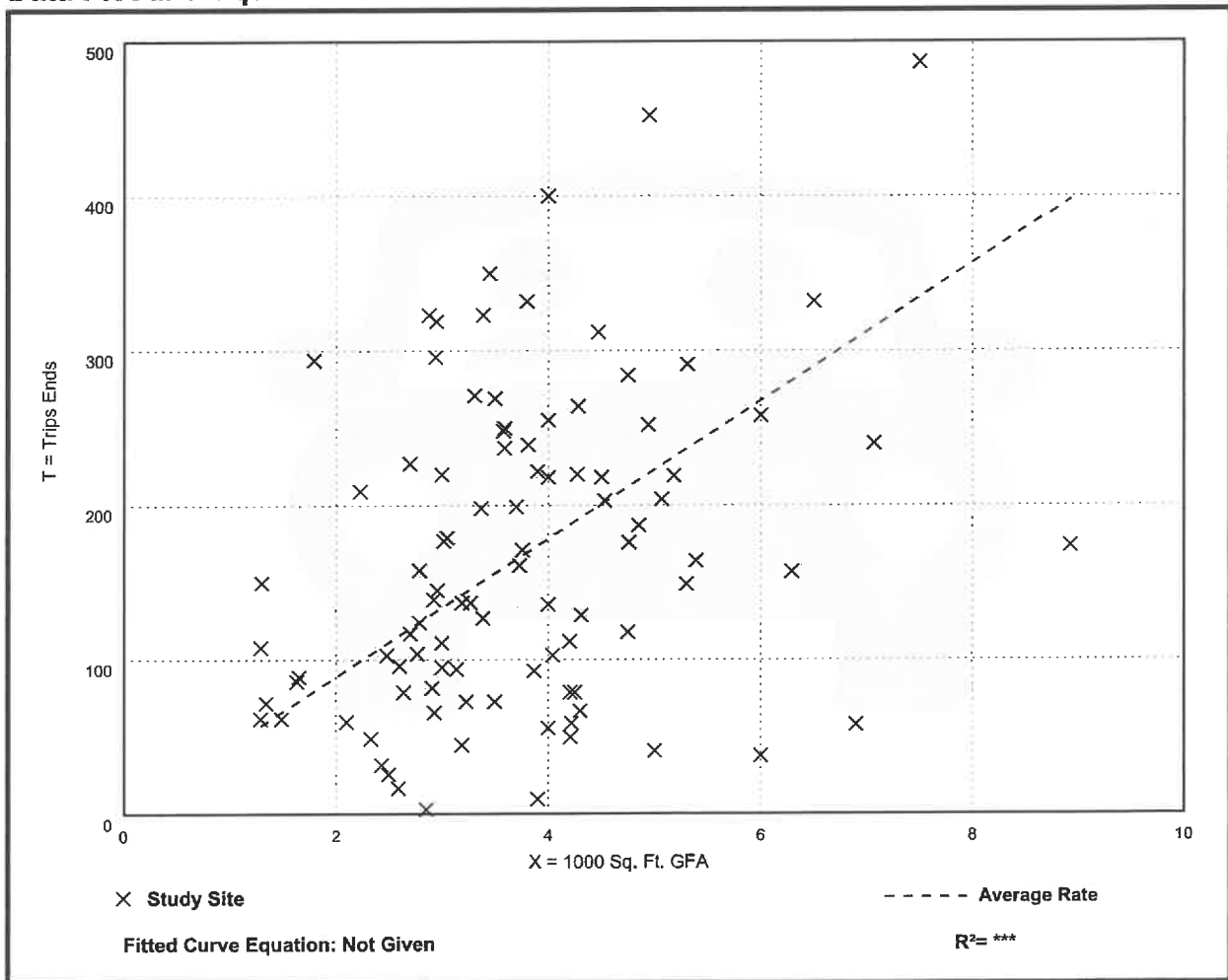
Avg. 1000 Sq. Ft. GFA: 4

Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
44.61	1.05 - 164.25	27.14

Data Plot and Equation



Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 190

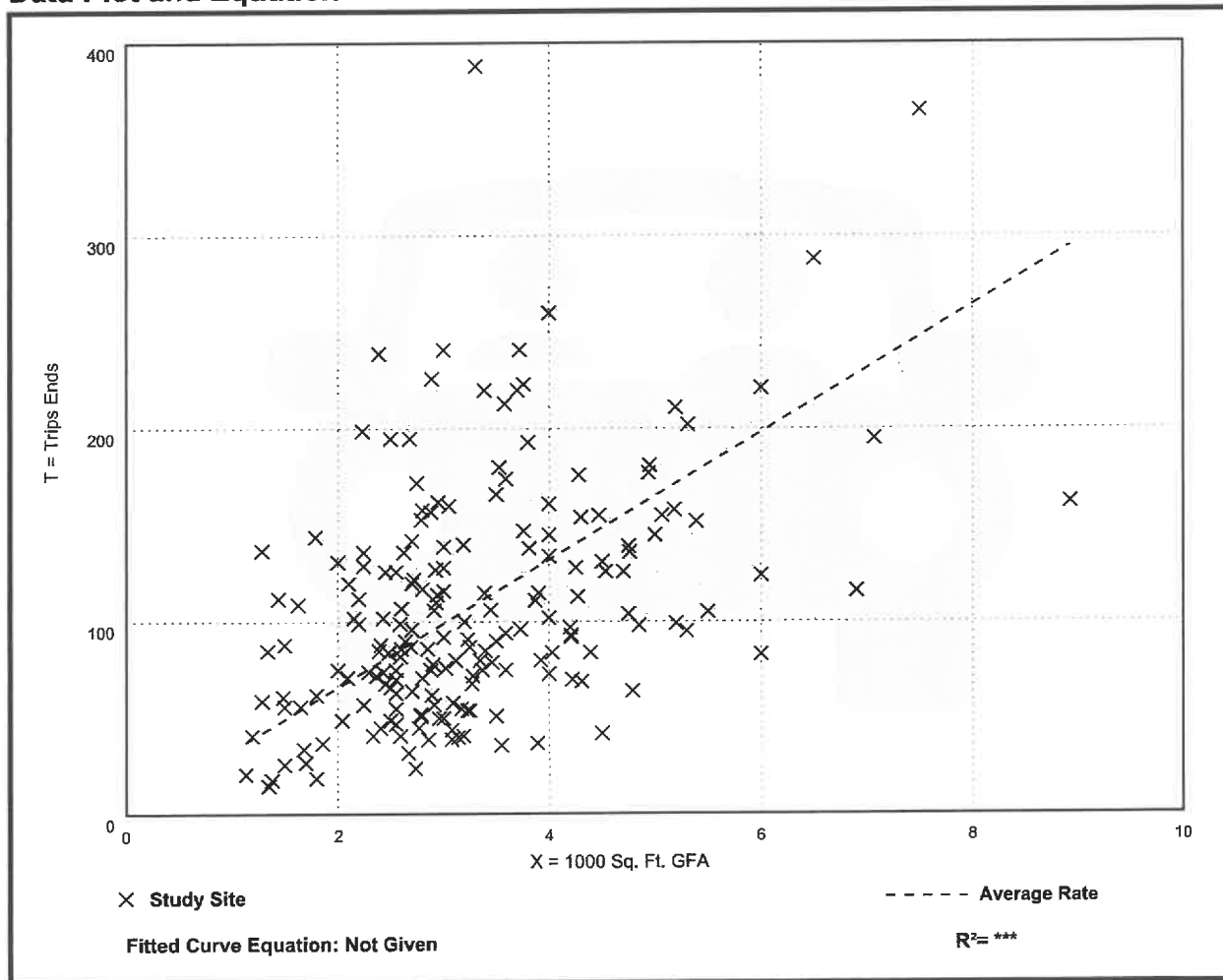
Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
33.03	8.77 - 117.22	17.59

Data Plot and Equation



Land Use: 210

Single-Family Detached Housing

Description

A single-family detached housing site includes any single-family detached home on an individual lot. A typical site surveyed is a suburban subdivision.

Specialized Land Use

Data have been submitted for several single-family detached housing developments with homes that are commonly referred to as patio homes. A patio home is a detached housing unit that is located on a small lot with little (or no) front or back yard. In some subdivisions, communal maintenance of outside grounds is provided for the patio homes. The three patio home sites total 299 dwelling units with overall weighted average trip generation rates of 5.35 vehicle trips per dwelling unit for weekday, 0.26 for the AM adjacent street peak hour, and 0.47 for the PM adjacent street peak hour. These patio home rates based on a small sample of sites are lower than those for single-family detached housing (Land Use 210), lower than those for single-family attached housing (Land Use 251), and higher than those for senior adult housing – single-family (Land Use 251). Further analysis of this housing type will be conducted in a future edition of *Trip Generation Manual*.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

For 30 of the study sites, data on the number of residents and number of household vehicles are available. The overall averages for the 30 sites are 3.6 residents per dwelling unit and 1.5 vehicles per dwelling unit.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Arizona, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Montana, New Jersey, North Carolina, Ohio, Ontario (CAN), Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia, and West Virginia.

Source Numbers

100, 105, 114, 126, 157, 167, 177, 197, 207, 211, 217, 267, 275, 293, 300, 319, 320, 356, 357, 367, 384, 387, 407, 435, 522, 550, 552, 579, 598, 601, 603, 614, 637, 711, 716, 720, 728, 735, 868, 869, 903, 925, 936, 1005, 1007, 1008, 1010, 1033, 1066, 1077, 1078, 1079

