



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

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR 2016- )  
002 AND SPR 2016-004 LOCATED AT 105 W. VALLEY VIEW RD. [MAP ) ORDER  
NO. 38-1W-23DD TAXLOT 3200 AND 3201], THE CITY OF TALENT )  
PLANNING COMMISSION FINDS THE FOLLOWING: )

1. The Planning Commission held a properly noticed public hearing on this matter on April 28, 2016;
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;
5. The application, with conditions, was in general compliance with the required findings for approval of Site Plan Review;

**The Talent Planning Commission approves SPR 2016-002 a Site Plan Review for an additional seven (7) stall parking lot to serve Dollar General and SPR 2016-004 a Site Plan Review for the development of the Dollar General retail building with the following conditions of approval:**

**GENERAL CONDITIONS:**

1. All landscaped areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities and fences, walls, hedges and other screen plantings or buffers shall be permanently maintained.
2. Applicant must obtain an NPDES 1200-C Erosion Control Permit from RVS prior to the start of any ground disturbing activities.

**PRIOR TO ISSUANCE OF PERMITS:**

3. The applicant shall provide Community Development with a stormwater plan approved by Rogue Valley Sewer Service.
4. Provide Community Development with a copy of the approved sewer connection permit and evidence that all SDCs have been paid in full.
5. The applicant shall provide a revised site plan that includes the following:

- a. Identification of all trees (native and ornamental) with a caliper size of four (4) inches or greater, measured at a point three feet above the grade of the base of the tree.
  - b. The surface type of the driveways and parking stalls.
  - c. The placement of bicycle parking adjacent to the right of way and the main entrance to the building.
  - d. Wheel stops on all parking spaces adjacent to the proposed building.
  - e. The location and style of the required “bicycle parking only” sign.
  - f. The light specifications for all exterior parking lot and building lighting. All lights shall be shielded or directed in a manner that prevents light from reflecting towards the residential uses.
  - g. The existing location of the pedestrian lights on both sides of the driveway as well as the required post development location of the pedestrian lights directly adjacent to the driveway apron.
  - h. The reconstruction of the driveway apron as well as the two sidewalk panels to the east of the driveway. The revised plans shall also show the standard detail (dwg. No. 96-01) for a commercial driveway apron including materials used and dimensions.
  - i. An ADA access from the primary entrance of the building to the adjacent street.
  - j. Pathways connecting all parking areas to the main building.
  - k. Access to the adjacent residential development providing everyday ingress and egress to the retail operation.
  - l. The location of all existing sewer lines and easements as well as all proposed connection locations.
6. The applicant shall provide a revised landscape plan that includes the following:
- a. Location, size and species (consistent with Section 8-3J.450 (B)-(F)) of all required street trees.
  - b. The location of the required stormwater quality facility, including the location, size and species of plants and material type approved by RVS.
  - c. Location of the proposed irrigation system.
  - d. Either a statement from the Landscape Architect that the proposed plantings meet the forty (40) percent shade requirement for the parking

areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years.

- e. Either a statement from the Landscape Architect that the proposed plantings meet the seven (7) percent shade requirement for the landscaped areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years.
- 7. Provide a stormwater design plan and O & M plan and agreement approved by RVS.

**PRIOR TO CERTIFICATE OF OCCUPANCY:**

- 7. All standard and ADA parking spaces shall be permanently and clearly marked.
- 8. All required improvements on the revised site plan shall be installed and all building permits shall have final approval.

**IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the Site Plan Review for Dollar General (SPR 2016-002/SPR 2016-004) 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.

**8-3JD.3 HIGHWAY CENTRAL BUSINESS DISTRICT (CBH)**

**8-3D.330 BUILDINGS AND USES SUBJECT TO TYPE-III SITE DEVELOPMENT PLAN REVIEW**

- B. *Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services.*

**Finding:** The subject parcel is zoned Central Business District Highway (CBH) and allows retail uses subject to a Type-III Site Development Plan review. The proposed Dollar General retail store is a 9,100 square foot building and is a use that meets the intent of the Talent Zoning Code. **The provisions of this section have been met.**

**8-3JL.1 SITE DEVELOPMENT PLAN**

**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 CBH zone allows retail uses subject to Site Development Plan review by the Planning Commission and a public hearing.

All applicable code sections of the Talent Zoning Code (TZC) have been addressed within the application submittals or will be made to comply with the attached conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

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 TZC 8-3D.210, the Central Business District (CBD) Zone shall serve as the hub of government, public services and social activities; and shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBH zone shall be developed with full accommodations for all travel modes, but will tend to be more automobile oriented than the CBD zone. The proposed retail store will serve both the traveling community as well as the local residents, potentially reducing automobile trips outside the City. The proposed retail store is also in a location that will encourage pedestrian traffic to and from the business. In the general vicinity of the proposed retail store there are three different housing developments, including multi-family, manufactured and single family developments, all which are within walking distance. **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 building is adjacent to both residential and commercial uses. The proposed retail store is situated on the southwest corner of the parcel and is directly adjacent to a multi-family housing development and the additional parking area (Parcel 2) is located north of the proposed building and west of Oak Valley Subdivision.

