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L Calvin Martin, Developer's Agent
P.O. Box 442, 125 West Pine Street, Jacksonville, Oregon, 97530
(541) 778-6638 Office, (541) 227-4262 Cell
calmartin1@msn.com

CITY OF TALENT
COMMUNITY DEVELOPMENT

*Design, Construction Management, Construction Cost Estimates, Contract Negotiations
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City and Regional Planning, Land Development, Lobbying, Wastewater Technologies*

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**Findings of Fact of Plan for New Building on Ts. 38, R1W,S.23CD, Tax Lot 4200,
115 Lapree Street, Talent, Oregon, 97540**

Subject of 8-3L.150 REQUIRED FINDINGS OF FACT

After an examination of the site, the Planning Commission 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;

As far as possible the applicant has attempted to comply with the applicable City Ordinances. The limitations that are presented here will need to essentially provide relief from some due to the physical constraints of the site. The site is small, < 3,200 square feet and it is a triangular shape.

The applicant purchased this property in order to provide a remodeled home for a family member. He was surprised to find that he could not continue with the remodel due to the home having been technically abandoned and that a small portion of the East end of the home projected into the right-of-way. The projection was not a serious issue as the encroachment into the ROW was longstanding and not obstructive. The issue of abandonment should have been made clear to the applicant when he purchased the property.

In addition to the above the applicant discovered that the zone had changed from residential to CBD and essentially commercial. In order to salvage a situation from total loss the applicant decided to comply as closely as possible to the City of Talent development standards. The solution that is before you is commercial and residential but very small in size. It was determined that the market for small commercial space in this area would be very limited and difficult to rent due to several factors and the lack of parking. It was however determined that large studio apartments in close proximity to downtown and the Southern Oregon University would likely be easily rented for at least a portion of the year. The applicant considered the risk and decided to move forward with some trepidation. It is hoped that all of the adjacent dwellings and buildings will begin to comply with

the CBD zone and its requirements. This project will at least get the interest going and perhaps stimulate conversion or compliance with the zone by others.

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

The applicant, as stated in A. above, is attempting to comply with the zone by providing commercial office space on the ground level and residential space on the second floor. He is also providing a design that recognizes the immediately adjacent residential area and attempts to provide privacy to the single story residences and a transitional design from the commercial to the existing residential.

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

The structure and the design are in compliance with the Comp. Plan for the area in almost all respects. The commercial zone is less restrictive in many ways than the adjacent residential areas. The required set back on the portion of the West side of the property that abuts the residential zone cannot be met. The need to modify that set back has been mitigated by having no windows from a livable space looking toward or down on the residential property immediately to the West. Landscaping will also buffer and soften the transition from the commercial to the residential. Since the property is essentially a triangular piece the "average setback" taken from the front of the building and the rear of the building would be approximately 13.5 feet rather than the required 20 feet. It should be noted that the residential zone does not continue for the full length of the boundary but only about 50 feet of the Western boundary is to a residential zone.

The CBD zone does not require set backs to the side and front but this design does have some set backs due to its need to "fit in" with the existing structures. The design includes the idea of widening the street in front of the property to provide at least two parallel parking spaces in front of the building. This is a design that has been utilized in virtually all of the adjacent CBD properties and their adjacent streets. Having a commercial space without some adjacent parking is strong negative to potential tenants. The need for parking of the residents is also a need and it is somewhat mitigated by the time usage of the parking from day to evening. It will still be a limiting and negative situation for both the residential and commercial uses of the property.

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

The site will have a replaced fence in the rear yard and sufficient landscaping and orientation to provide an adequate modicum of privacy to the existing non-conforming residential in the area. The interface with the residential will be handled with a fence, landscaping and the lack of windows on the first and second floor facing the residential

area to the West. The applicant feels that the design meets the needs of the commercial zone and historic zone requirements without being an affront or insensitive to the adjacent residential. Materials and colors will be warm and detailed so as to provide something less than an abrupt change to the residential to the West.

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

The types of uses and the sizes of the spaces are suitable for residential or office commercial uses and not manufacturing or process oriented. It is unlikely that any medical uses would be using this facility due to its small size and lack of parking. The applicant does not foresee any uses that would violate this requirement.

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

- 1. Buildings, structures and improvements;

The design is consistent with the historic replication with respect to scale, materials and design. Improvements will greatly enhance the area and the widening of the street will provide at least some additional parking in the area. The 5 foot wide sidewalk will continue in front of the project and provide safety for local residents walking through the commercial zone. The applicant believes that the need for additional parking, although none is required, is mandatory for this project to be successful.

- 2. Vehicular and pedestrian ingress and egress, and internal circulation.

The circulation of vehicles and pedestrian is self explanatory and efficient. The moving of the existing sidewalk will provide needed parking and some additional protection for those using the street and those accessing the structure as they get in and out of their vehicles without being in the roadway.

- 3. Parking and loading facilities;

This is adequately discussed in 2. above.

- 4. Setbacks and view from the structures.

There are issues here in that the CBD district is still substantially one story and older residential in character. The arrangement and orientation of windows and yards will provide some privacy to adjacent properties and particularly the residence to the West.

5. Walls, fences, landscaping and street and shade trees;

The plan submitted makes indications of some trees. None are indicated in the right of way save one at the end of the parallel parking spaces. The applicant is a licensed landscape contractor and will provide a detailed landscape plan that will have the need for privacy to the property in question as well as adjacent properties. Fencing will be similar to what exists but completely new and with appropriate materials to be compatible with the requirements of the historic and CBD zone and district.

6. Lighting and signs; and

Lighting will be downward directed and on the exterior of the building near both sides of the entrances and in the recessed entrance areas (2) of the building. Some light will likely emanate from the stair towers on either end of the building from the single window that occurs on the end. The light from the stairs will not be direct. There will be lights that come on from motion detectors in the rear yard but only at the ground level and not pointed at the adjacent properties or the residential to the West.

7. Noise generation facilities and trash or garbage depositories;

It is not anticipated that the uses in this proposal will generate excess or concerning noise, or trash. A trash enclosure is located on the West side of the building and will be used by the commercial and residential portions of the building.

- 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.

The applicants property is served by city utilities that will need to be upgraded. The water meter can remain and service the entire building with the owner charging a flat charge within the rent for the use of water. The gas company will be required to place four meters as the building will have gas heating and hot water. The applicant will install a landscape irrigation system that will automatically care for all of the landscaping and will provide professional landscape maintenance. The need to widen the street and place new sidewalks will be a part of the applicants development cost and will follow the standards set by the City as to engineering and funding.