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 174

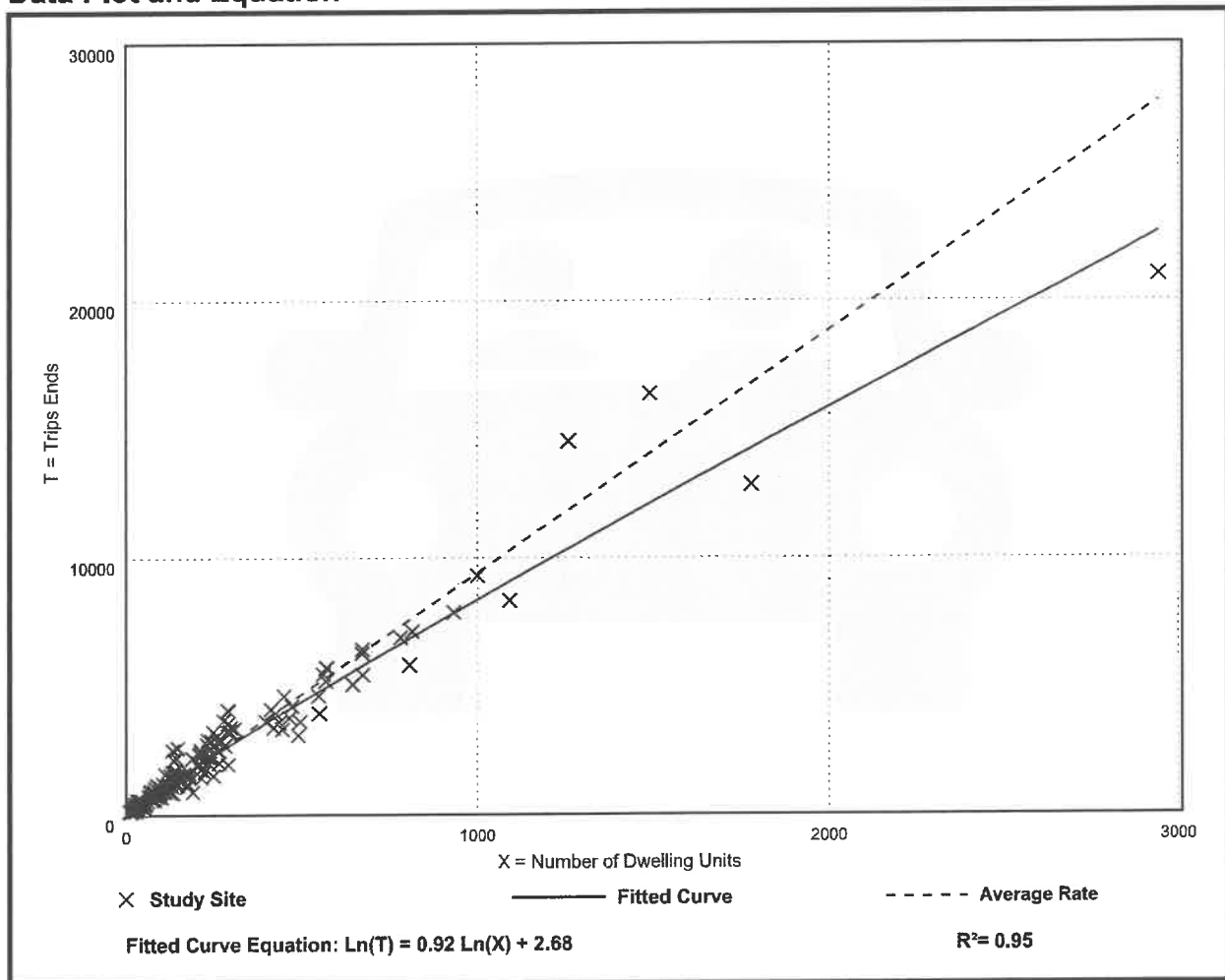
Avg. Num. of Dwelling Units: 246

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.43	4.45 - 22.61	2.13

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: **Weekday,**

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 192

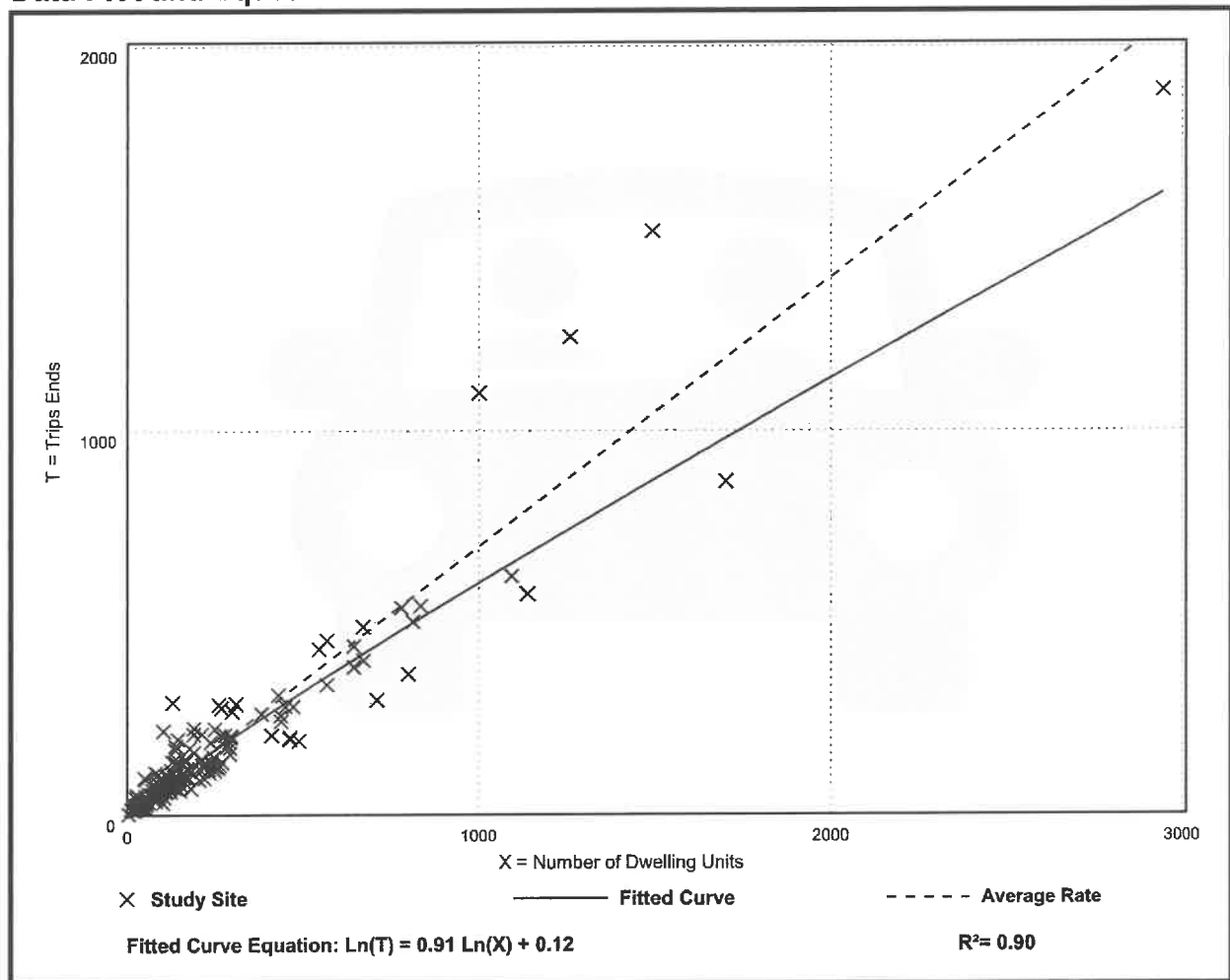
Avg. Num. of Dwelling Units: 226

Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 208

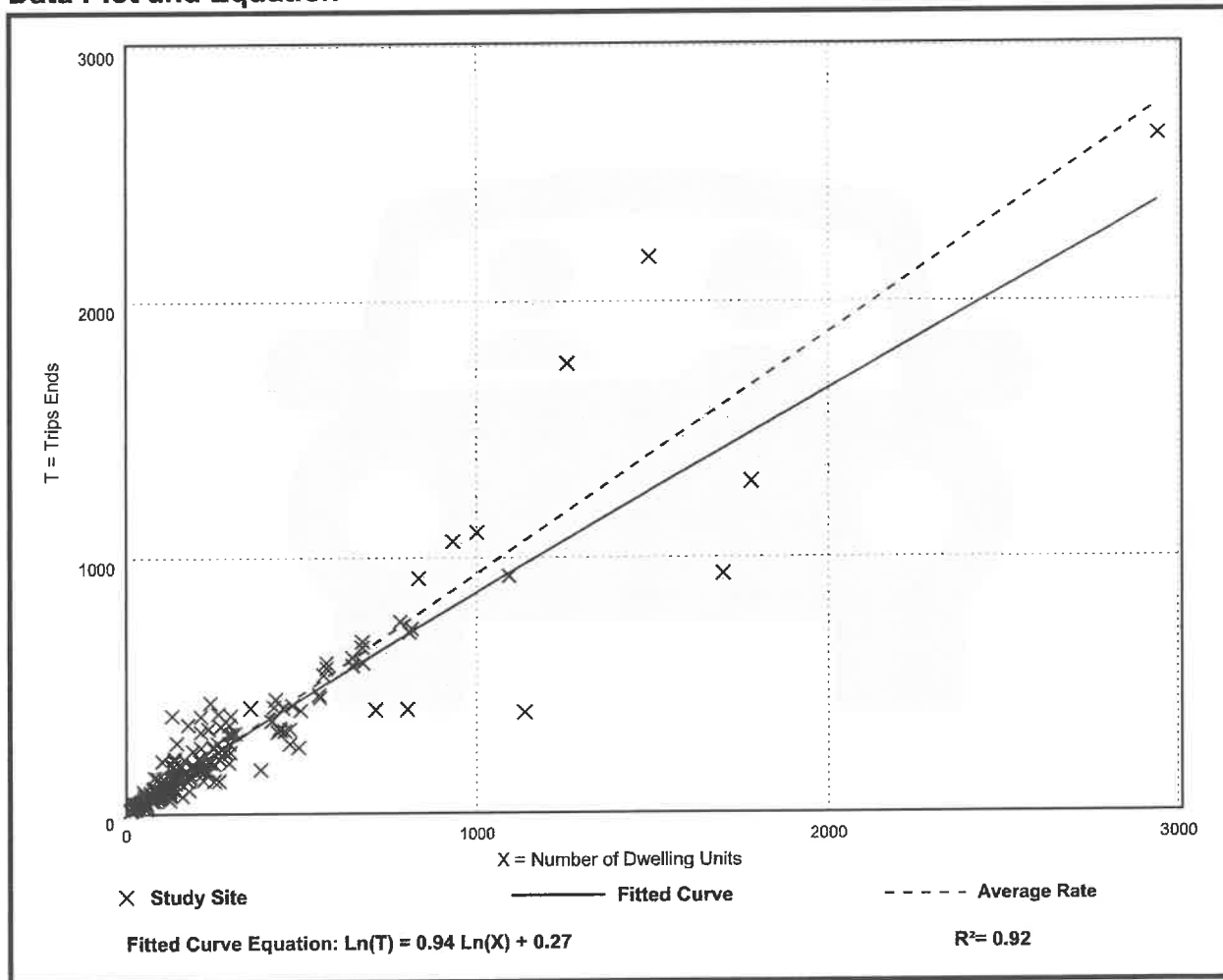
Avg. Num. of Dwelling Units: 248

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Vehicle Pass-By Rates by Land Use

Source: ITE *Trip Generation Manual*, 11th Edition

Land Use Code	934										
Land Use	Fast-Food Restaurant with Drive-Through Window										
Setting	General Urban/Suburban										
Time Period	Weekday AM Peak Period										
# Data Sites	5										
Average Pass-By Rate	50%										
Pass-By Characteristics for Individual Sites											
GFA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak		Source	
					Primary (%)	Diverted (%)	Total (%)	Hour Volume	Source		
1.4	Kentucky	1993	--	62	22	16	38	1407	2		
3	Kentucky	1993	--	43	14	43	57	2903	2		
3.3	--	1996	--	68	--	--	32	--	21		
3.6	Kentucky	1993	--	32	47	21	68	437	2		
4.2	Indiana	1993	--	46	23	31	54	1049	2		

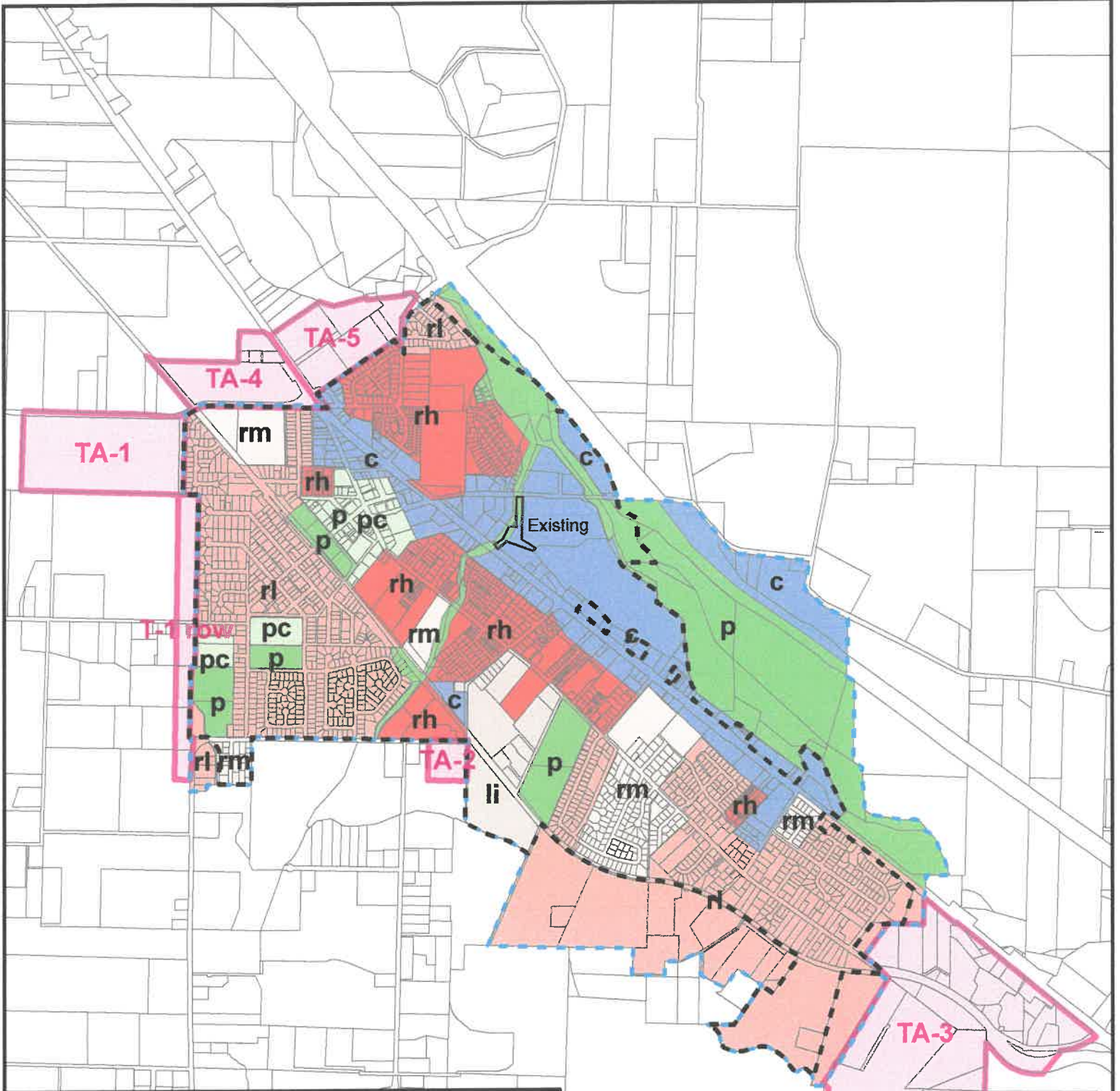
Vehicle Pass-By Rates by Land Use

Source: ITE Trip Generation Manual, 11th Edition

Land Use Code	934
Land Use	Fast-Food Restaurant with Drive-Through Window
Setting	General Urban/Suburban
Time Period	Weekday PM Peak Period
# Data Sites	11
Average Pass-By Rate	55%

Pass-By Characteristics for Individual Sites

GFA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak Hour Volume	Source
					Primary (%)	Diverted (%)	Total (%)		
1.3	Kentucky	1993	—	68	22	10	32	2055	2
1.9	Kentucky	1993	33	67	24	9	33	2447	2
2.8	Florida	1995	47	66	—	—	34	—	30
2.9	Florida	1996	271	41	41	18	59	—	30
3	Kentucky	1993	—	31	31	38	69	4250	2
3.1	Florida	1995	28	71	—	—	29	—	30
3.1	Florida	1996	29	38	—	—	62	—	30
3.2	Florida	1996	202	40	39	21	60	—	30
3.3	—	1996	—	62	—	—	38	—	21
4.2	Indiana	1993	—	56	25	19	44	1632	2
4.3	Florida	1994	304	62	—	—	38	—	30

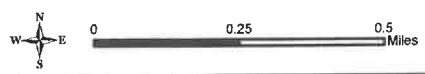


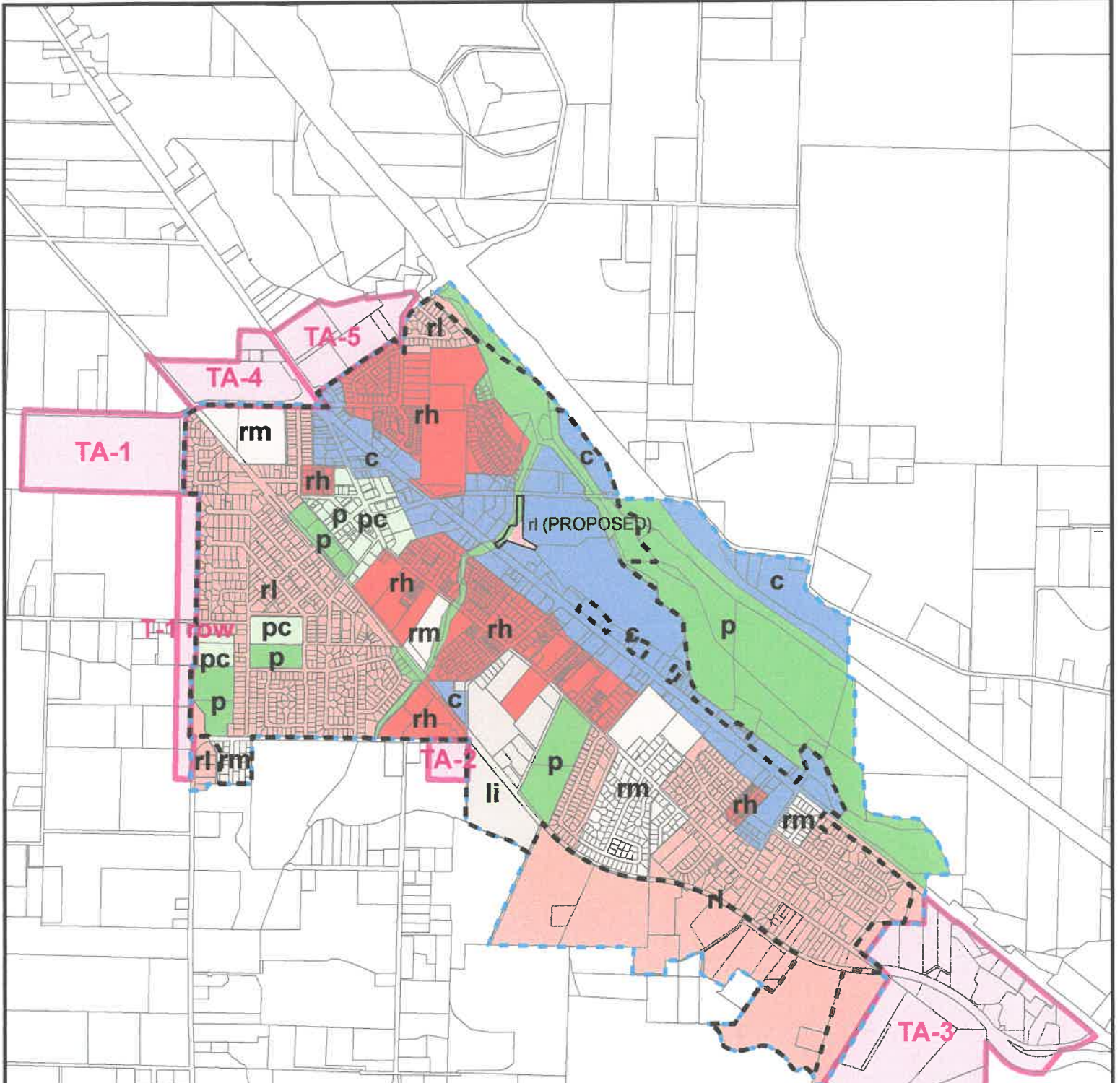
Comprehensive Plan

ADOPTED: 06/24/1980 by ORD 417
 AMENDED: 05/03/2017 by ORD 17-933-O
 EFFECTIVE: 06/02/2017

- | | |
|--------------------------------------|---------------------------------------|
| Urban Reserves (Future Growth Areas) | Comprehensive Plan Designation |
| Urban Growth Boundary | Commercial (c) |
| City Limits | Light Industrial (li) |
| Tax Lot | Parks (p) |
| | Public Facilities - Civic (pc) |
| | Residential High Density (rh) |
| | Residential Low Density (rl) |
| | Residential Manufactured Home (rm) |

Mapping is schematic only and bears no warranty of accuracy. This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed by the City prior to use for such purposes.