Considering that the proposed building is commercial in nature, the building shall be adequately buffered from the adjacent conflicting uses. Buffering requirements are addressed in Section 8-3J.4 below. **The provisions of this section have been met subject to conditions of approval.**

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

**Finding:** The proposed retail store creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensure that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards. Prior to the issuance of permits,

the applicant shall provide Community Development with a stormwater design plan approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

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:** The proposed development meets all building height, coverage and setback requirements for the CBH zoning district. The standards for vehicular ingress and egress as well as internal circulation, parking and loading have also been met in accordance with Section 8-3J.540 and 8-3J.630 addressed below. No buffer walls have been proposed and all proposed fences have a height not greater than six (6) feet, in conformance with the provisions of Section 8-3J.3 of the Talent Zoning Code.

Pedestrian ingress, egress and internal circulation as well as lighting, noise generation facilities and trash enclosures have been addressed below. **The provisions of this section have been met subject to conditions of approval.**

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 proposal is adjacent to West Valley View Rd and does not require any street related improvements. The site is currently served by water, sewer and storm facilities, but the proposed plans do not identify the connection locations nor do they provide the required sewer and storm permits from Rogue Valley Sewer (RVS).

As noted by RVS, there is an existing 8 inch sewer main that runs along the easterly side of Parcel 1 and into Parcel 2 as shown on the site survey. Sewer service to the proposed new retail building requires a connection to this sewer main. Sewer service connections are reviewed and approved by RVS and all system development charges are paid directly to RVS prior to issuance of City permits. As a condition of approval, the applicant shall prior to the issuance of permits, provide Community Development with a copy of the approved sewer connection permit and evidence that all SDCs have been paid in full. Additionally, the applicant shall prior to the issuance of permits, provide a revised site plan that identifies the location of all existing sewer lines and easements as well as all proposed connection locations.

The property is located within the MS4 Phase 2 boundary and must comply with the stormwater quality requirements outlined in the Regional Stormwater Quality Design manual. RVS's Stormwater Design Manual along with the provisions of this section require the property owner to maintain the stormwater system in an operational manner. To ensure compliance, RVS requires an Operation and Maintenance Plan (O & M) and agreement. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater design plan, an O & M plan and agreement approved by RVS. **The provisions of this section are not applicable.**

**8-3H.2 OVERLAY ZONES – NATURAL AREAS, PARKS AND FLOODPLAINS**

**8-3H.220 FLOOD PLAIN – PARKS – GREENWAY OVERLAY ZONE (OFPG)**

C. *Standards. All development, including construction, reconstruction, extension, conversion or alteration of any structure or land occurring in the OFPG zone shall comply with the following standards:*

1. *Development Within the 100-Year Flood Plain.*

a. *Development within the 100-year flood plain shall conform to the standards of this Chapter and to those of Chapter 8-5, entitled Flood Damage Prevention. At a minimum, development within the floodplain shall be consistent with development standards established for participation in the federal flood insurance program.*

**Finding:** The proposed development is adjacent to both the 100 and 500-year flood hazard area. However, based on the FEMA Floodplains map adopted in May 2011, no part of the flood hazard area encroaches on the subject property. **The provisions of this section are not applicable.**

**8-3J.1 GENERAL PROVISIONS**

**8-3J.180 BUFFERING**

*Where buffering is required between adjacent uses or zones, the type of buffering shall be appropriate to its purpose. Where the purpose is primarily the screening of objectionable views, a fence, wall or screen planting of six feet in height—or of such greater or lesser height as will be adequate to obscure the objectionable view—shall be required. Fences or walls shall either be of a material so as to provide an aesthetically pleasing or shall be landscaped so as to provide an aesthetically pleasing buffer for adjacent properties. Other appropriate means of buffering, including but not limited to spatial separations, landscaping, natural topography and other barriers shall be utilized to minimize other types of incompatibility between land uses.*

**Finding:** The proposed building will be located adjacent to the first group of apartments closest to W. Valley View Rd which is already buffered by four (4) large cottonwood trees as well as at least six (6) other trees. The applicant has proposed to install a new wood fence six (6) feet in height along the entire project area and is proposing to plant a mix of shrubs between one (1) and five (5) gallons in size along the western boundary and three (3) 15 gallon trees along the eastern boundary adjacent to Oak Valley Subdivision. The combination of existing trees, proposed shrubs and the proposed fence is sufficient to provide an aesthetically pleasing buffer for the adjacent properties, but the applicant is encouraged to consider additional

vertical plantings to further shield the view of the west elevation. **The provisions of this section has been met.**

