



City of Talent

Planning Commission

Public Meeting

Thursday, April 28, 2016 – 6:30 PM

Talent Town Hall, 206 East Main Street

AGENDA

The Planning Commission of the City of Talent will meet on Thursday, April 28, 2016 at 6:30 P.M. in the Talent Town Hall, 206 E. Main Street.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

- I. **Call to Order/Roll Call;**
- II. **Brief Announcements by Staff;**
- III. **Consideration of minutes from the March 24, 2016 Planning Commission meeting;**
- IV. **Public Comments on Non-Agenda Items;**
- V. **Public Hearings;**
 - a. **Public Hearing** (Quasi-Judicial) **Site Plan Review** - *Consideration of a Site Development Plan allowing the construction of a commercial building and parking lot located at 105 W. Valley View Rd. and described as Township 38 South, Range 1 West, Section 23DD, Tax Lots 3200 & 3201. Files: **SPR 2016-002 & SPR 2016-004**. Decisions are based on the approval criteria found in Zoning Ordinance 8-3D.3 and 8-3L.1. Applicant: Embree Asset Group, Inc.*
 - b. **Public Hearing** (Legislative) **Development Code Amendment** - *Consideration of Text Amendments to the Talent Zoning Code adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping. New language allows the City to require a tree removal permit for heritage and significant trees and provides quantifiable standards for landscaping. **File: DCA2016-001**. Applicant: City of Talent.*

Note: 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.

The City of Talent is an Equal Opportunity Provider

VI. Discussion Items;

None

VII. Subcommittee Reports;

VIII. Propositions and Remarks from the Commission;

IX. Adjournment – Next Meeting May 26, 2016

Note: 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.

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**TALENT PLANNING COMMISSION
REGULAR MEETING
MINUTES
TALENT TOWN HALL
March 24, 2016**

Study Session and Regular Commission meetings are being digitally recorded and will be available on the City website: www.cityoftalent.org

The Planning Commission of the City of Talent will meet on Thursday March 24, 2016 in a regular session at 6:30 P.M. in the Talent Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012. The Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COMMISSION MEETING- 6:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the Minute Taker. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the Planning Commission.

I. Call to Order/Roll Call 6:33 P.M.

Members Present:

Acting Commissioner French
Commissioner Heesacker
Commissioner Milan
Commissioner Pastizzo
Acting Commissioner Riley

Members Absent

Commissioner Hazel
Commissioner Schweitzer

Also Present:

Zac Moody, Community Development Director
Betsy Manuel, Minute-Taker
Daniel Wise, City Councilor

II. Brief Announcements

Moody highlighted the number of Public Hearings slated for this meeting, stating that Planning Commission by-laws prohibits the meeting beyond 10:00 p.m. He outlined the alternatives as a

vote to continue after 10:00 p.m. or adjournment with a continuation of the matter at hand until the next regularly scheduled Planning Commission meeting.

III. Consideration of Minutes for February 18, 2016

Motion: *Commissioner Milan moved to approve the Minutes of February 18, 2016 as presented. Commissioner Pastizzo seconded and the motion carried. Acting Members French and Riley abstained. Riley was not present at the meeting, and French was present as a non-voting alternate.*

IV. Public Comment on Non-Agenda Items

There was none.

V. Public Hearing (Quasi-Judicial) Conditional Use Permit - Consideration of a Conditional Use Permit allowing the brewing, bottling and distribution of coffee from 806 S. Pacific Hwy. Ste. B and described as Township 38 South, Range 1 West, Section 25 B, Tax Lot 2600. File: CUP 2016-003. Decisions are based on the approval criteria found in Zoning Ordinance 8-3D.4 and 8-3L.2. Applicant: Garry L. Wood

The opening statement and approval criteria were read into the record. There was no exparte contact. Riley stated that the applicant was known to her but that there had been no exparte discussion.

Staff Report:

Moody noted that the application was to increase the uses within the warehousing space located at 806 S. Pacific Hwy. Ste. B. The original business license dated 2015 described a wholesale operation. Renewal in 2016 expanded the uses to include brewing, bottling and distribution of coffee.

Application of a conditional use permit was appropriate due to the bottling of beverages. Moody stated that the approval criteria had been met and the use was allowed in the zone. He noted negligible impact on the neighborhood, which is zoned commercial highway. (CH)

Moody reviewed the conditions as follows:

- Properly dispose of all waste other than normal runoff in an appropriate off-site location or in accordance with Rogue Valley Sewer standards.
- Trash and garbage depositories associated with the business shall be screened from the public right-of-way.
- Construction of any sewer service line requires a sanitary sewer permit from Rogue Valley Sewer Services (RVSS)
- Major noise generation shall only occur between 07:00 a.m. and 9:00 p.m.

PRIOR TO ISSUANCE OF BUSINESS LICENCE:

Provide evidence from RVS that all sewer related requirements have been met.

Moody recommended approval of the application.

PUBLIC HEARING OPENED

Applicant **Garry Wood** of 211 Gibson St. Talent, Oregon 97540 was not present. Property Owner **Steve Rouse** of 16000 N. Applegate Rd. Jacksonville, OR. was called forward on his behalf.

Rouse explained that applicant Garry Wood is an experienced business person of good repute who has lived in Talent for many years. As the property owner, Rouse stated that any potential impact from operating the manufacturing, bottling and distribution business would be minimal. He advocated in favor of the request.

PUBLIC HEARING CLOSED

Moody stated that all parking standards were met. French asked whether ODOT improvements along Highway 99 (planned for 2017) would impact truck deliveries and/or distribution. Moody indicated that there would be opportunities to work with ODOT prior to any actions that might be taken. He explained that ODOT is noticed for each Public Hearing, and that no comments had been received.

In response to a question by Milan, Moody indicated that the 2015 business license did not describe the business to the full extent of the use. Actual manufacturing, bottling and distribution of the product under current review began in October 2015.

Motion: *Commissioner Milan moved to approve CUP-2016-003 with conditions as stated in the staff report. Commissioner Pastizzo seconded and the motion carried unanimously by roll call vote.*

VI. Public Hearing (Quasi-Judicial) Conditional Use Permit - Consideration of a Conditional Use Permit allowing the operation of a wholesale marijuana business located at 806 S. Pacific Hwy. Ste. D and described as Township 38 South, Range 1 West, Section 25 B, Tax Lot 2600. File: CUP 2016-001. Decisions are based on the approval criteria found in Zoning Ordinance 8-3D.4 and 8-3L.2. Applicants: "Highly Distributed LLC" and "Davis, Hearn, Anderson & Turner."

The opening statement and approval criteria were read into the record. There was no ex parte contact.

Staff Report:

Moody reported that there was no criteria in Talent's code for a recreational cannabis wholesale business. He stated that the application would instead be reviewed as a wholesale operation, meeting general standards. Moody highlighted similarities between a wholesale operation and the proposed retail marijuana business which does have approval criteria in the Code. In addition, the State of Oregon has criteria for both wholesale and retail marijuana businesses and they are also similar.

Moody commented that the Planning Commission could apply conditions if it was found necessary to protect the live-ability of the surrounding area. Conversely the Planning Commission could opt out of criteria that currently applies to retail marijuana establishments. The proposed wholesale business would be adjacent to a residential neighborhood and within 750 feet of a Park.

Moody stated that general approval criteria such as parking, or buffering had been met. He suggested specific conditions related to marijuana as follows:

- No uses other than wholesale operations would be permitted unless approved through a conditional use review.
- No onsite consumption or use of marijuana products or tobacco.
- Security bars are disallowed on the exterior or interior of the building if they are visible.

Moody also noted that the applicant must provide a list of all products to be wholesaled or stored onsite. Jackson County fire District 5 reserves the right to determine whether a fire, life and safety inspection is necessary and/or that if a change of occupancy is required the applicant must comply with the new requirements. All improvements must meet the building code for the change of occupancy. Plans for appropriate air filtering and ventilation system must be completed and reviewed by the Building Inspector. The State approved wholesale license must be provided along with a list of names of all owners, operators, and employees. This list must be updated annually. Also to be provided on an annual basis prior to issuance of the annual business license is receipt of a complete copy of all financial records subject to audit, per Ordinance 14-875-O. Finally, a waste management plan must meet with local and State approval.

Commissioner Discussion

Milan questioned the feasibility of a system that could adequately contain marijuana odor. Moody replied that if a complaint occurs that there is an odor that has escaped into the atmosphere, then a review of the system would be warranted. In addition, it is required that the applicant would be asked to obtain certification of the system by a licensed professional.

French observed that marijuana businesses are under scrutiny by the State of Oregon through the OLCC licensing process, by vetting completed by the local Fire District, and by the City of Talent zoning codes for air quality and treatment of obnoxious odors. Moody stated that it was not known whether the State would monitor a business for air quality, but in his opinion, there was sufficient oversight at the local level. Riley emphasized the complaint driven process that would allow for the management of noxious odors should it become necessary.

PUBLIC HEARING OPENED

Chris Hearn of Davis, Hearn, Anderson and Turner PC was called forward. Business address is 515 E. Main St. Ashland, OR. 97520

Hearn reviewed a short history of the economics in the area, noting that the marijuana industry had the potential to spur the growth of a robust economic environment in Southern Oregon.

Hearn talked about House Bill 3400, stating that the marijuana industry would be stringently regulated and policed by OLCC (Oregon Liquor Control Commission) in addition to local and regional oversight.

Highly Distributed LLC would be conducting a wholesale marijuana business i.e. there would be no sales to the general public. The business would be limited to buy/sell arrangements with State licensed retailers and cannabis producers. Hearn briefly explained the OLCC process noting that each approval is based upon specifics: specifically authorizing individuals who pass rigorous background checks, to act as a specific business in a building that has met the myriad conditions that are unique to the space. The business will then be subject to ongoing oversight and inspection by OLCC agents etc.

Business will be conducted by appointment only and the product will be wrapped in sealed containers. It will not be open to the outside air. Hearn noted that the flowering stage of the plant triggers the most potent smell and Highly Distributed LLC would not be growing the product. Hearn assured the Commission that the protocols would be met, characterizing the business as a low key operation, with transportation on a small scale and transactions would not involve the general public.

Hearn presented an analogy that the cannabis business in Oregon is similar to that of the wine industry. He pointed out the intent that marijuana would no longer be sold in black markets or operated by the stereotypical drug cartels of the past. The product would be distributed in a manner similar to estate sales of fine wines.

Property Owner **Steve Rouse** of 16000 N. Applegate Rd. Jacksonville, OR. was called forward.

Rouse spoke on behalf of Jamin Giersbach, who will be acting as manager of the business, highlighting his former background in technology and his family values. Rouse stated that Giersbach was a key spokesman in Oregon's cannabis industry, and as such, holds himself to the highest standards.

Rouse stated that Giersbach assured him that the impact of the business on the building would be minimal and the security would be exceptional. He stated that the filtration system would be built around negative pressure: insuring that air would remain in the warehouse and would not be released into the atmosphere.

Andrew Robison of 3940 Foothill Rd. Medford, OR. was called forward.

Robison stated that he was the manager of the Talent Health Club, another business owned by Mr. Giersbach. He spoke to the efficacy of the sealed containers of cannabis – stating that the product must be sealed in childproof containers, and the packaging would protect the quality of the product as well.

Robison assured the Commission that cannabis product is not transported in semi-trucks or large commercial vehicles, negating the types of impact that come with large-scale manufacturing.

Chris Hearn of Davis, Hearn, Anderson and Turner PC was called forward.

Riley asked for clarification of the background checks and whether they were a part of Oregon's administrative rule. Hearn answered affirmatively.

PUBLIC HEARING CLOSED

Commissioner Discussion

Milan stated that in his opinion, there should be standards in the Code that ensures an appropriate air filtration system for all such businesses. He stated that enforcement of the standard should be substantial.

Moody replied that Condition # five of the prior application set the standard for air filtration systems as follows:

- “Submit plans for and install an appropriate air filtering and ventilation system to confine odors on the premises. Plans for the necessary air filtering and ventilation system shall be submitted to the Building Official for review and approval prior to installation.”

Moody stated that a condition prohibiting noxious odors could be added to this application, should the Commission so direct, while noting a caveat that stronger enforcement regarding confinement of smells could become problematic in that smells are highly subjective in nature. Moody noted that the nuisance code gives the City of Talent the authority to investigate any complaints on a case by case basis. He explained that the complaint process allows for a determination, works with the perpetrator to mitigate the situation and if the results are not satisfactory, provides the authority to cite the responsible party who then takes the matter to Talent’s municipal court. (AKA the Justice Court)

Heesacker noted that the application must be approved or denied based on the current standards in the Code. Moody reiterated that the Commission could impose a condition that would satisfy concerns about excessive odor. That said, the condition must be defensible and consistent with State law.

French discussed a concern about the proximity to a park. Riley debated the distance to the park as measured by Google Earth. She stated that a pedestrian walking to the park would stay on sidewalks and avoid fences etc. so that the end result conforms with the rules governing the distance. Moody noted that the directional measurement standard had been affirmed by Oregon law and was consistent with its application.

In reply to comments from Milan, Riley stated that enforcement was not the purview of the Planning Commission. She referred to the onerous State laws regarding the containment, packaging and transporting of marijuana, highlighting the obligation of the applicants to meet those standards. She recommended approval of the application.

Pastizzo noted that the conditions were common sense provisions and that his understanding of a conditional use permit, was that it allowed the Planning Commission to impose conditions on a case by case basis. He stated that settling disputes in a judicial courtroom was the democratic way to enforce applicable laws. He agreed that noise and smells were difficult issues to enforce and the right to appeal is a suitable remedy.

Milan indicated that the standard for odor was sufficient in this case but that there should be stricter standards set in the Code for consistent application when noxious odors are apparent.

Motion: *Acting Commissioner Riley moved to approval of CUP 2016-001 for a licensed recreational cannabis wholesale business for Highly Distributed LLC, with the conditions stated in the final order and with the addition of a condition as follows: Submit plans for and install an appropriate air filtering and ventilation system to confine odors on the premises. Plans for the necessary air filtering and ventilation system shall be submitted to the Building Official for review and approval prior to installation. Commissioner French seconded and the motion carried by roll call vote with Members Heesacker, French, Pastizzo, and Riley voting for and Member Milan voting against.*

8:00 p.m. There followed a five minute break as requested by Acting Commissioner Riley.

VII. Public Hearing (Quasi-Judicial) Conditional Use Permit - Consideration of a Conditional Use Permit allowing the operation of a recreational marijuana retail business located at 1007 S. Pacific Hwy. Unit G and described as Township 38 South, Range 1 West, Section 25 BD, Tax Lot 90007. File: CUP 2016-002. Decisions are based on the approval criteria found in Zoning Ordinance 8-3D.4 and 8-3L.2. Applicant: Talent Health Club LLC

The opening statement and approval criteria were read into the record with the addition of approval criteria from 8-3M.2. There were no exparte contacts.

Staff Report:

In introducing the application for a retail recreational cannabis facility, Moody focused on a condition that was not previously listed; namely that three concrete parking bumpers be placed in front of Units B and C and permanently dedicate one of the three spaces as an ADA space. He stated that the concrete barriers were needed to prevent potential damage to the building. In addition, Talent's ADA requirements mandate one dedicated ADA space per every twenty five parking spaces.

Moody presented an explanation for change of use, stating that the facility had been operating as a medical marijuana facility and was now requesting a conditional use permit to include recreational cannabis as well. Differences between the two uses could be described as a small scale limited use for medical marijuana, versus general public use as a recreational facility. Cannabis sales for medical purposes was structured as a not-for-profit business, while cannabis sales for recreational purposes was a for-profit business. Moody explained that the City intended to distinguish between the two uses when the pertinent codes were written. The request was non-conforming because the facility is located within 450 feet of Kamerin Springs Park.

Moody stressed the importance of consistency when agreeing upon the conditions for approval. He explained the steps taken that resulted in Talent's marijuana codes, including multiple opportunities for public input. As a result, Talent has the authority to enforce the codes on a local level as well as upholding the regulations at the State level.

Riley questioned the finding that stated the building was built prior to 1970. Moody acknowledged that this was in error – the building was actually built in 2008. He agreed to correct the record noting that a complete list of all products wholesaled or stored at the facility would still be required.

PUBLIC HEARING OPENED.

Chris Hearn of Davis, Hearn, Anderson and Turner PC was called forward.

Hearn stated that the location of this business was removed from any residential areas, and was in fact adjacent to an industrial area. Because of the remoteness of the business, complaints from neighbors are not likely. Hearn stated that the change of use consisted of the addition of products for recreational use: likening it to a clothing store that has opted to add shoes as a product line. He concluded that the impact would be negligible.

Andrew Robison of 3940 Foothill Rd. Medford, OR. was called forward.

He stated that he was the general manager for the facility. He highlighted a personal goal to make the world a better place. Robison relayed that his background as a vintner had allowed him to experience the economic benefits that a growth industry provided. He indicated that in his opinion, the cannabis industry would provide similar economic benefits. Robison stated that he would be doing his part to strengthen the community and pledged to be respectful of the communities he serves by meeting all State and local regulations that are imposed. He assured the Commission that business operations would be conducted in an upright manner, predicting that there would continue to be no nuisance complaints.

Robison stated that what was not clear at this time is whether medical marijuana and recreational marijuana could be sold at the same facility. It was his understanding that once a recreational license is issued by the State of Oregon, then medical sales must cease. He noted that the State permit would expire in December 2016, and the business would receive instruction from the State regarding the issue at that time.

Robison commented that in his experience, former patients who previously purchased cannabis for medical reasons, were now purchasing recreational marijuana instead – a cost effective alternative to carrying a medical card.

Chris Hearn was called back for a final statement. He stated that the owner was willing to make changes to the parking lot if necessary to meet Talent's parking requirements.

PUBLIC HEARING CLOSED

Moody noted that the parking requirement for this business calls for two ADA parking stalls because the parking lot is larger than 25 parking spaces. Heesacker presented the idea that a bike rack would be appropriate as well.

Commissioner Discussion

Riley asked about complaints or police reports made during the time the facility has been in business. Moody replied that there were no known complaints. Riley requested a change to the findings that measured the distance from the business to Karmarin Springs Park when walking or driving between the two at .65 miles.

Milan expressed continued concerns about the adequacy of the ventilation system. He stated that feedback received of residents (unrelated to the applications) indicated a real concern about noxious odors. Pastizzo highlighted his experience of encountering the odor when walking in Talent, stating that it was normally noticeable with a private grow rather than emanating from a place of business.

Motion: *Pastizzo moved for approval of CUP 2016-002. Riley seconded, amending the motion to change the distance between the facility and Karmarin Springs Park and substituting the pedestrian or vehicular measurement of .65 miles and adding one bicycle rack to the parking lot. Pastizzo accepted the amendment and the vote was passed by roll call vote with Members Heesacker, French, Pastizzo, and Riley voting for and Member Milan voting against.*

VIII. Public Hearing (Quasi-Judicial) Change of Non-Conforming Use - Consideration of a change in a non-conforming use allowing the operation of a recreational marijuana retail business within an existing non-conforming medical marijuana dispensary located at 103 N. Pacific Hwy. Unit B & C and described as Township 38 South, Range 1 West, Section 23 DC, Tax Lot 500. File: ZON 2016-014. Decisions are based on the approval criteria found in Zoning Ordinance 8-3D.2, 8-3L.2, and 8-3M.2. Applicant: Green Valley Wellness, LLC.

Staff Report: Moody stated that the application was similar to the previous applications except that the use was not currently permitted in the Central Business District Zone. He reviewed the use – stating that the request was to allow a change from the non-conforming use as a medical marijuana facility and to increase the availability of products to include recreational marijuana sales as well.

Moody recommended subjecting the application to the same criteria as would be allowed for a conditional use permitted in the zone, since it is operating at the same location. The site was also not completely compliant with parking regulations. Moody suggested the following remedies:

- I. Installation of a bumper guard for the parking space in front of Unit B.
- II. That two parking spaces in front of Unit C be removed due to safety concerns
- III. That two ADA compliant parking spaces be clearly delineated and properly signed
- IV. That all parking stalls are clearly marked, and directional signage refreshed

Moody reviewed a public comment from Kevin Bender, owner of the Anjou Club apartments that called for denial of the application because “the use as it exists is non-conforming”, and Bender has requested that it not become “more non-conforming”. Moody indicated that there were no standards in Talent’s codes that would provide direction on this issue. He reiterated that the projected impact should be minimal and consistent with the approvals for applications 2016-001, and 2016-002. He noted that there is more than 100 feet of separation between a residential area and the Central Business District as mandated by the City Council.

The opening statement and approval criteria were read into the record. There was no exparte discussion.

PUBLIC HEARING OPENED

Chris Hearn of Davis, Hearn, Anderson and Turner PC was called forward.

Hearn stated that the use was similar to that of the Talent Health Club in expanding the business to include recreational marijuana. He reported that the Code in place at the time of the original CUP approval did not include language restricting recreational marijuana sales. Since that time, the Code has been amended to prohibit any new dispensaries in the Central Business District Zone.

Hearn noted the presence of the liquor store adjacent to the proposed use, commenting that both businesses were regulated by OLCC. He alluded to the fact that the various medical marijuana facilities have been selling recreational product since the State approved the use in

October of 2015 and therefore it had been demonstrated that there would be no substantial impacts related to the expanded use.

There followed additional testimony by Hearn* and a brief debate by the Commission. French asked about the possibilities of moving the business. Hearn replied that re-location would be an onerous condition, hampered by the reluctance of landlords to allow a marijuana facility into their buildings, as well as the State and local regulatory requirements.

Michael Monarch of 103 N. Pacific Hwy. Suites B and C, was called forward.

Monarch noted that re-locating the business or closing the business would result in severe ramifications – including penalties for vacating a 10 year lease, loss of employment for nine employees, loss of revenue from services used by the employees, loss of tax revenue for the City and more.

Monarch spoke about the changes taking place in regulatory requirements as the State gains experience legislating recreational marijuana. He indicated that Green Valley Wellness, LLC would support economic vitality in Talent. He commented about the designation received from voters throughout the Rogue Valley that Green Valley Wellness was the most professional dispensary in 2015, second only to Talent Health Club. He noted that compliance with all regulations and conditions was the primary consideration of the business.

Monarch reported that the (positive) impact of marijuana sales has been demonstrated in Colorado where recreational marijuana has been a permitted use for the last two years. Colorado statistics document a decrease in violent crimes and in Medford there has been a reduction in teen use. Finally he stated that the medical efficacy was proven and managed growth will continue to add value to the City of Talent.

Peter Gross of 489 5th St. Ashland, OR. was called forward.

In response to a question by Heesacker, Gross noted that the current law regarding medical marijuana in Oregon was set to allow medical card holders to purchase cannabis without a tax. There were no current plans for that particular rule to expire. Gross qualified his statement, however by noting the marijuana laws are subject to change almost on a quarterly basis.