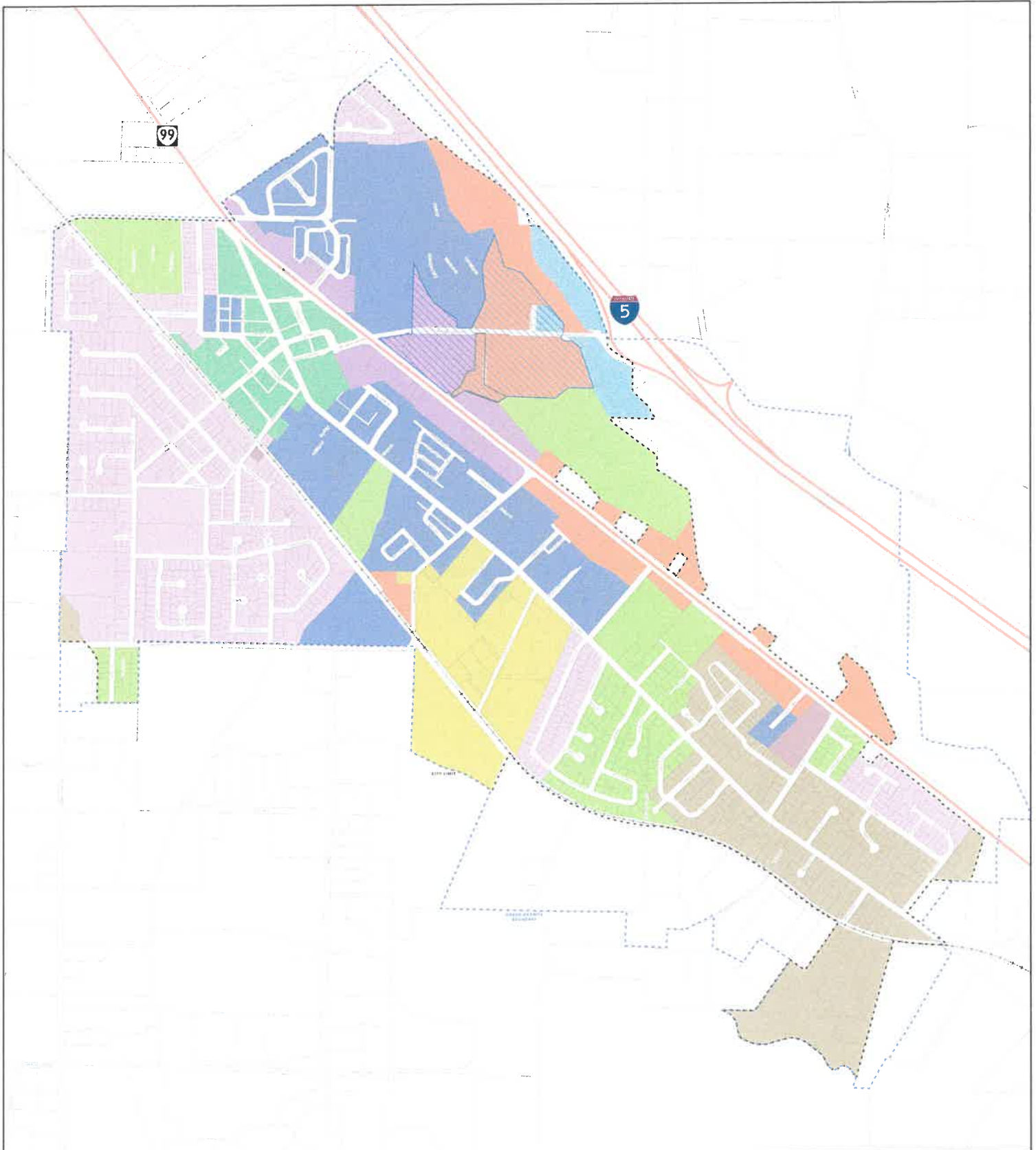
PROPOSED Comprehensive Plan

ADOPTED: 06/24/1980 by ORD 417
 AMENDED: 05/03/2017 by ORD 17-933-O
 EFFECTIVE: 06/02/2017

- | | |
|--------------------------------------|---------------------------------------|
| Urban Reserves (Future Growth Areas) | Comprehensive Plan Designation |
| Urban Growth Boundary | Commercial (c) |
| City Limits | Light Industrial (li) |
| Tax Lot | Parks (p) |
| | Public Facilities - Civic (pc) |
| | Residential High Density (rh) |
| | Residential Low Density (rl) |
| | Residential Manufactured Home (rm) |

Mapping is schematic only and bears no warranty of accuracy. This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed by the City prior to use for such purposes.





Zoning Map

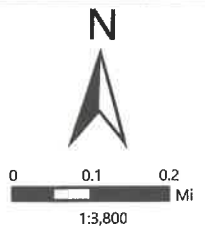
Adopted: 11/1/2006 by ORD 817, Amended: 10/07/2020 by ORD 964, Effective: 10/07/2020

- Urban Growth Boundary
- City Limit
- Overlay - Drive-up
- Tax Lot

Zone Description

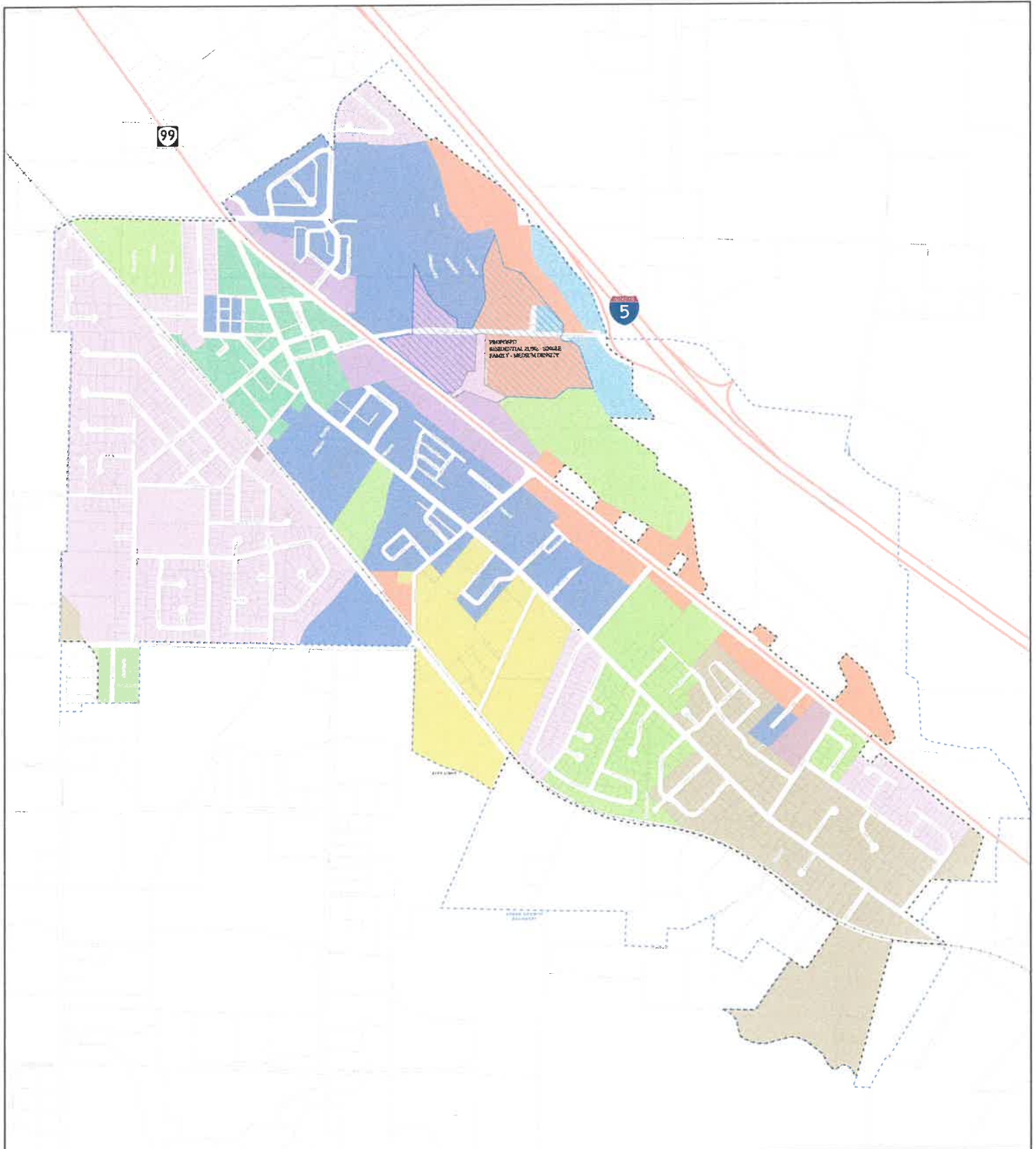
- Commercial Zone - Central Business District
- Commercial Zone - Highway Central Business District
- Commercial Zone - Highway Commercial
- Commercial Zone - Interchange
- Commercial Zone - Neighborhood

- Industrial Zone - Light
- Residential Zone - Multiple-Family - High Density
- Residential Zone - Single-Family - Medium Density
- Residential Zone - Single-Family - Low Density
- Residential Zone - Manufactured Home



Plotted: 10/28/2020
By: Jill Wilcox

US, Ltd and transportation datasets obtained from Jackson County (10/28/2020) retrieved from <https://spatial.jacksoncounty.org/>

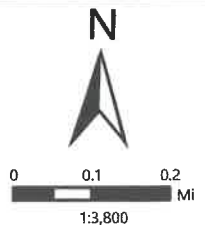


Zoning Map

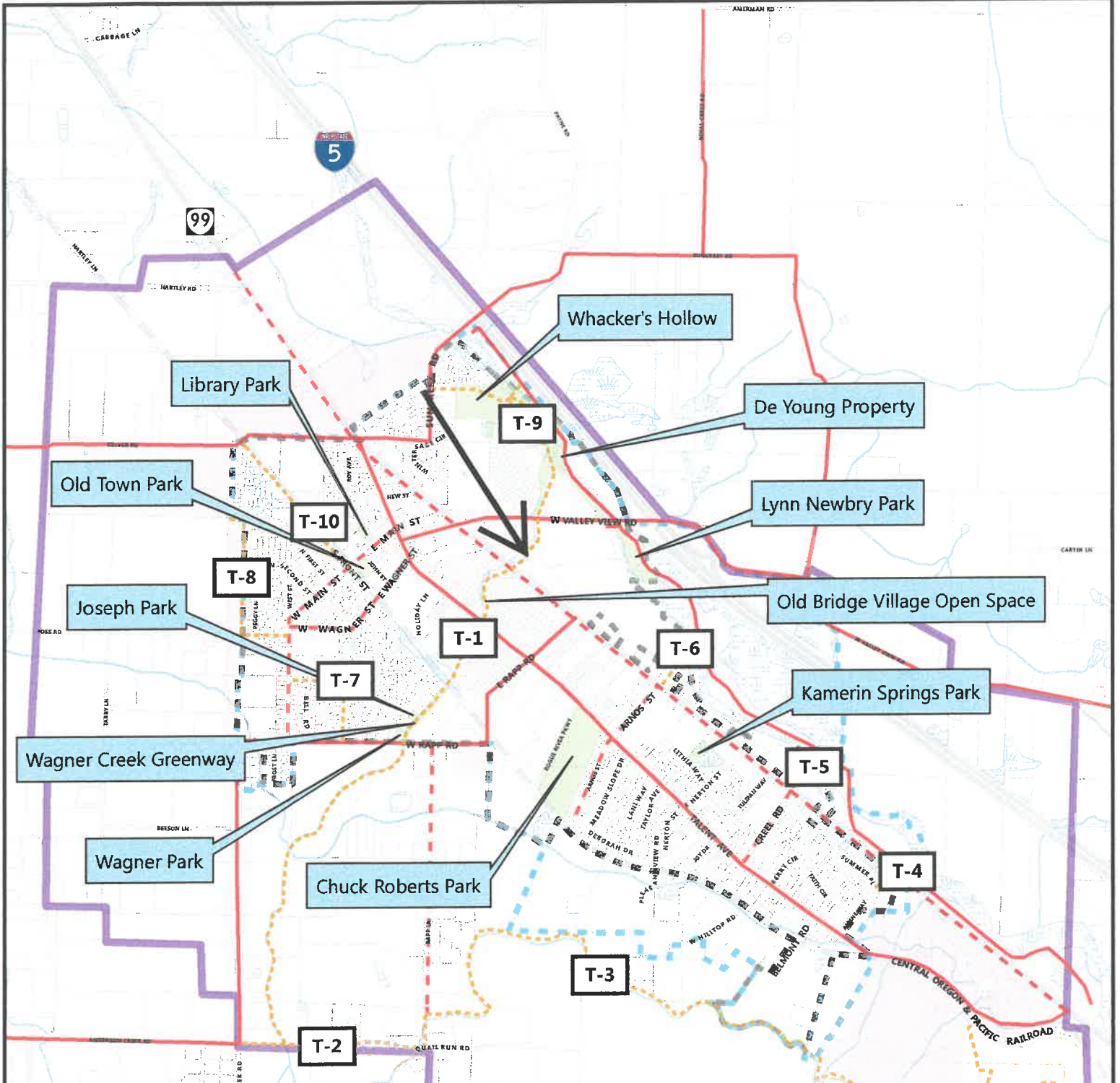
Adopted: 11/1/2006 by ORD 817, Amended: 10/07/2020 by ORD 964, Effective: 10/07/2020

- | | |
|--|---|
| <ul style="list-style-type: none"> Urban Growth Boundary City Limit Overlay - Drive-up Tax Lot | <p>Zone Description</p> <ul style="list-style-type: none"> Commercial Zone - Central Business District Commercial Zone - Highway Central Business District Commercial Zone - Highway Commercial Commercial Zone - Interchange Commercial Zone - Neighborhood Industrial Zone - Light Residential Zone - Multiple-Family - High Density Residential Zone - Single-Family - Medium Density Residential Zone - Single-Family - Low Density Residential Zone - Manufactured Home |
|--|---|

Mapping is schematic only and bears no warranty of accuracy. This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed by the City prior to use for such purposes.



Printed: 10/28/2020
By: Jeff Wilcox



Parks & Trails Map

Parks Master Plan, July 2006

ADOPTED: 5/20/11 by RES 01-591
 AMENDED: 11/20/13 by RES 13-908

- Urban Reserves
- Urban Growth Boundary
- City Limits
- Wetland
- Planning Area
- Existing Parks & Open Space
- Existing Bike Paths
- TSP Proposed Bike Paths
- Proposed Trails/Pathways

Paths & Trails Proposed by the Parks Master Plan

- T-1 Wagner Creek Trail
- T-2 Quail Run Road Trail
- T-3 Ridgeline Trail
- T-4 Alpine Trail
- T-5 Creel Trail
- T-6 Arnos Trail
- T-7 2nd St/Schoolhouse Trail
- T-8 Colver Trail
- T-9 Whacker's Hollow/DeYoung Loop
- T-10 Front Trail

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September 18, 2023

Dear, Ms. Maize,

This letter is in regards to the applications CPA 2023-001 and Rezone 2023-001.

The neighborhood meeting was held on Saturday, September 16 outside of the Talent Library. There were five individuals who attended, Evan Archerd and I were also in attendance.

Four were from Oak Valley across West Valley View Road, and the other owns 121 S Pacific Highway, across Wagner Creek.

All of those that we spoke with indicated they were not opposed to the proposed comprehensive plan change and rezoning to allow for additional residential dwellings. Some concerns were raised that it's dedicated affordable or Section 8 housing. We explained that the eventual development would be townhomes and fair housing rules apply to owners renting their dwellings. Section 8 housing is not something that can be prohibited.

The other concern that was raised by one of the ladies from Oak Valley was that more people in their development should have received the mail notice. Only five properties within Oak Valley are picked up in the 250' circle. I explained that is likely the reason folks further down Oak Valley didn't receive a notice in the mail. I did give them my card and they were going to share that so anyone else who wants to comment can provide emails. I did explain that anyone from anywhere in any community can legally provide comments and receive notice from the city. Also, if they just want to be notified, they should contact the city to be put on the mailing list.

Thank you,

Amy Gunter

Amy Gunter

Rogue Planning & Development Services, LLC

Amygunter.planning@gmail.com

541-951-4020

www.rogueplanning.com



NOTICE OF PUBLIC HEARING

TALENT PLANNING COMMISSION MEETING

August 22, 2023, at 6:30 PM

Held in-person at Town Hall (206 E. Main) and via Zoom

PLANNING ACTION: CPA 2023-001 and REZ 2023-001

SUBJECT PROPERTY: Township 38 South, Range 1 West, Section 23D, Tax Lot 1900, located at 300 W. Valley View Rd.