### 8-3J.3 FENCE, WALLS, and HEDGES

#### **8-3J.340 PLACEMENT**

A. *Fences and walls may be erected directly up to common property lines. An exception to this rule may be required when the placement would prevent the use of adjacent property or right-of-way, or prevent the safe use of a driveway or alley. In such cases, the City may require the fence or wall to be set back a minimum distance from the driveway, right-of-way, alley or property line.*

**Finding:** The applicant has proposed the installation of a new wood fence, six (6) feet in height along the western, northern and eastern property lines directly surrounding the proposed development. An area in the northern portion of the property will not be fenced, but will have gated access for maintenance purposes. None of the proposed fence locations cause a visual obstruction to the driveway or the W. Valley View right of way. **The provisions of this section have been met.**

### 8-3J.4 TREES AND LANDSCAPING

#### **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 caliber size of 1.5 inches.*

**Finding:** The subject parcel consists of multiple trees along the western boundary of the proposed development. The applicant has only identified four (4) trees on the proposed site plan. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes identification of all trees (native and ornamental) with a caliper size of four (4) inches or greater, measured at a point three feet above the grade of the base of the tree. **The provisions of this section have been met subject to conditions of approval.**

#### **8-3J.450 DEVELOPMENT STANDARDS—LANDSCAPING PLANNING**

*New subdivision or Site Development Plan Review applications subject to review by the Planning Commission shall include a plan for Street Trees along arterial, collector, and local streets and a general landscaping plan for all undeveloped areas on the property. The general landscape plan should consider the use of native and drought resistant species, erosion control, and water quality mitigation.*

A. *Tree Selection. Street Trees should be consistent with the city-approved Recommended Street Tree List. Trees should be selected based on growth characteristics and site conditions, including available space,*

*overhead clearance, soil conditions, exposure, and desired color and appearance. The following should also guide tree selection:*

- 1. Trees should be consistent with the character, height, canopy and spacing of a neighborhood's original plantings, and the scale and function of the street within the City. No more than 30% of the trees planted along a single street shall be of the same species.*
  - 2. Trees should be planted of a type and in a manner that does not interfere with sidewalks, overhead utility lines, sewers, the maintenance of underground utilities or the solar access of properties.*
  - 3. Trees shall be planted in a manner to maintain clear vision and not cause dangerous traffic conditions. Trees that can be "limbed up" should be selected where vision clearance is a concern.*
  - 4. Trees should be selected that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
- B. Caliper Size. The minimum caliper size for new Street Tree plantings shall be 1.5 inches.*
- C. Spacing and Location. Street Tree spacing should be based upon the type of tree(s) selected and the canopy size at maturity. Street Trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers, or in cases where special plantings are designed or approved by a landscape architect or urban forester.*
- D. Planting Area. The City requires the following as a minimum planting area for each Street Tree:*
- 1. Small trees (under 25 feet tall at maturity): 40 square feet*
  - 2. Medium trees (under 25-50 feet tall at maturity): 60 square feet*
  - 3. Large trees (over 50 feet tall at maturity): 96 square feet*
- E. Distance from Street Corners and Fireplugs. No Street Tree shall be planted within 15 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted within 10 feet of any fireplug.*
- F. Utilities. No Street Tree other than those species listed in the Recommended Street List as being appropriate under powerlines may be planted under or within 10 feet of an overhead utility line.*

**Finding:** The subject parcel does not have any identified street trees along West Valley View Road. As required by the Planning Commission, all Site Development Plan Review applications shall include a plan for Street Trees along arterial streets. The applicant has submitted a general landscaping plan for all undeveloped areas on the property that uses a mix of native and drought resistant species to prevent erosion, and enhance water quality. The general landscape plan, however does not detail the stormwater quality facility required by the Rogue Valley Sewer Service's (RVS) Regional Stormwater Quality Manual. Considering that this required facility will likely be incorporated into the general landscape on the property, the landscape plan shall be amended to include the approved facility. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised landscape plan that includes the following:

1. Location, size and species (consistent with Section 8-3J.450 (B)-(F)) of all required street trees.
2. The location of the required stormwater quality facility, including the location, size and species of plants and material type approved by RVS.

