

City of Talent

Community Development Department - Planning



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: February 1, 2016
Prepared by: Zac Moody

Item: MLP 2015-002
Minor Land Partition

Applicant Mike Davis
8475 Wagner Creek Rd.
Talent, OR 97540

Application Received.....December 23, 2015

Application Complete.....January 7, 2016

Notice Mailed and Posted.....January 14, 2016

Requested Action..... Partition a single lot into two.

Assessor's Map Number 38-1W-25DB, Tax Lot 300

Lot Size 12,644 sq. ft.

Zoning Single Family – Medium Density (RS-7)

Applicable Code Sections Ch. 8-2. Subdivision Code

PROPOSAL

The request is for the approval of a preliminary plat to divide a 0.29 acre parcel into two (2) parcels.

BACKGROUND

The subject property was created in 1997 by Partition Plat No. P-56-1997 on August 8, 1997. Prior to the previous partition, the subject property was identified as Lot 4, Block 1, Hyde Park Subdivision, SE ¼ of Sec. 25, T. 38 S., R. 1 W., W. M. City of Talent, Jackson County, OR.

PROPERTY CHARACTERISTICS

This application is for a lot partition located at 1411 Lithia Way. The property is currently occupied by a single family dwelling that was built in 1930 and 1,032 square feet is size. The

applicant's intent is to relocate the existing house to Parcel 2. The subject parcel is relatively flat with a slight drop in elevation of five (5) feet to the northeast.



Transportation Service

Access is available to the property from Lithia Way, an improved City street. No request for additional right-of-way is being requested because the City of Talent Transportation Plan does not require it along Lithia Way as an appropriate amount of right-of-way already exists and improvements have already been installed.

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. Two written comments recommending denial of this request were received. Neighbors recommending denial stated the following concerns:

- Proposed lots sizes are smaller than neighboring properties;
- Proposed lots are smaller than the 6,000 square foot minimum;
- Smaller lots would negatively affect property values in the neighborhood;
- Higher density is undesirable;
- Lot dimension standards have not been met;
- No two-story homes should be allowed;
- Setbacks do not conform with other setbacks in the neighborhood;
- Vegetative buffer should be required if setbacks requirements are not increased

Staff has address all of the concern as applicable with this request in the findings below. While the proposed lot sizes may be smaller than the neighboring properties, the minimum lot size for the zone is 6,000 square feet.

High density development is not allowed in the RS-7 zoning district. As proposed, the existing single family home will be relocated and a new single family dwelling will be built on the new lot. No high density development is being proposed.

The request for no two-story homes cannot be applied as a condition of approval because the City allows a maximum building height of 30 feet. These concerns have been further addressed in section 8-2.330(C)(2) below.

Lastly, vegetative buffers are not required between similar residential uses, therefore a condition of approval cannot be required.

AGENCY COMMENTS

Talent Irrigation District submitted comment stating that no facilities exist on or adjacent to the proposed partition. No conditions have been requested.

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 Lithia Way. Lithia Way is identified in the Talent Transportation System Plan as a local street and therefore does not require (but encourages) street trees. **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 Lithia Way. Access to the new and existing parcels will be from individual driveways along Lithia 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 be 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. **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: Proposed driveways are not shown on the preliminary plat, but shall be separated by more than 10 feet. The applicant has stated that no shared driveway is being proposed and the each parcel will have its own access. **The provisions of this section have been met.**

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 two sewer laterals near the subject property. Based on comments from Rogue Valley Sewer Services, the pipe serving the existing house must be abandoned within five (5) feet of the property line in accordance with the Oregon Plumbing Specialty Code once the existing house is removed or relocated.

Additionally, service to Parcel 2 should be extended to the right of way line perpendicular to the road centerline. From that point it will cross Parcel 1 and Parcel 2 and a private sewer easement will be required.

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 laterals to both parcels in accordance with the approved RVSS sewer permit. 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. Prior to issuance of building permits, the applicant shall provide an easement for any sewer lines crossing private properties.

The subject property is currently served by City water along Lithia Way. Additional service for the new parcel shall also be from Lithia Way. Prior to the issuance of permits, the property owner shall submit an application and fee for the installation of water service to the newly created parcel. **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 a stormwater plan that details the location of existing surface flow and provides a plan for future drainage. These plans are subject to review and approval by the City. **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 is one service pole and overhead utilities shown on the plat. Presumably the intent is to eliminate them. Electrical service to the lots from Lithia 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 Lithia Way adjacent to the proposed partition has been set. All required curbs, gutters, sidewalk and street improvements have been completed. **The provisions of this section have been met.**

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-7 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-7 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. Comments received from neighboring properties state concerns that these parcels do not meet lot dimension requirements and that the lot sizes are not consistent with other neighboring properties.

There are no corner lots proposed, therefore the minimum lot size for both parcels is 6,000 square feet. As proposed parcel 1 is 6,148 square feet and parcel 2 is 6,496 square feet which meets the minimum 6,000 square foot lot size. Parcel 1 is 53 feet wide and parcel 2 is 56 feet wide consistent with required lot widths for the zone. **The provisions of this section have been met.**

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

Finding: The RS-7 zone has a 20-foot front setback (24 feet for garages), a 5- or 8-foot interior side setback, and a 10-foot rear setback. Neighbors have requested no two story homes be built and suggest expanded setbacks. Since the maximum building height is 30 feet, staff cannot disallow a two story home. Homes that exceed a height of 18 feet require additional

setbacks. Paragraph 8-3J.121 (B)(6) of the Talent Zoning Code allows for an unenclosed front porch to extend up to 8 feet into the front setback.

The existing dwelling which is being relocated is currently sited on the proposed property line. In order to meet the required setbacks the dwelling must be removed or relocated prior to recording of the final plat. As a condition of approval, prior to final plat, the existing dwelling shall be relocated or removed. As an additional condition of approval, prior to issuance of permits, all setbacks and building heights required in the RS-7 zoning district shall be met. **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: 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).
3. The property owner shall locate and abandon the existing service lateral and provide evidence from RVSS that the abandoned pipe has been inspected.

PRIOR TO ISSUANCE OF PERMITS

4. The property owner shall provide Community Development with an encroachment permit on City forms for the existing and new parcels.
5. Plans shall be submitted placing the drive way at least 10 feet apart.
6. Provide Community Development with a recorded private sewer easement if sewer service lines cross private properties.
7. The property owner shall construct laterals to both parcels in accordance with the approved RVSS sewer permit. 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.

8. The property owner shall submit an application and fee for the installation of water service to the newly created parcel.
9. 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.
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 applicant shall provide Community Development with public improvement plans for establishment or re-establishment of sewer connections approved by the City Engineer if work in the right-of-way is proposed.

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

February 1, 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.