Gross addressed the odor issue, the benefits of creating a buffer against dispensaries in the Talent's downtown. Approval of the application would serve as a barrier another dispensaries seeking to locate in the downtown core.

Bobby Townsend of 15 Renault, Medford OR. was called forward.

Townsend noted that he was a current board member for the Talent Chamber of Commerce and the owner of several businesses, including an organic alcohol business. He spoke to the professionalism of those affiliated with Green Valley Wellness LLC. and expressed appreciation for the leadership in Talent for facilitating the cannabis business.

Gabriel Lamont of 100 North Pacific Hwy. # 81 Talent, OR. was called forward.

Lamont stated that he was an employee for Green Valley Wellness dispensary in Talent, and he resides at the Anjou Club. He indicated that there have been no issues with the apartment complex to date. He provided personal testimony, stressing family values and the benefits economic gain for conducting the business in Talent.

Kat Nadel of 130 Briarwood Talent, OR. was called forward.

Nadel noted her position as the general manager for Green Valley Wellness. She commented that the letter from the Anjou Club reminded her that an important part of the cannabis business was its responsibility to become an educational resource.

PUBLIC HEARING CLOSED

Commissioner Discussion

Milan stated an ongoing concern about air quality and spoke to the need for keeping cannabis from being sold in the downtown area.

Riley referred to the records detailing the original approval to allow the business to locate in its current location. She indicated that the zoning characteristics of the Central Business District (CBD) was to facilitate a pedestrian friendly center. She stated that in her opinion, the Commission who approved the existing facility might not have been aware that the location was actually in the CBD. She stated that at the time there was no indication that the approval would create a non-conforming use.

Riley stated that the Talent City Council approved the business at the current location and for that reason and others, she recommended approval of the expanded use. Milan replied that the original approval was for a medical marijuana dispensary – not a recreational facility. He advocated against a recreational marijuana facility in the CBD.

Pastizzo stated that given the testimony and current regulatory environment, it seems that medical marijuana use is in a state of flux and will be phased out as the uses combine. He stated that in his opinion, the application was more of a change of use rather than an expansion of the use.

Moody noted that the required Land Use Compatibility Statement directly addressed the use as allowed in the zone. He explained that Green Valley Wellness had been approved prior to adoption of the Ordinance that prohibits dispensaries in the CBD, and is therefore an existing use. He stated that in Talent code, expansion of the non-conforming use typically includes the expanded footprint of the building. In this case, the use is not expanding; it is changing.

Councilor Wise stated that the Talent City Council has been consistent in their approvals for dispensaries and would most likely affirm the existing use, and allow the changing use.

There followed a brief discussion about a possible reply to the letter of complaint. Heesacker stated that in his opinion, the odor issues stems from outdoor grows and not from dispensaries.

Motion: *Commissioner Riled moved to approve CUP 2016-014 in its existing location with the conditions listed in the final order and including the addition of a bicycle rack to the parking lot.*

Commissioner French seconded and the motion was passed by roll call vote with Members Heesacker, French, Pastizzo, and Riley voting for and Member Milan voting against.

IX. Discussion Items

There were none.

X. Subcommittee Reports

French reported that she attended the Citizens Advisory Commission, but asked that the report be postponed to the next regularly scheduled meeting.

Pastizzo stated that he might not be present at the meeting that would be held on April 28, 2016.

XI. Propositions and Remarks from the Commission

Moody noted that the next meeting would likely include a site plan review and a possible public hearing. He stated with Commission permission, he would also like to schedule a public hearing for the amendments of the Tree and Landscape Code. He proposed that the order of the Agenda be changed to review the site plan first, followed by final consideration of the Tree and Landscape Code. He further commented that if there were two Public Hearings scheduled for April meeting he would re-schedule the hearing for the Tree and Landscape changes.

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9.45 p.m.

Submitted by: _____ Date: _____

Attest:

Zac Moody, Community Development Director

Chair Heesacker

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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.

City of Talent

Community Development Department - Planning



STAFF REPORT

Type-3 Land Use Application — Planning Commission

Meeting date: April 28, 2016
Prepared by: Zac Moody

File no: SPR 2016-002/004
Item: Commercial Retail

GENERAL INFORMATION

Applicant Embree Asset Group, INC.

Assessor's Map Number 38-1W-23DD Tax Lot 3200 and 3201

Site Location 105 W. Valley View Rd.

Site Area..... Parcel 1 - 0.7 Acres (30,492 sq. ft.)
Parcel 2 – 1.02 Acres (44,431 sq. ft.)

Zoning CBH – *Highway Central Business District*

Adjacent zoning and land uses.....North: RM-22 – *Multiple Family – High Density*
.....South: CBH – *Highway Central Business District*
.....East: CBH – *Highway Central Business District*
.....West: RM-22 – *Multiple Family – High Density*

Applicable Code Sections Articles 8-3D.3 and 8-3L.1

120-Day Limit..... July 17, 2016

PROPOSAL

Embree Asset Group, INC. has formally submitted a Site Development Plan review with the City for a proposed commercial project located on W. Valley View Rd. The proposal is to construct a 9,100 square foot retail building to house Dollar General. Dollar General is a small scale neighborhood retail store that sells products similar to larger big box stores but in a smaller footprint.

The retail store as proposed, would be located at 105 W. Valley View, between SNAP Fitness and the Anjou Club apartment complex. The proposed building occupies a small portion of the southern parcel (Parcel 1) with the primary entrance to the store facing east toward SNAP Fitness. The southern portion of Parcel 2 (northern parcel) serves as an addition parking area

and possible stormwater detention area while the most northerly portion of the parcel remains undeveloped.

The site has been designed to provide adequate buffers to the adjacent residential properties to the west (Anjou Club Apartments) and to the northeast (Oak Valley Subdivision) and parking for the proposed site is located away from any residential uses.

BACKGROUND

The development site consist of two parcels. The applicant has submitted two separate site plan review applications; one for each parcel. The application for the proposed parking area on Parcel 2 is a Type II review and the application for the development of the retail site is a Type III review. Since the applications were filed together, the Type II application has been consolidated and will be processed concurrently as a Type III Planning Commission Review.

Both parcels (Parcel 1 and Parcel 2) were created in 1995 by Partition Plat No. P-8-1995 with the remaining parcel (Parcel 3) being developed as a small retail building now used by SNAP Fitness and Edward Jones insurance.

Parcel 1 and 2 are currently developed with a 24 foot driveway and emergency vehicle turn-around. Both parcels serve as secondary access for SNAP Fitness and Edward Jones insurance through a shared access agreement. Utilities for all three parcels are within a PUE that will continue to be used to serve Parcel 1 and 2 for the new development.



PROPERTY CHARACTERISTICS

The site is located between SNAP Fitness/Edward Jones and the Anjou Club Apartments. The property is surrounded by residential to the west and north/northeast and commercial to the east. The parcel slopes to the northeast and presents a relative steep grade change from W. Valley View. The parcel is not located within the 100 or 500 year floodplain as shown on the 2011 FEMA Flood Hazard map.

Stormwater/Waste Water

Stormwater is currently available to the site.

Water Service

Water service is currently available to the site.

APPROVAL CRITERIA

8-3 Division D. Article 3 of the Talent Zoning Ordinance regulates Highway Central Business District. The purpose of Highway Central Business District is to “*serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBH zone shall be developed with full accommodation for all travel modes, but will tend to be more automobile oriented than the CBD zone.*”

8-3 Division L. Article 1 of the Talent Zoning Ordinance regulates Site Plan Reviews. The purpose of a site plan review is “*determine and establish compliance with the objectives of the Zoning Code in those zones where inappropriate development may cause a conflict between uses in the same or an adjacent zone and to determine the conformance with any City plan.*” Approval of a site plan or site plan amendment must comply with this section.

AGENCY COMMENTS

Rogue Valley Sewer Service (RVS) requested that approval of the proposed development be subject to the following conditions:

1. Applicant must obtain a sewer connection permit from RVS prior to the start of building construction. Permit will be issued by RVS upon payment of related development fees. ***This condition was addressed in the proposed findings and in the conditions of approval (condition #4).***
2. Applicant must submit a stormwater management plan demonstrating compliance with the stormwater quality standard in the Regional Stormwater Quality Design Manual. Plan must be approved by RVS prior to the start of construction. ***RVS is the City’s MS4 Phase II permit holder and has regulatory control of the City’s stormwater management. This condition was addressed in the proposed findings and in the conditions of approval (condition #3, condition #6b and condition #7).***
3. Applicant must obtain an NPDES 1200-C Erosion Control Permit from RVS prior to the start of any ground disturbing activities. ***Erosion control permits***

are mandated by State Statute and the Department of Environmental Quality (DEQ). This condition was not addressed in the proposed findings since it is required by State Law, but it was added as a general condition of approval (condition #2).

The Rogue Valley Council of Governments (RVCOG) provided the following comments in regards to the proposed development:

The project location is within an “Activity Center” as identified by the City of Talent as part of the RVMPO Regional Transportation Plan, Alternative Measures. In order for this project to be counted toward the region meeting Alternative Measure #6: Percent of New Employment in Mixed Use/Pedestrian-Friendly Areas, the RVMPO encourages the City/Developer to consider certain design elements.

In order to satisfy the benchmark, businesses must meet the following standards:

- *Provide no parking between the building and street – **Threshold Met***
- *Provide a main entrance from the street – **Threshold NOT met***
- *Include a vertical mix of housing – **Threshold NOT met***
- *The project be within ¼ mile of higher density residential development – **Threshold Met***
- *A complete pedestrian connection exists between the project and the higher density residential development – **Threshold Met***

Considering that the proposed development is retail in nature, the benchmark for including a vertical mix of housing can't be met. Additionally, the shape of the parcel with the existing access does not allow the orientation of the building to be towards the street; therefore that benchmark also can't be met. Many of the standards in the Talent Zoning Code ensure that these benchmarks are met, however, in the case of irregular lots and the proposed use it is sometimes not possible, as in this case. The developer was able to meet four (4) of the six (6) benchmarks.

PUBLIC COMMENTS

No public comment have been submitted to Community Development in writing, however, Staff did receive one phone call requesting general information. The citizen making this inquiry was supportive of the proposal.

CONSIDERATIONS

The proposal generally meets the standards and criteria in the Talent Zoning Code. However, there were a few issues that Planning and Public Works staff determined needed refinement. These refinements are included in the proposed final orders and subsequent conditions of approval.

RECOMMENDATION

Based on the findings for the Site Development Plan, staff recommends **APPROVAL** of the application, with conditions as outlined in the Proposed Final Order.

ATTACHMENTS

The following information was submitted regarding this application:

- Applicant's Statement
- Proposed Site Plan
- Proposed Landscape Plan
- Proposed Building Elevations
- Public Comment
- Proposed Final Order



Zac Moody, Community Development Director

April 20, 2016

Date

Staff has recommended this proposal for approval, but it will require at least one public hearing before the Planning Commission for a decision. The Talent Zoning Code establishes procedures for quasi-judicial hearings in Section 8-3M.150.

A public hearing on the proposed action is scheduled before the Planning Commission on April 28, 2016 at 6:30 PM at the Town Hall.

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 zmoody@cityoftalent.org.



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

Project Description: 9160 SQ FT RETAIL BLDG.
Property Owner: LAUREN D. YOUNG
Mailing Address: 3825 N. UMPQUA HWY. ROSEBURG, OR. 97470
Phone: 541-672-6745
Street Address: W. VALLEY VIEW RD., OR.
Email Address: TJ@LAURENYOUNGTIRE.COM
Applicant/Consultant: Mailing Address: 2355 E. CAMELBACK RD. #315 PHOENIX, AZ 85016
Phone: 602-824-9712

Table with 4 columns: Assessor's Map Number, Tax Lot Number, Acres, Zone. Row 1: 38-1W-SEC. 23, 1-0818057, 0.7 AC, MH/PD. Row 2: 38-1W-

Subzone (if applicable)

Pre-Application Meeting Completed? [X] Yes [] No [] N/A Date Completed: 7/29/15

Type of Application (check all boxes that apply)

Form with two columns of checkboxes. Left column: Site Development Plan Review (checked), Variance, Conditions Modification, Annexation, Accessory Dwelling Unit, Appeal (flat fee). Right column: Conditional Use Permit, Home Occupation, Code Interpretation, Comprehensive Plan Amendment (text), Comprehensive Plan Map/Zoning Map Change, Development Code Amendment.

APPLICATION DEPOSITS (Application fees are calculated by ACTUAL PROCESSING COSTS)

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

Applicant's Signature: [Handwritten Signature]
Property Owner's Signature (required): [Handwritten Signature]

Date: 2/9/14
Date: 2-9-2016

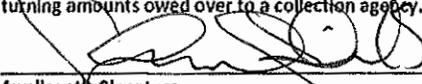
APPLICATION FEES & DEPOSITS

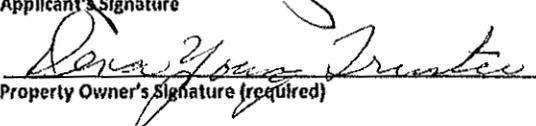
Fees and deposits are intended to cover the full cost for processing applications. Applicants seeking development which requires more than one type of review (such as site plans and conditional use permits) must pay all applicable fees and deposits.

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

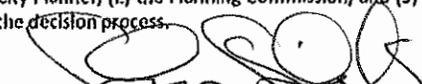
Fixed Fee Applications: Fees are non-refundable and are based on average application processing costs rounded to the nearest dollar.

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


 Applicant's Signature _____ Date 2/9/16


 Property Owner's Signature (required) _____ Date 2-9-2016

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


 Applicant's Signature _____ Date 2/9/16


 Property Owner's Signature (required) _____ Date 2-9-2016

FOR OFFICE USE ONLY			
Deposit Paid (Amount):	Date:	Received By:	File Number:
\$1332.00	2/18/16	JW	SPR 2016-002

(¹⁰³⁶+ 296) CONSOLIDATED

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

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Phone: (541) 535-7401 Fax: (541) 535-7423 www.cityoftalent.org

GENERAL LAND USE APPLICATION

Project Description: 9100sq. Ft. RETAIL BLDG.
Property Owner: LAUREN D. YOUNG
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Phone: 541-672-6745
Street Address: W. VALLEY VIEW Rd., OR.
Email Address: TJ@LAURENYOUNGTIRE.COM
Applicant/Consultant: 2355 E. CAMELBACK Rd. #315 PHOENIX, AZ. 85016
Phone: 602-834-9712

Table with 4 columns: Assessor's Map Number, Tax Lot Number, Acres, Zone. Row 1: 38-1W-SEC. 23, 1-0860355, 1.02 AC, C-3. Row 2: 38-1W-

Subzone (if applicable)

Pre-Application Meeting Completed? [X] Yes [] No [] N/A Date Completed: 7/29/15

Type of Application (check all boxes that apply)

Grid of application types with checkboxes: Site Development Plan Review (checked), Variance, Conditions Modification, Annexation, Accessory Dwelling Unit, Appeal (flat fee), Conditional Use Permit, Home Occupation, Code Interpretation, Comprehensive Plan Amendment (text), Comprehensive Plan Map/Zoning Map Change, Development Code Amendment.

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Applicant's Signature: [Handwritten Signature]
Property Owner's Signature (required): [Handwritten Signature]

Date: 2/9/16
Date: 2-9-2016

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Applicant's Signature [Signature] Date 2/9/16

Property Owner's Signature (required) [Signature] Date 2-9-2016

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Applicant's Signature [Signature] Date 2/9/16

Property Owner's Signature (required) [Signature] Date 2-8-2016

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GENERAL LAND USE APPLICATION

Project Description: 9100sq. Ft. RETAIL BLDG. Parking Lot
Property Owner: LAUREN D. YOUNG
Mailing Address: 2825 N. UMPIQUA HWY. ROSELBURG, OR 97470
Street Address: W. VALLEY VIEW RD., OR.
Email Address: TJ@LAURENYOUNG.TIRE.COM
Applicant/Consultant: Mailing Address: 2355 E. CAMELBACK RD. #315 PHOENIX, AZ. 85016 Phone: 602-834-9712

Table with 4 columns: Assessor's Map Number (Township, Range, Section, Quarter Section), Tax Lot Number, Acres, Zone. Row 1: 38-1W-SEC. 23, 1-0860355, 1.02 AC, G-3 CBH. Row 2: 38-1W-

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Property Owner's Signature (required): [Signature]

Date: 2/9/16
Date: 2-9-2016

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Property Owner's Signature (required) [Signature] Date 2-8-2016

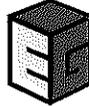
FOR OFFICE USE ONLY			
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\$ 1332.00	2/18/16	JW	202 2016 - 004 002

(1036)
(+ 296) CONSOLIDATES

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ASSET



February 18, 2016

Zac Moody
City of Talent
Community Development
P.O. Box 445
Talent, OR 97540

RE: Site Development Plan
Dollar General at West Valley View Road

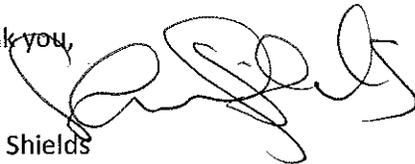
Mr. Moody

Embree Asset Group, Inc. would like to formally submit the Site Development Plan for review with the City of Talent for a proposed commercial project located on West Valley View Road. It is our intention to construct a 9,100 sq. ft. commercial building and parking on parcel one and associated parking on parcel two as shown on the attached site plan. Please see below the list of items submitted with this letter and the code criteria:

1. General Land Use Application for both parcels, signed by owner and applicant
2. Check for fees - \$1,332.00 #505426
3. Site Plan for each parcel - Ten (10) Copies
4. Color Building Elevations - Ten (10) Copies
5. Landscape Plan - Ten (10) Copies
6. Code criteria addressed below

Thank you in advance for your prompt attention to this submittal, If you have any questions or need any additional information, please contact me at jshields@embreegroup.com or 602-824-9712.

Thank you,



John Shields
Sr. Design Manager
Embree Asset Group, Inc.

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Page 1 of 3

ASSET



Code Criteria:

Section 8-3D.4 Central Business Highway Zone

The project falls within the "Buildings and uses permitted subject to type-3 site development plan review". This is a 9,100 Sq. Ft. retail sales building and per section 8-3D.440 will require the site development plan review and public hearing process.

Section 8-3H.2 Flood-Parks-Greenway

The site is adjacent to a flood zone on the northeast portion of parcel two. There is no planned development to this portion of parcel two. There will be no disturbance of the existing natural grades in this area, so the flood zone will not be impacted by this development. This site is not adjacent to a greenway.

Section 8-3J.1 General Provisions

This proposed building location meets the building set back requirements as described in Section 8-3J.121. The proposed Dollar General building has an overall building height of 21', which is below the 30' maximum building height requirement. The buffering requirement will be addressed with a 6' wood fence to screen this site from the adjacent residential homes.

Section 8-3J.3 Fences and Hedges

As stated above this site will provide a 6' wood fence to screen the site from adjacent properties and the residential homes to the east.

Section 8-3J.4 Trees and Landscaping

The attached landscape plans demonstrate that the site will conform to section 8-3J.4 for on-site and off-site (Public) landscaping. The site currently is vacant and does have four existing trees at the southwest corner of the site that would require the need for a tree preservation plan.

Section 8-3J.5 Off Street Parking

As provided in section 8-3J.5 table 540-1 Parking requirements by use. This site will use 1 space per 400 Sq. Ft. of gross floor area. For the 9,100 Sq. Ft. proposed retail building this will be 23 parking spaces required. The proposed site plan shows 23 parking spaces provided on parcel one. Parcel two will provide 7 additional parking spaces on its own. Since the proposed retail building is less than 10,000 Sq. Ft. no loading space is required for this site. As provided in section 8-3J.5 table 540-2 "Minimum number of accessible parking spaces ". The site has a total of 30 parking spaces including both parcels. This would require 1 accessible parking space. The proposed site plan provides two accessible parking spaces. With a total of 30 parking spaces the proposed site will provide three bicycle parking spaces.

Section 8-3J.6 Access, Circulation and Street Improvements

The site will utilize the existing curb cut on West Valley View Road. The site plan proposes to reconstruct the east curb of the drive to make the drive transition smoother than the existing condition. West Valley View Road has existing improvements including curb, gutter and

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ASSET



sidewalk that will not need to be revised or updated. There is also adequate right-of-way on West Valley View Road so no additional right-of-way will be required to be dedicated. The site plan accommodates pedestrian access to the existing public sidewalk located along West Valley View Road. The internal circulation is achieved with 30' wide access drives and 9' by 20' parking spaces.

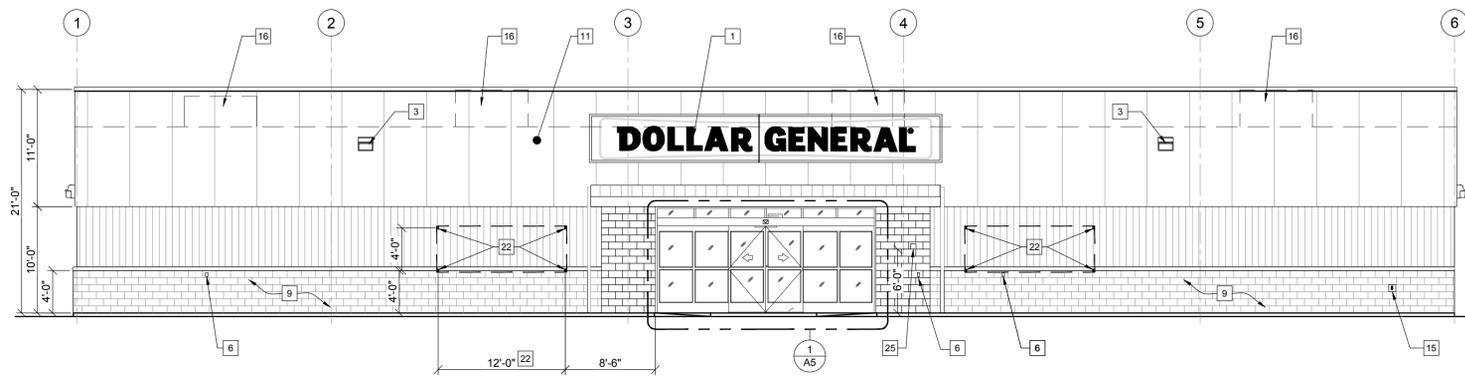
Section 8-3J.7 Signs

Dollar General understands that a separate sign permit is required for this site. Proposed signs and signage requirements will be addressed during the sign permit submittal.

