

City of Talent

Community Development Department - Planning



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: January 7, 2016
Prepared by: Zac Moody

Item: MLP 2015-001
Minor Land Partition

Applicant Hoffbuhr & Associates, INC.
880 Golf View Dr.
Medford, OR 97504

Application Received.....December 2, 2015

Application Complete.....December 7, 2015

Notice Mailed and Posted.....December 7, 2015

Requested Action Partition a single lot into two.

Assessor's Map Number 38-1W-25B, Tax Lot 2306

Lot Size 13,167 sq. ft.

Zoning Single Family – Manufactured Dwelling (RS-MH)

Applicable Code Sections Ch. 8-2. Subdivision Code

PROPOSAL

The request is for the approval of a preliminary plat to divide a 0.30 acre parcel into two (2) parcels.

BACKGROUND

An application for a two lot partition was submitted by the previous owner and approved in October 2007. Subsequent to that approval, a request for extension to submit a final plat application was submitted by the property owner and approved by the City in October 2008. The extension expired on October 18, 2009 as no further action was taken.

The proposed partition is similar to the previously approved partition, with both parcels accessing Lani Way and oriented in a north/south direction. The only difference between this partition request and the previous, is that the mobile homes that were previously on the property have been removed.

PROPERTY CHARACTERISTICS

This property is currently vacant. Based on contour lines in the City's GIS, surface water from the property sheet flows to the northeast. Currently, no curbs, gutters or sidewalks exist on the Talent Avenue or Lani Way adjacent to the subject parcel.



Transportation Service

Access is available to the property from Lani Way which is an unimproved City street. No request for additional right-of-way is being requested because the City of Talent Transportation Plan does not require it along Lani Way or Talent Avenue as an appropriate amount of right-of-way already exists.

Wastewater Service

Wastewater service is currently provided to the subject parcel by Rogue Valley Sewer Service (RVS).

Water Service

Water service currently serves the existing development and is adjacent to the proposed new parcel.

APPROVAL CRITERIA

Talent Subdivision Code, 8-2.2 - 8-2.4; Talent Zoning Code, 8-3C.3

PUBLIC COMMENTS

One written comment encouraging the approval of this request was received. No other comments were submitted.

AGENCY COMMENTS

Talent Irrigation District submitted comment stating in accordance with ORS 92.090(6), the property owner must provide to Community Development a certification from the Irrigation District prior to final plat addressing the following:

- Water Right Issues
- Easements (Private/District)
- Facilities

Rogue Valley Sewer Services has provided comment and has proposed conditions of development approval which are addressed in the Findings below.

ANALYSIS

Preliminary administrative approval is subject to compliance with the criteria found in the Subdivision Code (8-2.310, 8-2.330), and the underlying zoning district (8-3C.3, Single Family Manufactured Housing zone). Text from the code appears in italics.

8-2.240 ***STREET TREES***

A. Plantings. Street trees shall be planted in planter strips on all arterial and collector streets, for all developments that are subject to Land Division or Site Design Review, except that street trees may be planted in planter wells as provided in subsection 4 below. Street trees are encouraged, but not required, for local streets. When provided on local streets, street trees shall be in planter strips. Additional requirements for tree planting are provided in Section 8-3J.422. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks.

Finding: The subject parcel is adjacent to Lani Way and Talent Avenue. Lani Way is identified in the Talent Transportation System Plan as a local street and therefore does not require (but encourages) street trees. Talent Avenue is a collector street and does require street trees. However, the grade has not been set on Talent Avenue adjacent to the proposed partition, therefore, street trees cannot be immediately planted. If a parkrow is developed as part of future improvements to Talent Avenue, the corner property shall be responsible for planting and maintaining all street trees. Until that time, street trees are not required. **The provisions of this section are not applicable.**

8-2.260 ***VEHICULAR ACCESS AND CIRCULATION***

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

- 1. Permits for access to City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Section and the provisions of Section 250— Transportation Facility Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.*
- 2. Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Jackson County. In that case, the City or County shall determine whether access is granted based on its adopted standards.*