OWNER/APPLICANT: West Valley View LLC / Rogue Planning and Development Services LLC

DESCRIPTION: *Consideration of a Comprehensive Plan Amendment and Zone change from Commercial to Residential.*

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING with respect to the Talent Comprehensive Plan and Zoning Code on the above described request will be conducted electronically by the TALENT PLANNING COMMISSION on the meeting date and time shown above. This meeting will be held in person and electronically. You can stream the meeting via the internet or listen via telephone using the link or telephone number below:

Oregon law and §18.190.060 of the Talent Municipal Code (TMC) provide the procedures for City sponsored

This meeting will be held in-person at Town Hall at 206 E, Main Street, Talent, Oregon & electronically via Zoom. There are two ways to join the meeting:

You can join the meeting with your computer or smart phone using the following link and password:

https://us02web.zoom.us/webinar/register/WN_SKDN8s6cSCumnmntQZiSzg

Password: 213414

You can join the meeting by landline or mobile phone by dialing 1 669 900 6833 and using the following information:

legislative actions. Testimony, arguments, and evidence must be directed toward the approval criteria, or other criteria in the Ordinance which the person believes apply to the application. Failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Notice to mortgagee, lienholder, vendor, or seller: The City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report and proposed final order will be available on-line and as an attachment to the Planning Commission agenda at www.cityoftalent.org seven days prior to the hearing. Anyone wishing to provide testimony can submit comments via e-mail to publictestimony@cityoftalent.org with the subject line "CPA 2020-001" by 10:00 a.m. on Monday, August 21, 2023. Written testimony received by this deadline will be available for Commissioners to review before the hearing and will be included in the meeting record. Oral testimony will only be taken during the hearing if you have pre-registered. To pre-register, email your request to publictestimony@cityoftalent.org with the subject line "Request for Oral Comment/Testimony" by 4:00 p.m. the date of the hearing. You must include your name and residential address for the record.

Alternatively, respondents may comment in writing and return it to the Community Development Department using the utility payment drop box or via US mail. Written correspondence submitted in the drop box or via US Mail, must be received by 10:00 a.m. on Monday, August 21, 2023 to be included in the meeting record.

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

OVER

Comment Form

CPA 2023-001/REZ 2023-001

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

We Need more Residential
units in Talent this is a
GREAT location on a Quiet Street

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

- Please let us know the results.

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

Comments by: John Purce

Mailing Address: 99 Purce Heights
Medford, OR 97504

Date: 8-11-23

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

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

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

The City of Talent is an Equal Opportunity Provider



NOTICE OF PUBLIC HEARING

TALENT PLANNING COMMISSION MEETING

September 26, 2023, at 6:30 PM

Held in-person at Town Hall (206 E. Main) and via Zoom

PLANNING ACTION: CPA 2023-001 and REZ 2023-001

SUBJECT PROPERTY: Township 38 South, Range 1 West, Section 23D, Tax Lot 1900, located at 300 W. Valley View Rd.

OWNER/APPLICANT: West Valley View LLC / Rogue Planning and Development Services LLC

DESCRIPTION: *Consideration of a Comprehensive Plan Amendment and Zone change from Commercial to Residential.*

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You can join the meeting with your computer or smart phone using the following link and password:

<https://us02web.zoom.us/j/87453924216?pwd=bnU5M2Y2NVp1RkQ5QWVCSctlNXdoZz09>

ID:874 5392 4216

You can join the meeting by landline or mobile phone by dialing 1 669 900 6833 and using the following information:

legislative actions. Testimony, arguments, and evidence must be directed toward the approval criteria, or other criteria in the Ordinance which the person believes apply to the application. Failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Notice to mortgagee, lienholder, vendor, or seller: The City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report and proposed final order will be available on-line and as an attachment to the Planning Commission agenda at www.cityoftalent.org seven days prior to the hearing. Anyone wishing to provide testimony can submit comments via e-mail to publictestimony@cityoftalent.org with the subject line "CPA 2020-003" by 10:00 a.m. on Monday, September 25, 2023. Written testimony received by this deadline will be available for Commissioners to review before the hearing and will be included in the meeting record. Oral testimony will only be taken during the hearing if you have pre-registered. To pre-register, email your request to publictestimony@cityoftalent.org with the subject line "Request for Oral Comment/Testimony" by 4:00 p.m. the date of the hearing. You must include your name and residential address for the record.

Alternatively, respondents may comment in writing and return it to the Community Development Department using the utility payment drop box or via US mail. Written correspondence submitted in the drop box or via US Mail, must be received by 10:00 a.m. on Monday, September 25, 2023 to be included in the meeting record.

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

OVER

Comment Form

CPA 2023-001/REZ 2023-001

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

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

- Please let us know the results.

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

Comments by: James Lake

Mailing Address: 14641 Orangewood Dr
Medford

Date: 9/4/23

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

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The City of Talent is an Equal Opportunity Provider



NOTICE OF PUBLIC HEARING

Correction

TALENT PLANNING COMMISSION MEETING

September 26, 2023, at 6:30 PM

Held in-person at Town Hall (206 E. Main) and via Zoom

PLANNING ACTION: CPA 2023-001 and REZ 2023-001

SUBJECT PROPERTY: Township 38 South, Range 1 West, Section 23D, Tax Lot 1900, located at 300 W. Valley View Rd.

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Oregon law and §18.190.060 of the Talent Municipal Code (TMC) provide the procedures for City sponsored

This notice is a correction from the Public Hearing Notice sent to you for August 22, 2023 meeting. We apologize for any inconvenience. Please look forward to another public hearing notice next month with the correct meeting date of September 26, 2023. Feel free to send your comments anytime, we will accept comments up until September 25, 2023.

legislative actions. Testimony, arguments, and evidence must be directed toward the approval criteria, or other criteria in the Ordinance which the person believes apply to the application. Failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Notice to mortgagee, lienholder, vendor, or seller: The City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report and proposed final order will be available on-line and as an attachment to the Planning Commission agenda at www.cityoftalent.org seven days prior to the hearing. Anyone wishing to provide testimony can submit comments via e-mail to publictestimony@cityoftalent.org with the subject line "CPA 2020-003" by 10:00 a.m. on Monday, September 25, 2023. Written testimony received by this deadline will be available for Commissioners to review before the hearing and will be included in the meeting record. Oral testimony will only be taken during the hearing if you have pre-registered. To pre-register, email your request to publictestimony@cityoftalent.org with the subject line "Request for Oral Comment/Testimony" by 4:00 p.m. the date of the hearing. You must include your name and residential address for the record.

Alternatively, respondents may comment in writing and return it to the Community Development Department using the utility payment drop box or via US mail. Written correspondence submitted in the drop box or via US Mail, must be received by 10:00 a.m. on Monday, September 25, 2023 to be included in the meeting record.

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

OVER

Comment Form

CPA 2023-001/REZ 2023-001

Talent, Oregon 97540

No comment.

We encourage approval of this request.

Please address the following concerns should this application be approved:

This will be a great addition to Talent. We need more housing.

We encourage denial of this request for the following reasons:

Please let us know the results.

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

Comments by: Warren Parke

Mailing Address: 1221 Skeeters Ln
Medford, OR 97501

Date: 8-16-23

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

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

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The City of Talent is an Equal Opportunity Provider



BEFORE THE TALENT CITY COUNCIL

STATE OF OREGON, CITY OF TALENT

IN THE MATTER OF PLANNING FILE NO. CPA 2023-001 LO-)
CATED ON WEST VALLEY VIEW ROAD [MAP NO. 38-1W-23D) ORDER
TAXLOT 1903], THE TALENT PLANNING COMMISSION FINDS)
THE FOLLOWING:)

1. The Planning Commission finds that the applicant participated in a pre-application meeting, as required under TMC 18.190.080(C), on September 26, 2023, as evidenced in the record and on the land use application.
2. The Planning Commission finds the proposed Comprehensive Plan Map amendment is consistent with the City’s Comprehensive Plan and Oregon’s Statewide Planning Goals.
3. The Planning Commission finds the proposed Comprehensive Plan Designation and Zoning provides additional low and medium density residential land needed by the city for future residential development.
4. The Planning Commission finds that proposed Comprehensive Plan Map amendment and Zone Map change application was duly noticed in the Grants Pass Daily Courier and to property owners within 250 feet on September 12, 2023.
5. The Planning Commission is considering this application in conjunction with file REZ 2023-001. A recommendation on file REZ 2023-001 can be made subsequent to a recommendation on file CPA 2023-001.
6. The Planning Commission finds that during the public hearing, evidence was presented, and the public was given an opportunity to comment.

The Planning Commission recommends City Council approval of CPA 2023-001, a Comprehensive Plan Map change from Commercial (C) and Parks (P) to Residential Low Density (RL) and Parks (P). This Planning Commission recommendation of approval of the Comprehensive Plan Map change from Commercial/Parks to Residential Low Density/Parks 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: Goal 12, OAR 660-12-0060(1) requires that a local government ensure that an amendment to a functional plan and acknowledged comprehensive plan or a land use regulation does not significantly affect transportation.

According to the Traffic Assessment completed by Southern Oregon Transportation Engineering, LLC. on May 25, 2023, the proposed change will not generate levels of traffic over the existing commercial designation. Therefore, there is no change in the functional

classification of the existing or planned transportation facility. No comments were provided by ODOT to refute this analysis.

The analysis further concludes that the proposed comprehensive plan map and zone change will result in a reduction of trips to the transportation system plan, or cause patterns that would change the standards implementing a functional classification system or that would degrade the performance of the transportation facilities.

As demonstrated in the letter from the applicant's Traffic Engineer, the proposed map change will generate less vehicle trips than the commercial designation, meeting Transportation Planning Rule (TPR) requirements. Additionally, the Planning Commission can find that the conceptual residential development will not generate more than 500 average daily trips or 50 peak hour trips. Traffic generation will be verified again at the time a Site Development Plan is submitted. **The provisions of this section have been met.**

OREGON STATEWIDE PLANNING GOALS

STATEWIDE PLANNING GOAL 1 – CITIZEN INVOLVEMENT

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

FINDING: A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in the Grants Pass Daily Courier and notification on the subject property. Additionally, the city has posted the pending application on the City's website and online web map. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 2 – LAND USE PLANNING

2. Minor Changes Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

FINDING: The proposed map change demonstrates compliance with the City of Talent Comprehensive Plan Goals and Policies and does not have a significant effect beyond the immediate area of change.

A change in designation or zone from commercial to low-density residential is consistent with Goal 10 and with the City's Housing Element which suggests the conversion of surplus commercial and industrial lands to residential or the intensification of existing residential land provided the change doesn't create a deficit of land. The proposed map change

will provide an opportunity, when converted to a low-density residential area, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. Included in this proposal is a request to change the zone from Commercial Highway (CH) to Residential Medium Density (RMD). Subsequent to this review and approval, the change in zoning designation can be approved. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 9 – ECONOMY

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: The proposed map change will not have a negative impact on the surplus of commercially zoned land in the city. The Economic Opportunities Analysis (EOA) demonstrates the City of Talent has a demand of 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial and industrial land currently within the UGB. The city currently has a 62-acre supply of Commercially zoned land, a surplus of approximately 44 acres. A request to remove 2.01 acres of land from the commercial inventory will continue to provide a 43-acre surplus of commercial land and will not have a negative impact on potential commercial development. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 5 – ENVIRONMENT

To protect natural resources and conserve scenic and historic areas and open space.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

FINDING: Wagner creek is a Goal 5 protected resource. The proposed rezoning and comprehensive plan map changes acknowledge the 50 foot riparian buffer zone consistent with the Oregon Administrative Rules for the requirement of compliance with OAR 660-023-0050 which requires the resource to be protected and that ordinances exist to allow partially or fully allow conflicting uses. The applicant proposes to develop a pathway along the Wagner Creek Greenway that will tie into the pathway partially development pathway along Wagner creek. This pathway is identified in both the park master plan and the Talent Transportation System Plan as future multi-use pathway/trail. The future development will meet the FEMA requirements for building in the floodplain as per the Talent Municipal Code and the Building Codes. The applicant also plans to preserve the 50 foot riparian buffering zone.

STATEWIDE PLANNING GOAL 10 – HOUSING

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

FINDING: As proposed, this application would convert 2.01 acres of commercial land to medium-density residential land, providing an opportunity for more multi-family housing types.

The 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 adopted into the Housing Element, 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 proposed map change will provide an opportunity, when converted to a low/medium density residential area, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. Solutions for the housing deficit require intensification of existing residential land and the conversion of land currently designated or zoned commercial or industrial to residential.

STATEWIDE PLANNING GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system. A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

FINDING: The findings addressing Comprehensive Plan Element D, Transportation demonstrate compliance with Goal 12. The proposed map change provides adequate transportation for vehicles, bicycles and pedestrians. Additional findings supporting Goal 12 are also provided in OAR 660-012-0060 above. **The provisions of this section have been met.**

TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES

ELEMENT A – CITIZEN INVOLVEMENT

POLICY 2: Communication: Assure effective two-way communications between the City (elected and appointed city officials, as well as staff) and citizens.

FINDING: A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in the Grants Pass Daily Courier and notification on the subject property. Additionally, the city has posted the pending application on the City's website and online web map. The applicant also held a neighborhood meeting with individuals notified within 250 feet of the proposed project. **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 balance 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 near an existing city park (Lynn Newbry Park) and the Bear Creek Greenway and adjacent to Wagner Creek Greenway. Additionally, any approved site plan for the attached single family units will be subject to the development of a private open space area for use by the tenants. The applicant intends to enhance the greenway area along Wagner Creek, as identified in the existing comprehensive plan Park designation and within the Parks Master Plan and the Transportation System Plan. **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 entire site is located within a map flood hazard area and will be subject to Floodplain Review regulations at the time of Site Development Plan Review. A small area of the property is deemed undevelopable due to its location within the floodway, however approximately 0.8 acres of buildable land remains to accommodate the future residential development.

Future development will be subject to the prevailing building code at the time of submittal. The State Building Codes and the Talent Municipal Code, Title 15 include reasonable measures to accommodate development within the floodplain and other 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, it addresses all modes of transportation and provides design standards for all new streets. The Talent Zoning Ordinance implements the goals and policies of the TSP.

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

The subject property fronts a collector street. Sidewalks fronting the parcel are improved to city standards and are consistent with the City's TSP. Additionally, RVTD has bus stop facilities along Oregon 99, less than a ¼ mile from the subject site to encourage use of the transit system.

A completed traffic analysis determined that the number of vehicle trips generated by re-mapping the commercial property to medium/low-density residential will be reduced. As proposed, the change from commercial to low/medium-density residential will not cause any of the intersections in the vicinity to operate at or below the required level of service. Primary access to the proposed medium-density residential land will be from Mountain View Drive, a private street. The private street provides granted access to the subject parcel and is a legal means of access to the property. **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 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial land currently within the UGB. The city currently has nearly a 62-acre supply of commercially designated/zoned land, a surplus of approximately 44 acres. A request to remove 2.01 acres of land from the commercial

inventory will continue to provide a 43-acre surplus of commercial land and will not have a negative impact on potential commercial development or create a deficit of commercial land. **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 vacant. Adjacent properties are currently developed and served by all necessary public facilities. The development of the subject property is infill development and can efficiently use the existing infrastructure.

Rogue Valley Sewer Service (RVSS) provides sanitary sewer facilities through a sanitary sewer line to Mountain View Estates. Storm water facilities are available in the West Valley View Road right of way and the systems have adequate capacity for the purposes of the proposed map change. Future development on the site will be required to comply with the standards in effect at the time of development.

ELEMENT G – HOUSING

POLICY 1: Plan to provide for a 20-year supply of suitable land for Talent’s housing needs within the existing urban growth boundary to the extent possible.

FINDING: As proposed, this application would convert 2.01 acres of commercial land to low-density residential land, providing an opportunity for more multi-family housing types.

The adopted Comprehensive Housing Element indicates the city will need an additional 109 acres of residential land to meet the projected growth in the next 20 years. Of these needed housing types there is a need for 77 acres of Low-Density Residential land and 17 acres of Medium Density Residential land and 15 acres of High-Density Residential and mixed use Commercial land. The Buildable Lands Inventory found that with a deficit of nearly 109 acres of residential land, Talent does not have an adequate supply of residential land to meet the 20-year projected demand within its current Urban Growth Boundary (UGB).