**The provisions of this section have been met subject to conditions of approval.**

### **8-3J.460 LANDSCAPE MAINTENANCE**

*It shall be the responsibility of the property owner to maintain landscaping on their property. All landscaping and trees shall be provided with irrigation or other facilities for the continuing care of the vegetation.*

#### *A. Commercial Areas*

1. *Landscaping. In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3.*

**Finding:** As a general condition of approval, all landscaped areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities and fences, walls, hedges and other screen plantings or buffers shall be permanently maintained. **The provisions of this section have been met subject to conditions of approval.**

2. *Buffering. The Planning Commission shall require a buffer when a development or use proposed in a commercially zoned area is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone. The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography of other features. The greatest amount of buffering shall be required in areas where it is necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the Planning Commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.*

**Finding:** The proposed building will be located adjacent to the first group of apartments closest to W. Valley View Rd which is already buffered by four (4) large cottonwood trees as well as at least six (6) other trees. The applicant has proposed to install a new wood fence six (6) feet in height along the entire project area and is proposing to plant a mix of shrubs between one (1) and five (5) gallons in size along the western boundary and three (3) 15 gallon trees along the eastern boundary adjacent to Oak Valley Subdivision. The combination of existing trees, proposed shrubs and the proposed fence is sufficient to provide an aesthetically pleasing buffer for the adjacent properties. The applicant is encouraged to consider additional vertical plantings to further shield the view of the west elevation. **The provisions of this section has been met.**

**8-3J.5 OFF-STREET PARKING AND LOADING**

**8-3J.520 OFF-STREET LOADING**

*Every hospital, institution, hotel, commercial or industrial building hereafter erected or established, and every existing structure enlarged or changed for these uses within any zone of the City, having a gross floor area of 10,000 square feet or more, shall provide and maintain at least one (1) off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area. Any use requiring one-half or more of a loading space shall be deemed to require the full space. Each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, and have fourteen (14) feet vertical clearance.*

**Finding:** The proposed building has a gross floor area of 9,100 square feet. Because the proposed building has less than 10,000 square feet of gross floor area, it does not require an off-street loading space.

Although not required, the proposed building does include a loading area. The loading area is located off of the main driveway and is approximately 34' x 60' with an unobstructed vertical clearance. If used during normal business hours, it is likely that five (5) of the identified parking stall would be unusable. However, the applicant has provided seven (7) additional parking stalls in excess of what is required, minimizing any parking impacts. **The provisions of this section have been met.**

**8-3J.530 OFF-STREET PARKING**

*Off-street parking spaces 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:*

A. *A new building is hereafter erected or enlarged; or*

Table 540-1. Parking Requirements by Use

<i>Use</i>	<i>Standard</i>
<i>Commercial Uses</i>	
<i>Retail establishments, except as otherwise provided herein</i>	<i>1 space for each 400 square feet of gross floor area</i>

**Finding:** The proposed commercial building is approximately 9,100 square feet in size and requires one (1) space for each 400 square feet of gross floor area. As required by Table 540-1, the proposed 9,100 square foot building requires 23 parking stalls. The proposed plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, for a total of 30 stalls. **The provisions of this section have been met.**

B. *Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or*

*below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.*

**Finding:** There are two parcels that make up the proposed development. Parcel 1 which houses the retail building has 23 parking spaces and Parcel 2 which serves only as a parking area has seven (7) parking spaces. The proposed commercial building is approximately 9,100 square feet in size and requires one (1) space for each 400 square feet of gross floor area. As required by Table 540-1, the proposed 9,100 square foot building requires 23 parking stalls. **The provisions of this section are have been met.**

C. *The following parking shall be provided for disabled persons, in conformance with the Americans With Disabilities Act (Table 540-2). Disabled parking is in addition to the minimum number of required parking spaces in 8-3J.540(A).*

Table 540-2. *Minimum Number of Accessible Parking Spaces  
ADA Standards for Accessible Design 4.1.2 (5)*

<i>Total Number of Parking spaces Provided (per lot)</i>	<i>Total Minimum Number of Accessible Parking Spaces (60” &amp; 96” aisles)</i>	<i>Van Accessible Parking Spaces with min. 96” wide access aisle</i>	<i>Accessible Parking Spaces with min. 60” wide access aisle</i>
	<i>Column A</i>		
<i>1-25</i>	<i>1</i>	<i>1</i>	<i>0</i>
<i>26-50</i>	<i>2</i>	<i>1</i>	<i>1</i>

**Finding:** The proposed commercial building is approximately 9,100 square feet in size and requires one (1) space for each 400 square feet of gross floor area. As required by Table 540-1, the proposed 9,100 square foot building requires 23 parking stalls. The proposed plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, for a total of 30 stalls. Based on the proposed number of off-street parking stalls, the applicant shall provide two (2) accessible parking spaces. One stall shall be van accessible with a minimum 96” wide access aisle and the other shall be a standard accessible parking space with a minimum 60” wide access aisle. The proposed plan identifies both required accessible parking spaces. **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 plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, for a total of 30 stalls. Based on the proposed number of off-street parking stalls, the applicant shall provide three (3) bicycle parking spaces. The applicant is encouraged to provide sheltered bicycle parking to support multimodal transportation. **The provisions of this section have been met.**

- C. *Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided, unless demonstrated otherwise by the applicant. Street furniture includes benches, streetlights, planters, and other pedestrian amenities. Creative designs are strongly encouraged.*

