



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR
2015-002 LOCATED AT WEST VALLEY VIEW ROAD, THE CITY
OF TALENT PLANNING COMMISSION FINDS THE
FOLLOWING:

)
) ORDER
)

1. The Planning Commission held a properly noticed public hearing on this matter on March 26, 2015;
2. The Planning Commission asked the Community Development Director to present a staff report and a proposed final order with findings and recommendations;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Commission found that the proposed development in all other respects complied substantially with the criteria for approval in 8-3L.1 and was in compliance with the adopted West Valley View Master Plan;
5. The application, with conditions, was in general compliance with the required findings for approval of Site Plan Review;

The Talent Planning Commission approves the Site Plan Review for the Talent Urban Renewal Agency with the following conditions of approval:

GENERAL CONDITIONS

1. The applicant shall obtain building permits prior to construction on the site.
2. The applicant shall prior to completion of the project apply for a vacation of right-of-way.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

3. The applicant shall provide Community Development with a revised site plan prepared and stamped by a licensed Landscape Architect that includes a statement that the provisions of 8-3J.575(F) have been met.

PRIOR TO FINAL APPROVAL OF BUILDING PERMITS:

4. The applicant shall provide a minimum of two (2) bicycle parking spaces in both the parking area and the plaza area (four (4) parking stalls total).
5. The applicant shall permanently and clearly mark the word "compact" on the first five (5) parking stalls closest to Talent Avenue.

6. The applicant shall permanently and clearly mark the words “two-way” and shall re-mark the parking area to one-way at the time the round-about is complete. Additionally, at the time the drive is reconfigured to one-way, the applicant shall install the proposed landscape island and appropriate landscaping.
7. The applicant shall install all wheel stops in a manner that prevents vehicles from overhanging the public right-of-way.
8. The applicant shall arrange lighting to reflect away from all abutting residential areas.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the Site Plan Review for the Talent Urban Renewal Agency (SPR 2015-002) 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.

8-3D.240 BUILDINGS AND USES SUBJECT TO TYPE-III SITE DEVELOPMENT PLAN REVIEW

- B. *Public Parks, playgrounds and other similar publicly owned recreational areas.*

FINDING: The subject parcel is zoned Central Business District (CBD) and allows open space uses subject to a Type-III Site Development Plan review. The proposed plaza and parking areas are public open spaces. **The provisions of this section have been met.**

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: Removal of one street tree has been proposed as part of the project. The tree is a Cedar of Lebanon which was recently acquired from purchasing TID property. The tree is located under a power transmission line that has been topped many times. The location of the tree also makes it difficult to install the new sidewalk in its appropriate place. Removal of the tree requires an equal number of trees having a minimum caliper size of 1.5 inches be planted to mitigate its loss. The proposed plan identifies at least six (6) trees adjacent to the removed tree and is consistent with the provisions of this section. **The provisions of this section have been met.**

8-3J.530 OFF-STREET PARKING

The applicant has stated that this would be a temporary configuration until the time the round-about is complete. As a condition of approval, prior to final approval of the parking area, the applicant shall permanently and clearly mark the word "two-way" and shall reconfigure the drive to one-way at the time the round-about is complete. Additionally, at the time the drive is reconfigured to one-way, the applicant shall install the proposed landscape island and appropriate landscaping.

Considering that the proposed parking is not required, the ratio of compact to standard stalls does not apply. However, since five of the stalls are dimensioned to be compact, they shall be marked accordingly. As a condition of approval, prior to final approval of the parking area, the applicant shall permanently and clearly mark the word "compact" on the first five (5) stalls closest to Talent Avenue. **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 requirements for drainage facilities.*
- 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)*
- C. *All spaces shall be permanently and clearly marked.*
- 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 surface improvements will consist of: approximately 50% asphalt, 40% pavers, and 10% grass; the existing surface is 100% asphalt and concrete. The proposed plan does not increase impervious surface area rather, it reduces it. Replacing the current asphalt and concrete along the eastern half of the site with permeable pavers and grass along

Off-street parking space 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...

FINDING: The proposed plaza and parking area are located in the Central Business District, therefore parking is not required. However, as part of the plaza development, the proposed plan provides for nine (9) on-street parking spaces, both head-in and diagonal. **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 site plan identifies bicycle parking on the corner of Talent Ave and the intersection of the parking area. All public parking lots shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces. Considering that there are two uses; the parking area and the plaza area, bicycle parking shall be provided in both locations. As a condition of approval, prior to final approval of the required building permit, the applicant shall provide a minimum of two (2) bicycle parking spaces in both the parking area and the plaza area. **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 backwards movements or other maneuvering of a vehicle within a street other than an alley will be required.*
- 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 in (Figure 570-1 and Table 570-1). Disabled parking shall conform to the standards in 8-3J.540(C).*

FINDING: As proposed, the parking stalls are serviced by a service drive so that no backwards movements or other maneuvering of a vehicle within a street will occur. Additionally, all proposed parking stalls meet the dimension standards in Figure 570-1 and Table 570-1 of the Talent Zoning Code. The proposed driveway width in the majority of the parking area is only twenty two (22) feet; therefore, according to Table 570-1, the drive isle shall be one-way. The applicant has requested to allow two-way traffic and account for the space by removing the proposed landscape island on the northern portion of the parking area.

approximately 50% of the site area will reduce surface water flows offsite. Because vehicular traffic will be decreased from current conditions, stormwater quality generated from this site is likely to improve.