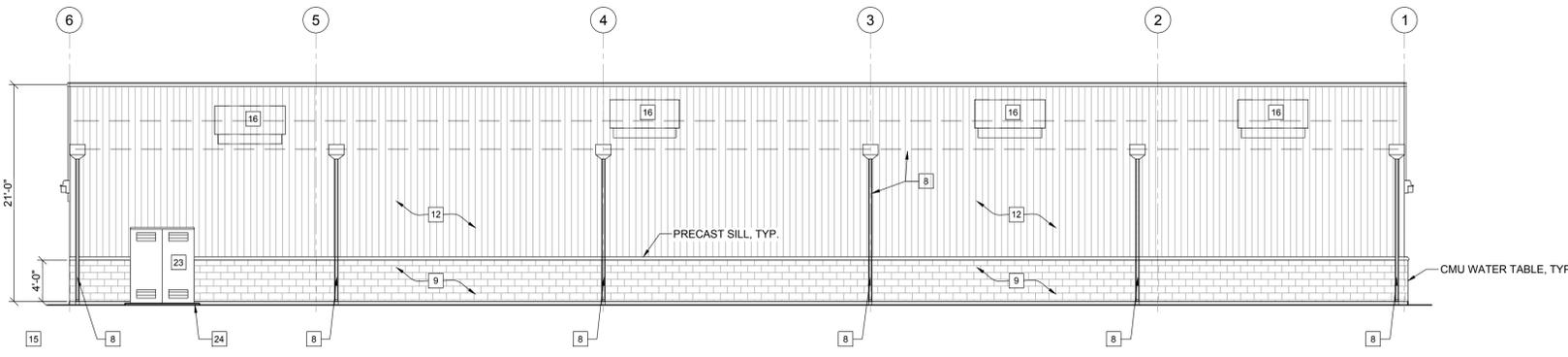
Section 8-3L.150 Required Findings for approval of Plan

- a. Provisions of Title 8, Chapter 3 are complied with;
- b. The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;
- c. Applicable portions of the City comprehensive plan are complied with;
- d. The proposed development will be compatible with or adequately buffered from other existing uses of land in the surrounding area;
- e. That no wastes, other than normal water runoff, will be conducted into City storm facilities;
- f. The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:
 1. buildings, structures, and improvements;
 2. vehicular and pedestrian ingress and egress, and internal circulation;
 3. parking and loading facilities;
 4. setbacks and views from structures;
 5. walls, fences, landscaping and street and shade trees
 6. lighting and signs; and
 7. noise generation facilities and trash or garbage depositories.
- g. This site does not require any street and other public facility and service improvements and is in conformance with the standards and improvements set forth in title 8, chapter 3.

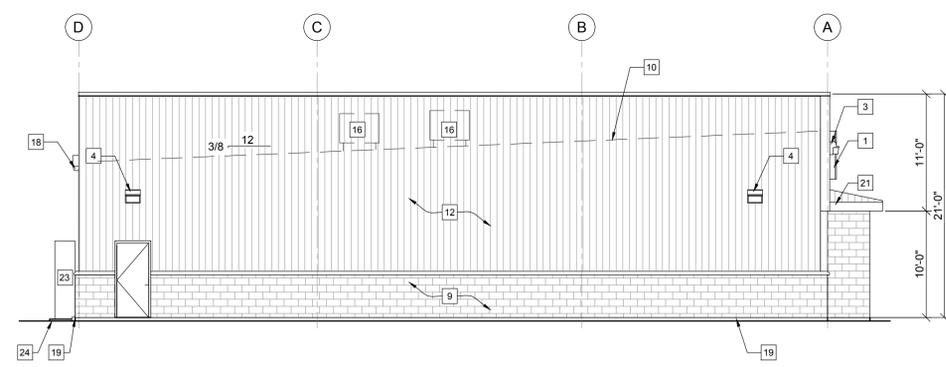
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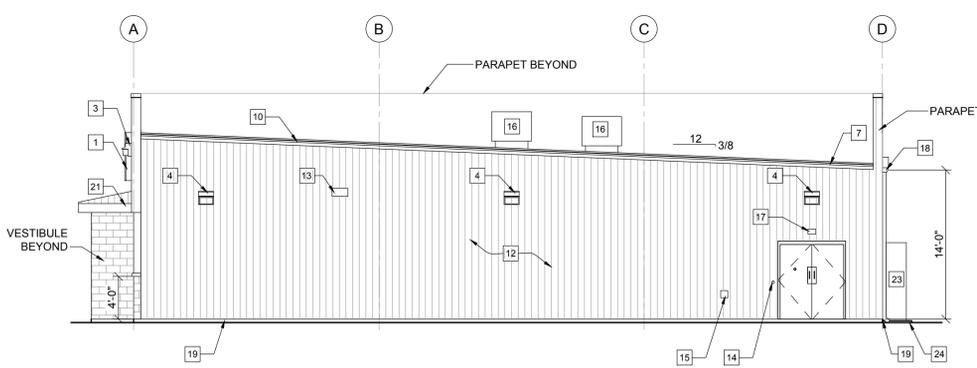
1 FRONT ELEVATION
A02 SCALE: 1/8"=1'-0"



2 REAR ELEVATION
A02 SCALE: 1/8"=1'-0"



3 LEFT ELEVATION
A02 SCALE: 1/8"=1'-0"



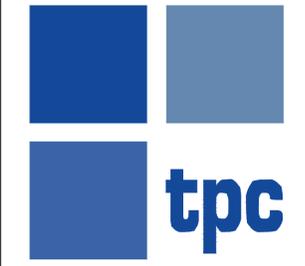
4 RIGHT ELEVATION
A02 SCALE: 1/8"=1'-0"

ELEVATION KEYED NOTES

- 1 SIGN FURNISHED AND INSTALLED BY DOLLAR GENERAL CORP. WITH CIRCUIT AS NOTED ON ELECTRICAL PLAN. SIGN TO BE CENTERED ON FRONT OF BUILDING. CONTRACTOR IS TO PROVIDE ADEQUATE BLOCKING AS REQUIRED BY SIGN MANUFACTURER TO SUPPORT SIGN WEIGHT OF UP TO 1,400 LBS. EXTERIOR CANOPY SIGN SHALL BE SUPPORTED BY THE FACE OF THE CANOPY. COORDINATE THE PROPER SIGNAGE TO BE USED WITH DOLLAR GENERAL.
- 2 NOT USED.
- 3 WALL PACK 16'-6" A.F.F. TO TOP OF WALL PACK. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 4 WALL PACK 12'-0" A.F.F. TO TOP OF WALL PACK. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 5 WALL PACK (ALTERNATE PARKING LIGHT) REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION. REQUIRED ONLY IF THERE IS PARKING THIS SIDE OF BUILDING.
- 6 RECEPTACLE. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 7 TRIM - SEE EXTERIOR FINISH SCHEDULE FOR COLOR.
- 8 GUTTER AND DOWNSPOUT - SEE EXTERIOR FINISH SCHEDULE FOR COLOR. SEE 2A/A03 FOR TERMINATION DETAILS.
- 9 SPLIT FACE CONCRETE MASONRY UNIT. PAINT TO MATCH SIDE WALL PANELS.
- 10 STANDING SEAM METAL ROOF PER FINISH SCHEDULE THIS SHEET.
- 11 PRE-FINISHED METAL WALL PANELS, REVERSE RIB PROFILE. SEE EXTERIOR FINISH SCHEDULE FOR COLOR.
- 12 PRE-FINISHED METAL WALL PANELS. PROVIDE TAMPER-RESISTANT FASTENERS FOR BOTTOM 8'-0". SEE EXTERIOR FINISH SCHEDULE FOR COLOR.
- 13 VENT FOR BATHROOM EXHAUST. REFER TO M01 FOR ADDITIONAL INFORMATION.
- 14 DOOR BUZZER. REFER TO E01 FOR ADDITIONAL INFORMATION.
- 15 WALL HYDRANT. REFER TO PLUMBING DRAWINGS FOR ADDITIONAL INFORMATION.
- 16 HVAC UNITS MOUNTED ON ROOF. REFER TO MECHANICAL DRAWINGS FOR MORE INFORMATION.
- 17 OUTSIDE AIR TEMP. SENSOR MOUNTED OVER RECEIVING DOORS @ 8'-0" A.F.F.
- 18 MINIMUM EAVE HEIGHT IS 14'-0" A.F.F.
- 19 FINISHED GRADE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 6" BELOW FINISHED FLOOR AT ALL NON PAVED AREAS.
- 20 NOT USED.
- 21 METAL CANOPY BY PRE-ENGINEERED METAL BUILDING MANUFACTURER. (ONLY APPLICABLE TO C & D PROTOTYPES)
- 22 1/2" DIAMETER x 6" LONG STAINLESS STEEL EYE BOLTS (CLOSED) WITH 1" DIAMETER OPENINGS. DRILL AND EPOXY INTO BLOCK WALL. 4 BOLTS TO BE LOCATED AS SHOWN EACH SIDE OF ENTRY, TOTAL OF 8 BOLTS.
- 23 ELECTRICAL SWITCHGEAR - PROVIDE PERMANENT, ALL-WEATHER SIGNAGE W/ CONTRASTING LETTERING, MIN 4" IN HEIGHT. SIGN TO READ "MAIN ELECTRICAL DISCONNECT".
- 24 CONCRETE PAD FOR ELECTRICAL SWITCHGEAR, COORDINATE PAD LOCATION AND DIMENSIONS WITH CIVIL DRAWINGS AND UTILITY SERVICE PROVIDER.
- 25 PROVIDE KNOX BOX AT 6'-0" AFF. CONTRACTOR TO VERIFY EXACT LOCATION WITH FIRE DEPARTMENT.

EXTERIOR FINISHES	PRE-ENGINEERED METAL BUILDING VENDOR					NUCOR BUILDING SYSTEMS ATTN: BOB BARRY (315) 622-4440 (260) 837-7891				
	LIGHTSTONE	MEDIUM BRONZE KYNAR 500	BRONZE	POLAR WHITE	GALVALUME					
EXTERIOR FINISHES ARE TO MATCH OR BE EQUAL TO VP METAL BUILDING SYSTEMS FINISH SELECTION.										
GUTTERS	•									
DOWN SPOUTS	•									
SIDE AND REAR METAL WALL PANELS & TRIM, RECEIVING & EMERGENCY EXIT DOORS (EXTERIOR OF DOORS TO BE PAINTED, REFER TO DOOR SCHEDULE)	•									
ARCHITECTURAL BLOCK AT BUILDING FACADE SHOULD BE PRE-FINISHED OR PAINTED (2 COATS-LOKON XP MASONRY COATING A24W400 SERIES) TO MATCH THE METAL WALL PANELS	•									
FLAT METAL SOFFIT AT STOREFRONT VESTIBULE AREA				•						
BUILDING PARAPET WALL AND CANOPY		•								
STOREFRONT SYSTEM				•						
STANDING SEAM METAL ROOF PANELS									•	
LINER PANELS (INTERIOR SALES FLOOR)									•	

NOTE:
1. REFER TO SHEET T01 FOR ADDITIONAL INFORMATION ON RECOMMENDED NATIONAL ACCOUNT VENDORS.
2. NATIONAL ACCOUNT AND CONTACT INFORMATION SUBJECT TO CHANGE.



TPC Architects, Inc.
A Full Service Architectural Practice
2260 Douglas Blvd, Suite 155
Roseville, CA 95661
(916) 772-4100
Fax: (916) 772-7804



These drawings are instruments of service and are the property of TPC Architects, Inc. All designs and other information on the drawings are for the use on the specified project and shall not be used otherwise without the expressed written permission of TPC Architects, Inc.
Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimension and conditions on the job site, and this office shall be notified of any variations from the dimensions and conditions as shown on these drawings.



DOLLAR GENERAL
WEST VALLEY VIEW RD.
TALENT, OR

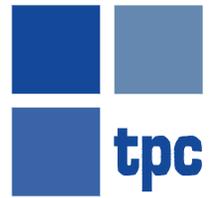
CONSTRUCTION DOCUMENTS

TAX LOT#

SHEET TITLE
**EXTERIOR ELEVATIONS,
EXTERIOR FINISHES**

MARK	DESCRIPTION	DATE
	Project Manager KIRK MILLER	
	Project Architect KIRK MILLER	
	Scale AS NOTED	
	Date 02/09/2016	
	TPC Project Proto. 1544 D	

SHEET NO.
A02
2015 PROTOTYPE SERIES



TPC Architects, Inc.
A Full Service Architectural Practice
2260 Douglas Blvd, Suite 155
Roseville, CA 95661
(916) 772-4100
Fax: (916) 772-7804

DOLLAR GENERAL
TALENT, CA
WEST VALLEY VIEW ROAD

DESIGN REVIEW

DATE: 2/9/2016

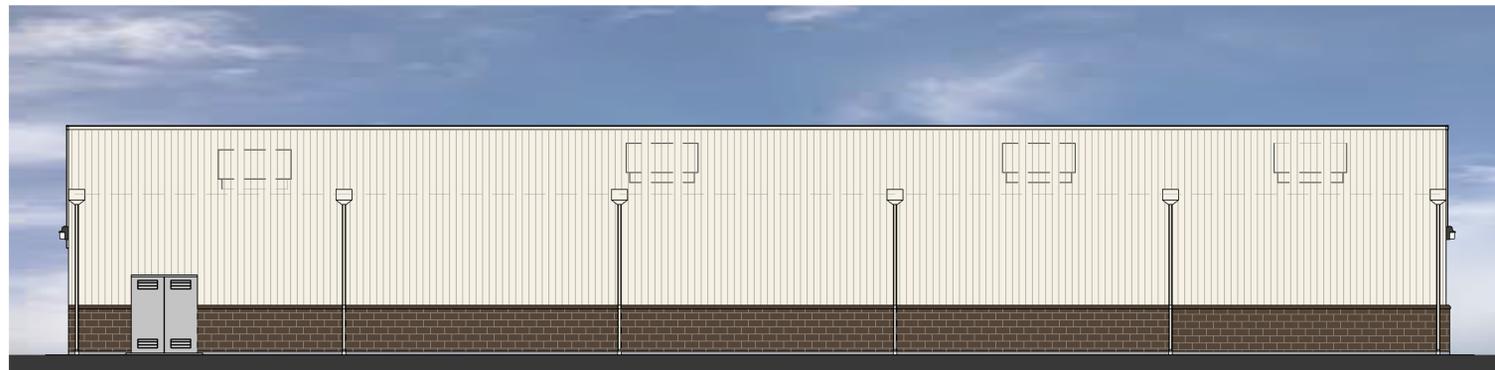
COLORED
ELEVATIONS

A-DR1

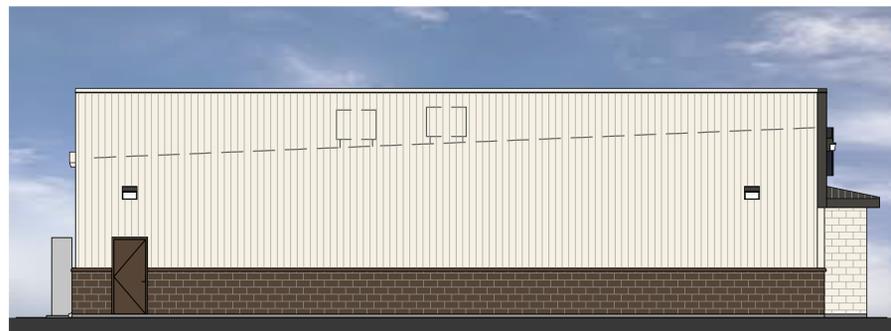
1544 A-DR1.DWG PLOTTED 2/4/2016



1 ELEVATION - EAST
1/8" = 1'-0"



2 ELEVATION - WEST
1/8" = 1'-0"



3 ELEVATION - SOUTH
1/8" = 1'-0"



4 ELEVATION - NORTH
1/8" = 1'-0"

LEGEND

-  METAL WALL PANEL
-  FRONT FASCIA PANEL
-  8X8X16 CONCRETE MASONRY UNIT:
SPLIT FACE

SITE DEVELOPMENT PLAN
PARCEL 2
DOLLAR GENERAL - TALENT, OR. (VALLEY VIEW)

NAME OF APPLICANT: EMBREE ASSETT GROUP
 2355 E. CAMELBACK RD.
 SUITE # 315
 PHOENIX, AZ. 85016

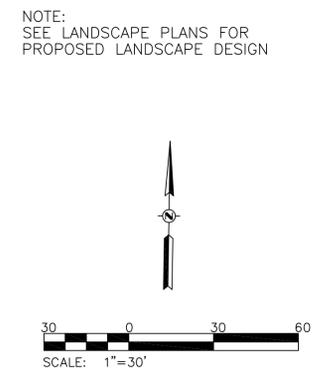
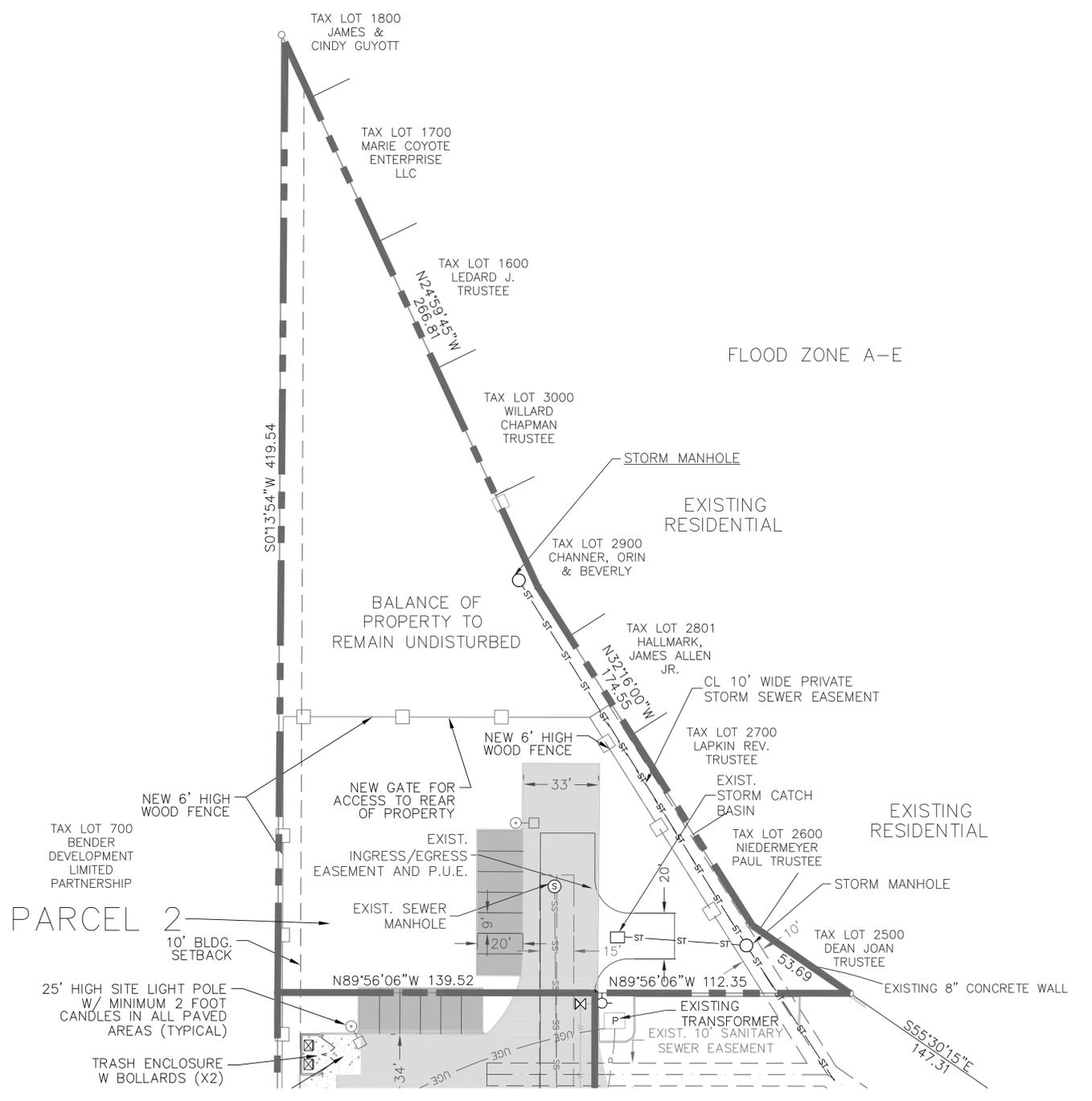
APPLICANTS ADDRESS: EMBREE ASSETT GROUP
 2355 E. CAMELBACK RD.
 SUITE # 315
 PHOENIX, AZ. 85016

ASSESSOR'S PARCEL # 01-0860355

EMBREE
 Asset Group, Inc.

DRAWN BY: RROSSELLI
 CHECKED BY:
 ISSUE DATE: 02.17.2016
 DRAWING NUMBER: 2 OF 2

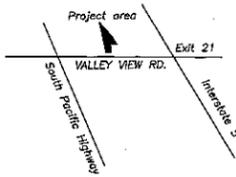
- LEGEND**
- = FIRE HYDRANT
 - = WATER VALVE
 - = POWER METER & UTILITY BOX
 - = TELEPHONE/CABLE TV RISER
 - = ANCHOR POLE
 - = SANITARY SEWER CLEANOUT
 - = SANITARY SEWER MANHOLE
 - = STORM MANHOLE
 - = STORM DRAIN CATCHBASIN
 - = SITE LIGHTING
 - = FENCE (AS NOTED)
 - = SANITARY SEWER LINE
 - = STORM SEWER LINE
 - = POWER LINE
 - = GAS LINE
 - = CABLE/TV LINE
 - = WATER LINE



ALTA ACSM
LAND TITLE SURVEY
of
105 VALLEY VIEW ROAD
located in the
SOUTHEAST QUARTER OF SECTION 23,
TOWNSHIP 38 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, IN THE CITY OF TALENT
JACKSON COUNTY, OREGON

for
EMBREE ASSET GROUP, INC
2355 CAMELBACK ROAD, STE 315
PHOENIX, ARIZONA 85016

Vicinity Map
No Scale



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	8°30'00"	224.58	1432.40	S88°37'20"W	224.36
C2	57°33'00"	134.20	1472.40	S84°05'00"W	134.15
				S84°01'00"W	
C3	3°45'41"	86.66	1472.40	S88°34'30"W	86.64
C4	90°00'00"	23.56	15.00	S45°03'54"W	21.21
C5	80°00'00"	23.56	15.00	S44°58'00"E	21.21
C6	0°39'41"	17.00	1472.40	S86°21'48"W	17.00
C7	0°56'10"	24.05	1472.40	S86°13'35"W	24.05

NUM	BEARING	DISTANCE
L1	N81°28'21"E	6.84
	(N81°24'30"E)	
L2	S89°56'06"E	20.00
L3	S00°35'44"W	20.00
L4	S89°56'06"E	20.00
L5	S00°35'44"W	20.00
L6	S89°56'06"E	20.00
L7	N89°56'06"W	150.00
L8	N3°21'00"W	188.26
L9	S85°30'19"E	135.23
L10	N0°06'19"E	7.50
L11	N0°06'19"E	260.00
L12	S88°46'35"W	258.62
L13	N11°19'30"E	80.00
L14	N0°06'19"E	2.12

BASIS OF BEARING IS
TRUE NORTH, NAD
83/91 DATUM, AS
DERIVED BY GLOBAL
POSITIONING SYSTEM
OBSERVATIONS.