**Finding:** The applicant has noted that three (3) bicycle spaces will be provided but has not identified them on the proposed site plan. All bicycle parking shall be located near both the public right of way and the main entrance to the building. The applicant is encouraged to be creative with respect to the design of the bicycle parking and should consider a design that is consistent with the adjacent pedestrian lighting. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the placement of bicycle parking adjacent to the right of way and the main entrance to the building. **The provisions of this section have been met subject to conditions of approval.**

- D. *Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage*

**Finding:** All bicycle parking shall be located near both the public right of way and the main entrance to the building in order to provide sufficient security from theft and damage. The applicant is encouraged to be creative with respect to the design of the bicycle parking and should consider a design that is consistent with the adjacent pedestrian lighting. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the placement of bicycle parking adjacent to the right of way and the main entrance to the building. **The provisions of this section have been met subject to conditions of approval.**

- F. *Lighting. Bicycle parking shall be as well lit as vehicle parking for security, unless otherwise well lit by an existing street light in the public right-of-way.*

**Finding:** All bicycle parking shall be located near both the public right of way and the main entrance to the building in order to provide sufficient light for security. Bicycle parking in front of the building and adjacent to the parking area provides the light necessary to create a safe place to park bicycles. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the placement of bicycle parking adjacent to the right of way and the main entrance to the building. **The provisions of this section have been met subject to conditions of approval.**

G. *Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.*

**Finding:** All required bicycle parking shall be clearly marked as “bicycle parking only”. As a condition of approval, the applicant shall prior to the issuance of permits, provide a revised site plan that identifies the location and style of the required “bicycle parking only” sign. **The provisions of this section have been met subject to conditions of approval.**

H. *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (8-3J.6).*

**Finding:** All bicycle parking shall be located near both the public right of way and the main entrance to the building in a location that does not impede or create a hazard to pedestrians and does not conflict with vision clearance standards. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the placement of bicycle parking adjacent to the right of way and the main entrance to the building. **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 backward movement or other maneuvering of a vehicle within a street other than an alley will be required.*

**Finding:** The proposed plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, providing a total of 30 stalls. All parking stalls are served by service drives so that no backwards movement or other maneuvering of vehicles takes place in a street. **The provisions of this section have been met.**

C. *In cases where a lot fronts on a major or minor arterial street, parking spaces shall be arranged so that no backward movement in the public right-of-way or other maneuvering of a vehicle, including any trailer being towed by a vehicle, within the arterial street shall be required.*

**Finding:** The proposed plan identifies 23 parking stalls on Parcel 1 (parcel with building) and seven (7) stalls on Parcel 2, providing a total of 30 stalls. The loading area for the proposed development is located off of the main driveway and is approximately 34’ x 60’ with an unobstructed vertical clearance. All parking stalls, including the loading area are served by service drives so that no backwards movement or other maneuvering of vehicles takes place in a street. **The provisions of this section have been met.**

D. *The Planning Commission may allow thirty-five percent (35%) of the required off-street parking spaces to be reduced to seven feet six inches by fifteen feet (7’6” x 15’) to accommodate compact or hybrid electric cars.*

**Finding:** All parking stalls have been designed to meet the standard parking stall dimensions. No compact stalls have been requested. **The provisions of this section are not applicable.**

- 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 below (Figure 570-1 and Table 570-1). Disabled parking shall conform to the standards in 8-3J.540(C).*

**Finding:** The proposed retail development identifies 28 standard parking stalls as well as two (2) ADA parking stalls. All proposed stalls meet the dimensions of Figure 570-1 and Table 570-1 in Section 8-3J.540. The development of these parking stalls and associated driveways creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensure that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards.

RVS's Stormwater Design Manual along with the provisions of this section also require the property owner to maintain the stormwater system in an operational manner. To ensure compliance, RVS requires an Operation and Maintenance Plan (O & M) and agreement. Prior to the issuance of permits, the applicant shall provide a stormwater design plan and an O & M plan and agreement approved by RVS. **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 requirement for drainage facilities.*

**Finding:** The proposed plan only identifies the type of surface for the trash enclosure and receiving pad. These pads are identified as concrete. The existing driveway is surfaced with asphaltic concrete, so it is assumed that the additional driveway surface as well as any modified surface will be of the same type. As a condition of approval, the applicant shall prior to issuance of permits, provide a revised site plan that includes the surface type of the driveways and parking stalls. **The provisions of this section are not applicable.**

- 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)*

**Finding:** The proposed retail development creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensures that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards.

