



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. REZ)
2015-001, A REQUEST TO RE-ZONE A 5.4 ACRE TRACT OF)
LAND DESCRIBED AS 38-1W-23D, TAXLOTS 200 AND 201 FROM) ORDER
COMMERCIAL INTERCHANGE (CI) TO COMMERCIAL)
HIGHWAY (CH), THE CITY OF TALENT PLANNING)
COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on December 17, 2015;
2. The Planning Commission requested that the Community Development Director present a staff report and a proposed final order with findings and recommendations;
3. The Planning Commission finds that the subject parcels are legal lots of record, located within the City Limits of the City of Talent.
4. The Planning Commission finds that the requested zone change is consistent with Goal 12 of the Oregon Statewide Planning Goals, the Talent Comprehensive Plan and Section 8-3M.160 of the City of Talent Zoning Code.
5. 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 the Talent Planning Commission recommends approval of the proposed zone change from Commercial Interchange (CI) to Commercial Highway (CH) and based on the information presented in the staff report and the following findings of fact:

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

TALENT ZONING CODE REQUIREMENTS

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 zoning map amendment is presumed to enact policies in the Comprehensive Plan; the

findings validating that presumption are outlined below. **The provisions of this section have been met.**

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

FINDING: The City sent a proposed zoning map to the Department of Land Conservation and Development (DLCD), which has exclusive oversight of code and zoning map amendments to ensure compatibility with State Goals, Statutes and local regulations. At the present time, no responses from either DLCD or any other public agencies have occurred. **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 zoning map amendment. **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 or State Law are addressed in the findings below. **The provisions of this section are address in the Findings of Fact below.**

TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES

Element B; Parks, Recreation, Open Space, and Urban Forestry

POLICY 1: Preservation: It is the policy of the City of Talent to preserve and enhance the quality of its existing parks and recreation resources

FINDING: The north, west, and east sides of the subject tract are adjacent to the Bear Creek and Wagner Creek Greenways, and a bike path exist across Bear Creek on the east side of the northern boundary. The proposed change of zoning will not have any impact on the existing bike paths and greenway, as the comprehensive plan designation will remain commercial with uses similar to that of the Interchange Commercial zone. If approved, the proposed zone change would allow uses that could enhance the quality of the adjacent natural resources.

Any future development that may occur will be required to be reviewed and approved by the City. Approval of any development proposal will require that certain conditions, such as setbacks and riparian enhancements, be required to ensure that the existing bike path and open

space adjacent to Bear Creek and Wagner Creek will be impacted as minimally as possible by the potential future development. **The provisions of this section have been met.**

Element C: Natural Hazards

POLICY 1.1. Flood Hazards: It is the policy of the City of Talent to implement a comprehensive strategy that will mitigate and reduce risks of flood damage from naturally occurring flood events.

FINDING: The subject tract is located within the mapped floodway and 100-year floodplain; however, since no development is proposed with this application and the commercial uses for both zones are similar in nature, the proposed zone change will not have any impact on the floodway or floodplain. Considering the similarities between the uses in both commercial zones, an increased risk for flood damage on the subject tract or surrounding properties is not anticipated. All future development regardless of the zoning designation will required a floodplain review to reduce the risks of flood damage. **The provisions of this section have been met.**

Element D: Transportation

Land Use

Goal: Encourage land uses that reduce reliance on single-occupancy automobiles.

Policies:

- 1. The City shall consider changes to the Zoning Code that will more effectively implement Comprehensive Plan goals that encourage transit-oriented, mixed-use and high-density development near the city center to reduce private vehicle trips by increasing access to transportation alternatives in conformity with the Oregon Transportation Planning Rule (TPR).*

FINDING: The proposed zone change is not a change to the zoning code, but rather the zoning map. However, the proposed zone change from Commercial Interchange to Commercial Highway allows a larger variety of uses that could be more transit-oriented and allow mixed-use and high density developments, encouraging the use of transportation alternatives in conformance with the Oregon Transportation Rule (TPR). **The provisions of this section have been met.**

- 3. To reinforce the implementation of this transportation plan in land use decision-making, corridors for future auto, bicycle and pedestrian facilities have been adopted into this plan.*

FINDING: The proposed zone change from Commercial Interchange to Commercial Highway allows a larger variety of uses that are more transit-oriented and allow mixed-use and high density developments, encouraging the use of transportation alternatives along West Valley View, an identified bicycle and pedestrian corridor. **The provisions of this section have been met.**

- 6. The City shall coordinate land use planning for properties with access onto Highway 99 and Valley View Road, and other projects large enough to impact traffic counts on those roads, with the Oregon Department of Transportation. To this end, the City will provide notice of pending decisions and invite ODOT to*

make suggestions for design improvement and conditions of approval, and to participate in pre-application conferences whenever practical.