SCALE: 1" = 30'
0' 15' 30' 60' 120'

SURVEYOR'S STATEMENT

To Lauren D. Young, Trustee for Lauren Young Tire Center, Inc., Profit Sharing Trust, DG Retail, LLC., Dollar General Corporation, DG-Talent, OR-1-UT, LLC., Embree Asset Group, Inc., & Tior Title Company of Oregon, Bank 18B.

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adapted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(b), 7(a), 8, 9, 11(b), 14, 17, 19, and 21 of Table A thereof. The field work was completed on December 31, 2015.

Date of Plot or Map: January 04, 2016.

Herbert A. Farber
Herbert A. Farber, PLS 2189

TITLE NOTES

Tior Title Company of Oregon Order No. 470315041529-TTJA04, Dated July 09, 2015, 8:00 A.M.

ALL VOLUME AND PAGES ARE DEED RECORDS AND ALL INSTRUMENTS No.'s ARE OFFICIAL RECORDS OF JACKSON COUNTY UNLESS OTHERWISE STATED.

Item No. 1 through 10 and 14 through 16, in the General and Special Exceptions are not survey related items.

Item No. 11, A Deferred Improvement Agreement, including the terms and provisions thereof

Recording Date: May 27, 1992
Recording No.: 92-15276
Affects: Blanket Agreement, affecting Parcel, is not a survey related item.

Item No. 12, Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Purpose: Sewer Lines
Recording Date: July 3, 1995
Recording No.: 95-17603, 95-17604, and 95-17605
Affects: The Southernly line of Parcel 1 and Parcel 2 as shown

Item No. 13, Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Purpose: Ingress and Egress, Private Storm Sewer, and Public Utilities
Affects: Parcel 1 and Parcel 2 as shown on Partition Plot No. P-8-1995, and this map.

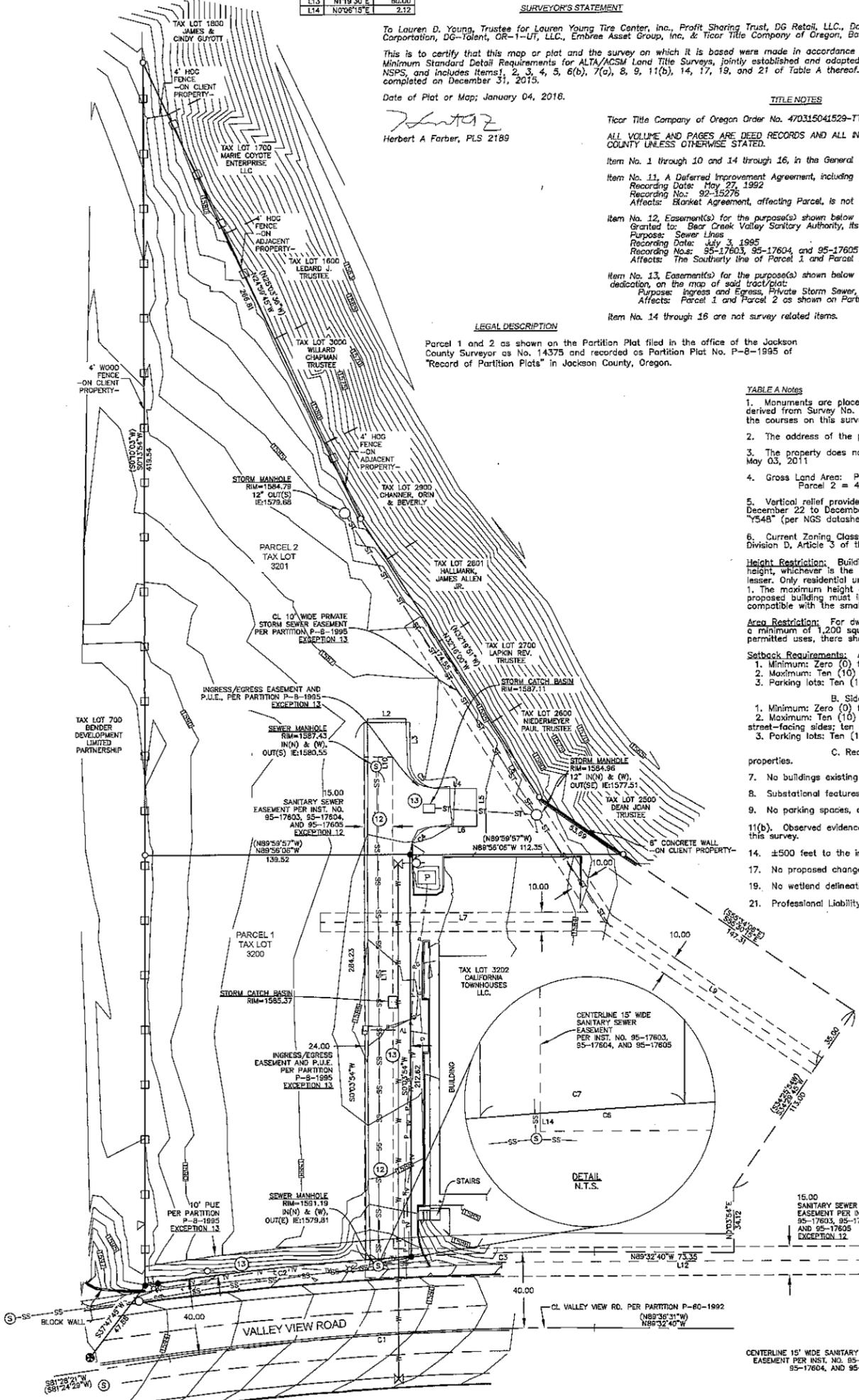
Item No. 14 through 16 are not survey related items.

LEGAL DESCRIPTION

Parcel 1 and 2 as shown on the Partition Plot filed in the office of the Jackson County Surveyor as No. 14375 and recorded as Partition Plot No. P-8-1995 of "Record of Partition Plots" in Jackson County, Oregon.

TABLE A Notes

- Monuments are placed at all major corners of the boundary of the property, as derived from Survey No. 14375 also known as Partition Plot No. P-8-1995. To convert the courses on this survey to record courses apply a theta angle of -00°03'51"
- The address of the property is 105 Valley View Rd, Talent OR
- The property does not lie in a Flood Hazard Zone - per FIRM 41029C2181F, dated May 03, 2011
- Gross Land Area: Parcel 1 = 30,624.6 sq. ft. = 0.70 acres
Parcel 2 = 44,403.1 sq. ft. = 1.02 acres
- Vertical relief provided by terrestrial observations done by Farber Surveying from December 22 to December 31, 2015. The contour interval is 1 foot, using benchmark "Y548" (per NGS datasheet) on the NGVD 1929/56 datum.
- Current Zoning Classification is CBH (Highway Central Business District) per 8-3 Division D, Article 3 of the City of Talent Zoning Code.
- Height Restriction: Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser. Only residential units are permitted above thirty (30) feet in height. The maximum height allowed through conditional use review is forty (40) feet. The proposed building must include site design and architectural elements such that it is compatible with the small town character of Talent.
- Area Restriction: For dwelling units above the ground floor of a business, there shall be a minimum of 1,200 square feet of total lot area for each dwelling unit. For all other permitted uses, there shall be no minimum lot size or lot width.
- Setback Requirements: A. Front yard.
1. Minimum: Zero (0) feet.
2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width.
3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
B. Side yard.
1. Minimum: Zero (0) feet.
2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width on street-facing sides; ten (10) feet on alley-facing sides.
3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
C. Rear yard. No rear yard is required between commercially zoned properties.
- No buildings existing on the surveyed property
- Substantial features shown on the face of this survey.
- No parking spaces, areas, lots, or structures existing on the surveyed property.
- Observed evidence together with underground utility locates shown on the face of this survey.
- ±500 feet to the intersection of Valley View Rd. with South Pacific Highway (SR 99)
- No proposed changes in street right-of-way lines at this time.
- No wetland delineation on the surveyed property.
- Professional Liability insurance in the minimum amount of \$1,000,000 in effect.



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Herbert A. Farber
OREGON
JULY 26, 1985
HERBERT A. FARBER
2189
RENEWAL DATE 12-31-17

BASIS OF BEARING IS TRUE NORTH, NAD 83/91 DATUM, AS DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS.
RECORD SURVEY DATA IS SHOWN IN PARENTHESIS ADJACENT TO MEASURED SURVEY DATA WHERE APPLICABLE.
INST. NO. = INSTRUMENT NUMBER AS RECORDED IN THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
P.U.E. = PUBLIC UTILITY EASEMENT FOR WATER, SANITARY SEWER, STORM DRAIN, PHONE, GAS, AND CABLE TV.

- = FOUND 2 1/2" BRASS CAP - N.W. CORNER D.L.C. NUMBER 69
- = FOUND 5/8" IRON PIN, WITH YELLOW PLASTIC CAP L.J. FRIAR & ASSOC.
- = SET 5/8" x 24" IRON PIN w/ YELLOW PLASTIC CAP MARKED "FARBER PLS 2189"
- S/N = RECORD FILED SURVEY NUMBER
- I.E. = INVERT ELEVATION
- = FIRE HYDRANT
- ⊗ = WATER VALVE
- ⊠ = POWER METER & UTILITY BOX
- = TELEPHONE/CABLE TV RISER
- = ANCHOR POLE
- = SANITARY SEWER CLEANOUT
- = SANITARY SEWER MANHOLE
- = STORM MANHOLE
- = STORM DRAIN CATCHBASIN
- ⊗ = SITE LIGHTING
- ⊠ = FENCE (AS NOTED)
- SS- = SANITARY SEWER LINE
- ST- = STORM SEWER LINE
- P- = POWER LINE
- G- = GAS LINE
- W- = CABLE/TV LINE
- W- = WATER LINE
- ▭ = ASPHALT
- ▭ = CONCRETE
- ⊗ = TITLE REPORT EXCEPTIONS

Surveyed by:
FARBER & SONS, INC. dba
FARBER
SURVEYING
PO BOX 5285
431 OAK STREET
CENTRAL POINT, OREGON 97502
(541) 864-5599

DATE: JANUARY 14, 2016
JOB NO.: 2424-15
TALENT/VALLEY VIEW/105 VALLEY VIEW EMBREE/MICROSURVEY
FINAL PLATS SURVEYS/Embree Alta 011415.DWG
DRAWN BY: HAF ORIG. DATE: 01-05-15 REVISED BY: MCF DATE: 01-14-16

Jeff Wilcox

From: Andrea Napoli <anapoli@rvcog.org>
Sent: Tuesday, March 29, 2016 2:45 PM
To: Jeff Wilcox
Cc: 'Dan Moore'
Subject: RE: Request for Agency Comment - City of Talent SPR 2016-002/004

Hi Jeff,

The project location is within an “Activity Center” as identified by the City of Talent as part of the RVMPO Regional Transportation Plan, Alternative Measures. In order for this project to be counted towards the region meeting *Alternative Measure #6: Percent of New Employment in Mixed Use/Pedestrian-Friendly Areas*, the RVMPO encourages the City/developer to consider certain design elements.

In order to satisfy the benchmark, businesses must meet the following standards:

- Provide no parking between the building and street
- Provide a main entrance from the street
- Include a vertical mix of housing
- The project be within ¼ mile of higher density residential development – **Threshold met**
- A complete pedestrian connection exists between the project and the higher density residential development – **Threshold met**

Alt. Measure #6 is one of seven measures developed by RVMPO member jurisdictions for reduced automobile reliance as an alternative to the Transportation Planning Rule’s per capita Vehicle Miles Traveled reduction measure.

Thank you,

Andrea Napoli, AICP | Senior Planner
Rogue Valley Council of Governments
155 N. 1st Street | P.O. Box 3275
Central Point, OR 97502
(541) 423-1369
www.rvcog.org | www.rvmppo.org | www.mrmppo.org

From: Jeff Wilcox [mailto:JWilcox@cityoftalent.org]
Sent: Tuesday, March 29, 2016 1:06 PM
To: tid@talentid.org; ctappert@rvss.us; dconverse@rvcog.org; Donald.MOREHOUSE@odot.state.or.us; welburn@jcf5.com; chad.pliler@ecso911.com; Bret Marshall; Mike Moran; p.townsend@rvtd.org; anapoli@rvcog.org
Subject: Request for Agency Comment - City of Talent SPR 2016-002/004

Local Agency,

Please see the proposed application (attachment) and provide any comments/questions you may have by **4/28/16**. Please be sure to provide your name and agency as well as contact number in all responses. Email responses are encouraged.

Respectfully,
Jeff Wilcox
Community Development Assistant
City of Talent
110 East Main Street
PO Box 445
Talent, Oregon 97540

Office: 541-535-7401 ext. 1014
Fax: 541-535-7423

jwilcox@cityoftalent.org

City of Talent
PO Box 445
110 East Main St.
Talent, OR 97540

www.CityofTalent.org

The City of Talent is an Equal Opportunity Provider

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[Talent, Oregon](#)



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

March 30, 2016

City of Talent
Community Development Department
PO Box 445
Talent, OR 97540

ATTN: Jeff Wilcox

Re: Dollar General Store Site Plan, Tax Lots 3200 and 3201, Map 38 1W 23DD

There is an 8 inch sewer main that runs along the Easterly side of Parcel 1 and into Parcel 2 as shown on the site survey. Sewer service to the proposed new store will require a connection to this sewer main. RVSS will issue the connection permit upon payment of related development fees.

The property is within the MS4 Phase 2 boundary and must comply with the stormwater quality requirements outlined in the Regional Stormwater Quality Design Manual.

The proposed development appears to include more than 1 acre of disturbed ground. As such, the applicant will be required to obtain an NPDES 1200-C erosion control permit from RVSS.

Rogue Valley Sewer Services requests that approval of the proposed development be subject to the following conditions:

1. Applicant must obtain a sewer connection permit from RVSS prior to the start of building construction. Permit will be issued by RVSS upon payment of related development fees.
2. Applicant must submit a stormwater management plan demonstrating compliance with the stormwater quality standards in the Regional Stormwater Quality Design Manual. Plan must be approved by RVSS prior to the start of construction.
3. Applicant must obtain an NPDES 1200-C Erosion Control Permit from RVSS prior to the start of any ground disturbing activities.

Feel free to call me if you have any further questions.

Sincerely,

Carl Tappert, PE
Manager

- a. Identification of all trees (native and ornamental) with a caliper size of four (4) inches or greater, measured at a point three feet above the grade of the base of the tree.
 - b. The surface type of the driveways and parking stalls.
 - c. The placement of bicycle parking adjacent to the right of way and the main entrance to the building.
 - d. Wheel stops on all parking spaces adjacent to the proposed building.
 - e. The location and style of the required “bicycle parking only” sign.
 - f. The light specifications for all exterior parking lot and building lighting. All lights shall be shielded or directed in a manner that prevents light from reflecting towards the residential uses.
 - g. The existing location of the pedestrian lights on both sides of the driveway as well as the required post development location of the pedestrian lights directly adjacent to the driveway apron.
 - h. The reconstruction of the driveway apron as well as the two sidewalk panels to the east of the driveway. The revised plans shall also show the standard detail (dwg. No. 96-01) for a commercial driveway apron including materials used and dimensions.
 - i. An ADA access from the primary entrance of the building to the adjacent street.
 - j. Pathways connecting all parking areas to the main building.
 - k. Access to the adjacent residential development providing everyday ingress and egress to the retail operation.
 - l. The location of all existing sewer lines and easements as well as all proposed connection locations.
6. The applicant shall provide a revised landscape plan that includes the following:
- a. Location, size and species (consistent with Section 8-3J.450 (B)-(F)) of all required street trees.
 - b. The location of the required stormwater quality facility, including the location, size and species of plants and material type approved by RVS.
 - c. Location of the proposed irrigation system.
 - d. Either a statement from the Landscape Architect that the proposed plantings meet the forty (40) percent shade requirement for the parking

areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years.

- e. Either a statement from the Landscape Architect that the proposed plantings meet the seven (7) percent shade requirement for the landscaped areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years.
- 7. Provide a stormwater design plan and O & M plan and agreement approved by RVS.

PRIOR TO CERTIFICATE OF OCCUPANCY:

- 7. All standard and ADA parking spaces shall be permanently and clearly marked.
- 8. All required improvements on the revised site plan shall be installed and all building permits shall have final approval.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the Site Plan Review for Dollar General (SPR 2016-002/SPR 2016-004) 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.

8-3JD.3 HIGHWAY CENTRAL BUSINESS DISTRICT (CBH)

8-3D.330 BUILDINGS AND USES SUBJECT TO TYPE-III SITE DEVELOPMENT PLAN REVIEW

- B. *Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services.*

Finding: The subject parcel is zoned Central Business District Highway (CBH) and allows retail uses subject to a Type-III Site Development Plan review. The proposed Dollar General retail store is a 9,100 square foot building and is a use that meets the intent of the Talent Zoning Code. **The provisions of this section have been met.**

8-3JL.1 SITE DEVELOPMENT PLAN

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

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

- A. *All provisions of this Chapter and other applicable City ordinances and agreements are complied with.*

Finding: The CBH zone allows retail uses subject to Site Development Plan review by the Planning Commission and a public hearing.

All applicable code sections of the Talent Zoning Code (TZC) have been addressed within the application submittals or will be made to comply with the attached conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

B. *The proposed development will be in conformance with the intent and objectives of the zone in which it will be located.*

Finding: According to TZC 8-3D.210, the Central Business District (CBD) Zone shall serve as the hub of government, public services and social activities; and shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBH zone shall be developed with full accommodations for all travel modes, but will tend to be more automobile oriented than the CBD zone. The proposed retail store will serve both the traveling community as well as the local residents, potentially reducing automobile trips outside the City. The proposed retail store is also in a location that will encourage pedestrian traffic to and from the business. In the general vicinity of the proposed retail store there are three different housing developments, including multi-family, manufactured and single family developments, all which are within walking distance. **The provisions of this section have been met.**

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

Finding: The proposed site development plan is consistent with the approval criteria of the Talent Zoning Code and meets the overall intent of the commercial Comprehensive Plan designation. **The provisions of this section have been met.**

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

Finding: The proposed building is adjacent to both residential and commercial uses. The proposed retail store is situated on the southwest corner of the parcel and is directly adjacent to a multi-family housing development and the additional parking area (Parcel 2) is located north of the proposed building and west of Oak Valley Subdivision.

Considering that the proposed building is commercial in nature, the building shall be adequately buffered from the adjacent conflicting uses. Buffering requirements are addressed in Section 8-3J.4 below. **The provisions of this section have been met subject to conditions of approval.**

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

Finding: The proposed retail store creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensure that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards. Prior to the issuance of permits,

the applicant shall provide Community Development with a stormwater design plan approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

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

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

Finding: The proposed development meets all building height, coverage and setback requirements for the CBH zoning district. The standards for vehicular ingress and egress as well as internal circulation, parking and loading have also been met in accordance with Section 8-3J.540 and 8-3J.630 addressed below. No buffer walls have been proposed and all proposed fences have a height not greater than six (6) feet, in conformance with the provisions of Section 8-3J.3 of the Talent Zoning Code.

Pedestrian ingress, egress and internal circulation as well as lighting, noise generation facilities and trash enclosures have been addressed below. **The provisions of this section have been met subject to conditions of approval.**

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

Finding: The proposal is adjacent to West Valley View Rd and does not require any street related improvements. The site is currently served by water, sewer and storm facilities, but the proposed plans do not identify the connection locations nor do they provide the required sewer and storm permits from Rogue Valley Sewer (RVS).

As noted by RVS, there is an existing 8 inch sewer main that runs along the easterly side of Parcel 1 and into Parcel 2 as shown on the site survey. Sewer service to the proposed new retail building requires a connection to this sewer main. Sewer service connections are reviewed and approved by RVS and all system development charges are paid directly to RVS prior to issuance of City permits. As a condition of approval, the applicant shall prior to the issuance of permits, provide Community Development with a copy of the approved sewer connection permit and evidence that all SDCs have been paid in full. Additionally, the applicant shall prior to the issuance of permits, provide a revised site plan that identifies the location of all existing sewer lines and easements as well as all proposed connection locations.

The property is located within the MS4 Phase 2 boundary and must comply with the stormwater quality requirements outlined in the Regional Stormwater Quality Design manual. RVS's Stormwater Design Manual along with the provisions of this section require the property owner to maintain the stormwater system in an operational manner. To ensure compliance, RVS requires an Operation and Maintenance Plan (O & M) and agreement. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater design plan, an O & M plan and agreement approved by RVS. **The provisions of this section are not applicable.**

8-3H.2 OVERLAY ZONES – NATURAL AREAS, PARKS AND FLOODPLAINS

8-3H.220 FLOOD PLAIN – PARKS – GREENWAY OVERLAY ZONE (OFPG)

C. *Standards. All development, including construction, reconstruction, extension, conversion or alteration of any structure or land occurring in the OFPG zone shall comply with the following standards:*

1. *Development Within the 100-Year Flood Plain.*

a. *Development within the 100-year flood plain shall conform to the standards of this Chapter and to those of Chapter 8-5, entitled Flood Damage Prevention. At a minimum, development within the floodplain shall be consistent with development standards established for participation in the federal flood insurance program.*

Finding: The proposed development is adjacent to both the 100 and 500-year flood hazard area. However, based on the FEMA Floodplains map adopted in May 2011, no part of the flood hazard area encroaches on the subject property. **The provisions of this section are not applicable.**

8-3J.1 GENERAL PROVISIONS

8-3J.180 BUFFERING

Where buffering is required between adjacent uses or zones, the type of buffering shall be appropriate to its purpose. Where the purpose is primarily the screening of objectionable views, a fence, wall or screen planting of six feet in height—or of such greater or lesser height as will be adequate to obscure the objectionable view—shall be required. Fences or walls shall either be of a material so as to provide an aesthetically pleasing or shall be landscaped so as to provide an aesthetically pleasing buffer for adjacent properties. Other appropriate means of buffering, including but not limited to spatial separations, landscaping, natural topography and other barriers shall be utilized to minimize other types of incompatibility between land uses.