RVS's Stormwater Design Manual along with the provisions of this section also require the property owner to maintain the stormwater system in an operational manner. To ensure compliance, RVS requires an Operation and Maintenance Plan (O & M) and agreement. Prior to the issuance of permits, the applicant shall provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

C. *All spaces shall be permanently and clearly marked.*

**Finding:** The proposed plan identifies 30 parking stalls. As a condition of approval, the applicant shall, prior to Certificate of Occupancy permanently and clearly mark all standard and ADA parking spaces. **The provisions of this section have been met subject to conditions of approval.**

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 plan includes 17 parking stalls adjacent to the building. Wheel stops are necessary in these stalls to protect trees, landscaping and pedestrians using the adjacent sidewalk. As a condition of approval, the applicant shall, prior to issuance of permits, provide a revised site plan that includes wheel stops on all parking spaces adjacent to the proposed building. **The provisions of this section are not applicable.**

E. *Where parking facilities or driveways are located adjacent to residential or agricultural uses, school yards, or similar institutions, a site-obscuring fence, wall or evergreen hedge not less than five (5) feet and not more than six (6) feet in height (except that such wall, fence or screen planting may exceed six feet in height if located beyond the required yard setbacks), and adhering to any vision clearance requirements and the yard requirements of the zone in which it is located, shall be provided on the property line, or between the property line and the parking area or driveway. Screen plantings shall be of such size and number as to provide the required screening at maturity, and shall be planted within twelve (12) months of the issuance of the building permit required in subsection H, below.*

**Finding:** The proposed building will be located adjacent to the first group of apartments closest to W. Valley View Rd which is already buffered by four (4) large cottonwood trees as well as at least six (6) other trees. The applicant has proposed to install a new wood fence six (6) feet in height along the entire project area and is proposing to plant a mix of shrubs between one (1) and five (5) gallons in size along the western boundary and three (3) 15 gallon trees along the eastern boundary adjacent to Oak Valley Subdivision. The combination of existing

trees, proposed shrubs and the proposed fence is sufficient to provide an aesthetically pleasing buffer for the adjacent properties. The applicant is encouraged to consider additional vertical plantings to further shield the view of the west elevation. **The provisions of this section has been met.**

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.*

**Finding:** The proposed landscaping plan identifies fifteen (15) new trees onsite. The applicant has identified by location the shadow pattern of the proposed trees, but does not confirm that the proposed planting will achieve the minimum forty (40) percent shading requirement in the proposed parking areas. As a condition of approval, the applicant shall, prior to the issuance of permits shall provide a revised landscape plan that includes either a statement from the Landscape Architect that the proposed plantings meet the forty (40) percent shade requirement for the parking areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years. **The provisions of this section have been met subject to conditions of approval.**

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.*

**Finding:** The proposed landscaping plan identifies fifteen (15) new trees onsite. The applicant has identified by location the shadow pattern of the proposed trees, but does not confirm that the proposed planting will achieve the minimum seven (7) percent shading requirement in the proposed landscaped areas. As a condition of approval, the applicant shall, prior to the issuance of permits shall provide a revised landscape plan that includes either a statement from the Landscape Architect that the proposed plantings meet the seven (7) percent shade requirement for the landscaped areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years. **The provisions of this section have been met subject to conditions of approval.**

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.*

**Finding:** The proposed landscape plan does not identify the require irrigation facilities to provide for the continuing care of the vegetation. As a condition of approval, the applicant shall, prior to the issuance of permits provide a revised landscape plan that includes the location of the proposed irrigation system. **The provisions of this section have been met subject to conditions of approval.**

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.*

**Finding:** The proposed landscaping plan identifies fifteen (15) new trees onsite. The trees are identified as 15 gallon Red Maples and Cedars, both with accelerated growth rates that at maturity provide an average height of 35-40 feet and an average canopy of 20-35 feet. Although the applicant has identified by location the shadow pattern of the proposed trees, the plan does not confirm that the proposed planting will achieve the minimum forty (40) percent shading requirement in the proposed parking areas. As a condition of approval, the applicant shall, prior to the issuance of permits shall provide a revised landscape plan that includes either a statement from the Landscape Architect that the proposed plantings meet the forty (40) percent shade requirement for the parking areas or provide additional trees to satisfy the requirement including a statement of the percentage of shade within fifteen (15) years. **The provisions of this section have been met subject to conditions of approval.**

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

**Finding:** The proposed landscape plan identifies six (6) 15 gallon Cedar trees with an average height of approximately 40 feet. The adjacent residential development includes approximately 15 trees along the eastern boundary of the property and has already impacted in potential solar access. Based on the shadow patterns identified on the proposed plan and the existing trees on the residential property, it doesn't appear that solar access will be impacted by the proposed tree locations. **The provisions of this section have been met.**

- 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 site plan identifies five (5) 25' High Site light poles that provide a minimum 2 foot candles in all paved areas. Four (4) of the proposed lights are adjacent to existing residential uses and shall be shielded or arranged to reflect light away from abutting or adjacent residential districts and limit excessive light pollution. As a condition of approval, the applicant shall prior to the issuance of permits provide a revised site plan that includes the light specifications for all exterior parking lot and building lighting. All lights shall be shielded or directed in a manner that prevents light from reflecting towards the residential uses. **The provisions of this section have been met subject to conditions of approval.**