FINDING: The subject tract is adjacent to West Valley View Road which is classified as a minor arterial with an average daily trip (ADT) count of approximately 8,000 trips. Studies conducted as part of the Transportation System Plan update, the Interstate Area Management Plan for Exit 21 and the ODOT All Roads Transportation Safety grant provide evidence that at full buildout with the highest and best commercial or residential uses, average daily trips for W. Valley View will not exceed 13,000 ADT. The maximum ADT for West Valley View with a 3-lane configuration is 20,000 ADT, exceeding the maximum projected ADT by nearly 7,000. ODOT was notified of the pending application, but no response was received. Additionally, prior to any development approval, the applicant may be required to prepare a Traffic Impact Study, which ODOT will have another opportunity to evaluate. **The provisions of this section have been met.**

Element E: Economy

POLICY 2: Family Wage Jobs: Promote and support businesses that bring family wage jobs into the community.

POLICY 3: Business Support and Assistance: The City will support, and encourage retention and expansion of existing business.

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.

POLICY 8: Land Availability: The City will plan for commercial and industrial land needs and encourage the efficient use of land.

FINDING: The only uses allowed as a Type II review within the current CI zoning of the subject property are automobile service station, hotel/motel, eating/drinking establishments, gift shops, and public parks. However, the uses allowed under a Type II review within the proposed CH zone include automobile parts sales/servicing, vehicle sales, equipment rental/sales, commercial recreation facilities, retail businesses, veterinary clinics, public assembly uses, feed/fuel stores, automobile service stations, storage buildings, and all Type II uses allowed within the CBH/CN/CBD zones. Therefore, the proposed zone change will allow for a much wider variety of uses that can be established on the subject tract, which will in turn provide for a broader opportunity for economic growth within the City of Talent. The subject property has remained in its current state for years, demonstrating that the current zoning is very limiting for potential uses.

The Talent Comprehensive Plan identifies a list of strengths, weaknesses, opportunities, and threats (SWOT Analysis) that the residents of Talent identified. Some of the weaknesses the residents identified were: few local recreation opportunities, commercial activity is fragmented along West Valley View Road, and few professional and retail services. The proposed change of zoning will allow for these weaknesses to be improved due to the vastly increased types of

uses that will be allowed on the parcel with the proposed zone change. The current CI zoning does not allow for recreational uses, with exception to public parks; however, the proposed CH zone will allow for commercial recreational uses (e.g. bowling alleys, skating rinks, dance halls, performing arts/movie theaters). The proposed CH zone will also allow for professional and retail services, including, but not limited to, business offices, auto and equipment sales, nurseries, home furnishings stores, and many other similar uses. Additionally, the proposed change of zoning will allow for many different options for potential businesses within the subject tract, which will help reduce the ‘fragmentation’ of commercial activity along West Valley View Road. These potential uses would be more appropriately situated outside the downtown core, which is why the change of zoning would be ideal for this tract.

The subject tract is the former site for the Talent Truck Stop, and is currently developed with a vacant restaurant on Tax Lot 201 and truck dispatching service on Tax Lot 200. The southeast corner of Tax Lot 201 is also currently the site for a stonework display. However, the subject tract is significantly underused for commercial activities, thus creating the undesirable ‘fragmented’ commercial activity discussed above in this Section. Due to the lack of commercial activity occurring on the subject tract, which is due to the lack of variety of potential commercial or residential uses allowed, it is apparent the subject tract is not being used to its capacity or potential. A change of zoning would allow for a much wider variety of allowable uses; therefore, it is more likely for the subject tract to become developed with commercial uses upon approval of this zone change.

As previously stated within this Section of these findings, one of the few uses allowed within the current zoning is an automobile service station; however, a Chevron station is currently operating directly east of the subject tract. Therefore, it is highly unlikely that the subject tract would be used for a similar use. Additionally, residential communities (Oak Valley and Anjou Club) are situated west of the subject tract, and are separated by Highway 99 from the majority of existing commercial uses within the City of Talent. By changing the zoning of the subject tract to CH, a wider variety of commercial uses could potentially become available to the residents of those communities, and all other residents situated east of Highway 99. **The provisions of this section have been met.**

Element F: Public Facilities and Services

Objective 3.1: Continue to provide safe and livable housing for working families, single-earner households, retired people, and students while improving the quality and value of local housing stock.

FINDING: The proposed CH zone and current CI zone both allow for dwelling units to be established. However, the CH zone allows for more flexibility in regards to the location and quantity of dwelling units. In the CH zone for example, residential units are allowed as independent units provided that the residential units do not exceed 50% of the gross parcel size and that commercial buildings front the adjacent street. This allows for the property to be developed with more high density residential units than could be developed in the CI zone. This increased allowance provides a location for a large quantity of dwelling units that could be used to address the needs of working families, single-earner households, retired people and students while providing an increase to the local housing stock. **The provisions of this section have been met.**

OREGON ADMINISTRATIVE RULES

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

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

FINDING: The subject tract is adjacent to West Valley View Road which is classified as a minor arterial with an average daily trip count of approximately 8,000 trips. The proposed change will not degrade the performance of the existing transportation facility and does not appear to impact the level of service below that required by the Transportation System Plan.

The proposed zoning map amendment would change the existing Commercial Interchange zone to Commercial Highway, both with commercial comprehensive plan designations, creating essentially the same traffic volumes and level of service. Considering the impacts would be minimal or unchanged, the proposed amendment would not significantly affect the transportation facility, the mitigating measures provided in section (2) of this rule are not applicable. **The provisions of this section have been met.**

Eric Heesacker
Chairperson

Date

ATTEST

Zac Moody
Community Development Director

Date