Finding: The proposed building will be located adjacent to the first group of apartments closest to W. Valley View Rd which is already buffered by four (4) large cottonwood trees as well as at least six (6) other trees. The applicant has proposed to install a new wood fence six (6) feet in height along the entire project area and is proposing to plant a mix of shrubs between one (1) and five (5) gallons in size along the western boundary and three (3) 15 gallon trees along the eastern boundary adjacent to Oak Valley Subdivision. The combination of existing trees, proposed shrubs and the proposed fence is sufficient to provide an aesthetically pleasing buffer for the adjacent properties, but the applicant is encouraged to consider additional

vertical plantings to further shield the view of the west elevation. **The provisions of this section has been met.**

8-3J.3 FENCE, WALLS, and HEDGES

8-3J.340 PLACEMENT

A. *Fences and walls may be erected directly up to common property lines. An exception to this rule may be required when the placement would prevent the use of adjacent property or right-of-way, or prevent the safe use of a driveway or alley. In such cases, the City may require the fence or wall to be set back a minimum distance from the driveway, right-of-way, alley or property line.*

Finding: The applicant has proposed the installation of a new wood fence, six (6) feet in height along the western, northern and eastern property lines directly surrounding the proposed development. An area in the northern portion of the property will not be fenced, but will have gated access for maintenance purposes. None of the proposed fence locations cause a visual obstruction to the driveway or the W. Valley View right of way. **The provisions of this section have been met.**

8-3J.4 TREES AND LANDSCAPING

8-3J.440 DEVELOPMENT STANDARDS – RETENTION OF TREES

A. *Site Development Plan Review. Building permits subject to Site Development Plan review before the Planning Commission must include a preservation plan for tree retention. This plan shall include a mapping of all existing Street Trees and native and ornamental trees with a caliper size of four inches or greater, measured at a point three feet above the grade at the base of the tree, and located on the property to be developed. The Tree Committee shall review the tree preservation plan and make recommendations to the Planning Commission. All the trees listed in the plan shall be retained unless such retention is considered to be unfeasible based on the Tree Retention Guidelines listed below. The party proposing the construction shall replace all trees removed as approved with an equal number of trees having a minimum caliper size of 1.5 inches.*

Finding: The subject parcel consists of multiple trees along the western boundary of the proposed development. The applicant has only identified four (4) trees on the proposed site plan. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes identification of all trees (native and ornamental) with a caliper size of four (4) inches or greater, measured at a point three feet above the grade of the base of the tree. **The provisions of this section have been met subject to conditions of approval.**

8-3J.450 DEVELOPMENT STANDARDS—LANDSCAPING PLANNING

New subdivision or Site Development Plan Review applications subject to review by the Planning Commission shall include a plan for Street Trees along arterial, collector, and local streets and a general landscaping plan for all undeveloped areas on the property. The general landscape plan should consider the use of native and drought resistant species, erosion control, and water quality mitigation.

A. *Tree Selection. Street Trees should be consistent with the city-approved Recommended Street Tree List. Trees should be selected based on growth characteristics and site conditions, including available space,*

overhead clearance, soil conditions, exposure, and desired color and appearance. The following should also guide tree selection:

1. *Trees should be consistent with the character, height, canopy and spacing of a neighborhood's original plantings, and the scale and function of the street within the City. No more than 30% of the trees planted along a single street shall be of the same species.*
 2. *Trees should be planted of a type and in a manner that does not interfere with sidewalks, overhead utility lines, sewers, the maintenance of underground utilities or the solar access of properties.*
 3. *Trees shall be planted in a manner to maintain clear vision and not cause dangerous traffic conditions. Trees that can be "limbed up" should be selected where vision clearance is a concern.*
 4. *Trees should be selected that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
- B. *Caliper Size. The minimum caliper size for new Street Tree plantings shall be 1.5 inches.*
- C. *Spacing and Location. Street Tree spacing should be based upon the type of tree(s) selected and the canopy size at maturity. Street Trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers, or in cases where special plantings are designed or approved by a landscape architect or urban forester.*
- D. *Planting Area. The City requires the following as a minimum planting area for each Street Tree:*
1. *Small trees (under 25 feet tall at maturity): 40 square feet*
 2. *Medium trees (under 25-50 feet tall at maturity): 60 square feet*
 3. *Large trees (over 50 feet tall at maturity): 96 square feet*
- E. *Distance from Street Corners and Fireplugs. No Street Tree shall be planted within 15 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted within 10 feet of any fireplug.*
- F. *Utilities. No Street Tree other than those species listed in the Recommended Street List as being appropriate under powerlines may be planted under or within 10 feet of an overhead utility line.*

Finding: The subject parcel does not have any identified street trees along West Valley View Road. As required by the Planning Commission, all Site Development Plan Review applications shall include a plan for Street Trees along arterial streets. The applicant has submitted a general landscaping plan for all undeveloped areas on the property that uses a mix of native and drought resistant species to prevent erosion, and enhance water quality. The general landscape plan, however does not detail the stormwater quality facility required by the Rogue Valley Sewer Service's (RVS) Regional Stormwater Quality Manual. Considering that this required facility will likely be incorporated into the general landscape on the property, the landscape plan shall be amended to include the approved facility. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised landscape plan that includes the following:

1. Location, size and species (consistent with Section 8-3J.450 (B)-(F)) of all required street trees.
2. The location of the required stormwater quality facility, including the location, size and species of plants and material type approved by RVS.

The provisions of this section have been met subject to conditions of approval.

8-3J.460 LANDSCAPE MAINTENANCE

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

A. Commercial Areas

1. *Landscaping. In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3.*

Finding: As a general condition of approval, all landscaped areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities and fences, walls, hedges and other screen plantings or buffers shall be permanently maintained. **The provisions of this section have been met subject to conditions of approval.**

2. *Buffering. The Planning Commission shall require a buffer when a development or use proposed in a commercially zoned area is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone. The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography of other features. The greatest amount of buffering shall be required in areas where it is necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the Planning Commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.*

Finding: The proposed building will be located adjacent to the first group of apartments closest to W. Valley View Rd which is already buffered by four (4) large cottonwood trees as well as at least six (6) other trees. The applicant has proposed to install a new wood fence six (6) feet in height along the entire project area and is proposing to plant a mix of shrubs between one (1) and five (5) gallons in size along the western boundary and three (3) 15 gallon trees along the eastern boundary adjacent to Oak Valley Subdivision. The combination of existing trees, proposed shrubs and the proposed fence is sufficient to provide an aesthetically pleasing buffer for the adjacent properties. The applicant is encouraged to consider additional vertical plantings to further shield the view of the west elevation. **The provisions of this section has been met.**

8-3J.5 OFF-STREET PARKING AND LOADING

8-3J.520 OFF-STREET LOADING

Every hospital, institution, hotel, commercial or industrial building hereafter erected or established, and every existing structure enlarged or changed for these uses within any zone of the City, having a gross floor area of 10,000 square feet or more, shall provide and maintain at least one (1) off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area. Any use requiring one-half or more of a loading space shall be deemed to require the full space. Each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, and have fourteen (14) feet vertical clearance.

Finding: The proposed building has a gross floor area of 9,100 square feet. Because the proposed building has less than 10,000 square feet of gross floor area, it does not require an off-street loading space.

Although not required, the proposed building does include a loading area. The loading area is located off of the main driveway and is approximately 34' x 60' with an unobstructed vertical clearance. If used during normal business hours, it is likely that five (5) of the identified parking stall would be unusable. However, the applicant has provided seven (7) additional parking stalls in excess of what is required, minimizing any parking impacts. **The provisions of this section have been met.**

8-3J.530 OFF-STREET PARKING

Off-street parking spaces shall be provided and maintained as set forth in this Article for all uses in all zoning districts, except in the Central Business District Zone (CBD), or as otherwise provided at the time:

A. *A new building is hereafter erected or enlarged; or*

Table 540-1. Parking Requirements by Use

<i>Use</i>	<i>Standard</i>
<i>Commercial Uses</i>	
<i>Retail establishments, except as otherwise provided herein</i>	<i>1 space for each 400 square feet of gross floor area</i>

Finding: The proposed commercial building is approximately 9,100 square feet in size and requires one (1) space for each 400 square feet of gross floor area. As required by Table 540-1, the proposed 9,100 square foot building requires 23 parking stalls. The proposed plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, for a total of 30 stalls. **The provisions of this section have been met.**

B. *Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or*

below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

Finding: There are two parcels that make up the proposed development. Parcel 1 which houses the retail building has 23 parking spaces and Parcel 2 which serves only as a parking area has seven (7) parking spaces. The proposed commercial building is approximately 9,100 square feet in size and requires one (1) space for each 400 square feet of gross floor area. As required by Table 540-1, the proposed 9,100 square foot building requires 23 parking stalls. **The provisions of this section are have been met.**

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

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

<i>Total Number of Parking spaces Provided (per lot)</i>	<i>Total Minimum Number of Accessible Parking Spaces (60” & 96” aisles)</i>	<i>Van Accessible Parking Spaces with min. 96” wide access aisle</i>	<i>Accessible Parking Spaces with min. 60” wide access aisle</i>
	<i>Column A</i>		
<i>1-25</i>	<i>1</i>	<i>1</i>	<i>0</i>
<i>26-50</i>	<i>2</i>	<i>1</i>	<i>1</i>

Finding: The proposed commercial building is approximately 9,100 square feet in size and requires one (1) space for each 400 square feet of gross floor area. As required by Table 540-1, the proposed 9,100 square foot building requires 23 parking stalls. The proposed plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, for a total of 30 stalls. Based on the proposed number of off-street parking stalls, the applicant shall provide two (2) accessible parking spaces. One stall shall be van accessible with a minimum 96” wide access aisle and the other shall be a standard accessible parking space with a minimum 60” wide access aisle. The proposed plan identifies both required accessible parking spaces. **The provisions of this section have been met.**

8-3J.560 BICYCLE PARKING FACILITIES

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

A. *Number of Bicycle Parking Spaces. A minimum of 2 bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:*

2. *Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces. Sheltered bicycle parking is recommended to encourage bicycle use.*

Finding: The proposed plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, for a total of 30 stalls. Based on the proposed number of off-street parking stalls, the applicant shall provide three (3) bicycle parking spaces. The applicant is encouraged to provide sheltered bicycle parking to support multimodal transportation. **The provisions of this section have been met.**

- C. *Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided, unless demonstrated otherwise by the applicant. Street furniture includes benches, streetlights, planters, and other pedestrian amenities. Creative designs are strongly encouraged.*

Finding: The applicant has noted that three (3) bicycle spaces will be provided but has not identified them on the proposed site plan. All bicycle parking shall be located near both the public right of way and the main entrance to the building. The applicant is encouraged to be creative with respect to the design of the bicycle parking and should consider a design that is consistent with the adjacent pedestrian lighting. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the placement of bicycle parking adjacent to the right of way and the main entrance to the building. **The provisions of this section have been met subject to conditions of approval.**

- D. *Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage*

Finding: All bicycle parking shall be located near both the public right of way and the main entrance to the building in order to provide sufficient security from theft and damage. The applicant is encouraged to be creative with respect to the design of the bicycle parking and should consider a design that is consistent with the adjacent pedestrian lighting. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the placement of bicycle parking adjacent to the right of way and the main entrance to the building. **The provisions of this section have been met subject to conditions of approval.**

- F. *Lighting. Bicycle parking shall be as well lit as vehicle parking for security, unless otherwise well lit by an existing street light in the public right-of-way.*

Finding: All bicycle parking shall be located near both the public right of way and the main entrance to the building in order to provide sufficient light for security. Bicycle parking in front of the building and adjacent to the parking area provides the light necessary to create a safe place to park bicycles. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the placement of bicycle parking adjacent to the right of way and the main entrance to the building. **The provisions of this section have been met subject to conditions of approval.**

G. *Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.*

Finding: All required bicycle parking shall be clearly marked as “bicycle parking only”. As a condition of approval, the applicant shall prior to the issuance of permits, provide a revised site plan that identifies the location and style of the required “bicycle parking only” sign. **The provisions of this section have been met subject to conditions of approval.**

H. *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (8-3J.6).*

Finding: All bicycle parking shall be located near both the public right of way and the main entrance to the building in a location that does not impede or create a hazard to pedestrians and does not conflict with vision clearance standards. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the placement of bicycle parking adjacent to the right of way and the main entrance to the building. **The provisions of this section have been met subject to conditions of approval.**

8-3J.570 PARKING AREA DESIGN STANDARDS

B. *Groups of three (3) or more parking spaces shall be served by service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required.*

Finding: The proposed plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, providing a total of 30 stalls. All parking stalls are served by service drives so that no backwards movement or other maneuvering of vehicles takes place in a street. **The provisions of this section have been met.**

C. *In cases where a lot fronts on a major or minor arterial street, parking spaces shall be arranged so that no backward movement in the public right-of-way or other maneuvering of a vehicle, including any trailer being towed by a vehicle, within the arterial street shall be required.*

Finding: The proposed plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, providing a total of 30 stalls. The loading area for the proposed development is located off of the main driveway and is approximately 34’ x 60’ with an unobstructed vertical clearance. All parking stalls, including the loading area are served by service drives so that no backwards movement or other maneuvering of vehicles takes place in a street. **The provisions of this section have been met.**

D. *The Planning Commission may allow thirty-five percent (35%) of the required off-street parking spaces to be reduced to seven feet six inches by fifteen feet (7’6” x 15’) to accommodate compact or hybrid electric cars.*

Finding: All parking stalls have been designed to meet the standard parking stall dimensions. No compact stalls have been requested. **The provisions of this section are not applicable.**

- E. *Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standards parking spaces shall conform to the dimensions below (Figure 570-1 and Table 570-1). Disabled parking shall conform to the standards in 8-3J.540(C).*

Finding: The proposed retail development identifies 28 standard parking stalls as well as two (2) ADA parking stalls. All proposed stalls meet the dimensions of Figure 570-1 and Table 570-1 in Section 8-3J.540. The development of these parking stalls and associated driveways creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensure that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards.

RVS's Stormwater Design Manual along with the provisions of this section also require the property owner to maintain the stormwater system in an operational manner. To ensure compliance, RVS requires an Operation and Maintenance Plan (O & M) and agreement. Prior to the issuance of permits, the applicant shall provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

8-3J.575 *PARKING AREA IMPROVEMENTS*

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

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

Finding: The proposed plan only identifies the type of surface for the trash enclosure and receiving pad. These pads are identified as concrete. The existing driveway is surfaced with asphaltic concrete, so it is assumed that the additional driveway surface as well as any modified surface will be of the same type. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the surface type of the driveways and parking stalls. **The provisions of this section are not applicable.**

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

provisions of any City ordinance regarding public nuisances. At least, drainage systems shall be conducted to public storm water sewers and ditches. (Please see Stormwater Design Standards)

Finding: The proposed retail development creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensures that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards.

RVS's Stormwater Design Manual along with the provisions of this section also require the property owner to maintain the stormwater system in an operational manner. To ensure compliance, RVS requires an Operation and Maintenance Plan (O & M) and agreement. Prior to the issuance of permits, the applicant shall provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

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

Finding: The proposed plan identifies 30 parking stalls. As a condition of approval, the applicant shall, prior to Certificate of Occupancy permanently and clearly mark all standard and ADA parking spaces. **The provisions of this section have been met subject to conditions of approval.**

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

Finding: The proposed plan includes 17 parking stalls adjacent to the building. Wheel stops are necessary in these stalls to protect trees, landscaping and pedestrians using the adjacent sidewalk. As a condition of approval, the applicant shall, prior to issuance of permits, provide a revised site plan that includes wheel stops on all parking spaces adjacent to the proposed building. **The provisions of this section are not applicable.**

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

Finding: The proposed building will be located adjacent to the first group of apartments closest to W. Valley View Rd which is already buffered by four (4) large cottonwood trees as well as at least six (6) other trees. The applicant has proposed to install a new wood fence six (6) feet in height along the entire project area and is proposing to plant a mix of shrubs between one (1) and five (5) gallons in size along the western boundary and three (3) 15 gallon trees along the eastern boundary adjacent to Oak Valley Subdivision. The combination of existing

trees, proposed shrubs and the proposed fence is sufficient to provide an aesthetically pleasing buffer for the adjacent properties. The applicant is encouraged to consider additional vertical plantings to further shield the view of the west elevation. **The provisions of this section has been met.**

F. *Trees and Landscaping.*

1. *A minimum of forty percent (40%) of the outdoor parking area shall be shaded by trees within fifteen (15) years of planting, and buildings at noon on August 21 Pacific Daylight Time. Noon on August 21 constitutes a 58-degree solar altitude and shadow lengths shall be calculated by multiplying the height of a shadow-casting object by 0.625. Shadow patterns will be cast in a due north direction from the object.*

Finding: The proposed landscaping plan identifies fifteen (15) new trees onsite. The applicant has identified by location the shadow pattern of the proposed trees, but does not confirm that the proposed planting will achieve the minimum forty (40) percent shading requirement in the proposed parking areas. As a condition of approval, the applicant shall, prior to the issuance of permits shall provide a revised landscape plan that includes either a statement from the Landscape Architect that the proposed plantings meet the forty (40) percent shade requirement for the parking areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years. **The provisions of this section have been met subject to conditions of approval.**

2. *Trees shall be retained and/or planted in landscaped areas, which shall cover not less than seven percent (7%) of the area devoted to outdoor parking facilities. Such landscaping shall be uniformly distributed throughout the parking area and may consist of trees plus shrubs, ground cover or related material. The intent is to break up large expanses of asphalt and thus provide shade in the warmer months and pervious surfaces for stormwater, and aesthetic relief. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for sustainable plant growth, with appropriate timing devices to encourage water conservation.*

Finding: The proposed landscaping plan identifies fifteen (15) new trees onsite. The applicant has identified by location the shadow pattern of the proposed trees, but does not confirm that the proposed planting will achieve the minimum seven (7) percent shading requirement in the proposed landscaped areas. As a condition of approval, the applicant shall, prior to the issuance of permits shall provide a revised landscape plan that includes either a statement from the Landscape Architect that the proposed plantings meet the seven (7) percent shade requirement for the landscaped areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years. **The provisions of this section have been met subject to conditions of approval.**

3. *Irrigation facilities or other provisions for the continuing care of the vegetation and protective curbs or raised wood headers shall be provided for landscaped areas.*

Finding: The proposed landscape plan does not identify the require irrigation facilities to provide for the continuing care of the vegetation. As a condition of approval, the applicant shall, prior to the issuance of permits provide a revised landscape plan that includes the location of the proposed irrigation system. **The provisions of this section have been met subject to conditions of approval.**

4. *Trees shall be of a type and distribution to reduce the reflection of heat by paved surfaces and should have an adequate lifespan, be pollution tolerant and have low maintenance requirements in order to save long-term costs. An approved recommended tree list will be provided to the applicant.*

Finding: The proposed landscaping plan identifies fifteen (15) new trees onsite. The trees are identified as 15 gallon Red Maples and Cedars, both with accelerated growth rates that at maturity provide an average height of 35-40 feet and an average canopy of 20-35 feet. Although the applicant has identified by location the shadow pattern of the proposed trees, the plan does not confirm that the proposed planting will achieve the minimum forty (40) percent shading requirement in the proposed parking areas. As a condition of approval, the applicant shall, prior to the issuance of permits shall provide a revised landscape plan that includes either a statement from the Landscape Architect that the proposed plantings meet the forty (40) percent shade requirement for the parking areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years. **The provisions of this section have been met subject to conditions of approval.**

5. *Trees shall be planted in a manner that will minimize interference with the solar access of adjacent properties.*

Finding: The proposed landscape plan identifies six (6) 15 gallon Cedar trees with an average height of approximately 40 feet. The adjacent residential development includes approximately 15 trees along the eastern boundary of the property and has already impacted in potential solar access. Based on the shadow patterns identified on the proposed plan and the existing trees on the residential property, it doesn't appear that solar access will be impacted by the proposed tree locations. **The provisions of this section have been met.**

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

Finding: The proposed site plan identifies five (5) 25' High Site light poles that provide a minimum 2 foot candles in all paved areas. Four (4) of the proposed lights are adjacent to existing residential uses and shall be shielded or arranged to reflect light away from abutting or adjacent residential districts and limit excessive light pollution. As a condition of approval, the applicant shall prior to the issuance of permits provide a revised site plan that includes the light specifications for all exterior parking lot and building lighting. All lights shall be shielded or directed in a manner that prevents light from reflecting towards the residential uses. **The provisions of this section have been met subject to conditions of approval.**

8-3J.6 ACCESS, CIRCULATION AND STREET IMPROVEMENTS

8-3J.630 STREET ACCESS AND CIRCULATION

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

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

Finding: The proposed development is served by an existing access. The existing access allows the property to accommodate and service the anticipated traffic without infringing on the adjoining property. The current location of the access is approximately 125 feet from the access to the east (Snap Fitness) and 150 feet from the access to the west (Anjou Club Apartments). There are no visual obstructions at the location of the current access and sight distance is sufficient to provide safe turning movements into the proposed development.

One concern staff notes is the left turn movement heading east on W. Valley View; currently there is no left turn lane for either the proposed or adjacent development to the east. Several accesses on the north side of W. Valley View require traffic to stop in the left travel lane to make the necessary left turn, causing frequent accidents.

The City has been awarded a \$460,000 grant by the Oregon Department of Transportation to implement the conversion of W. Valley View to a three-lane cross-section in 2017. This three lane cross-section will provide the necessary center turn lane adjacent to all of the aforementioned properties, reducing the left turn hazard.

Considering the future lane conversion and low traffic generation from the retail operation, it is not necessary to require the applicant to complete any improvements to W. Valley View.

The provisions of this section have been met.

2. *Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum width of 10 feet per lane is required). These methods are "options" to the developer/subdivider, unless one method is specifically required by Divisions 8-3C through 8-3H, and Article 8-3J.1.*
 - a. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access point. Street access points shall comply with Paragraph 630(A)3.*

Finding: The proposed development is served by an existing access. The existing access allows the property to accommodate and service the anticipated traffic without infringing on the adjoining property. There are however, some necessary changes to the driveway to meet the request of the applicant.

The proposal request is for an expanded driveway apron to accommodate truck turning movements in and out of the development site. As a result of the expanded driveway apron, the applicant is requesting to relocate the on-street pedestrian lighting. Planning Staff along with Public Works met onsite to determine if the relocation was possible and determined that the relocation is possible, but not in the proposed location. As proposed, the light would be placed outside of the right of way, not in line with the existing lights which is not acceptable. To ensure consistency with the existing location of the other pedestrian lights, Public Works will require the light to be relocated within the right of way adjacent to the new driveway apron and the relocation of the pedestrian light to the east of the driveway, closer to the driveway apron. This is necessary to provide equal spacing between the pedestrian lighting. As a condition of approval, the applicant shall, prior to issuance of permits, provide a revised site plan that identifies the existing location of the pedestrian lights on both sides of the driveway as well as the proposed location of the pedestrian lights directly adjacent to the driveway apron.

Additionally, the existing apron is damaged and does not meet the current City standards. The existing driveway width is approximately 32 feet and the maximum driveway width is 30 feet. The proposed driveway width is 37 feet with an apron that flares out and additional three (3) feet (40 feet total).