The proposed rezoning is 2.01 acres. Of this, 1.54 acres are outside the Floodway. The proposed residential development can be found to meet the identified needed housing described in ORS 197.303, “needed housing” means all housing on land zone 4d for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an UGB. Though not an area of significant acreage, the request provides an actual development area that will provide an additional land area for Medium Density

Residential development. This proposed Comprehensive and Zone map change provides development that addresses a priority of homeownership.

The proposed map change will provide an opportunity, when converted to a medium-density residential, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. 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 proposed low/medium-density residential designation/zone with a plan for multi-family development provides an efficient use of land on an infill property with adequate infrastructure. The proposed comprehensive plan map change and subsequent zone change will allow for the future development of additional single-family attached dwellings. The minimum density for the medium-density designation is 7.2 units per acre. If approved, the high-density designation required would provide a density that 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 residential developments and its proximity to public services such as transit and parks.

The proposed map change would provide some relief to the short-term supply of needed housing for the next 12 months. The conversion of commercial 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 commercial 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 long term 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 development. With an identified surplus of commercial land and a deficit of available residential land in both the short term and long term, converting the subject property from commercial land to high-density residential land has a 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 medium 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.**

TALENT ZONING CODE

18.10.030 Establishment of Zones by Map

A. The location and boundaries of the zones designated in TMC [18.10.020](#) are hereby established as shown on the map entitled “The Zoning Map of the City of Talent,” bearing the number of the ordinance codified in this title and authenticated by the signature of the mayor and city recorder endorsed thereon at the time of the passage of the ordinance codified in this title. The map shall be hereinafter referred to as the “zoning map.” An updated zoning map was adopted by Ordinance No. [817](#) (November 1, 2006) along with the reorganization of the zoning code.

FINDING: The applicant provided both an existing and proposed comprehensive plan and zoning map demonstrating the area of proposed change. If approved, the comprehensive plan and zoning maps will be updated to illustrate the change as proposed. **The provisions of this section have been met.**

18.10.040 Boundaries of Zones

Where uncertainty exists as to the boundaries of any zone as shown on the zoning map, the following rules shall apply:

D. Areas of dedicated streets or alleys and railroad rights-of-way which are not designated on the zoning map as being classified in one of the zones provided in this title shall be deemed to be unclassified and, in the case of railroad rights-of-way, shall be permitted to be used solely for the purpose of accommodating tracks,

signals, other operative devices and the movement of rolling stock. [Ord. 817 § 8-3A.240, 2006.]

FINDING: There are no areas of dedicated streets of alleys or railroad rights-of-way on the subject properties. **The provisions of this section are not applicable.**

18.10.050 Zoning of Annexed Areas

Zoning regulations in effect in an area prior to annexation to the city shall continue to apply and shall be enforced by the city until such time as a zone change has been adopted or a new zone created by the city for the annexed area. Newly created zoning districts shall conform to the city's comprehensive plan.

FINDING: The land area proposed for Comprehensive Plan Map re-designation to Residential – Low Density (RL) is presently designated as Commercial (C) on the Comprehensive Plan Map. The zoning of the area designated for Commercial is Highway Commercial (CH). The zone does not allow for the development of residential housing without a commercial component. The land area of proposed change from commercial to medium-density residential is consistent with the city's comprehensive plan. **The provisions of this section have been met.**

18.30. Residential Zone – Medium Density (RMD)

18.30.010 Description and Purpose:

The medium-density residential (RMD) zone is intended to provide a stable, healthful and livable residential environment with a variety of residential options, together with the full range of urban services, for those residents choosing to live in neighborhoods with small economic enterprises, such as home occupations and neighborhood commercial activity. [Ord. 966 § 2 (Exh. B), 2021; Ord. 952 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.210, 2006.]

FINDING: The proposal is to increase the area within the City of Talent that is primarily designated and zoned for medium-density, residential development. The proposed map change is in an area with convenient access to a full range of urban services including pedestrian and bicycle facilities, transit, urban level infrastructure including adequate potable water, sewer, storm drainage and electricity. The proposed area for the low/medium-density residential designation and zone is adjacent to other residentially designated property. The property is accessed by vehicles, pedestrians and bicycles from Mountain View Drive, a private road with direct access to W. Valley View Road.

As proposed, the requested map change would allow, at a minimum, 7.2 new residential dwelling units. The applicant has provided a conceptual site plan demonstrating the area of the property proposed for rezoning, and the potential for residential development. The conceptual plan identifies 10 new residential units, higher than the minimum. Any proposed residential development of the site shall meet the minimum density of 7.2 units per acre. The proposed future development will not exceed the maximum density of 14.5 units per acre. It will be within the range of minimum and maximum density for the area. The conceptual site plan and all future development of the property will be required to conform

to the process, procedures and development standards for Residential Medium Density development as required by the Talent Municipal Code. **The provisions of this section have been met.**

18.75. Public Land and Facilities (PLF)

18.75.010 Description and Purpose

The public land and facilities (PLF) district is designated for uses that promote and sustain the health, safety, and welfare of the citizens of Talent. It is appropriate for government offices; public facilities, utilities and services; police and fire stations; parks, open space, recreation facilities, and trails; and public schools and libraries.

The PLF district identifies public uses of land on the zoning map and protects them from inappropriate uses. Land owned or otherwise controlled by the federal government, the state, the county, the city, the fire district, or the Phoenix-Talent School District shall be designated PLF on the map. This designation serves notice to those owning or buying land in proximity to publicly owned land that it shall contain public uses. [Ord. 817 § 8-3G.110, 2006.]

FINDING: A portion of the property is in the FEMA 100-year floodplain and is identified on the Comprehensive Plan Map as Public Land and Facility (PLF) and in the Parks Master Plan as the Wagner Creek greenway. This proposal seeks to allow for the future development of the trail/path and the open space for the proposed development and dedication to the city for park purposes.

18.115 Development and Design Standards

18.115.010 Purpose

This chapter addresses access management, multimodal circulation, public improvements, and dedications and setbacks. One of the primary purposes of this chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of alternative transportation options, including, but not limited to, carpooling, walking, transit and bicycling. This chapter is also intended to implement the transportation system plan (TSP) portion of the comprehensive plan.

The dedications, improvements and/or setbacks required by this chapter must be met or complied with, or provisions made to ensure complete compliance, before any building permits shall be issued. [Ord. 966 § 2 (Exh. B), 2021.]

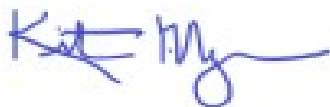
FINDING: The proposed development will maintain the 50-foot “safe Harbor” setback from Wagner Creek and will maintain the area as open space consistent with this section of the Talent Municipal Code. The floodway portion of the property will be dedicated to the city as a permanent open space. This area will be developed as a pathway for pedestrian access and circulation and will be conveyed to the City of Talent.

There are no street improvements or dedications requested or proposed with this application. Mountain View Drive was an approved access and circulation as per TMC section 18.115.060 and adequate easement for the use of Mountain View Drive as a primary site access to the future development. The existing access on Mountain View Drive provides reasonable access to private property and allows for safe and efficient travel for vehicles, bicycles and pedestrians.

Derek Volkart
Planning Commission Chair

Date

ATTEST



Kristen Maze
Community Development Director

September 26, 2023

Date

ORDINANCE NO. 2023-980-O

AN ORDINANCE FOR A COMPREHENSIVE PLAN AMENDMENT OF 2.01 ACRES FROM COMMERCIAL TO RESIDENTIAL LOW DENSITY FOR PROPERTY LOCATED AT 300 WEST VALLEY VIEW ROAD

WHEREAS, the City Council finds the proposed Comprehensive Plan amendment is consistent with the City's Comprehensive Plan and Oregon's Statewide Planning Goals.

WHEREAS, the City Council finds the proposed Comprehensive Plan Amendment provides additional low-density residential land needed by the city for future residential development, and

WHEREAS, the City Council finds that proposed Comprehensive Plan amendment application was duly noticed in the Grants Pass Courier September 16, 2023 and to property owners within 250 feet on August 30, 2023, and further noticed in the Grants Pass Courier on October 7, 2023, and

WHEREAS, the City Council is considering this application in conjunction with file REZ 2023-001. A decision approving REZ 2023-001 can be made only subsequent to a decision on file CPA 2023-001, and

WHEREAS, by a unanimous vote on September 26, 2023, the Planning Commission recommended approval of the Comprehensive Plan Amendment,

WHEREAS, the City Council finds that during the public hearing on October 18, 2023, evidence was presented, and the public was given an opportunity to comment.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. MAP DESIGNATION CHANGE: That the Comprehensive Plan designation of Tax Lot 1903, Jackson County May number 38-1W-23D, as shown on the map labeled as Exhibit A, attached, be changed from Commercial to Residential – Low Density. This decision is based on the information presented in the Staff Reports and Findings of Fact below.

SECTION 2: That the proposed Comprehensive Plan amendment as described herein has been advertised and publicly noticed in accordance with TMC 18.190.060.

SECTION 3: Under the provisions of the 2017 Talent Charter, Chapter VIII, Section 33, the provisions of this ordinance shall take effect 30 days after adoption.

Duly enacted by the City Council in open session on September 18, 2023, by the following vote:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

Lucero Martinez, City Recorder and Custodian of City records.

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: Goal 12, OAR 660-12-0060(1) requires that a local government ensure that an amendment to a functional plan and acknowledged comprehensive plan or a land use regulation does not significantly affect transportation.

According to the Traffic Assessment completed by Southern Oregon Transportation Engineering, LLC. on June 17, 2020, the proposed change will not generate levels of traffic over the existing commercial designation. Therefore, there is no change in the functional classification of the existing or planned transportation facility. No comments were provided by ODOT to refute this analysis.

The analysis further concludes that the proposed change will not increase traffic levels or cause patterns that would change the standards implementing a functional classification system or that would degrade the performance of the transportation facilities.

As demonstrated in the letter from the applicant's Traffic Engineer, the proposed map change will generate less vehicle trips than the commercial designation, meeting Transportation Planning Rule (TPR) requirements. Additionally, the Planning Commission can find that the conceptual residential development will not generate more than 500 average daily trips or 50 peak hour trips. Traffic generation will be verified again at the time a Site Development Plan is submitted. **The provisions of this section have been met.**

OREGON STATEWIDE PLANNING GOALS

STATEWIDE PLANNING GOAL 1 – CITIZEN INVOLVEMENT

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

FINDING: A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in the Mail Tribune and notification on the subject property. Additionally, the City has posted the pending application on the City's website and online web map. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 2 – LAND USE PLANNING

2. Minor Changes Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

FINDING: The proposed map change demonstrates compliance with the City of Talent Comprehensive Plan Goals and Policies and does not have a significant effect beyond the immediate area of change.

A change in designation or zone from commercial to high-density residential is consistent with Goal 10 and with the City's Housing Element which suggests the conversion of surplus commercial and industrial lands to residential or the intensification of existing residential land provided the change doesn't create a deficit of land. The proposed map change will provide an opportunity, when converted to a high-density residential to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the City. Included in this proposal is a request to change the zone from Commercial Highway (CH) to Multiple-Family High-Density (RM-HD). Subsequent to this review and approval, the change in zoning designation can be approved. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 9 – ECONOMY

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: The proposed map change will not have a negative impact on the surplus of commercially zoned land in the city. The Economic Opportunities Analysis (EOA) demonstrates the City of Talent has a demand of 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial and industrial land currently within the UGB. The city currently has a 62-acre supply of Commercially zoned land, a surplus of approximately 44 acres. A request to remove 2.01 acres of land from the commercial inventory will continue to provide a 43-acre surplus of commercial land and will not have a negative impact on potential commercial development. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 10 – HOUSING

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

FINDING: As proposed, this application would convert 2.01 acres of commercial land to medium-density residential land, providing an opportunity for more multi-family housing types.

The 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 adopted into the Housing Element, 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 proposed map change will provide an opportunity, when converted to a low/medium density residential area, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. Solutions for the housing deficit require intensification of existing residential land and the conversion of land currently designated or zoned commercial or industrial to residential.

STATEWIDE PLANNING GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

FINDING: The findings addressing Comprehensive Plan Element D, Transportation demonstrate compliance with Goal 12. The proposed map change provides adequate transportation for vehicles, bicycles and pedestrians. Additional findings supporting Goal 12 are also provided in OAR 660-012-0060 above. **The provisions of this section have been met.**

TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES

ELEMENT A – CITIZEN INVOLVEMENT

POLICY 2: Communication: Assure effective two-way communications between the City (elected and appointed city officials, as well as staff) and citizens.

FINDING: A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in

the Grants Pass Daily Courier and notification on the subject property. Additionally, the city has posted the pending application on the City's website and online web map. The applicant also held a neighborhood meeting with individuals notified within 250 feet of the proposed project. **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 near an existing city park (Lynn Newbry Park) and the Bear Creek Greenway and adjacent to Wagner Creek Greenway. Additionally, any approved site plan for the attached single family units will be subject to the development of a private open space area for use by the tenants. The applicant intends to enhance the greenway area along Wagner Creek, as identified in the existing comprehensive plan Park designation and within the Parks Master Plan and the Transportation System Plan. **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 entire site is located within a map flood hazard area and will be subject to Floodplain Review regulations at the time of Site Development Plan Review. A small area of the property is deemed undevelopable due to its location within the floodway, however approximately 0.8 acres of buildable land remains to accommodate the future residential development.

Future development will be subject to the prevailing building code at the time of submittal. The State Building Codes include reasonable measures to accommodate development within the floodplain and other 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, it addresses all modes of transportation and provides design standards for all new streets. The Talent Zoning Ordinance implements the goals and policies of the TSP.

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

The subject property fronts a collector street. Sidewalks fronting the parcel are improved to city standards and are consistent with the City's TSP. Additionally, RVTD has bus stop facilities along Oregon 99, less than a ¼ mile from the subject site to encourage use of the transit system.

A completed traffic analysis determined that the number of vehicle trips generated by remapping the commercial property to high-density residential will be reduced. As proposed, the change from commercial to high-density residential will not cause any of the intersections in the vicinity to operate at or below the required level of service. Primary access to the proposed high-density residential land will be from Mountain View Drive, a private street. The private street provides granted access to the subject parcel and is a legal means of access to the property. **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 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial land currently within the UGB. The City currently has nearly a 62-acre supply of commercially designated/zoned land, a surplus of approximately 44 acres. A request to remove 2.01 acres of land from the commercial inventory will continue to provide

a 43-acre surplus of commercial land and will not have a negative impact on potential commercial development or create a deficit of commercial land. **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 vacant. Adjacent properties are currently developed and served by all necessary public facilities. The development of the subject property is infill development and can efficiently use the existing infrastructure.

Rogue Valley Sewer Service (RVSS) provides sanitary sewer facilities through a sanitary sewer line to Mountain View Estates. Storm water facilities are available in the West Valley View Road right of way and the systems have adequate capacity for the purposes of the proposed map change. Future development on the site will be required to comply with the standards in effect at the time of development.

ELEMENT G – HOUSING

POLICY 1: Plan to provide for a 20-year supply of suitable land for Talent’s housing needs within the existing urban growth boundary to the extent possible.

FINDING: As proposed, this application would convert 2.01 acres of commercial land to low-density residential land, providing an opportunity for more multi-family housing types.

The adopted Comprehensive Housing Element indicates the city will need an additional 109 acres of residential land to meet the projected growth in the next 20 years. Of these needed housing types there is a need for 77 acres of Low-Density Residential land and 17 acres of Medium Density Residential land and 15 acres of High-Density Residential and mixed use Commercial land. The Buildable Lands Inventory found that with a deficit of nearly 109 acres of residential land, talent does not have an adequate supply of residential land to mee the 20-year projected demand within its current Urban Growth Boundary (UGB).

The proposed rezoning is 2.01 acres. Of this, 1.54 acres are outside the Floodway. The proposed residential development can be found to mee the identified needed housing described in ORS 197.303, “needed housing” means all housing on land

zone4d for residential use or mixed residential and commercial use that is determined to meet the need show for housing within an UGB. Though not an area of significant acreage, the request provides an actual development area that will provide an additional land area for Medium Density Residential development. This proposed Comprehensive and Zone map change provides development that addresses a priority of homeownership.