Finding: The subject parcel is located along Lani Way and Talent Avenue. Access to the new and existing parcels will be from Lani Way, a local street. As a condition of approval, the property owner shall prior to issuance of building permits, provide Community Development with an encroachment permit on City forms for the existing and new parcels. **The provisions of this section have been met with conditions.**

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

Finding: Access from the subject parcel is not from a County facility. **The provisions of this section are not applicable.**

- D. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared by a certified professional transportation engineer acceptable to the City. The engineer must be currently licensed and otherwise qualified to perform the work under applicable professional and community standards and must have no financial interest in the project whatsoever and no past or current pecuniary association of any kind with the developer other than occasional work as an independent contractor performing traffic impact studies. The TIS shall determine the impact of the proposed development on existing and proposed transportation facilities and assess the applicant's plans to mitigate such impacts. (See also Section 250—Transportation Facility Standards).*

Finding: The proposal is for a two lot partition with single family residential development proposed. **The provisions of this section are not applicable.**

- G. *Access Spacing. Driveway access shall be separated from other driveways and public and private street intersections in accordance with the following standards and procedures:*

1. *Local Streets. A minimum of 10 feet separation (as measured from the sides of the driveway/ street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in Subsection 3, below.*
2. *Arterial and Collector Streets. Access spacing on collector and arterial streets shall be determined by the Public Works Director. Access to State Highway 99 shall be subject to review and approved by the Oregon Department of Transportation (ODOT), based on the applicable standards contained in the City's Transportation System Plan and policies contained in the 1999 Oregon Highway Plan.*
3. *Special Provisions for All Streets. Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/ or access separation greater than that specified by Subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. (See Subsection I, below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/ out, right in only, or right out only) may be required.*

Finding: The proposed partition is adjacent to a local street. Driveways on adjacent lots shall separated by more than 10 feet except if the driveway is shared. As a condition of approval,

prior to the issuance of permits, plans shall be submitted placing the drive way at least 10 feet apart or identifying a shared driveway. **The provisions of this section have been met with conditions.**

I. *Shared Driveways.* The number of driveway and private street intersections with public streets may be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they may be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*
2. *Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.*

Finding: Driveways are not shown on the preliminary plat, but shall be separated by more than 10 feet unless the driveways are shared. If the driveways are shared, a shared access easement shall be provided. As a condition of approval, the property owner shall, prior to the issuance of permits, provide Community Development with a recorded shared access agreement if driveways are shared. **The provisions of this section have been met with conditions.**

8-2.270 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS

A. *Sewers and Water Mains Required.* Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

Finding: The subject property is currently served by a connection to the 8 inch sewer main on Talent Avenue. The exiting sewer service will need to be located and abandoned at the property line. Service to Parcel 2 will require a short (less than 50 feet) main line extension on Lani Way. This main line extension must be designed and constructed in accordance with RVSS standards. Prior to final plat approval, the property owner shall locate and abandon the existing service lateral and provide evidence from RVSS that the abandoned pipe has been inspected. Additionally, prior to the issuance of building permits, the property owner shall construct a short sewer main extension on Lani Way to serve parcel 2. Design approval and construction of this main must be done in accordance with RVSS standards and the property owner shall submit the required Right of Way permit application to the City.

The subject property is currently served by City water along Talent Avenue. Service for parcel 2 shall be from Lani Way. Prior to the issuance of permits, the property owner shall submit an application and fee for the installation of water service to parcel 2. **The provisions of this section have been met subject to conditions of approval.**

8-2.280 *STORM DRAINAGE AND SURFACE WATER MANAGEMENT*

A. *General Provisions. The City shall issue a development permit only where adequate provisions for storm water and surface water runoff have been made pursuant to Resolution 517, Stormwater Design Standards.*

Finding: The property slopes slightly to the northeast. No evidence that adequate stormwater and surface water runoff plans have been made pursuant to the City's Stormwater Design Standards. In accordance with Section II of the City's Storm Drainage Design Standards, all surface or subsurface drainage caused by the placement of impervious surfaces or structures shall not flow over adjacent public or private property in a volume or location materially different from runoff conditions before development occurred. Prior to the issuance of permits, the property owner shall provide Community Development with evidence from the City Engineer and Rogue Valley Sewer Services that adequate provisions for stormwater and surface water runoff have been made and approved. **The provisions of this section have been met subject to conditions of approval.**