Section 8-2.260(J)(3) of the Talent Subdivision Code allows Public Works to increase the driveway width if more than two lanes are necessary based on the estimated trip generation. Since the use is retail the site will need to accommodate large trucks for deliveries and has the potential to have an increased traffic count, Public Works has authorized the expanded driveway subject to conditions.

As noted above, the current existing apron is damaged and is need of repair. As a condition of approval, the applicant shall, prior to the issuance of permits provide a revised site plan that identifies the reconstruction of the driveway apron as well as the two sidewalk panels to the east of the driveway. The revised plans shall also show the standard detail (dwg. No. 96-01) for a commercial driveway apron including materials used and dimensions. **The provisions of this section have been met subject to conditions of approval.**

8-3J.640 PEDESTRIAN ACCESS AND CIRCULATION

To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicyclists.) The system of pathways shall be designed based on the standards in Subsections A–E, below:

- B. *Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:*

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

Finding: The proposed site plan identifies a walking path from the side (emergency) entrance of the building to the adjacent sidewalk. However, Section 8-3J.640(B)(3) above requires safe and direct access between the primary entrance and the adjacent street. As proposed, the plan does not meet this standard. The proposed access to the sidewalk from the side of the building can remain, but an additional access that is ADA accessible from the primary entrance shall be shown on the plan to meet the standard. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a revised site plan that includes an ADA access from the primary entrance of the building to the adjacent street. **The provisions of this section have been met subject to conditions of approval.**

- C. *Connections Within Development. For all developments subject to Site Development Plan Review (8-3L.1), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas, and adjacent developments to the site, as applicable.*

Finding: The proposed site plan identifies the required pathways around the building, but does not provide a path from the other two parking areas. The parking areas along the northern portion of Parcel 1 and in Parcel 2 shall have the necessary connection to provide safe access from those parking areas to the main building. Additionally, there are multiple areas along the western boundary of the proposed development that could provide direct access to the neighboring residential development. To encourage pedestrian access to the site, safe and convenient access shall be provided to the adjacent residential development. This access shall be improved on the subject site and be available for everyday access to the retail operation. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a revised site plan that includes the following:

1. Pathways connecting all parking areas to the main building.
2. Improved access to the adjacent residential development providing everyday access to the retail operation.

The provisions of this section have been met subject to conditions of approval.

STORM DRAINAGE DESIGN STANDARD

Section I. GENERAL PROVISIONS

E. Applicability

Permanent drainage facilities that comply with these Standards shall be provided at the time of all property improvements within the City of Talent including the following:

- 3) *Any construction project that would change a point of discharge of surface water or the quantity of discharge, or that would discharge surface water at a higher velocity than the rate of discharge before construction, or that would add to pollution of surface waters.*

Finding: The proposed retail development creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensures that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards.

RVS's Stormwater Design Manual along with the provisions of this section also require the property owner to maintain the stormwater system in an operational manner. To ensure compliance, RVS requires an Operation and Maintenance Plan (O & M) and agreement. As a condition of approval, the applicant shall, prior to the issuance of permits provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

Section II. GENERAL DESIGN CONSIDERATIONS

A. Minimum Performance Standards - The following provisions are intended to adequately control runoff from all streets, buildings, and impervious surface areas, and ensure the capability to extend the drainage system to all developable areas of the city:

- 3) *The point of disposal for all stormwater may be any storm drain, existing open channel, creek, or detention or retention pond approved by the City Engineer.*

Finding: The proposed retail development creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensures that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards. As the Phase II and MS4 Permit holder, RVS is responsible to ensure compliance with the stormwater design standards. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

- 4) *It is the developer's responsibility to obtain and cause to be recorded any necessary easements across private property that are needed to connect a development site with an approved point of discharge. Dimensions and other characteristics of the easement area shall be approved by the City Engineer. Closed conduit systems are required when a drainage system must cross an intervening property.*

Finding: The proposed development does not identify the required stormwater management facility and therefore does not identify the location of the point of discharge of the onsite stormwater. Post-development flow rates are addressed in RVS stormwater standards and are subject to review and approval by RVS. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater plan approved by Rogue Valley Sewer Service. **The provisions of these sections have been met subject to conditions of approval.**

- 5) *The design storm peak discharge from the subject property may not be increased from conditions existing prior to the proposed development, except when it can be demonstrated by the applicant that there will be no adverse impact, subject to approval of the City Engineer.*

Findings: Post-development flows rates are addressed in RVS stormwater standards and are subject to review and approval by RVS. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater plan approved by Rogue Valley Sewer Service. **The provisions of these sections have been met subject to conditions of approval.**

- 8) *The minimum width of an access easement from an existing public road to a drainage facility shall be twenty (20) feet.*

Finding: The proposed development does not identify the required stormwater management facility and therefore does not identify the location of required access easement. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

M. Stormwater Detention - Detention facilities are required whenever development will create conditions that will increase storm flows beyond the surface flows under undeveloped or current conditions. Detention facilities hold runoff for a short period of time and then release it at a controlled rate into the area storm drain system. The rest of this Section sets out standards for design and construction of detention facilities:

1. *General Requirements*

- f) Public health, safety, maintenance needs, nuisance abatement, and vector control must all be carefully considered for every drainage control system plan. Mitigating measures will be required when appropriate, and shall themselves be designed to prevent nuisance or hazard conditions.*

5. *Retention / Detention Pond Easements*

- f) All publicly maintained facilities that are not located in a public right-of-way shall be located in a recorded drainage easement, including any necessary easements for access. The owner in fee simple or contract purchaser of the property upon which the facility will be located shall execute said easement. Where a facility must cross an intervening private tract, it is the responsibility of the developer / project site owner to arrange for all necessary easements.*

Finding: The proposed development does not identify the required stormwater management facility and therefore does not identify the location of required access easement. There are multiple points onsite that stormwater from an approved stormwater facility can be discharged to and it doesn't appear that stormwater will be discharged across an adjacent private tract. Prior to the issuance of building permits, the applicant shall provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

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

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

Eric Heesacker
Chairperson

ATTEST

Zac Moody
Community Development Director

City of Talent

Community Development Department - Planning



STAFF REPORT

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

Meeting date: April 28, 2016
 File no: DCA 2016-001
 Prepared by: Zac Moody, Community Development Director
 Item: Adoption of regulations relating to tree preservation, landscaping and public trees.

GENERAL INFORMATION

Petitioner City of Talent

Requested Action *Text Amendments to the Talent Zoning Code adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping. New language allows the City to require a tree removal permit for heritage and significant trees and provides quantifiable standards for landscaping. **File: DCA2016-001. Applicant: City of Talent.***

PROPOSAL

Staff is proposing changes to the Tree and Landscaping section of the Talent Zoning code to address concerns about the removal of large trees on private property and to provide clearer landscape standards for new commercial, industrial and residential property. Staff is also seeking an opportunity for the City to receive a Tree City USA Growth Award.

As you all know, the City of Talent is a Tree City USA and has been for 15 years. What you may not know is to receive Tree City USA status, there are four core standards of sound urban forestry management that must be maintained. The City is required to maintain a tree board or department, have a community tree ordinance and spend at least \$2 per capita on urban forestry and the celebration of Arbor Day.

For 15 years the City has maintain its Tree City USA status and received on Tree City USA growth award. A City can earn a Growth Award if it qualifies as a Tree City USA for at least two consecutive years and completes activities in eligible categories earning 10 or more points.

It has been 5 years since the City last applied for a Growth Award and Staff is confident that the

City can receive the award again in 2016 with some changes to our Tree and Landscaping code. While many of the items necessary to receive points in the “Improved Ordinance” category have already been addressed, there is room for improvement.

In order to make the necessary changes to the Tree and Landscaping code, Staff began reviewing all sections of the Talent Zoning Code that related to trees or landscaping. This included reviewing the Tree and Landscaping section as well as the Off-Street Parking Standards specific to landscaping. After reviewing each section, it became clear to Staff that not only was additional language needed to address deficiencies, but a reorganization of the sections of code was also necessary to make the code more usable to our citizens.

Staff is recommending that the following changes the Talent Zoning Code:

- Remove Fences and Hedges section and consolidate with new Landscaping section
- Add Landscaping, Fencing and Hedges as a new section
- Add Tree Preservation and Protection section
- Add Public Trees section

AGENCY COMMENTS

As of the date of this staff report both the City Manager as well as the Public Works Director commented. Their concerns related to the Public Trees amendment where the language addresses trees, shrubs and plants as well as concerns over the time frame the City has to notify property owners of public tree maintenance.

As requested by the City Manager, staff removed all references to shrubs and plants in the proposed Public Trees section of the proposed language. Staff also removed all references related to the time frame that the City must provide property owners prior to public tree maintenance.

PUBLIC COMMENTS

As of the date of this staff report, no public comments have been received. Staff did reach out to many individuals and businesses request comments and received some verbal comments. Canopy LLC, a local Arborist and tree trimming company assisted with language that defines heritage and significant trees. Additionally, Rogue Climate Talent was given the documents for review and will provide comments at the public hearing.

BACKGROUND

The Planning Commission has participated in two workshops to assist staff in preparing the aforementioned code amendments. The first work session was held on January 28, 2016 and proposed the scope of work and presented some preliminary draft language for the Commission to consider. The second work session was held on February 18, 2016 with the goal of reworking the draft amendments to better fit the needs of the community.

During these work sessions, the Planning Commission provided valuable suggestions to all of the proposed amendments. These suggestions have been included in the proposed amendments (EXHIBIT A).

RECOMMENDATION

Based on the findings for the proposed amendments outlined in the Proposed Final Order, staff recommends City Council approval of the proposed amendments.

RECOMMENDED MOTION

“I move to recommend approval of the proposed amendments to the Talent City Council, as described in the attached Exhibit A, amending the Talent Zoning Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping.”

ATTACHMENTS

The following information was submitted regarding this application:

- Proposed Amendments – Exhibit A
- Proposed Final Order – Exhibit B



Zac Moody, Community Development Director

April 21, 2016

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 Section 8-3M.160.

A public hearing on the proposed action is scheduled before the Planning Commission on April 28, 2016 at 6:30 PM at the Talent Town Hall.

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 zmoody@cityoftalent.org.



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. DCA 2016-)
001, AMENDMENTS TO THE TALENT ZONING ADDING TITLE 8,)
CHAPTER 3, DIVISION J, ARTICLE 10, PUBLIC TREES AND)
AMENDING TITLE 8, CHAPTER 3, DIVISION J, ARTICLE 3, FENCES)
AND HEDGES, AND AMENDING TITLE 8, CHAPTER 3, DIVISION J,) ORDER
ARTICLE 4, TREES AND LANDSCAPING, THE CITY OF TALENT)
PLANNING COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on April 28, 2016;
2. The Planning Commission requested that the Community Development Director present a staff report and a proposed final order with code language, findings and recommendations;
3. The proposed text amendments are consistent with the Talent Comprehensive Plan.
4. At the public hearing evidence was presented by the Community Development Director and the public was given an opportunity to comment;

IT IS HEREBY ORDERED THAT based on the information presented in the staff report and the following findings of fact, the Talent Planning Commission recommends approval of the amendments to the Talent Zoning adding Title 8, Chapter 3, Division J, Article 10, Public Trees and amending Title 8, Chapter 3, Division J, Article 3, and Title 8, Chapter 3, Division J, Article 4. As proposed, Title 8, Chapter 3, Division J, Article 3 would be renamed to Tree Preservation and Protection and Title 8, Chapter 3, Division J, Article 4 would be renamed Landscaping, Fencing and Hedges.

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

8-3M.160(G) Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. *The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197 (for Comprehensive Plan amendments only);*

FINDING: Not applicable as this is not a Comprehensive Plan amendment. A development code amendment is presumed to enact policies in the Comprehensive Plan; the findings validating that presumption are outlined below. **The provisions of this section are not applicable.**

2. *Comments from any applicable federal or state agencies regarding applicable statutes or regulations;*

FINDING: The City sent the full text of the proposed amendment to the Department of Land Conservation and Development (DLCD), which has exclusive oversight of code amendments to ensure compatibility with State Goals, Statutes and Administrative Rules. DLCD’s Urban Planning

Specialist stated that “they (DLCD) were happy to see Talent’s draft tree code standards are clear and objective...” Staff would note that it has reviewed all Federal and State laws associated with urban forestry and contends that not only are these amendments are consistent with all applicable State and local regulations, but they provide an extra level of review and education for the general public. **The provisions of this section have been met.**

3. *Any applicable intergovernmental agreements; and*

FINDING: No intergovernmental agreements were found to be applicable to the proposed ordinance amendments. **The provisions of this section are not applicable.**

4. *Any applicable Comprehensive Plan policies and provisions of the Talent Zoning Code that implement the Comprehensive Plan. Compliance with Section 160 of this Article shall be required for Comprehensive Plan Amendments, Zoning Map, and Text Amendments.*

FINDING: All applicable Comprehensive Plan policies and provisions of the Talent Zoning Code have been addressed. **The provisions of this section have been met.**

ELEMENT B: PARKS

Goal: To meet the present and future needs of Talent residents for parks, recreation, and open space projects

POLICY 2: Conservation: *It is the policy of the City of Talent to preserve and enhance the quality of its existing parks and recreation resources.*

IMPLEMENTATION STRATEGIES:

4. *Provide incentives and guidance to developers of new subdivisions that encourages conservation of sensitive areas. Providing more open space and parks within development plans can reduce the demand for more parkland. Such incentives may include the use of density trading or forgiveness of system development charges in exchange for dedication of parks and open space. Maintenance of parks and open space in new subdivisions may be part of the codes, covenants, and restrictions (CCRs).*
6. *Utilize the Local Wetland Inventory, the Flood Hazard Mitigation Plan, and Article 12 of the Talent Zoning Ordinance (TZO) – Natural Areas, Parks, and Floodplains to coordinate an open space and wetlands protection program that is consistent with the implementation strategies of the natural hazards element and Element B. A system of riparian buffers and wetlands are a natural defense designed to absorb runoff, protect water quality, as well as provide habitat for fish and wildlife.*

FINDING: The proposed Tree Preservation and Protection ordinance provides City Staff the opportunity to emphasize the importance of trees through a permitting process that encourages a healthy urban forest and watershed.

The Tree Preservation and Protection ordinance includes a permit process for all types of tree removal. As proposed, the City would implement a process that includes four tree permit types. The Type A Permit is for removal of a single tree and gives Staff the opportunity to visually inspect the tree proposed for removal and to provide options to the property owner wishing to remove the tree. The Type A permit is a no cost permit meant solely for education and to introduce mitigation options.

The Type B, C and D permits provide staff the opportunity to evaluate large sites or sites with previously mitigated trees and to address natural hazard concerns such as erosion in areas where large areas of trees have been removed.

Trees in the proposed ordinance are classified as significant or heritage. These distinctions provide the basis for mitigation and for enforcement of unpermitted tree removal. Trees provide riparian buffers and wetlands which protect water quality, as well as provide habitat for fish and wildlife. **The provisions of this section have been met.**

IMPLEMENTATION STRATEGIES:

POLICY 5: Urban Forestry: *It is the policy of the City of Talent to promote healthy trees as fundamental to the quality of life in the City of Talent.*

3. *Draft a tree list and a resource guide for the City and its residents.*
7. *Consider developing an internship program that provides a valuable, educational experience for the participant while cost-effectively implementing the goals of the Urban Forestry program.*

FINDING: The City of Talent contains some old and beautiful trees as well as some newer ones planted recently in the downtown area and some newer residential developments. Although no specific Statewide Planning Goal addresses urban forestry, the Department of Forestry recognizes the importance of trees through an Urban Forestry program. Talent does not have a contract with a certified Arborist to monitor tree preservation and protection and no comprehensive program currently exists in the city to improve and enhance urban forestry on public or private property.

The City recognizes the need for tree preservation and protection and has been taking steps to improve and enhance urban forestry on public and private property since it became a Tree City in April 2000. Since then, the City has conducted tree inventories of all public trees and in 2005 introduced the City's first tree and landscaping code.

In December 2015, the City attempted to obtain its second Tree City USA Growth Award, but was unable to because of all of the previous work completed by City Planners. Our community can achieve another Tree City USA Growth Award because the City has been designated a Tree City for more than two consecutive years.

In order for the City to achieve the Growth Award, the City must surpass the bar set in 2005 and completes activities in eligible categories totaling 10 or more points. Eligible activities fall into one of four categories, and each activity has an associated point value.

- Category A: Education and Public Relations
- Category B: Partnerships
- Category C: Planning and Management
- Category D: Tree Planting and Maintenance

The City can obtain nearly 2/3 of the necessary points for the Growth Award by improving and enhancing its existing ordinance protect the urban forest and to educate citizens on options for tree maintenance rather than removal. The other 1/3 of the necessary points come from education materials that will be produced following the adoption of the revised code.

In the Fall of 2015, Community Development enlisted the help of an intern from Southern Oregon

University to aid in the development of the new language. This internship provided a valuable, educational experience for the intern while cost-effectively implementing the goals of the Urban Forestry program. **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 live and reduces risks to property in the event of a natural hazard.

POLICY 1.3. It is the policy of the City of Talent to mitigate and reduce landslides in susceptible areas such as hillsides.

IMPLEMENTATION STRATEGIES:

1.3.1 *Require erosion control measures such as silt fences and other bank stabilization measures at all building sites, consistent with Department of Environmental Quality (DEQ) standards and cooperate with that agency for effective implementation of the erosion control program. The prescribed standards will prevent runoff and soil erosion, and will be consistent with protecting sensitive fish habitat in the Bear Creek watershed.*

FINDING: Many of the trees that will be removed within the City limits will likely be in areas that are relatively flat and that will not pose a major erosion concern. However, there are areas within the City that have steep slopes. The mechanical and hydrogeological benefits which trees and other vegetation provide to maintain slope stability and reduce erosion are well documented. Most of the wooded foothills surrounding Talent are in a delicate equilibrium. For example, natural events such as an unusually intense winter rainstorm or human activities such as a concentration of upland runoff or careless logging or tree removal can reduce stability, even trigger landslides.

The proposed code amendments as mentioned above, provide mitigation for all Type B,C and D permits as well as provisions for protection during construction and enforcement. The addition of the aforementioned criteria provides the City the ability to conduct a more detail review of tree removal and to ensure that removal of more than one tree has been properly reviewed by the City Engineer if erosion is a concern. **The provisions of this section have been met.**

ELEMENT E: ECONOMY

POLICY 5: Livability: *The City recognizes that livability is an important factor in the location choices of some types of businesses, and the policy of maintaining livability for the benefits of City residents is further reinforced by the potential for economic benefits.*

Objective 1: Create a community where people want to spend time beyond the exigencies of daily life.

IMPLEMENTATION STRATEGIES:

1. *Create streetscapes and landscaping that make comfortable and appealing transitions between public and business areas and nearby neighborhoods.*

FINDING: The amendment of the Tree Preservation and Protection and Landscaping ordinances provide the City the opportunity to ensure new landscaping in areas of the City are comfortable and appealing and that all new developments provide sufficient landscaping for aesthetics and watershed health. Newly proposed buffering standards will aid in providing better transitions between public and business area and nearby neighborhoods. Overall, increasing landscape requirements and encouraging tree preservation will help create a community where people want to spend time. **The provisions of this section have been met.**

Eric Heesacker
Chairperson

Date

ATTEST

Zac Moody
Community Development Director

Date

8-3 Division J. Article 3.

TREE PRESERVATION AND PROTECTION

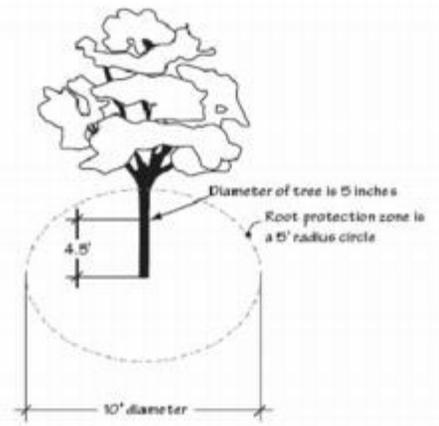
8-3J.300 DESCRIPTION AND PURPOSE

The City recognizes the importance of trees to the character and beauty of Talent. This chapter is intended to preserve and enhance that urban forest within the City of Talent through effective management of private and public trees. The City has therefore determined that reasonable regulation of the removal of certain trees is necessary and that this regulation of trees is based upon the following general guidelines:

- A. Trees benefit the public health, safety, and welfare by protecting air and water quality, preventing erosion and flooding, reducing energy costs, increasing property values, and providing natural beauty and contrast to the built environment which contributes to the physical and mental well-being of residents;
- B. Trees provide both shade and shelter in riparian areas which are essential for aquatic and land-going species;
- C. Trees enhance the local economy and increase property values by providing an attractive and aesthetically pleasing environment;
- D. Undeveloped or development property should be protected from unregulated removal of trees prior to the approval of development plans. Trees on such properties should be preserved so that they may be considered for incorporation into development plans.

8-3J.310 DEFINITIONS

- A. Arborist means a person who has met the criteria for certification from the International Society of Arboriculture or American Society of Consulting Arborists, and maintains his or her accreditation.
- B. “Critical root zone” or “CRZ” means a circular area determined by either of the following methods. The method used shall be indicated on the plans.
 - 1. Method A. A circular area equal to one foot in radius for every inch of tree diameter at breast height measured from the outside trunk of the tree at four and one-half feet above ground level; or
 - 2. Method B. An area determined for an individual tree to be the necessary root area for the tree’s continued normal growth as demonstrated in a written report by a certified arborist and based on documented field investigations. Reasonable alteration of the shape based on factors such as existing infrastructures, tree lean



or steep slopes may be considered.

- C. “Community Development Director” means the City of Talent Community Development Director, or his/her designee.
- D. “Commercial wood lot” means parcels or lots which meet the following criteria on the effective date of the ordinance codified in this chapter:
1. The site is at least two acres in size.
 2. Trees have been actively managed and maintained on the subject property for the purpose of harvesting.
 3. The owner has supplied the city with proof that the property has been in tax-deferred status under state law provisions such as forest land deferral or small woodlands deferral for a minimum of five consecutive years immediately prior to application.
- E. “Diameter at breast height” or “dbh” means the diameter of the tree measured in inches at four and one-half feet above ground level. For trees with multiple trunks, dbh shall be measured at the narrowest point between ground level and the point where the trunk diverges, or shall be the sum of the diameters of the two largest trunks at breast height, whichever is smaller. All measurements shall be rounded to the nearest inch.
- F. “Dead” means the tree is obviously lifeless without any live leaves, needles or buds.
- G. “Dying” means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees.