The proposed map change will provide an opportunity, when converted to a medium-density residential, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. 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 proposed low/medium-density residential designation/zone with a plan for multi-family development provides an efficient use of land on an infill property with adequate infrastructure. The proposed comprehensive plan map change and subsequent zone change will allow for the future development of additional multi-family or single-family attached dwellings. The minimum density for the medium-density designation is 7 units per acre. If approved, the medium density designation required would provide a density that 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 residential developments and its proximity to public services such as transit and parks.

The proposed map change would provide some relief to the short-term supply of needed housing for the next 12 months. The conversion of commercial land to medium-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 commercial 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 development. With an identified surplus of commercial land and a deficit of available residential land in both the short term and long term, converting the subject property from commercial land to high-density residential land has a 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.**

TALENT ZONING CODE

18.10.030 Establishment of Zones by Map

A. The location and boundaries of the zones designated in TMC [18.10.020](#) are hereby established as shown on the map entitled “The Zoning Map of the City of Talent,” bearing the number of the ordinance codified in this title and authenticated by the signature of the mayor and city recorder endorsed thereon at the time of the passage of the ordinance codified in this title. The map shall be hereinafter referred to as the “zoning map.” An updated zoning map was adopted by Ordinance No. [817](#) (November 1, 2006) along with the reorganization of the zoning code.

FINDING: The applicant provided both an existing and proposed comprehensive plan and zoning map demonstrating the area of proposed change. If approved, the comprehensive plan and zoning maps will be updated to illustrate the change as proposed, including the adjusted property line. **The provisions of this section have been met.**

18.10.040 Boundaries of Zones

Where uncertainty exists as to the boundaries of any zone as shown on the zoning map, the following rules shall apply:

D. Areas of dedicated streets or alleys and railroad rights-of-way which are not designated on the zoning map as being classified in one of the zones provided in this title shall be deemed to be unclassified and, in the case of railroad rights-of-way, shall be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock. [Ord. 817 § 8-3A.240, 2006.]

FINDING: There are no areas of dedicated streets of alleys or railroad rights-of-way on the subject properties. **The provisions of this section are not applicable.**

18.10.050 Zoning of Annexed Areas

Zoning regulations in effect in an area prior to annexation to the city shall continue to apply and shall be enforced by the city until such time as a zone change has been adopted or a new zone created by the city for the annexed area. Newly created zoning districts shall conform to the city’s comprehensive plan.

FINDING: The land area proposed for Comprehensive Plan Map re-designation to Residential – High Density (RH) is presently designated as Commercial (C) on the Comprehensive Plan Map. The zoning of the area designated for Commercial is Highway Commercial (CH). The zone does not allow for the development of residential housing without a commercial component. The land area of proposed change from commercial to high-density residential is consistent with the city’s comprehensive plan. **The provisions of this section have been met.**

18.30. Residential Zone – Medium-Density (RMD)

18.30.010 Description and Purpose:

The medium-density residential (RMD) zone is intended to provide a stable, healthful and livable residential environment with a variety of residential options, together with the full range of urban services, for those residents choosing to live in neighborhoods with small economic enterprises, such as home occupations and neighborhood commercial activity. [Ord. 966 § 2 (Exh. B), 2021; Ord. 952 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.210, 2006.]

FINDING: The proposal is to increase the area within the City of Talent that is primarily designated and zoned for medium-density, residential development. The proposed map change is in an area with convenient access to a full range of urban services including pedestrian and bicycle facilities, transit, urban level infrastructure including adequate potable water, sewer, storm drainage and electricity. The

proposed area for the low/medium-density residential designation and zone is adjacent to other residentially designated property. The property is accessed by vehicles, pedestrians and bicycles from Mountain View Drive, a private road with direct access to W. Valley View Road.

As proposed, the requested map change would allow, at a minimum, 7.2 new residential dwelling units. The applicant has provided a conceptual site plan demonstrating the area of the property proposed for rezoning, and the potential for residential development. The conceptual plan identifies 10 new residential units, higher than the minimum. Any proposed residential development of the site shall meet the minimum density of 7.2 units per acre. The proposed future development will not exceed the maximum density of 14.5 units per acre. It will be within the range of minimum and maximum density for the area. The conceptual site plan and all future development of the property will be required to conform to the process, procedures and development standards for Residential Medium Density development as required by the Talent Municipal Code. **The provisions of this section have been met.**

18.75. Public Land and Facilities (PFL)

18.75.010 Description and Purpose

The public land and facilities (PLF) district is designated for uses that promote and sustain the health, safety, and welfare of the citizens of Talent. It is appropriate for government offices; public facilities, utilities and services; police and fire stations; parks, open space, recreation facilities, and trails; and public schools and libraries.

The PLF district identifies public uses of land on the zoning map and protects them from inappropriate uses. Land owned or otherwise controlled by the federal government, the state, the county, the city, the fire district, or the Phoenix-Talent School District shall be designated PLF on the map. This designation serves notice to those owning or buying land in proximity to publicly owned land that it shall contain public uses. [Ord. 817 § 8-3G.110, 2006.]

FINDING: A portion of the property is in the FEMA 100-year floodplain and is identified on the Comprehensive Plan Map as Public Land and Facility (PLF) and in the Parks Master Plan as the Wagner Creek greenway. This proposal seeks to allow for the future development of the trail/path and the open space for the proposed development and dedication to the city for park purposes.

18.115 Development and Design Standards

18.115.010 Purpose

This chapter addresses access management, multimodal circulation, public improvements, and dedications and setbacks. One of the primary purposes of this chapter is to provide standards for attractive and safe streets

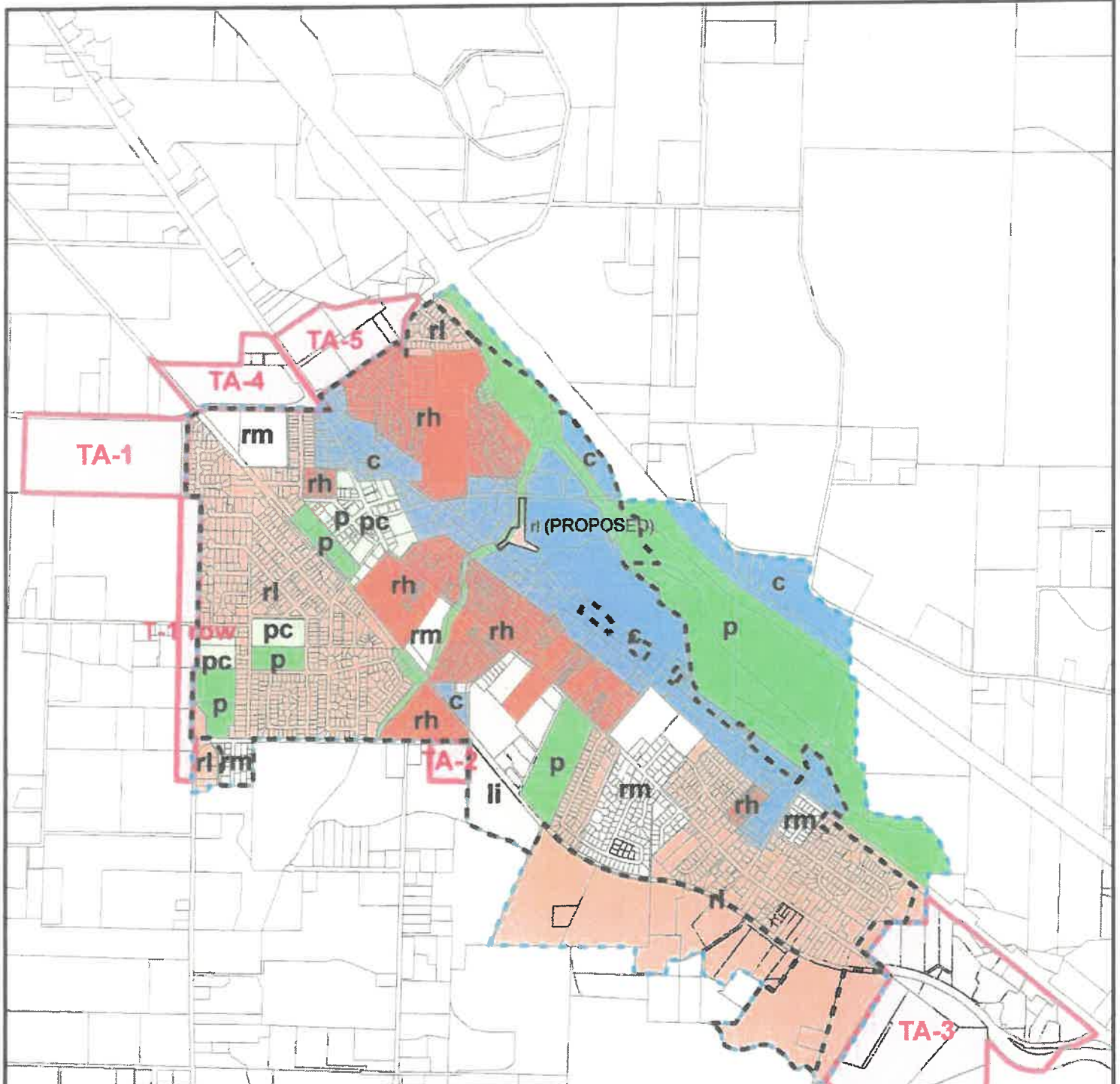
that can accommodate vehicle traffic from planned growth, and provide a range of alternative transportation options, including, but not limited to, carpooling, walking, transit and bicycling. This chapter is also intended to implement the transportation system plan (TSP) portion of the comprehensive plan.

The dedications, improvements and/or setbacks required by this chapter must be met or complied with, or provisions made to ensure complete compliance, before any building permits shall be issued. [Ord. 966 § 2 (Exh. B), 2021.]

FINDING: The proposed development will maintain the 50-foot “safe Harbor” setback from Wagner Creek and will maintain the area as open space consistent with this section of the Talent Municipal Code. The floodway portion of the property will be dedicated to the city as a permanent open space. This area will be developed as a pathway for pedestrian access and circulation and will be conveyed to the City of Talent.

There are no street improvements or dedications requested or proposed with this application. Mountain View Drive was an approved access and circulation as per TMC section 18.115.060 and adequate easement for the use of Mountain View Drive as a primary site access to the future development. The existing access on Mountain View Drive provides reasonable access to private property and allows for safe and efficient travel for vehicles, bicycles and pedestrians.

EXHIBIT A



PROPOSED Comprehensive Plan

ADOPTED: 06/24/1980 by ORD 417
 AMENDED: 05/03/2017 by ORD 17-933-O
 EFFECTIVE: 06/02/2017

- | | |
|--|--|
| <ul style="list-style-type: none"> Urban Reserves (Future Growth Areas) Urban Growth Boundary City Limits Tax Lot | <p>Comprehensive Plan Designation</p> <ul style="list-style-type: none"> Commercial (c) Light Industrial (li) Parks (p) Public Facilities - Civic (pc) Residential High Density (rh) Residential Low Density (rl) Residential Manufactured Home (rm) |
|--|--|

Mapping is schematic only and bears no warranty of accuracy. This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed by the City prior to use for such purposes.





BEFORE THE TALENT CITY COUNCIL

STATE OF OREGON, CITY OF TALENT

IN THE MATTER OF PLANNING FILE NO. REZ 2023-001 AND LO-)
CATED ON WEST VALLEY VIEW ROAD [MAP NO. 38-1W-23D) ORDER
TAXLOT 1903], THE TALENT PLANNING COMMISSION FINDS)
THE FOLLOWING:)

1. The Planning Commission finds that the applicant participated in a pre-application meeting, as required under TMC 18.190.080(C), on September 26, 2023, as evidenced in the record and on the land use application.
2. The Planning Commission finds the proposed Comprehensive Plan Map amendment is consistent with the City’s Comprehensive Plan and Oregon’s Statewide Planning Goals.
3. The Planning Commission finds the proposed Comprehensive Plan Designation and Zoning provides additional low and medium density residential land needed by the city for future residential development.
4. The Planning Commission finds that proposed Comprehensive Plan Map amendment and Zone Map change application was duly noticed in the Grants Pass Daily Courier and to property owners within 250 feet on September 12, 2023.
5. The Planning Commission is considering this application in conjunction with file REZ 2023-001. A recommendation on file REZ 2023-001 can be made subsequent to a recommendation on file CPA 2023-001.
6. The Planning Commission finds that during the public hearing, evidence was presented, and the public was given an opportunity to comment.

The Planning Commission recommends City Council approval of REZ 2023-001, a Zoning Map change from Commercial Highway (CH) to Residential Medium Density (RMD). This Planning Commission recommendation of approval of the Zoning Map change from Commercial Highway (CH) to Residential – Medium Density (RMD) 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: Goal 12, OAR 660-12-0060(1) requires that a local government ensure that an amendment to a functional plan and acknowledged comprehensive plan or a land use regulation does not significantly affect transportation.

According to the Traffic Assessment completed by Southern Oregon Transportation Engineering, LLC. on May 25, 2023, the proposed change will not generate levels of traffic over the existing commercial designation. Therefore, there is no change in the functional

classification of the existing or planned transportation facility. No comments were provided by ODOT to refute this analysis.

The analysis further concludes that the proposed comprehensive plan map and zone change will result in a reduction of trips to the transportation system plan, or cause patterns that would change the standards implementing a functional classification system or that would degrade the performance of the transportation facilities.

As demonstrated in the letter from the applicant's Traffic Engineer, the proposed map change will generate less vehicle trips than the commercial designation, meeting Transportation Planning Rule (TPR) requirements. Additionally, the Planning Commission can find that the conceptual residential development will not generate more than 500 average daily trips or 50 peak hour trips. Traffic generation will be verified again at the time a Site Development Plan is submitted. **The provisions of this section have been met.**

OREGON STATEWIDE PLANNING GOALS

STATEWIDE PLANNING GOAL 1 – CITIZEN INVOLVEMENT

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

FINDING: A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in the Grants Pass Daily Courier and notification on the subject property. Additionally, the city has posted the pending application on the City's website and online web map. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 2 – LAND USE PLANNING

2. Minor Changes Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

FINDING: The proposed map change demonstrates compliance with the City of Talent Comprehensive Plan Goals and Policies and does not have a significant effect beyond the immediate area of change.

A change in designation or zone from commercial to low-density residential is consistent with Goal 10 and with the City's Housing Element which suggests the conversion of surplus commercial and industrial lands to residential or the intensification of existing residential land provided the change doesn't create a deficit of land. The proposed map change

will provide an opportunity, when converted to a low-density residential area, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. Included in this proposal is a request to change the zone from Commercial Highway (CH) to Residential Medium Density (RMD). Subsequent to this review and approval, the change in zoning designation can be approved. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 9 – ECONOMY

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: The proposed map change will not have a negative impact on the surplus of commercially zoned land in the city. The Economic Opportunities Analysis (EOA) demonstrates the City of Talent has a demand of 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial and industrial land currently within the UGB. The city currently has a 62-acre supply of Commercially zoned land, a surplus of approximately 44 acres. A request to remove 2.01 acres of land from the commercial inventory will continue to provide a 43-acre surplus of commercial land and will not have a negative impact on potential commercial development. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 5 – ENVIRONMENT

To protect natural resources and conserve scenic and historic areas and open space.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

FINDING: Wagner creek is a Goal 5 protected resource. The proposed rezoning and comprehensive plan map changes acknowledge the 50 foot riparian buffer zone consistent with the Oregon Administrative Rules for the requirement of compliance with OAR 660-023-0050 which requires the resource to be protected and that ordinances exist to allow partially or fully allow conflicting uses. The applicant proposes to develop a pathway along the Wagner Creek Greenway that will tie into the pathway partially development pathway along Wagner creek. This pathway is identified in both the park master plan and the Talent Transportation System Plan as future multi-use pathway/trail. The future development will meet the FEMA requirements for building in the floodplain as per the Talent Municipal Code and the Building Codes. The applicant also plans to preserve the 50 foot riparian buffering zone.