As proposed, the site plan identifies the required wheel stops. As a condition of approval, prior to final approval of the building permit, the applicant shall install all wheel stops in a manner that prevents vehicles from overhanging the public right-of-way. **The provisions of this section have been met subject to conditions of approval.**

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

FINDING: The proposal provides for many new street trees which appear to meet cover requirements. To ensure that all cover requirements have been met, the applicant shall prior to the issuance of permits, provide Community Development with a revised site plan prepared and stamped by a licensed Landscape Architect that includes a statement that the provisions of 8-3J.575(F) have been met. **The provisions of this section have been met subject to conditions of approval.**

- 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 plan identifies cobra head lighting in three locations. As part of a previous phase of this development, the proposed lights were installed. To ensure that residential areas are not subjected to excessive light pollution, the applicant shall prior to final approval of the building permit arrange lighting to reflect away from all abutting residential areas. **The provisions of this section have been met subject to conditions of approval.**

- H. *Building permits are required for all parking lot construction, repair or resurfacing.*

FINDING: The proposed site plan has been submitted to construct a parking area in conjunction with a public plaza area. As a condition of approval, building permits are required prior to construction on the site. **The provisions of this section have been met subject to conditions of approval.**

8-3K.1 DESIGN STANDARDS-OLD TOWN DESIGN DISTRICT

The following standards shall be used as part of the land use approval process when new development and exterior renovation is proposed in the Old Town Design District. Applicants shall demonstrate compliance with the design standards in order for the review body to approve the proposal.

FINDING: The proposal does not include any new development or exterior building renovation, therefore, no standards or criteria are applicable. **The provisions of this section are not applicable.**

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 CBD zone allows the use of the proposed site as a public open space and parking area subject to Site Development Plan review by the Planning Commission and a public hearing.

All applicable code sections of the Talent Zoning Code have been addressed within the application submittals. **The provisions of this section have been met.**

- 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 TMC 8-3D.210 the Central Business District (CBD) Zone shall serve as the hub of government, public services and social activities; and shall include residential uses to strengthen and enliven the community core. The CBD shall be pedestrian oriented and shall highlight and incorporate historic places and structures, parks and public transit facilities and opportunities.

The proposed use of the site as a public open space with additional on-street parking provides the area residents with a needed service and includes improvements that encourage pedestrian and public transit methods of conveyance. **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 site currently functions as a public right-of-way, serving nearby residential and commercial needs. The proposed modifications would improve existing pedestrian mobility and current parking conditions. Due to the nature of the proposed surface improvements to West Valley View Road, it is also compatible with existing uses of land in the surrounding area. **The provisions of this section have been met.**

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

FINDING: The proposed surface improvements will consist of: approximately 50% asphalt, 40% pavers, and 10% grass; the existing surface is 100% asphalt and concrete. The proposed plan does not increase impervious surface area rather, it reduces it. Replacing the current asphalt and concrete along the eastern half of the site with permeable pavers and grass along approximately 50% of the site area will reduce surface water flows offsite. Because vehicular traffic will be decreased from current conditions, stormwater quality generated from this site is likely to improve. **The provisions of this section have been met.**

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: Due to the nature of the proposed surface improvements to West Valley View Road, it is compatible with existing uses of land in the surrounding area. No structures exist within the project area, nor will any be added, therefore setback limitations do not apply.

The proposed modifications would improve existing pedestrian mobility and current parking conditions. The planned parking areas provide sufficient space to allow vehicles to back up internally and exit the parking lot in a forward motion.

According to the applicant, the current plan does not introduce new walls or fences however an existing chain link fence may be replaced in the vicinity of 109 West Valley View Road. with a wood-and-wire fence to match what was installed in in a previous phase of the project. Several grass meadows will be installed throughout the site, the applicant has included a landscaping plan for the site and includes appropriate buffering, trees and landscaping in accordance with 8-3J.575 and 8-3J.450.

The applicant has included a lighting plan for the site and lights will be arranged in a manner that reflects light away from residential areas and limits excessive light pollution in accordance with 8-3J.575(G). Additional outdoor lighting will be introduced according to plans; three (3) cobra lights and (2) to-be-determined overhead lighting fixtures are denoted. The style of the proposed lightning will remain consistent with that of the surrounding area, and residential neighbors to the north are not likely to be affected.

The only noise generation associated with this plan originates from vehicle traffic and parking; this situation will only be improved compared to current conditions by the buffering effect of additional street trees and reduced vehicle speeds on site. **The provisions of this section have been met.**

- 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 proposed project removes a portion of right-of-way for the City's transportation system. As part of the conversion of the right-of-way to real property and subsequently open space, the applicant shall prior to completion of the project apply for a vacation of right-of-way. **The provisions of this section have been met subject to conditions of approval.**

STORM DRAINAGE DESIGN STANDARDS

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.*

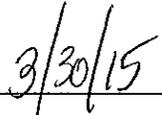
FINDING: The proposed surface improvements will consist of: approximately 50% asphalt, 40% pavers, and 10% grass; the existing surface is 100% asphalt and concrete. The proposed plan does not increase impervious surface area rather, it reduces it. Replacing the current asphalt and concrete along the eastern half of the site with permeable pavers and grass along approximately 50% of the site area will reduce surface water flows offsite. Because vehicular traffic will be decreased from current conditions, stormwater quality generated from this site is likely to improve. **The provisions of this section have been met.**

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.

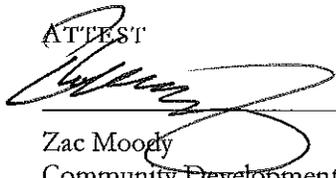
Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.



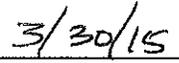
Eric Heesacker
Chairperson



Date

ATTEST


Zac Moody
Community Development Director



Date