- H. “Hazardous tree” means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
- I. “Heritage tree” means any of the following which are not hazardous trees as defined above. Deciduous and Conifer trees may include but are not limited to the following:

Deciduous

Black, White, Red 18" or more dbh
and Burr Oak

Beech XX" or more dbh

Sycamore or XX" or more dbh
Planetree

Zelcova XX" or more dbh

Maple XX" or more dbh

Ash XX" or more dbh

Dogwood XX" or more dbh

Madrone 18" or more dbh

Conifer

Douglas Fir 48" or more dbh

Redwood XX" or more dbh

Blue Atlas Cedar XX" or more dbh

Bald Cypress XX" or more dbh

Monterey Cypress XX" or more dbh

Ponderosa Pine XX" or more dbh

Sequoia XX" or more dbh

Deodar Cedar XX" or more dbh

Incense Cedar XX" or more dbh

K. "Impacted tree" means a significant tree whose critical root zone will be impacted by proposed development. Impacts include, but are not limited to, fill, cuts, soil compaction, paving, placement of structures, stockpiling of soil, utility trenching and other activities that may impact the health and viability of the tree.

L. "Remove" means:

1. To cut down a tree, or to damage a tree so as to cause the tree to decline and/or die within a three-year period. Types of damage which may constitute removal include but are not limited to topping, damage inflicted upon a root system by application of toxic substances, and girdling. "Removal" does not include normal trimming or pruning of trees as defined by ANSI A300 pruning standards current on the day this definition was adopted.
2. To perform activities which result in impacts to more than 30 percent of the critical root zone if the CRZ is determined by Method A in subsection (2) of this section.
3. To perform activities which impact any of the CRZ if determined using Method B in subsection (2) of this section.

M. "Significant tree" means any of the following as well as trees which have been planted or individually preserved as part of a previous tree removal permit. It can also be a tree that has been nominated and approved as a locally significant tree in accordance with Section 8-3J.1080.

Deciduous

Black, White, Red 6" or more dbh
and Burr Oak

Beech XX" or more dbh

Sycamore or XX" or more dbh
Planetree

Zelcova XX" or more dbh

Maple 12" or more dbh

Ash 8" or more dbh

Dogwood 6" or more dbh

Madrone 6" or more dbh

Conifer

Douglas Fir 18" or more dbh

Redwood XX" or more dbh

Blue Atlas Cedar 6" or more dbh

Bald Cypress 6" or more dbh

Monterey Cypress 6" or more dbh

Ponderosa Pine 6" or more dbh

Sequoia XX" or more dbh

Deodar Cedar XX" or more dbh

Incense Cedar XX" or more dbh

- N. "Public tree" A tree or woody plant with its base located within or adjacent to a public right-of-way or any tree or woody plant within a city park, or other publicly owned property. Public Trees include trees within existing planting strips or sidewalk tree wells. Public Trees typically have a single trunk at least 2 inches in diameter at a point six inches above the mean ground level at the base of the trunk.
- O. "Topping" the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
- P. "Tree" means any significant tree or tree within a designated wetland or riparian area setback as defined by Section 8-3H.230(C) of the Talent Zoning Code.

8-3J.320 PERMIT EXEMPTIONS

- A. City sanctioned activities that intend to increase overall wellbeing of the environment and the lives of those who live in Talent.
- B. Removal of dead or dying trees.
- C. Activities associated with tree trimming for safety, as mandated by the Oregon Public Utilities Commission. Tree trimming shall be done by a certified arborist, Journeyman Tree Trimmer, or party designated by the Community Development Director.

8-3J.330 APPLICATION FOR TREE REMOVAL PERMIT

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- A. A person seeking to remove one or more trees shall apply for a tree removal permit Type A, B, C, or D, depending on the applicable standards as provided in this chapter.
 - B. By submission of an application, the applicant shall be deemed to have authorized city employees, representatives, or consultants to have access to applicant's property after providing 24 hours' notice as may be necessary to verify the information provided, to observe site conditions, and, if a permit is granted, to verify that terms and conditions of the permit are followed.
 - C. Time of Application. Application for a tree removal permit shall be approved before removing or transplanting significant trees except in emergency situations where immediate action must be taken to ensure public safety, or imminent property damage. See section 8-3J.320 for exemptions. Where the site is proposed for development necessitating site plan or tentative plat review, application for a tree removal permit shall be made concurrent with subdivision, partition, site plan review, or other development application as specified in this chapter.
 - D. Fees. A person applying for a tree removal permit shall pay an application fee, as established by resolution of the City Council.

8-3J.340 APPLICATION REVIEW PROCEDURE

- A. Reviewing Authority.
 - 1. Type A, B, or D. Where site plan review or tentative plat approval by the Planning Commission is not required by city ordinance, the review of the tree removal permit application shall be the responsibility of the Community Development Director.
 - 2. Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Planning Commission, the tree removal permit shall be reviewed concurrently by the Planning Commission.
- B. Timeline and Notice – Review Period for Complete Applications.
 - 1. Type A and B permit applications shall be approved or denied within 10 calendar days.
 - 2. Type C permit applications shall be reviewed for completeness within 30 calendar days, and final action shall take place within 120 days as required by ORS 227.178. Notice of proposed action shall be given to surrounding property owners according to 8-3M.150. A Type C permit shall follow the hearings procedures required for the accompanying land use application. If the accompanying land use application

is denied or is withdrawn or expired, the tree removal permit shall similarly be denied, withdrawn, or expired.

3. Type D permits shall be approved or denied within 45 calendar days.
- C. Conditional Approval. Whenever an application for a tree removal permit is granted, the Community Development Director may attach to the permit any reasonable conditions considered necessary to ensure compliance with applicable standards.
- D. Tree removal permits and tree surveys shall be valid for a period not to exceed three years.

8-3J.350 PERMIT TYPES

Type A permit.

- A. Type A permit applications will be approved when all of the following conditions are met:
1. A completed request for Type A permit has been filed on the forms provided by the city.
 2. The request is for removal of a single tree within a single 12-month period.
 3. The trees subject to removal are not heritage trees or public trees.
 4. The trees subject to removal were not retained as part of a previous site development approval or planted as mitigation for a previous tree removal.
 5. The tree removal request is not proposed in conjunction with land development which requires a land use approval including but not limited to site plan review or amendment, subdivision, or partition approval.
- B. Tree removals under a Type A permit do not require mitigation; however, replanting is generally recommended, and recipients of Type A permits who wish to replant may qualify for assistance from the city's tree fund if funds are available.

Type B permit.

- A. An applicant must apply for a Type B permit to remove trees when any of the following conditions are met:
1. The applicant proposes to remove more than three trees within a 12-month period, independent of an application for site development review; or
 2. The applicant proposes to remove a tree or trees which were preserved as part of a previous land use permit or planted as mitigation for previous tree removal; or

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3. The applicant proposes to remove a heritage tree; or
 4. The proposed tree removal is for clearing of a home site on a lot subsequent to land division approval. All trees removed for home sites prior to occupancy shall be mitigated according to the standards of this chapter.
- B. Application for the Type B permit shall contain the following information unless specifically waived by the reviewing authority under subsection (2)(g) of this section:
1. A brief statement explaining why tree removal is being requested, to ensure that another permit type or consolidated application is not more appropriate.
 2. An accurate map, drawn to scale, which shows:
 - a. The shape and dimensions of the property, and the location of any existing and proposed structures, improvements, easements and setbacks.
 - b. The location of all impacted trees on the site including critical root zones, species and/or common name, and diameter at breast height (dbh).
 3. Tree Protection. Tree protection measures must be outlined to address protection of the tree trunks, canopy and soils within the critical root zones during and after the tree removal process. Examples of tree protection methods include mulching, irrigation, protective fencing, compaction reduction measures, erosion control, etc.
 4. Field Identification. All trees to be removed shall be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction or application documents.
 5. Mitigation Plan. A description of the proposed tree replacement program with a detailed explanation including the number, species, size within five (5) years, size at maturity and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.
 6. Existing Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas governed by CC&Rs, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.
 7. Waiver of Documentation. The Community Development Director may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to review the application, or alternate forms of information have been provided which provide

sufficient detail to allow the Community Development Director to review the application.

- C. Approval Criteria. Tree removal or transplanting pursuant to a Type B permit shall be limited to instances where the applicant has applied for a Type B permit in accordance with subsection (1) of this section and has provided complete and accurate information as required by this chapter.

Type C permit.

- A. Approval to remove more than three trees on a single lot or parcel as part of a site plan review or amendment, subdivision, or partition application may be granted as a Type C permit in conformance with subsection (5) of this section.
- B. Type C permit applications shall be reviewed concurrent with the development review process. If a Type C permit or its associated development application is appealed, no trees shall be removed until the appeal has been resolved.
- C. Submittal Requirements. The applicant must provide 10 copies of a tree maintenance and protection plan completed by a certified arborist that contains a summary of existing conditions and a mitigation plan as follows:
 - 1. Summary of existing conditions including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
 - a. Property Dimensions. The shape and dimensions of the property, and the location of any existing or proposed structures, utility installations, grading, or other improvements.
 - b. Tree Survey.
 - i. The survey must include an accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch equals 100 feet including:
 - A. The location, number of trees, tree size as dbh (see 8-3J.310 (5), and proposed trees for removal.
 - B. The critical root zone of impacted trees, and the extent of likely impacts.
 - C. The common name of impacted trees.

D. Heritage trees shall be clearly noted on the survey.

ii. Where a stand of 20 or more contiguous trees will be removed, the required tree survey may be simplified to accurately show the location of all heritage trees, and significant trees which are within 50 feet of the edge of the development envelope. Only these trees are required to be field tagged. Interior tree areas shall be depicted with clouds or other similar linework and the dbh, common name, and total number of all interior trees shall be accurately stated on the plans.

iii. Neighboring Properties. All impacted trees on neighboring properties shall be shown on the tree survey. If the applicant cannot obtain permission to survey the neighboring properties, the person or persons preparing the survey shall make a note to this effect on the survey and locate the trees and CRZs to the best of their ability. The survey shall show the percentage of CRZ for these trees which will be impacted by the proposed improvements.

A. When a proposal includes activities which will result in removal of trees on neighboring properties, the applicant shall include the removal of the neighboring trees in the permit application and mitigate for their removal.

c. Arborist Report. The report shall describe the health and condition of all heritage trees including species, common name, dbh, approximate height, and age. The report shall identify hazardous, dead, or dying trees. The report shall identify opportunities for preservation of groves or stands of trees and make recommendations regarding special tree protection and maintenance practices necessary to restore preserved trees to full health.

d. Field Identification. Impacted trees shall be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.

e. Tree Protection. A statement addressing tree protection during construction. See section 8-3J.380.

2. Mitigation Plan. A plan prepared in accordance with Section 8-3J360 by a certified arborist or landscape architect describing the proposed tree replacement program with a detailed explanation including the number, species, size at five (5) years,

size at maturity and planting location of replacement trees, and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.

- D. Waiver of Documentation. The Planning Commission may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to determine conformance with applicable criteria, or alternate forms of information have been provided which provide sufficient detail to allow such a determination.
- E. Approval Standards for Type C Permits. All Type C permits submitted as part of a proposed residential development shall be reviewed under Option A in subsection (5)(a) of this section unless the applicant chooses the alternative design review available in Option B in subsection (5)(b) of this section. All commercial and industrial developments shall comply with the criteria of Option B.
1. Option A – Numerical Preservation Standard for Residential Developments. Existing trees must be preserved. The total tree diameter on the site is the total diameter of all significant trees on the site, minus the diameter of all exempt trees as defined by this chapter. The applicant must choose one of the following options. Calculations shall be in accordance with subsection (5)(c) of this section.
 - a. Preserve at least 30 percent of the total significant tree diameter on the site;
 - b. Preserve all heritage trees and at least 30 percent of the significant trees on the site;
 - c. If the site is larger than one acre, preserve at least 25 percent of the total tree canopy area on the site.
 2. Option B – Commercial/Industrial and Alternative Residential Design Review. Tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles. Application of the standards of this section shall not result in a reduction of overall building square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height, different design, or alternate location. Tree removal or transplanting pursuant to a Type C permit shall be limited to instances where the applicant has provided complete and accurate information as required by this chapter and where the reviewing authority determines that the following criteria have been met.
 - a. The proposal includes provisions for mitigation and tree protection.
 - b. The proposed removal is necessary for the construction of roads, structures, or other site improvements and the applicant has demonstrated

that there are no feasible and reasonable location alternatives and/or design options which would better preserve significant trees on the site while providing the same overall level of density and design functionality.

- c. Other. Where the applicant shows that tree removal or transplanting is reasonable and necessary under the circumstances.
3. Under Option A, when calculating the amount of tree diameter and the number of significant trees on the site, the applicant may choose one of the following methods of measurement:
 - a. Tree Inventory. A tree inventory identifies all trees on the site, specifying location, species, and diameter of each tree; or
 - b. Statistical Sampling. Statistical sampling may be used to estimate the total tree diameter and total number of significant trees present. Sampling must be carried out by individuals with demonstrated experience performing such surveys and shall be based on generally accepted standard methodologies.
 - c. Tree Canopy. When calculating the amount of tree canopy on the site, the total canopy area is based on the most recent aerial photograph available. If the most recent aerial photograph available is more than five years old, the applicant must provide a more recent photograph.

Type D permit. The owner or operator of a commercial wood lot shall apply and receive approval for a Type D permit before beginning harvesting operations of more than three trees within any 12-month period. Type D permit applications shall be reviewed by the Community Development Director.

- A. Application for a Type D permit shall include the following:
 1. Proof that the subject property is a “commercial wood lot” as defined by this chapter;
 2. A map of the property including property boundaries;
 3. The size, species and location of all significant trees other than Douglas fir;
 4. The size, species and location of all heritage trees.
- B. Approval Standards for Type D permits. An application for a Type D permit shall be granted when all of the following criteria are met:

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1. The applicant has submitted a complete application as required by subsection (1) of this section;
 2. All heritage trees other than Douglas fir will be protected according to the requirements of this chapter;
 3. All non-fir significant trees in excess of three shall be mitigated.
 4. All applicable standards of the Oregon Forest Practice Rules are met;
 5. The applicant has submitted and obtained approval of an erosion control plan from the city engineer; and
 6. If the tree removal proposed is a final harvest, and no further planting, maintenance, or rotation of trees is proposed, the applicant shall submit a long-term erosion control and revegetation plan for review and approval.

8-3J.360 MITIGATION

A. Requirement Established. Type B or C tree removal permit grantees shall plant one replacement tree for each significant tree removed in excess of the three that could otherwise be removed under a Type A permit. Type D permit grantees shall mitigate nonfir trees as required by Section 8-3J.360(B) below. Mitigation is not required for removal of hazardous, dead, or dying trees.

B. Heritage trees shall be mitigated based on the following methodology:

$$\text{Replacement trees} = 1 + (A - Q)$$

Where:

A = Actual dbh of the tree in question.

Q = Minimum dbh for this species to qualify as a heritage tree.

- C. Replacement Trees. Trees planted as mitigation must meet all of the following standards:
1. To encourage a diversity of species when four or more trees are required as mitigation, no more than 25 percent of trees planted as mitigation shall be of any one species. Use of native trees where appropriate is encouraged;
 2. All replacement trees shall be appropriately chosen for the site conditions (especially soil and hydrology) from an approved tree species list supplied by the city, and shall be state Department of Agriculture and American Association of

Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade;

3. All replacement trees shall be two-inch caliper. The planning official or planning commission may allow the use of replacement Oregon white oaks and other native trees with the largest available nursery stock if two-inch caliper trees are not available;
4. Replacement trees shall be planted prior to plat for land divisions and prior to issuance of final certificate of occupancy for other applications. Mitigation requirements shall run with the land until all required mitigation has been completed;
5. Replacement trees must be staked, fertilized, mulched, and irrigated as necessary to ensure survival; and
6. Trees planted as mitigation for a Type C permit shall be guaranteed by the permit grantee or the grantee's successors-in-interest for three years after the planting date through an irrevocable development agreement.

D. Alternatives to On-Site Mitigation.

1. Relocation or Replacement Off Site. If in the opinion of a certified arborist or landscape architect there is insufficient available space on the subject property to accommodate the required mitigation plantings, the following alternatives may be used to fulfill mitigation requirements:
 - a. Replanting may occur on other property in the applicant's ownership or control within the city, or in a city-owned or dedicated open space or park. If planting on city-owned or dedicated property, the city may specify the species, size, and location of the trees. Nothing in this section shall be construed as an obligation of the city to allow trees to be planted on city-owned or dedicated property.
 - b. Payment in Lieu of Planting. The applicant may pay into the tree fund an amount equal to the number of replacement trees required times a per-tree rate as established by resolution of the city council.

E. Trees preserved or planted as mitigation may be used to fulfill the landscaping requirements as set forth in Section 8-3J.4.

F. To encourage the retention of established trees which do not yet meet the definition of a significant tree, credit towards mitigation requirements shall be given on a tree-for-tree

basis for preservation of the following healthy, structurally sound trees. If such trees are to be used towards meeting the mitigation requirements of this section, required tree preservation and planting plans shall include the size, species, and location of these trees, and these trees shall be given the protections in accordance with Section 8-3J.370 and shall then be considered significant trees. Trees located within the floodplain, parks, and greenway zone (OFPG) may not be counted towards required mitigation.

Big leaf maple 2 – 8" dbh

Oregon ash 2 – 8" dbh

Madrone 2 – 6" dbh

Red alder 2 – 6" dbh

Ponderosa pine 2 – 6" dbh

Western red cedar 2 – 6" dbh

Chinquapin 2 – 6" dbh

Pacific dogwood 2 – 6" dbh

Douglas fir 2 – 6" dbh

Oregon white oak 2 – 6" dbh

8-3J.370 TREE PROTECTION DURING CONSTRUCTION

Where trees are to be preserved as part of a development plan, the following standards apply:

- A. All trees to be protected must be clearly differentiated from those being removed by clearly marking trees to be removed in an obvious visible manner such as bright-colored paint, ribbon, etc.

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- B. Protective Barrier. Before development, vegetation removal, filling, or any land alteration for which a tree removal permit is required, the developer shall erect and maintain suitable barriers to prevent damage to remaining trees. Barriers shall be erected at the edge of the critical root zone of trees to be preserved. Protective barriers shall not be moved and shall remain in place until the city authorizes their removal or issues a final certificate of occupancy, whichever occurs first. At a minimum, barriers shall consist of 48-inch-high heavy duty, high visibility plastic fencing, or silt fencing, attached to anchored metal or wooden posts.
 - C. Prior to commencement of ground-disturbing activities, the applicant shall request and receive an inspection of all tree protection barriers to ensure that the approved tree removal plans are accurately implemented on the ground. All inspection requests shall provide a minimum of 24 hours' notice.
 - D. Construction Near Preserved Trees. No person may conduct any construction activity damaging to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment or depositing soils within the tree protection zone, attaching fencing or other items to trees, using trees as anchors, or placing irrigated landscaping within the protective barrier.
 - E. Where trees are removed from within the CRZ of a tree to remain, the removal shall be done by cutting the tree near the ground and grinding the stump or leaving it in place. Removal of trees or stumps within the CRZ of a protected tree by pushing trees down or pulling trees and/or stumps out of the ground is prohibited.

8-3J.380 TIMING OF REMOVAL, INSPECTIONS AND EXPIRATION OF APPROVED PERMITS

- A. No tree removal permitted as a Type B, C, or D permit shall take place until the applicant has received a notice to proceed from the city engineer on public improvements. When no public improvements are proposed, tree removal shall not occur until building permits have been issued. The Community Development Director may make exceptions to this requirement when warranted due to extenuating circumstances or when no such permits are necessary.
- B. For applicants seeking a Type B permit to remove trees independent of site improvements, no tree removal shall take place until tree protection measures have been inspected and approved by the Community Development Director.
- C. Inspection and approval of all required tree protection measures by the Community Development Director is required prior to tree removals permitted as Type B, C, and D permits.

D. Forty-eight hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted.

E. All required mitigation shall be completed within one (1) year of the removal o

8-3J.390 ENFORCEMENT

A. Any person found to have removed a significant tree in violation of this chapter shall incur a penalty of not more than \$1,000 nor less than \$250.00 per violation.

B. Any person found to have removed a heritage tree in violation of this chapter shall incur a penalty of not less than the value of the tree according to Section 8-3J.360(D) plus no less than \$500.00 for each heritage tree removed.

C. Failure to comply with any condition of the permit issued to the applicant shall constitute a violation of this chapter and shall subject the applicant to a fine of not more than \$1,000, nor less than \$500.00. Any fines collected by the city under this section shall accrue to the city tree fund.

D. Each tree removed in violation of this chapter or any permit issued pursuant to this chapter shall constitute a separate violation.

E. Each tree that the applicant fails to replant or replace as required by the terms of the permit, and each violation of any other condition of a permit, shall constitute a separate violation.

F. **Retroactive Permit.** A person who removes a tree without obtaining a Type A permit may apply retroactively for a permit. In addition to all application requirements of this chapter, the person must be able to demonstrate compliance with all requirements of this chapter, in addition to paying an additional fee as established by resolution of the City Council. Mitigation requirements of this chapter may apply to all retroactive permits.

G. **Withholding Permits and Stop-Work Orders.** The building official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this chapter, including any conditions attached to a tree removal permit, have been fully met.

H. **Revocation of Permit.** The city administrator may revoke any tree removal permit when the planning official or designee thereof has clearly demonstrated that the application was incomplete or inaccurate to such a degree as to invalidate the approval. Such a revocation may be immediately followed by a stop-work order and the applicant required to either:

1. Revise and resubmit the permit for review and approval; or

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2. Pay fines for removing trees in violation of the permit under subsections (1) and (2) of this section.
- I. The city shall notify the property owner in writing that a violation has occurred and mitigation is required. Within 30 days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the city. The plan shall provide for replacement of a tree or, at the city's discretion, payment into the tree fund in accordance with Section 8-3J.10.
 - K. Alternative enforcement. In the event that a person, company, or other operating unit commits more than one violation of this chapter, the following alternative fees may be imposed by the City:
 1. A person that has gained money or property through the commission of an offense under this section may be required to pay an amount, fixed by the City, not to exceed double the amount of the gain from the commission of the offense.
 2. "Gain" is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the city. "Value" shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.

8-3 Division J. Article 10. PUBLIC TREES

8-3J.1000 DESCRIPTION AND PURPOSE

The purpose of this Article is to provide for the regulation of planting, maintenance, and removal of publicly owned trees, shrubs, and other plants adjacent to public rights-of-way.

8-3J.1010 DEFINITIONS

- A. **Public Tree.** A tree or woody plant with its base located within or adjacent to a public right-of-way or any tree or woody plant within a city park, or other publicly owned property. Public Trees include trees within existing planting strips or sidewalk tree wells. Public Trees typically have a single trunk at least 2 inches in diameter at a point six inches above the mean ground level at the base of the trunk.
- B. **Significant and Heritage Tree.** See Section 8-3J.310 of the Talent Zoning Code.