**8-3J.6 ACCESS, CIRCULATION AND STREET IMPROVEMENTS**

**8-3J.630 STREET ACCESS AND CIRCULATION**

A. *General. This Article shall apply to all public streets within the City and to all properties that abut these streets.*

1. *General Considerations. The number of access points to a single property shall be limited to a minimum that will allow the property to accommodate and service such traffic as may be reasonably anticipated to be commensurate with the safety of the traveling public, and must not infringe on the frontage of adjoining property. Access points shall be located where they do not create undue interference or hazard to the free movement of normal road, bicycle or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other services that affect traffic operation are to be avoided.*

**Finding:** The proposed development is served by an existing access. The existing access allows the property to accommodate and service the anticipated traffic without infringing on the adjoining property. The current location of the access is approximately 125 feet from the access to the east (Snap Fitness) and 150 feet from the access to the west (Anjou Club Apartments). There are no visual obstructions at the location of the current access and sight distance is sufficient to provide safe turning movements into the proposed development.

One concern staff notes is the left turn movement heading east on W. Valley View; currently there is no left turn lane for either the proposed or adjacent development to the east. Several accesses on the north side of W. Valley View require traffic to stop in the left travel lane to make the necessary left turn, causing frequent accidents.

The City has been awarded a \$460,000 grant by the Oregon Department of Transportation to implement the conversion of W. Valley View to a three-lane cross-section in 2017. This three lane cross-section will provide the necessary center turn lane adjacent to all of the aforementioned properties, reducing the left turn hazard.

Considering the future lane conversion and low traffic generation from the retail operation, it is not necessary to require the applicant to complete any improvements to W. Valley View.

**The provisions of this section have been met.**

2. *Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum width of 10 feet per lane is required). These methods are "options" to the developer/subdivider, unless one method is specifically required by Divisions 8-3C through 8-3H, and Article 8-3J.1.*
  - a. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access point. Street access points shall comply with Paragraph 630(A)3.*

**Finding:** The proposed development is served by an existing access. The existing access allows the property to accommodate and service the anticipated traffic without infringing on the adjoining property. There are however, some necessary changes to the driveway to meet the request of the applicant.

The proposal request is for an expanded driveway apron to accommodate truck turning movements in and out of the development site. As a result of the expanded driveway apron, the applicant is requesting to relocate the on-street pedestrian lighting. Planning Staff along with Public Works met onsite to determine if the relocation was possible and determined that the relocation is possible, but not in the proposed location. As proposed, the light would be placed outside of the right of way, not in line with the existing lights which is not acceptable. To ensure consistency with the existing location of the other pedestrian lights, Public Works will require the light to be relocated within the right of way adjacent to the new driveway apron and the relocation of the pedestrian light to the east of the driveway, closer to the driveway apron. This is necessary to provide equal spacing between the pedestrian lighting. As a condition of approval, the applicant shall, prior to issuance of permits, provide a revised site plan that identifies the existing location of the pedestrian lights on both sides of the driveway as well as the proposed location of the pedestrian lights directly adjacent to the driveway apron.

Additionally, the existing apron is damaged and does not meet the current City standards. The existing driveway width is approximately 32 feet and the maximum driveway width is 30 feet. The proposed driveway width is 37 feet with an apron that flares out and additional three (3) feet (40 feet total).

Section 8-2.260(J)(3) of the Talent Subdivision Code allows Public Works to increase the driveway width if more than two lanes are necessary based on the estimated trip generation. Since the use is retail the site will need to accommodate large trucks for deliveries and has the potential to have an increased traffic count, Public Works has authorized the expanded driveway subject to conditions.

As noted above, the current existing apron is damaged and is need of repair. As a condition of approval, the applicant shall, prior to the issuance of permits provide a revised site plan that identifies the reconstruction of the driveway apron as well as the two sidewalk panels to the east of the driveway. The revised plans shall also show the standard detail (dwg. No. 96-01) for a commercial driveway apron including materials used and dimensions. **The provisions of this section have been met subject to conditions of approval.**

### **8-3J.640 PEDESTRIAN ACCESS AND CIRCULATION**

*To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicyclists.) The system of pathways shall be designed based on the standards in Subsections A–E, below:*

- B. *Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:*

3. *For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.*

**Finding:** The proposed site plan identifies a walking path from the side (emergency) entrance of the building to the adjacent sidewalk. However, Section 8-3J.640(B)(3) above requires safe and direct access between the primary entrance and the adjacent street. As proposed, the plan does not meet this standard. The proposed access to the sidewalk from the side of the building can remain, but an additional access that is ADA accessible from the primary entrance shall be shown on the plan to meet the standard. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a revised site plan that includes an ADA access from the primary entrance of the building to the adjacent street. **The provisions of this section have been met subject to conditions of approval.**