8-2.290 *Utilities*

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

Finding: There are two service poles and overhead powerlines shown on the plat, one coming from Talent Avenue and the other extending to the northeast. Presumably the intent is to eliminate them. Electrical service to the lots from Talent Avenue or Lani Way should be placed underground as per 8-2.290 but because the request is not for a subdivision, the provisions of this section are not applicable. **The provisions of this section are not applicable.**

8-2.310 *Review Procedures and Approvals Process*

A. *Subdivision and Partition Approval Through Three-step Process. Applications for subdivision or partition approval shall be processed through a three-step process: the pre-application conference, the preliminary plat, and the final plat.*

1. *A pre-application conference is required for all partitions and subdivisions.*
2. *The preliminary plat for a partition and subdivision shall be approved by the Planning Commission before the final plat can be submitted for approval consideration.*
3. *The final plat shall include all conditions of approval of the preliminary plat.*

Finding: The applicant attended the required pre-application conference and submitted the required preliminary plat application to Community Development. **The provisions of this section have been met.**

8-2.330 *Approval Criteria: Preliminary Plat*

A. *General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

1. *The proposed preliminary plat complies with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, the provisions of the underlying zoning district and the provisions of the Planned Unit Development Section, when applicable, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of 8-3L.4—Variances;*

Finding: ORS 92.090(6) requires the City to obtain certification from Talent Irrigation District that all conditions of the District have been met. As a condition of approval, prior to final plat, the property owner shall provide the City with a certification signed by the Talent Irrigation District manager. All other applicable criteria has been met or can be met with conditions of approval and are addressed below. **The provisions of this section have been met with conditions.**

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

Finding: The proposed plat is a partition and does not have any naming requirements. **The provision of this section are not applicable.**

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects; and are consistent with the City's Transportation System Plan. All proposed public improvements and dedications are identified on the preliminary plat; and*

Finding: The grade of Talent Avenue and Lani Way adjacent to the proposed partition have not been set. There are no proposed streets, roads, sidewalks, bicycle lanes, pathways or other public improvements required or proposed as part of the partition request. As a condition of approval, the property owner shall, prior to issuance of permits, sign and record a city prepared, non-remonstrance agreement for public improvements. **The provisions of this section have been met with conditions.**

4. *All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.*

Finding: There are no common areas proposed on the preliminary plat. **The provision of this section are not applicable.**

B. *Residential Density.*

Finding: The density and use of the proposed partition conforms to RS-MH zone standards. **The provisions of this section have been met.**

C. *Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zone district, and the standards of Section 250(J)—Street Connectivity and Formation of Blocks.*

Finding: The minimum lot size in the RS-MH zone is 6,000 square feet for interior lots and 7,000 square feet for corner lots. The zone permits a maximum building coverage of 35 percent. Minimum lot width is 50 feet.

Parcel 1 which is on the corner of Lani Way and Talent Avenue meets the minimum 7,000 square foot lot size and Parcel 2 adjacent to Lani Way (interior lot) meets the minimum 6,000 square foot lot size. **The provisions of this section have been met.**

2. *Setbacks shall be as required by the applicable zoning district.*

Finding: The RS-MH zone has a 20-foot front setback (24 feet for garages), a 5- or 8-foot interior side setback, a 10- or 15-foot street-facing side setback (depending on the type of street adjacency), and a 10-foot rear setback. Paragraph 8-3J.121 (B)(6) allows for an unenclosed front porch to extend up to 8 feet into the front setback. As a condition of approval, prior to the issuance of permits, all building setbacks shall be consistent with the standards for the zone. **The provisions of this section have been met with conditions.**

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

Finding: Section 260(F)(5) of the Talent Subdivision Code provides that “when a lot has frontage onto two or more streets, access shall be provided from the street with the lowest classification.” Lani Way is a local street and Talent Avenue is a collector; therefore, both lots will have to take access from Lani Way and the access point on Talent Avenue will have to be eliminated. Minimum driveway spacing is 10 feet (260(G)(1)). Vision clearance triangles are required on either side of driveways in accordance with Section (260(M) of the Talent Subdivision Code. Subsection 260(N) requires that new driveways be paved. As a condition of approval, prior to certificate of occupancy of a dwelling, the property owner shall pave the required driveway. **The provisions of this section have been met with conditions.**