8-3J.1020 PREMISSION TO PLANT OR REMOVE

The removal of public trees should be compatible with guidelines adopted by the Oregon Department of Forestry. Except for the purposes of removal of dying or hazardous branches, maintenance by city crews, or pruning for purposes of maintaining tree health, no person shall plant, remove, cut above the ground, or disturb any public tree until a permit has been issued by the Community Development Department. A permit for the removal of any public tree shall be in accordance with the Tree Preservation and Protection requirements of Section 8-3J.3 of the Talent Zoning Code and shall also require a Right-of-Way permit. Applicants for a removal permit may be required to mitigate the removal of tree or trees in accordance with the provisions of Section 8-3J.360 Mitigation.

Planting of public trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. When public trees are proposed, their selection and installation shall be according to the following requirements.

- A. **Species selection.** Trees shall be selected from the City's adopted tree list and shall be appropriate for the planting location based on the criteria found therein.
- B. **Caliper Size.** All street trees shall be a minimum of 2 inch caliper at time of planting.
- C. **Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40 foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All public trees shall be placed outside utility easements and clear vision areas.
- D. **Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and

desired color and appearance. The following should guide tree selection by developers and approval by the City:

1. Provide a broad canopy where shade is desired, except where limited by available space.
2. Use low-growing trees for spaces under low utility wires.
3. Select trees which can be “limbed-up” to comply with vision clearance requirements.
4. Use species with similar growth characteristics on the same block for design continuity.
5. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.

E. **Replacement.** Replacement of public trees shall be the responsibility of the developer for a period of 2 years from the time of planting, and shall be guaranteed through a warranty bond prior to final plat.

8-3J.1030 TREE PLANTING NOTIFICATION

The City may plant trees on any public right-of-way, park, or other public property. The City will notify private property owners 24 hours in advance before any tree, shrub, or plant is planted on public property within six (6) feet of any owner’s property.

8-3J.1040 TREES PROHIBITED

No person shall plant on any public property or private property the following trees if the tree’s future critical root zone (CRZ) at maturity (CRZ is defined in Section 8-3J.310) is within the public right-of-way: poplar, willow, cottonwood, fruit tree, or ailanthus, unless part of a City-authorized riparian restoration project. The Recommended Street Tree List should be consulted before any tree is planted within or adjacent to the public right-of-way. No person shall plant any tree anywhere in the City so as to adversely affect public utilities.

8-3J.1050 PUBLIC TREE MAINTENANCE

A. **Tree Maintenance.** The City may require any trees, shrubs, plants, or vegetation in any public right-of-way, park, or other public property to be trimmed or pruned.

1. The City will maintain trees within the public right-of-way along collector and arterial streets.
2. The owners of property abutting streets other than arterial and collector streets in residential zoning districts within the City shall be responsible for the care and maintenance (trimming, pruning and spraying) of trees and shrubs located in the public right-of-way. Property owners shall also be responsible for repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub where the CRZ is within the public right-of-way.
3. All owners of property within the City shall be responsible for the following:

- a. Trimming, pruning and spraying trees on private property that overhang a public right-of-way.
 - b. Trimming, and pruning of vegetation that obstructs motorist or pedestrian view of traffic signals, signs, street lights, street names, or other markings or safety fixtures in the public way. Branches over the street shall be pruned to a height of thirteen feet, six inches (13'6") and eight (8) feet above a sidewalk.
 - c. Repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub on private property.
 - d. Removing trees and shrubs on private property that have been declared a public nuisance or a hazard.
 - e. Debris Removal. The person working on trees on a street, highway, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Community Development Director, or designee. The acceptable standard shall be a broom clean finish or better.
4. If any property owner neglects to perform any duty required by this section and causes injury or damage to any person or property, that owner shall be liable to the person suffering such injury or damage and shall indemnify the City for all damages the City has been compelled to pay in any such case. Such damages may be collected in a civil action against the property owner.

- B. Tree Topping.** It shall be unlawful as a normal practice for any person, firm, or City department to top any tree in the public right of way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms, or other causes, or certain trees under the utility wires or other obstructions where other pruning practices are impractical may be exempt from this provision.
- C. Dangerous Tree – Nuisance – Removal.** Any tree or shrub growing in any public property, on private property, or in a planting strip abutting public property, which is a public safety hazard or which may endanger the security or usefulness of any public street, sewer, or sidewalk; is declared to be a public nuisance. The abatement procedure of 4-8.20 through 4-8.25 shall be applied.
- D. Trees – Abuse – Mutilation.** No person shall abuse, destroy, or mutilate any tree, shrub, or plant in a public planting strip, park, or any other public property. This includes attaching or placing any rope or wire (other than one used to support a young or damaged tree), signs, posters, or handbills to any public tree; or allowing any wire charged with electricity, or any gaseous, liquid, or solid substance which is harmful to the trees, to come in contact with the roots or leaves of any such tree.

8-3J.1060 PUBLIC TREE COMMITTEE

The Tree Committee shall be a subcommittee of the Parks Commission. The responsibilities of the Tree Committee shall include the following:

- A. Making recommendations to the City Council for nominating public trees for Locally Significant or Heritage Tree designation;
- B. Assisting City staff with Arbor Day observance.

8-3J.1070 ARBOR DAY OBSERVANCE

City shall observe Arbor Day once a year. The Tree Committee shall assist City staff with organizing any event to celebrate Arbor Day and the Mayor shall issue a proclamation declaring the observance of Arbor Day.

8-3J.1080 TREE NOMINATIONS – HERITAGE OR SIGNIFICANT

Any community member may go before the Tree Committee to nominate a public tree to be designated as a Locally Significant or Heritage Tree. The Tree Committee will make a recommendation to the City Council. Upon owner approval, City Council may pass a resolution to designate the nominated tree.

8-3 Division J. Article 4.

LANDSCAPING, FENCING AND HEDGES

8-3J.410 DESCRIPTION AND PURPOSE

The purpose of this Article is to provide for the regulation of planting, maintenance, and removal of landscaping within the City of Talent. All yards, required buffers or screening areas, and parking areas shall be landscaped in accordance with this chapter.

8-3J.420 MINIMUM LANDSCAPED AREA

- A. The minimum percentage of required landscaping is as follows:
1. Residential Zones. 30 percent of each lot for residential developments.
 2. Central Business District (CBD) and Central Business Highway (CBH) Zones. 20 percent of the site.
 3. Commercial Highway (CH) and Commercial Interchange (CI) Zones. 20 percent of the site.
 4. Industrial Zones (IL). 15 percent of the site.
 5. When the above requirements conflict with landscaping requirements found elsewhere in this ordinance, the standard which maximizes landscaped area shall apply.

8-3J.430 MINIMUM VEGETATION AND GROUND COVER

- A. Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:
1. One tree, minimum 2" caliper.
 2. Four 5-gallon shrubs or accent plants.
- B. Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material as defined in Section 8-3J.430(C) below, shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy unless a xeriscape plan is approved.
- C. Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting. The landscape materials below may be modified as part of an approved xeriscape plan.
1. **Existing Vegetation.** Existing non-invasive vegetation may be used in meeting landscape requirements.
 2. **Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City's water supply.

3. **Plant Establishment.** Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two (2) years to ensure viability.
4. **Soil amendment.** When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.
5. **“Invasive” plants,** shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.
6. **Hardscape features.** May cover up to ten percent (10%) of the required landscape area (unless a xeriscape plan is approved); except in the Downtown Area where publicly accessible hardscape features may cover up to eighty percent (80%) of the required landscape area, subject to approval through Site Development Plan Review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.
7. **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants unless approved as part a xeriscape plan.

8-3J.440 TREES PROHIBITED

No person shall plant on any public property or private property the following trees if the tree’s future critical root zone (CRZ) at maturity (CRZ is defined in Section 8-3J.310) is within the public right-of-way: poplar, willow, cottonwood, fruit tree, or ailanthus, unless part of a City-authorized riparian restoration project. The Recommended Street Tree List should be consulted before any tree is planted within or adjacent to the public right-of-way. No person shall plant any tree anywhere in the City so as to adversely affect public utilities.

8-3J.450 BUFFER AND SCREENING

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

- A. **Commercial and Industrial Transition Buffers.** The following standards shall be considered during any land use review that include commercial or industrial uses adjacent to a residential use.
1. The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use.
 2. The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired.
 3. Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography or other features.
 - a. When a fence or wall is being proposed as a buffer it shall be sight-obscuring. In order to be “sight-obscuring”, fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall.
 - b. Hedges shall be of an evergreen species which will meet and maintain year-round 75 percent opacity. Opacity shall be obtained within three (3) years of planting.
 - c. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis at the discretion of the Community Development Director or Planning Commission.
- B. **Single-family Transition Buffers.** The following buffers may be required during any land use reviews that include single-family development adjacent to a non-residential zone:
1. The Planning Commission may require application of the same buffering standards as are required of commercial development (Section 8-3J.450(A), above).
 2. In addition to the general provisions of Section 8-3J.450(A), the Planning Commission may require one or more of the following types of buffering fences, walls and landscaping:
 - a. A masonry wall (stucco, stone, or similar quality material), coupled with trees planted 30 feet on center planted within six (6) feet of the wall.
 - b. A “see-through” wall (wrought iron or similar quality material), coupled with trees planted 30 feet on center.
 - c. A “living wall” where a combination of trellises and plants provide a 95% opaque vegetative screen to a minimum height of six (feet). The living wall shall be coupled with trees planted 30 feet on center planted within 10 feet of the living wall. A five (5) foot wide planted strip that has continuous landscaping consisting of ground cover(s), shrubs that potential to reach minimum 6-feet in height and be 95% opaque, and trees planted 30-feet on center.
- C. **Agricultural Buffers**
- To implement the Agricultural Buffering Standards of the Greater Bear Creek Valley Regional Plan, buffering provisions in Section 8-8.560 shall be addressed when urban

development on land along the urban growth boundary abutting land zoned Exclusive Farm Use is proposed.

8-3J.460 FENCES AND HEDGES

Fences, walls, hedges, screen plantings and similar regulated objects provide privacy and promote security. Tall fences are appropriate in some locations and for some purposes, but inappropriate where they interfere with public safety and neighborliness. Excessive heights between properties inhibit the enjoyment of light and air and, in residential zones, can create the same confining effect as a building directly against the property line.

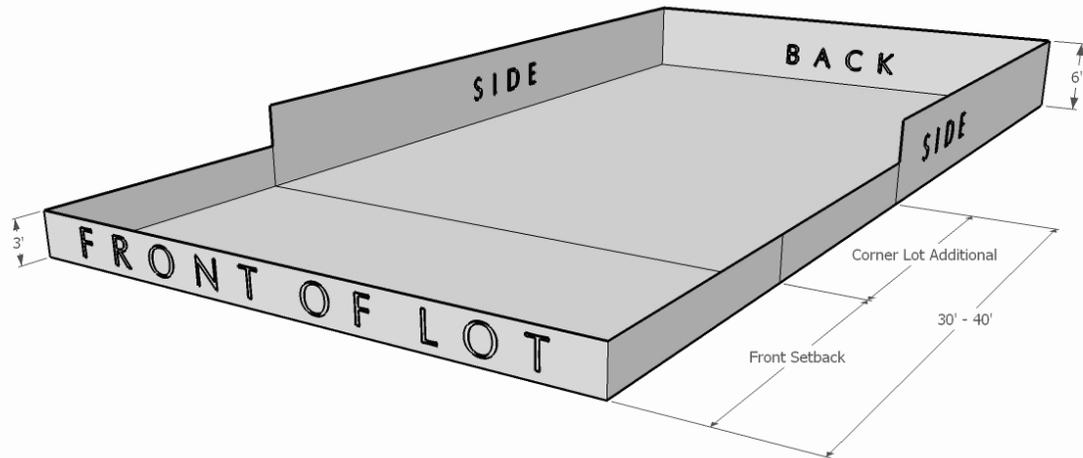
All fences and hedges are subject to the following standards:

- A. **Materials.** No one may construct fences or walls of or containing material(s) that can do bodily harm, such as barbed wire, broken glass, or any other hazardous or dangerous materials. For barbed wire and electric fence exceptions, see Section 4-8.13 of the City Ordinances.
- B. **Placement.** Fences and walls may be erected directly up to common property lines. An exception to this rule may be required when the placement would prevent the use of adjacent property or right-of-way, or prevent the safe use of a driveway or alley. In such cases, the City may require the fence or wall to be set back a minimum distance from the driveway, right-of-way, alley or property line.

Hedges and screen plantings may be planted in locations where their growth does not encroach on public rights-of-way. Encroachment on private property is commonly a private civil matter; the City will not become involved in such disputes unless it deems there is a significant safety concern.

- C. **Height Limitations.** Figure 3-1 illustrates the regulations. See also definitions of “yards” in 8-3B.1.
 - A. Front Yard: 3 feet.
 - B. Side Yard: 6 feet.
 - C. Rear Yard: 6 feet.
 - D. Corner Lot: 3 feet for a distance of 40 feet along the street side yard when that street is a collector or arterial; otherwise 30 feet. This is to provide a clear ‘sight triangle’ of 30’ x 30’ or 30’ x 40’ at intersections.

Figure 3-1



D. Measuring Height.

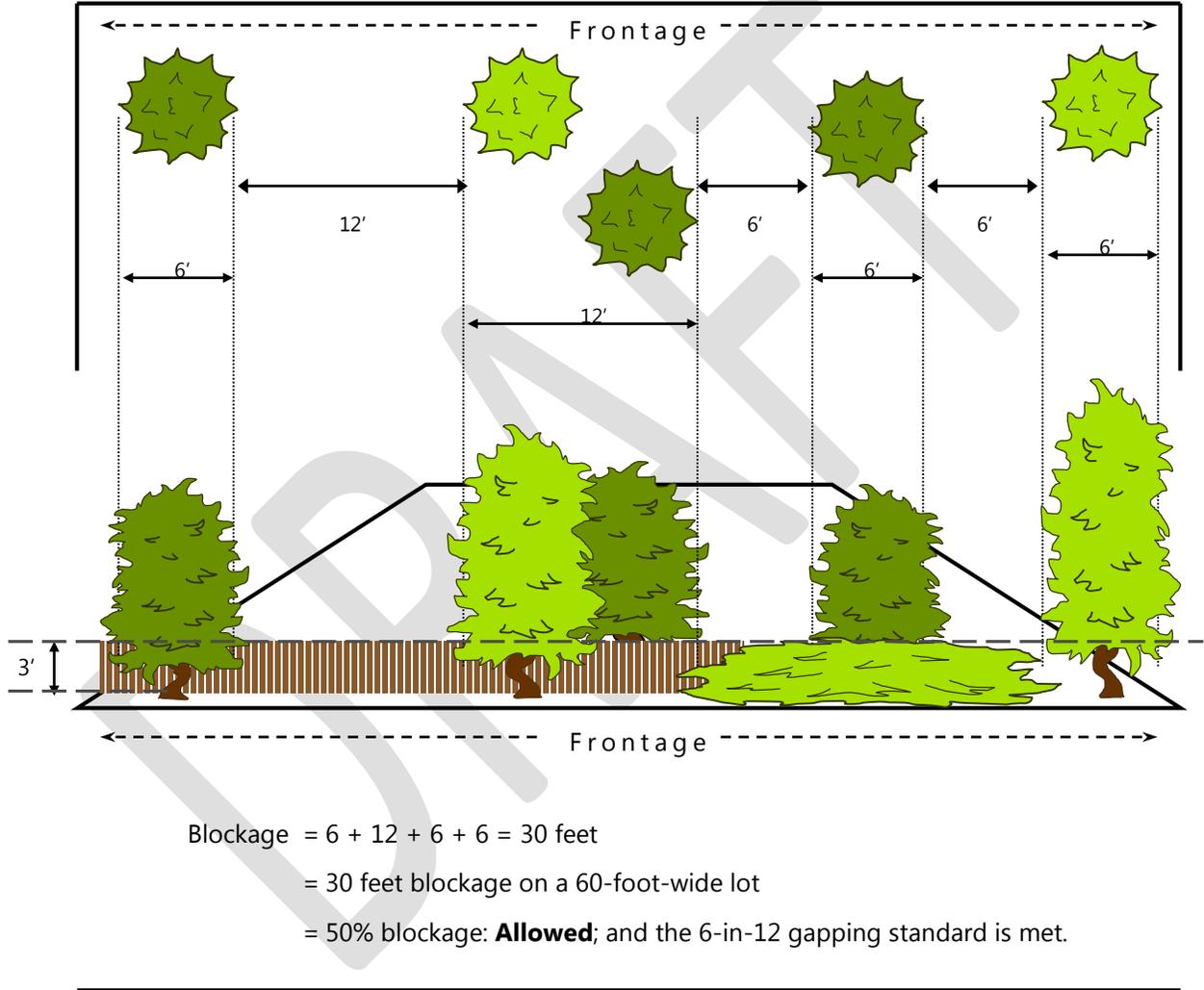
1. Generally, height is measured from the adjacent ground upward.
2. When fences are built on top of retaining walls, or one lot is markedly higher than an adjacent lot, height shall be measured from the highest adjacent grade, except that a fence or wall may not be higher than eight (8) feet above the lowest adjacent grade.
3. Below-Grade Lots. On lots that are not generally level with the adjacent street, height may be measured from the top of the adjacent curb, or, where curbs are absent, from the crown of the adjacent street. Exercise of this exception shall be at the discretion of the City.
4. Lots on Collector Streets. Because of heavier traffic volumes and greater speeds, the same exception allowed in the preceding subsection may apply to lots on collector streets. Exercise of this exception shall be at the discretion of the City.

E. Allowances.

1. A hedge or a screen planting is defined as vegetation that has the purpose or effect of obscuring or blocking casual viewing through it and is six (6) feet or more in diameter or width. Non-pyramidal trees are not considered to be such vegetation.

Individual bushes, trees, hedges, and similar vegetation, or groupings of such, that have the effect of substantially inhibiting visibility above the height limitation for the yard in which they are located are permitted if the total blockage of the frontage is 50 percent or less *and* there are six-foot gaps for every 12 feet of grouping (see *Figure 3-2*). This allowance does not extend to the 'sight triangle' area in 350(D).

*Figure 3-2. Illustration of Blockage and Gapping (in Plan view and Perspective view).
Note the fence and low hedges in between that do not exceed the 3' height limit.*



2. Entryway or gate arbors are permitted in front yards provided they are no more than 8 feet tall, 6 feet wide, 6 feet deep, and are no less than 15 feet from a property corner or driveway, including those on adjacent lots.
3. The City Planner may grant a special allowance for fences, walls, hedges, or screen plantings that exceed the height limits or location requirements of this Article for the circumstances listed below. The process used for granting a special allowance will be administrative and include consultation with the Police Department and/or Public Works Department, and notification of adjoining neighbors, whose interests will be considered.
 - a. Lots with unusual shapes or in unique situations, where it is shown that public safety is not decreased.
 - b. Fences or walls surrounding tennis courts, swimming pools, schools, or other special facilities, not including residences, where it is shown that the normal use or level of protection requires a greater height for safety or other reasons.
4. Security fences may be constructed up to 10 feet high in commercial and industrial areas, provided they are a see-through, chain-link type and set back a distance equal to their height in front yards and street-facing side yards, plus any necessary accommodations for sight distance on corners.

F. **General Safety Provisions.**

1. Recognizing that the best intentions and most careful crafting of regulations do not account for all variables, the City can either disallow or require the elimination or mitigation of fences, walls, hedges, screen plantings, and similar that it finds deleterious to public health or safety, or at odds with the purpose of this Article.
2. Property owners aggrieved by a decision made under this Section may appeal the decision to the Planning Commission, which may reverse, uphold or modify staff's decision based on its evaluation of the evidence presented.

8-3J.470 LANDSCAPE MAINTENANCE

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

A. Residential Areas

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

B. Commercial Areas

In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.420 and 430 above.

8-3J.480 SOLAR CONSIDERATIONS

Solar energy use can be considered as an option to reduce the total number of required trees for a development plan. A clear plan must be created which demonstrates the location of solar panels, intended use of energy from them, and demonstration that the planting of all required trees would pose an obstacle to the development.

8-3J.490 XERISCAPING

Xeriscaping is landscaping that is intentionally designed to conserve water and protect the environment. It is a relevant option for landscaping, and is a potential option to reduce landscaping requirements including a reduction of the total number of trees to be planted, or total landscaped area. To be eligible for reduced landscaping requirements, the following requirements must be met.

A. Eligibility.

1. Must be City of Talent utility customer with potable water (not TID) for irrigation.
2. Project must demonstrate a reduction in water use compared to the necessary water required for standard landscaping.
3. The square footage of the xeriscape area must be at least 50% of the required landscaped area in Section 8-3J.415. Proposed projects meeting this requirement will be allowed to reduce the overall landscaped area by 10% of that required in Section 8-3J.415 above.

B. Submittal Requirements. The following must be included with any xeriscaping project when a reduction of landscape requirements is being requested.

1. Interested parties wishing to xeriscape a portion of a parcel to reduce landscaping requirements shall supply the City with a completed xeriscape application.
 2. Site Description. Applicants are required to submit a simple site design plan including all required landscaping, proposed xeriscaping and irrigation to be installed. The plan shall include the location of plants and type of irrigation for each plant. All xeriscaping shall meet the landscaping requirements below:
 - a. Plants. 90% of the plant material must be drought tolerant or considered low water use plants (based on the Water-Wise Landscaping Website, WUCOLS).
 - b. Plant Coverage. At completion, xeriscape areas must contain enough plants to create at least 50% living plant cover at maturity. Xeriscape areas may NOT include any live lawn (grass) or invasive plant species as defined by the Oregon Department of Agriculture noxious weed list.
 - c. Efficient Irrigation Components. If a watering system is used, all sprinkler heads in the xeriscape areas must be low volume (drip, micro-spray, bubblers, or low precipitation rotating nozzles).
 - d. Prevent Overspray. The xeriscape area shall not be irrigated or oversprayed by other required non-xeriscape areas.
 - e. Permeable Surfaces and Treatments. In residential areas, no concrete, plastic sheeting or other impermeable surfaces shall be used in an identified xeriscape area.
 - f. Mulch. Exposed soil must be completely covered by a layer of mulch. Common mulching materials include wood chips, decomposed granite, river rock, and bark. If weed barrier is used beneath the mulch, it must be manufactured to be permeable to air and water.
 - g. Living Groundcover. Qualifies as mulch provided the plants are installed at a density to assure 100% plant coverage at maturity.
- C. Approval Criteria. After examination of the design plan, City Staff shall approve or approved with conditions if the following requirements have been met:
1. Submittal requirements of Section 8-3J.426(B) have been met;
 2. A pre-inspection of the site has been conducted by City Staff to determine the feasibility of the plan.
- D. Inspection Process. All projects shall have a final inspection to ensure that all proposed xeriscaping has been completed in accordance with the approved plan. Certificate of Occupancy shall be issued once final inspection and approval has been granted.