STATEWIDE PLANNING GOAL 10 – HOUSING

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

FINDING: As proposed, this application would convert 2.01 acres of commercial land to medium-density residential land, providing an opportunity for more multi-family housing types.

The 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 adopted into the Housing Element, 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 proposed map change will provide an opportunity, when converted to a low/medium density residential area, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. Solutions for the housing deficit require intensification of existing residential land and the conversion of land currently designated or zoned commercial or industrial to residential.

STATEWIDE PLANNING GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system. A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

FINDING: The findings addressing Comprehensive Plan Element D, Transportation demonstrate compliance with Goal 12. The proposed map change provides adequate transportation for vehicles, bicycles and pedestrians. Additional findings supporting Goal 12 are also provided in OAR 660-012-0060 above. **The provisions of this section have been met.**

TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES

ELEMENT A – CITIZEN INVOLVEMENT

POLICY 2: Communication: Assure effective two-way communications between the City (elected and appointed city officials, as well as staff) and citizens.

FINDING: A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in the Grants Pass Daily Courier and notification on the subject property. Additionally, the city has posted the pending application on the City's website and online web map. The applicant also held a neighborhood meeting with individuals notified within 250 feet of the proposed project. **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 balance 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 near an existing city park (Lynn Newbry Park) and the Bear Creek Greenway and adjacent to Wagner Creek Greenway. Additionally, any approved site plan for the attached single family units will be subject to the development of a private open space area for use by the tenants. The applicant intends to enhance the greenway area along Wagner Creek, as identified in the existing comprehensive plan Park designation and within the Parks Master Plan and the Transportation System Plan. **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 entire site is located within a map flood hazard area and will be subject to Floodplain Review regulations at the time of Site Development Plan Review. A small area of the property is deemed undevelopable due to its location within the floodway, however approximately 0.8 acres of buildable land remains to accommodate the future residential development.

Future development will be subject to the prevailing building code at the time of submittal. The State Building Codes and the Talent Municipal Code, Title 15 include reasonable measures to accommodate development within the floodplain and other 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, it addresses all modes of transportation and provides design standards for all new streets. The Talent Zoning Ordinance implements the goals and policies of the TSP.

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

The subject property fronts a collector street. Sidewalks fronting the parcel are improved to city standards and are consistent with the City's TSP. Additionally, RVTD has bus stop facilities along Oregon 99, less than a ¼ mile from the subject site to encourage use of the transit system.

A completed traffic analysis determined that the number of vehicle trips generated by re-mapping the commercial property to medium/low-density residential will be reduced. As proposed, the change from commercial to low/medium-density residential will not cause any of the intersections in the vicinity to operate at or below the required level of service. Primary access to the proposed medium-density residential land will be from Mountain View Drive, a private street. The private street provides granted access to the subject parcel and is a legal means of access to the property. **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 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial land currently within the UGB. The city currently has nearly a 62-acre supply of commercially designated/zoned land, a surplus of approximately 44 acres. A request to remove 2.01 acres of land from the commercial

inventory will continue to provide a 43-acre surplus of commercial land and will not have a negative impact on potential commercial development or create a deficit of commercial land. **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 vacant. Adjacent properties are currently developed and served by all necessary public facilities. The development of the subject property is infill development and can efficiently use the existing infrastructure.

Rogue Valley Sewer Service (RVSS) provides sanitary sewer facilities through a sanitary sewer line to Mountain View Estates. Storm water facilities are available in the West Valley View Road right of way and the systems have adequate capacity for the purposes of the proposed map change. Future development on the site will be required to comply with the standards in effect at the time of development.

ELEMENT G – HOUSING

POLICY 1: Plan to provide for a 20-year supply of suitable land for Talent’s housing needs within the existing urban growth boundary to the extent possible.

FINDING: As proposed, this application would convert 2.01 acres of commercial land to low-density residential land, providing an opportunity for more multi-family housing types.

The adopted Comprehensive Housing Element indicates the city will need an additional 109 acres of residential land to meet the projected growth in the next 20 years. Of these needed housing types there is a need for 77 acres of Low-Density Residential land and 17 acres of Medium Density Residential land and 15 acres of High-Density Residential and mixed use Commercial land. The Buildable Lands Inventory found that with a deficit of nearly 109 acres of residential land, talent does not have an adequate supply of residential land to mee the 20-year projected demand within its current Urban Growth Boundary (UGB).

The proposed rezoning is 2.01 acres. Of this, 1.54 acres are outside the Floodway. The proposed residential development can be found to mee the identified needed housing described in ORS 197.303, “needed housing” means all housing on land zone4d for residential use or mixed residential and commercial use that is determined to meet the need show for housing within an UGB. Though not an area of significant acreage, the request provides an actual development area that will provide an additional land area for Medium Density

Residential development. This proposed Comprehensive and Zone map change provides development that addresses a priority of homeownership.

The proposed map change will provide an opportunity, when converted to a medium-density residential, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. 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 proposed low/medium-density residential designation/zone with a plan for multi-family development provides an efficient use of land on an infill property with adequate infrastructure. The proposed comprehensive plan map change and subsequent zone change will allow for the future development of additional single-family attached dwellings. The minimum density for the medium-density designation is 7.2 units per acre. If approved, the high-density designation required would provide a density that 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 residential developments and its proximity to public services such as transit and parks.

The proposed map change would provide some relief to the short-term supply of needed housing for the next 12 months. The conversion of commercial 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 commercial 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 long term 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 development. With an identified surplus of commercial land and a deficit of available residential land in both the short term and long term, converting the subject property from commercial land to high-density residential land has a 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 medium 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.**

TALENT ZONING CODE

18.10.030 Establishment of Zones by Map

A. The location and boundaries of the zones designated in TMC [18.10.020](#) are hereby established as shown on the map entitled “The Zoning Map of the City of Talent,” bearing the number of the ordinance codified in this title and authenticated by the signature of the mayor and city recorder endorsed thereon at the time of the passage of the ordinance codified in this title. The map shall be hereinafter referred to as the “zoning map.” An updated zoning map was adopted by Ordinance No. [817](#) (November 1, 2006) along with the reorganization of the zoning code.

FINDING: The applicant provided both an existing and proposed comprehensive plan and zoning map demonstrating the area of proposed change. If approved, the comprehensive plan and zoning maps will be updated to illustrate the change as proposed. **The provisions of this section have been met.**

18.10.040 Boundaries of Zones

Where uncertainty exists as to the boundaries of any zone as shown on the zoning map, the following rules shall apply:

D. Areas of dedicated streets or alleys and railroad rights-of-way which are not designated on the zoning map as being classified in one of the zones provided in this title shall be deemed to be unclassified and, in the case of railroad rights-of-way, shall be permitted to be used solely for the purpose of accommodating tracks,

signals, other operative devices and the movement of rolling stock. [Ord. 817 § 8-3A.240, 2006.]

FINDING: There are no areas of dedicated streets of alleys or railroad rights-of-way on the subject properties. **The provisions of this section are not applicable.**

18.10.050 Zoning of Annexed Areas

Zoning regulations in effect in an area prior to annexation to the city shall continue to apply and shall be enforced by the city until such time as a zone change has been adopted or a new zone created by the city for the annexed area. Newly created zoning districts shall conform to the city's comprehensive plan.

FINDING: The land area proposed for Comprehensive Plan Map re-designation to Residential – Low Density (RL) is presently designated as Commercial (C) on the Comprehensive Plan Map. The zoning of the area designated for Commercial is Highway Commercial (CH). The zone does not allow for the development of residential housing without a commercial component. The land area of proposed change from commercial to medium-density residential is consistent with the city's comprehensive plan. **The provisions of this section have been met.**

18.30. Residential Zone – Medium Density (RMD)

18.30.010 Description and Purpose:

The medium-density residential (RMD) zone is intended to provide a stable, healthful and livable residential environment with a variety of residential options, together with the full range of urban services, for those residents choosing to live in neighborhoods with small economic enterprises, such as home occupations and neighborhood commercial activity. [Ord. 966 § 2 (Exh. B), 2021; Ord. 952 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.210, 2006.]

FINDING: The proposal is to increase the area within the City of Talent that is primarily designated and zoned for medium-density, residential development. The proposed map change is in an area with convenient access to a full range of urban services including pedestrian and bicycle facilities, transit, urban level infrastructure including adequate potable water, sewer, storm drainage and electricity. The proposed area for the low/medium-density residential designation and zone is adjacent to other residentially designated property. The property is accessed by vehicles, pedestrians and bicycles from Mountain View Drive, a private road with direct access to W. Valley View Road.

As proposed, the requested map change would allow, at a minimum, 7.2 new residential dwelling units. The applicant has provided a conceptual site plan demonstrating the area of the property proposed for rezoning, and the potential for residential development. The conceptual plan identifies 10 new residential units, higher than the minimum. Any proposed residential development of the site shall meet the minimum density of 7.2 units per acre. The proposed future development will not exceed the maximum density of 14.5 units per acre. It will be within the range of minimum and maximum density for the area. The conceptual site plan and all future development of the property will be required to conform

to the process, procedures and development standards for Residential Medium Density development as required by the Talent Municipal Code. **The provisions of this section have been met.**

18.75. Public Land and Facilities (PLF)

18.75.010 Description and Purpose

The public land and facilities (PLF) district is designated for uses that promote and sustain the health, safety, and welfare of the citizens of Talent. It is appropriate for government offices; public facilities, utilities and services; police and fire stations; parks, open space, recreation facilities, and trails; and public schools and libraries.

The PLF district identifies public uses of land on the zoning map and protects them from inappropriate uses. Land owned or otherwise controlled by the federal government, the state, the county, the city, the fire district, or the Phoenix-Talent School District shall be designated PLF on the map. This designation serves notice to those owning or buying land in proximity to publicly owned land that it shall contain public uses. [Ord. 817 § 8-3G.110, 2006.]

FINDING: A portion of the property is in the FEMA 100-year floodplain and is identified on the Comprehensive Plan Map as Public Land and Facility (PLF) and in the Parks Master Plan as the Wagner Creek greenway. This proposal seeks to allow for the future development of the trail/path and the open space for the proposed development and dedication to the city for park purposes.

18.115 Development and Design Standards

18.115.010 Purpose

This chapter addresses access management, multimodal circulation, public improvements, and dedications and setbacks. One of the primary purposes of this chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of alternative transportation options, including, but not limited to, carpooling, walking, transit and bicycling. This chapter is also intended to implement the transportation system plan (TSP) portion of the comprehensive plan.

The dedications, improvements and/or setbacks required by this chapter must be met or complied with, or provisions made to ensure complete compliance, before any building permits shall be issued. [Ord. 966 § 2 (Exh. B), 2021.]

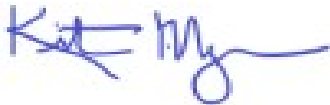
FINDING: The proposed development will maintain the 50-foot “safe Harbor” setback from Wagner Creek and will maintain the area as open space consistent with this section of the Talent Municipal Code. The floodway portion of the property will be dedicated to the city as a permanent open space. This area will be developed as a pathway for pedestrian access and circulation and will be conveyed to the City of Talent.

There are no street improvements or dedications requested or proposed with this application. Mountain View Drive was an approved access and circulation as per TMC section 18.115.060 and adequate easement for the use of Mountain View Drive as a primary site access to the future development. The existing access on Mountain View Drive provides reasonable access to private property and allows for safe and efficient travel for vehicles, bicycles and pedestrians.

Derek Volkart
Planning Commission Chair

Date

ATTEST



Kristen Maze
Community Development Director

September 26, 2023

Date

ORDINANCE NO. 2021-981-O

AN ORDINANCE FOR A CHANGE OF ZONE OF 2.01 ACRES FROM HIGHWAY COMMERCIAL (HC) TO MEDIUM DENSITY RESIDENTIAL (RMD) FOR PROPERTY LOCATED AT 300 WEST VALLEY VIEW ROAD

WHEREAS, the City Council finds the proposed Zoning Map amendment is consistent with the City's Comprehensive Plan and Oregon's Statewide Planning Goals, and

WHEREAS, the City Council finds the proposed Zoning Map Designation provides additional medium density residential land needed by the city for future residential development, and

WHEREAS, the City Council finds that proposed Zoning Map amendment application was duly noticed in the Grants Pass Courier and to property owners within 250 feet on August 30, 2023, and further noticed in the Grants Pass Courier on October 7, 2023, and

WHEREAS, the City Council is considering this application in conjunction with file CPA 2023-001. A decision approving REZ 2023-001 can be made only subsequent to a decision on file CPA 2023-001, and

WHEREAS, by a unanimous vote on September 26, 2023, the Planning Commission recommended approval of the change of zone, and

WHEREAS, the City Council finds that during the public hearing on October 18, 2023, evidence was presented, and the public was given an opportunity to comment, and

NOW THEREFORE, THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. REZONING: That the zoning designation of Tax Lot 1903, Jackson County May number 38-1W-23D, as shown on the map labeled as Exhibit A, attached, be changed from Highway Commercial (CH) to Medium Density (RMD). This decision is based on the information presented in the Staff Reports and Findings of Fact below.

SECTION 2: That the proposed rezoning as described herein has been advertised and publicly noticed in accordance with TMC 18.190.060.

SECTION 3: Under the provisions of the 2017 Talent Charter, Chapter VIII, Section 33, the provisions of this ordinance shall take effect 30 days after adoption.

Duly enacted by the City Council in open session on October 18, 2023 by the following vote:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

Lucero Martinez, City Recorder and Custodian of City records

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: Goal 12, OAR 660-12-0060(1) requires that a local government ensure that an amendment to a functional plan and acknowledged comprehensive plan or a land use regulation does not significantly affect transportation.

According to the Traffic Assessment completed by Southern Oregon Transportation Engineering, LLC. on June 17, 2020, the proposed change will not generate levels of traffic over the existing commercial designation. Therefore, there is no change in the functional classification of the existing or planned transportation facility. No comments were provided by ODOT to refute this analysis.

The analysis further concludes that the proposed change will not increase traffic levels or cause patterns that would change the standards implementing a functional classification system or that would degrade the performance of the transportation facilities.

As demonstrated in the letter from the applicant's Traffic Engineer, the proposed map change will generate less vehicle trips than the commercial designation, meeting Transportation Planning Rule (TPR) requirements. Additionally, the Planning Commission can find that the conceptual residential development will not generate more than 500 average daily trips or 50 peak hour trips. Traffic generation will be verified again at the time a Site Development Plan is submitted. **The provisions of this section have been met.**

OREGON STATEWIDE PLANNING GOALS

STATEWIDE PLANNING GOAL 1 – CITIZEN INVOLVEMENT

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

FINDING: A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in the Mail Tribune and notification on the subject property. Additionally, the City has posted the pending application on the City's website and online web map. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 2 – LAND USE PLANNING

2. Minor Changes Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

FINDING: The proposed map change demonstrates compliance with the City of Talent Comprehensive Plan Goals and Policies and does not have a significant effect beyond the immediate area of change.

A change in designation or zone from commercial to high-density residential is consistent with Goal 10 and with the City's Housing Element which suggests the conversion of surplus commercial and industrial lands to residential or the intensification of existing residential land provided the change doesn't create a deficit of land. The proposed map change will provide an opportunity, when converted to a high-density residential to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the City. Included in this proposal is a request to change the zone from Commercial Highway (CH) to Multiple-Family High-Density (RM-HD). Subsequent to this review and approval, the change in zoning designation can be approved. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 9 – ECONOMY

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: The proposed map change will not have a negative impact on the surplus of commercially zoned land in the city. The Economic Opportunities Analysis (EOA) demonstrates the City of Talent has a demand of 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial and industrial land currently within the UGB. The city currently has a 62-acre supply of Commercially zoned land, a surplus of approximately 44 acres. A request to remove 2.01 acres of land from the commercial inventory will continue to provide a 43-acre surplus of commercial land and will not have a negative impact on potential commercial development. **The provisions of this Section have been met.**

STATEWIDE PLANNING GOAL 10 – HOUSING

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

FINDING: As proposed, this application would convert 2.01 acres of commercial land to medium-density residential land, providing an opportunity for more multi-family housing types.