4. *Landscape or other screening may be required to maintain privacy for abutting uses and buffering for pathways, through lots abutting an arterial or collector Street, grade changes and retaining walls, development on flag lots, and similar situations, consistent with the provisions of the Zoning Code, Subdivision Code, and 8-3J.4.*

Finding: All lots shall be landscaped in accordance with Section 8-3J.4 of the Talent Zoning Code. As a condition of approval, prior to certificate of occupancy, landscaping on the developed lot shall be completed. **The provisions of this section have been met with condition.**

5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also Section 260—Vehicular Access and Circulation.*

Finding: The proposed partition creates lots that are in less than 150 feet in depth. **The provisions of this section are not applicable.**

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement, which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

Finding: No shared driveways are proposed. **The provisions of this section are not applicable.**

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

Finding: No reserve strips are necessary to control access to adjoining undeveloped properties. **The provisions of this section are not applicable.**

- F. *Future Re-division Plan.*

Finding: The proposed lots cannot be further divided; no re-division plan is required. **The provisions of this section are not applicable.**

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

Finding: Staff finds the submittal, with additional conditions attached, complies with the pertinent code requirements. 8-3H.2 does not pertain since the property is not in either a riparian or wetland zone. **The provisions of this section have been met.**

DISCUSSION

The applicant is proposing a two lot partition. No buildings are proposed at this time as the application is for a Partition. At the time of development, all setback and lot coverage standards will be complied with as well as landscaping and irrigation requirements.

DECISION

Staff tentatively **approves** the minor land partition with the following conditions:

GENERAL CONDITIONS

1. After the City has approved (signed) the plat, the property owner shall follow the procedures outlined in Section 8-2.470, Filing and Recording, in the Subdivision Code.

PRIOR TO FINAL PLAT

2. All requirements of the Talent Irrigation District shall be met or bonded for in accordance with ORS 92.090(6).

PRIOR TO ISSUANCE OF PERMITS

3. The property owner shall provide Community Development with an encroachment permit on City forms for the existing and new parcels.
4. Plans shall be submitted placing the drive way at least 10 feet apart or identifying a shared driveway.
5. Provide Community Development with a recorded shared access agreement if drive-ways are shared.
6. The property owner of parcel 2 shall construct a short sewer main extension on Lani Way to serve parcel 2. Design approval and construction of this main shall be done in accordance with RVSS standards and the property owner shall submit the required Right of Way permit application to the City.
7. The property owner of parcel 2 shall submit an application and fee for the installation of water service to parcel 2.
8. The property owner shall provide Community Development with evidence from the City Engineer and Rogue Valley Sewer Services that adequate provisions for stormwater and surface water runoff have been made and approved.
9. The property owner shall, prior to issuance of permits, sign and record a city prepared, non-remonstrance agreement for public improvements.
10. All building setbacks shall be consistent with the standards for the zone.
11. Permits and all System Development Charges must be paid to RVS. The property owner shall provide Community Development with evidence that all required sewer service connections have been installed and inspected by RVS.
12. The property owner of parcel 2 shall provide Community Development with public improvement plans for sewer connections approved by the City Engineer.

PRIOR TO CERTIFICATE OF OCCUPANCY

- 13. All sewer services must be installed and in conformance with RVS standards.
- 14. The property owner shall pave the required driveway.
- 15. Landscaping on the developed lot shall be completed.

Approved by:



Zac Moody
Community Development Director

January 7, 2016
Date

This matter has been approved administratively without a public hearing. The Talent Zoning Code allows administrative decisions under specified conditions. If no one requests a hearing on this matter within **14 days** of this tentative decision, it becomes the final decision of the city. To appeal an administrative decision requires written notice and a \$250.00 deposit. Please refer to 8-3M.140(E)(5), “Procedures,” for specific provisions for appeals on Type-2 decisions.

This decision is being mailed to the applicant and all property owners who responded to the original notice.

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