The 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 adopted into the Housing Element, 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 proposed map change will provide an opportunity, when converted to a low/medium density residential area, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. Solutions for the housing deficit require intensification of existing residential land and the conversion of land currently designated or zoned commercial or industrial to residential.

STATEWIDE PLANNING GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

FINDING: The findings addressing Comprehensive Plan Element D, Transportation demonstrate compliance with Goal 12. The proposed map change provides adequate transportation for vehicles, bicycles and pedestrians. Additional findings supporting Goal 12 are also provided in OAR 660-012-0060 above. **The provisions of this section have been met.**

TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES

ELEMENT A – CITIZEN INVOLVEMENT

POLICY 2: Communication: Assure effective two-way communications between the City (elected and appointed city officials, as well as staff) and citizens.

FINDING: A public hearing before the Planning Commission and the City Council provides the required communication between the City and all interested parties. The public is notified of the public hearings through direct mailings, publication in

the Grants Pass Daily Courier and notification on the subject property. Additionally, the city has posted the pending application on the City's website and online web map. The applicant also held a neighborhood meeting with individuals notified within 250 feet of the proposed project. **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 near an existing city park (Lynn Newbry Park) and the Bear Creek Greenway and adjacent to Wagner Creek Greenway. Additionally, any approved site plan for the attached single family units will be subject to the development of a private open space area for use by the tenants. The applicant intends to enhance the greenway area along Wagner Creek, as identified in the existing comprehensive plan Park designation and within the Parks Master Plan and the Transportation System Plan. **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 entire site is located within a map flood hazard area and will be subject to Floodplain Review regulations at the time of Site Development Plan Review. A small area of the property is deemed undevelopable due to its location within the floodway, however approximately 0.8 acres of buildable land remains to accommodate the future residential development.

Future development will be subject to the prevailing building code at the time of submittal. The State Building Codes include reasonable measures to accommodate development within the floodplain and other 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, it addresses all modes of transportation and provides design standards for all new streets. The Talent Zoning Ordinance implements the goals and policies of the TSP.

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

The subject property fronts a collector street. Sidewalks fronting the parcel are improved to city standards and are consistent with the City's TSP. Additionally, RVTD has bus stop facilities along Oregon 99, less than a ¼ mile from the subject site to encourage use of the transit system.

A completed traffic analysis determined that the number of vehicle trips generated by remapping the commercial property to high-density residential will be reduced. As proposed, the change from commercial to high-density residential will not cause any of the intersections in the vicinity to operate at or below the required level of service. Primary access to the proposed high-density residential land will be from Mountain View Drive, a private street. The private street provides granted access to the subject parcel and is a legal means of access to the property. **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 17 acres of Commercial land for the 2016 – 2036 planning horizon. The EOA contains a Buildable Lands Inventory of commercial land currently within the UGB. The City currently has nearly a 62-acre supply of commercially designated/zoned land, a surplus of approximately 44 acres. A request to remove 2.01 acres of land from the commercial inventory will continue to provide

a 43-acre surplus of commercial land and will not have a negative impact on potential commercial development or create a deficit of commercial land. **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 vacant. Adjacent properties are currently developed and served by all necessary public facilities. The development of the subject property is infill development and can efficiently use the existing infrastructure.

Rogue Valley Sewer Service (RVSS) provides sanitary sewer facilities through a sanitary sewer line to Mountain View Estates. Storm water facilities are available in the West Valley View Road right of way and the systems have adequate capacity for the purposes of the proposed map change. Future development on the site will be required to comply with the standards in effect at the time of development.

ELEMENT G – HOUSING

POLICY 1: Plan to provide for a 20-year supply of suitable land for Talent’s housing needs within the existing urban growth boundary to the extent possible.

FINDING: As proposed, this application would convert 2.01 acres of commercial land to low-density residential land, providing an opportunity for more multi-family housing types.

The adopted Comprehensive Housing Element indicates the city will need an additional 109 acres of residential land to meet the projected growth in the next 20 years. Of these needed housing types there is a need for 77 acres of Low-Density Residential land and 17 acres of Medium Density Residential land and 15 acres of High-Density Residential and mixed use Commercial land. The Buildable Lands Inventory found that with a deficit of nearly 109 acres of residential land, talent does not have an adequate supply of residential land to mee the 20-year projected demand within its current Urban Growth Boundary (UGB).

The proposed rezoning is 2.01 acres. Of this, 1.54 acres are outside the Floodway. The proposed residential development can be found to mee the identified needed housing described in ORS 197.303, “needed housing” means all housing on land

zone4d for residential use or mixed residential and commercial use that is determined to meet the need show for housing within an UGB. Though not an area of significant acreage, the request provides an actual development area that will provide an additional land area for Medium Density Residential development. This proposed Comprehensive and Zone map change provides development that addresses a priority of homeownership.

The proposed map change will provide an opportunity, when converted to a medium-density residential, to minimize the shortage of available residential land. Residential land shortages negatively affect the affordability of housing of all housing types and densities within the city. 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 proposed low/medium-density residential designation/zone with a plan for multi-family development provides an efficient use of land on an infill property with adequate infrastructure. The proposed comprehensive plan map change and subsequent zone change will allow for the future development of additional multi-family or single-family attached dwellings. The minimum density for the medium-density designation is 7 units per acre. If approved, the medium density designation required would provide a density that 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 residential developments and its proximity to public services such as transit and parks.

The proposed map change would provide some relief to the short-term supply of needed housing for the next 12 months. The conversion of commercial land to medium-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 commercial 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 development. With an identified surplus of commercial land and a deficit of available residential land in both the short term and long term, converting the subject property from commercial land to high-density residential land has a 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.**

TALENT ZONING CODE

18.10.030 Establishment of Zones by Map

A. The location and boundaries of the zones designated in TMC [18.10.020](#) are hereby established as shown on the map entitled “The Zoning Map of the City of Talent,” bearing the number of the ordinance codified in this title and authenticated by the signature of the mayor and city recorder endorsed thereon at the time of the passage of the ordinance codified in this title. The map shall be hereinafter referred to as the “zoning map.” An updated zoning map was adopted by Ordinance No. [817](#) (November 1, 2006) along with the reorganization of the zoning code.

FINDING: The applicant provided both an existing and proposed comprehensive plan and zoning map demonstrating the area of proposed change. If approved, the comprehensive plan and zoning maps will be updated to illustrate the change as proposed, including the adjusted property line. **The provisions of this section have been met.**

18.10.040 Boundaries of Zones

Where uncertainty exists as to the boundaries of any zone as shown on the zoning map, the following rules shall apply:

D. Areas of dedicated streets or alleys and railroad rights-of-way which are not designated on the zoning map as being classified in one of the zones provided in this title shall be deemed to be unclassified and, in the case of railroad rights-of-way, shall be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock. [Ord. 817 § 8-3A.240, 2006.]

FINDING: There are no areas of dedicated streets of alleys or railroad rights-of-way on the subject properties. **The provisions of this section are not applicable.**

18.10.050 Zoning of Annexed Areas

Zoning regulations in effect in an area prior to annexation to the city shall continue to apply and shall be enforced by the city until such time as a zone change has been adopted or a new zone created by the city for the annexed area. Newly created zoning districts shall conform to the city’s comprehensive plan.

FINDING: The land area proposed for Comprehensive Plan Map re-designation to Residential – High Density (RH) is presently designated as Commercial (C) on the Comprehensive Plan Map. The zoning of the area designated for Commercial is Highway Commercial (CH). The zone does not allow for the development of residential housing without a commercial component. The land area of proposed change from commercial to high-density residential is consistent with the city’s comprehensive plan. **The provisions of this section have been met.**

18.30. Residential Zone – Medium-Density (RMD)

18.30.010 Description and Purpose:

The medium-density residential (RMD) zone is intended to provide a stable, healthful and livable residential environment with a variety of residential options, together with the full range of urban services, for those residents choosing to live in neighborhoods with small economic enterprises, such as home occupations and neighborhood commercial activity. [Ord. 966 § 2 (Exh. B), 2021; Ord. 952 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.210, 2006.]

FINDING: The proposal is to increase the area within the City of Talent that is primarily designated and zoned for medium-density, residential development. The proposed map change is in an area with convenient access to a full range of urban services including pedestrian and bicycle facilities, transit, urban level infrastructure including adequate potable water, sewer, storm drainage and electricity. The

proposed area for the low/medium-density residential designation and zone is adjacent to other residentially designated property. The property is accessed by vehicles, pedestrians and bicycles from Mountain View Drive, a private road with direct access to W. Valley View Road.

As proposed, the requested map change would allow, at a minimum, 7.2 new residential dwelling units. The applicant has provided a conceptual site plan demonstrating the area of the property proposed for rezoning, and the potential for residential development. The conceptual plan identifies 10 new residential units, higher than the minimum. Any proposed residential development of the site shall meet the minimum density of 7.2 units per acre. The proposed future development will not exceed the maximum density of 14.5 units per acre. It will be within the range of minimum and maximum density for the area. The conceptual site plan and all future development of the property will be required to conform to the process, procedures and development standards for Residential Medium Density development as required by the Talent Municipal Code. **The provisions of this section have been met.**

18.75. Public Land and Facilities (PFL)

18.75.010 Description and Purpose

The public land and facilities (PLF) district is designated for uses that promote and sustain the health, safety, and welfare of the citizens of Talent. It is appropriate for government offices; public facilities, utilities and services; police and fire stations; parks, open space, recreation facilities, and trails; and public schools and libraries.

The PLF district identifies public uses of land on the zoning map and protects them from inappropriate uses. Land owned or otherwise controlled by the federal government, the state, the county, the city, the fire district, or the Phoenix-Talent School District shall be designated PLF on the map. This designation serves notice to those owning or buying land in proximity to publicly owned land that it shall contain public uses. [Ord. 817 § 8-3G.110, 2006.]

FINDING: A portion of the property is in the FEMA 100-year floodplain and is identified on the Comprehensive Plan Map as Public Land and Facility (PLF) and in the Parks Master Plan as the Wagner Creek greenway. This proposal seeks to allow for the future development of the trail/path and the open space for the proposed development and dedication to the city for park purposes.

18.115 Development and Design Standards

18.115.010 Purpose

This chapter addresses access management, multimodal circulation, public improvements, and dedications and setbacks. One of the primary purposes of this chapter is to provide standards for attractive and safe streets

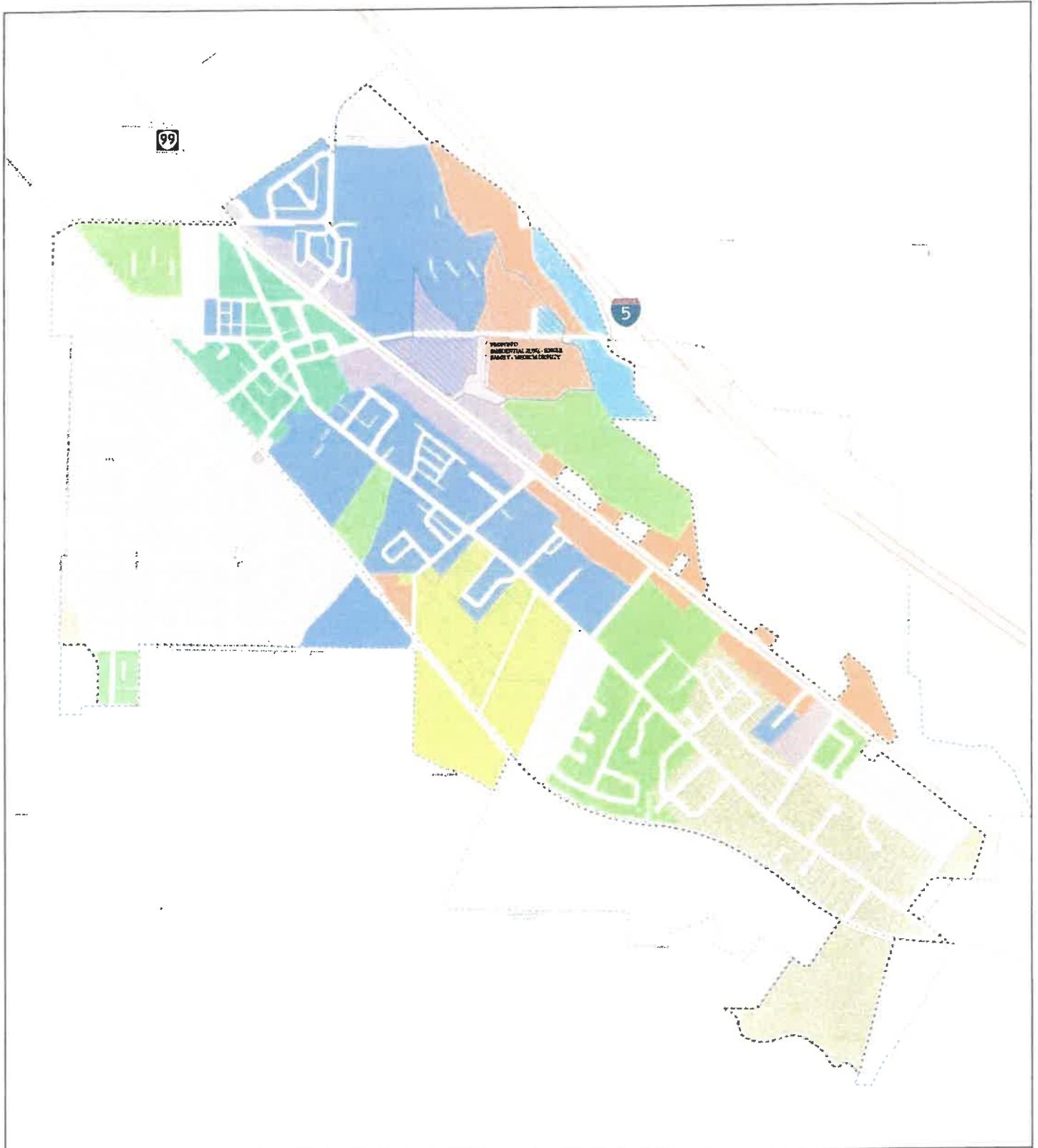
that can accommodate vehicle traffic from planned growth, and provide a range of alternative transportation options, including, but not limited to, carpooling, walking, transit and bicycling. This chapter is also intended to implement the transportation system plan (TSP) portion of the comprehensive plan.

The dedications, improvements and/or setbacks required by this chapter must be met or complied with, or provisions made to ensure complete compliance, before any building permits shall be issued. [Ord. 966 § 2 (Exh. B), 2021.]

FINDING: The proposed development will maintain the 50-foot “safe Harbor” setback from Wagner Creek and will maintain the area as open space consistent with this section of the Talent Municipal Code. The floodway portion of the property will be dedicated to the city as a permanent open space. This area will be developed as a pathway for pedestrian access and circulation and will be conveyed to the City of Talent.

There are no street improvements or dedications requested or proposed with this application. Mountain View Drive was an approved access and circulation as per TMC section 18.115.060 and adequate easement for the use of Mountain View Drive as a primary site access to the future development. The existing access on Mountain View Drive provides reasonable access to private property and allows for safe and efficient travel for vehicles, bicycles and pedestrians.

EXHIBIT A

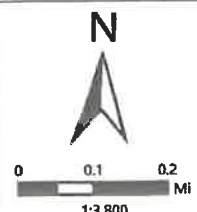


Zoning Map

Adopted: 11/1/2006 by ORD 817, Amended: 10/07/2020 by ORD 964, Effective: 10/07/2020

- | | |
|--|---|
| <ul style="list-style-type: none"> Urban Growth Boundary City Limit Overlay - Drive-up Tax Lot | <p>Zone Description</p> <ul style="list-style-type: none"> Commercial Zone - Central Business District Commercial Zone - Highway Central Business District Commercial Zone - Highway Commercial Commercial Zone - Interchange Commercial Zone - Neighborhood Industrial Zone - Light Residential Zone - Multiple-Family - High Density Residential Zone - Single-Family - Medium Density Residential Zone - Single-Family - Low Density Residential Zone - Manufactured Home |
|--|---|

Mapping is schematic only and bears no warranty of accuracy. This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed by the City prior to use for such purposes.



Plotted: 10/28/2020
By: Jeff Wilcox