- C. *Connections Within Development. For all developments subject to Site Development Plan Review (8-3L.1), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas, and adjacent developments to the site, as applicable.*

**Finding:** The proposed site plan identifies the required pathways around the building, but does not provide a path from the other two parking areas. The parking areas along the northern portion of Parcel 1 and in Parcel 2 shall have the necessary connection to provide safe access from those parking areas to the main building. Additionally, there are multiple areas along the western boundary of the proposed development that could provide direct access to the neighboring residential development. To encourage pedestrian access to the site, safe and convenient access shall be provided to the adjacent residential development. This access shall be improved on the subject site and be available for everyday access to the retail operation. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a revised site plan that includes the following:

1. Pathways connecting all parking areas to the main building.
2. Improved access to the adjacent residential development providing everyday access to the retail operation.

**The provisions of this section have been met subject to conditions of approval.**

### **STORM DRAINAGE DESIGN STANDARD**

#### ***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 retail development creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensures that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards.

RVS's Stormwater Design Manual along with the provisions of this section also require the property owner to maintain the stormwater system in an operational manner. To ensure compliance, RVS requires an Operation and Maintenance Plan (O & M) and agreement. As a condition of approval, the applicant shall, prior to the issuance of permits provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

## ***Section II. GENERAL DESIGN CONSIDERATIONS***

*A. Minimum Performance Standards - The following provisions are intended to adequately control runoff from all streets, buildings, and impervious surface areas, and ensure the capability to extend the drainage system to all developable areas of the city:*

- 3) *The point of disposal for all stormwater may be any storm drain, existing open channel, creek, or detention or retention pond approved by the City Engineer.*

**Finding:** The proposed retail development creates more than 2,500 square feet of new impervious surface and is subject to Rogue Valley Sewer's (RVS) stormwater design standards. These standards ensures that stormwater runoff is adequately detained and treated in accordance with RVS and the City of Talent Stormwater Design standards. As the Phase II and MS4 Permit holder, RVS is responsible to ensure compliance with the stormwater design standards. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

- 4) *It is the developer's responsibility to obtain and cause to be recorded any necessary easements across private property that are needed to connect a development site with an approved point of discharge. Dimensions and other characteristics of the easement area shall be approved by the City Engineer. Closed conduit systems are required when a drainage system must cross an intervening property.*

**Finding:** The proposed development does not identify the required stormwater management facility and therefore does not identify the location of the point of discharge of the onsite stormwater. Post-development flow rates are addressed in RVS stormwater standards and are subject to review and approval by RVS. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater plan approved by Rogue Valley Sewer Service. **The provisions of these sections have been met subject to conditions of approval.**

- 5) *The design storm peak discharge from the subject property may not be increased from conditions existing prior to the proposed development, except when it can be demonstrated by the applicant that there will be no adverse impact, subject to approval of the City Engineer.*

**Findings:** Post-development flows rates are addressed in RVS stormwater standards and are subject to review and approval by RVS. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater plan approved by Rogue Valley Sewer Service. **The provisions of these sections have been met subject to conditions of approval.**

- 8) *The minimum width of an access easement from an existing public road to a drainage facility shall be twenty (20) feet.*

**Finding:** The proposed development does not identify the required stormwater management facility and therefore does not identify the location of required access easement. As a condition of approval, the applicant shall, prior to the issuance of permits, provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

*M. Stormwater Detention - Detention facilities are required whenever development will create conditions that will increase storm flows beyond the surface flows under undeveloped or current conditions. Detention facilities hold runoff for a short period of time and then release it at a controlled rate into the area storm drain system. The rest of this Section sets out standards for design and construction of detention facilities:*

1. *General Requirements*

- f) *Public health, safety, maintenance needs, nuisance abatement, and vector control must all be carefully considered for every drainage control system plan. Mitigating measures will be required when appropriate, and shall themselves be designed to prevent nuisance or hazard conditions.*

5. *Retention / Detention Pond Easements*

- f) *All publicly maintained facilities that are not located in a public right-of-way shall be located in a recorded drainage easement, including any necessary easements for access. The owner in fee simple or contract purchaser of the property upon which the facility will be located shall execute said easement. Where a facility must cross an intervening private tract, it is the responsibility of the developer / project site owner to arrange for all necessary easements.*

**Finding:** The proposed development does not identify the required stormwater management facility and therefore does not identify the location of required access easement. There are multiple points onsite that stormwater from an approved stormwater facility can be discharged to and it doesn't appear that stormwater will be discharged across an adjacent private tract. Prior to the issuance of building permits, the applicant shall provide a stormwater design plan and an O & M plan and agreement approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

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.

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Eric Heesacker  
Chairperson

ATTEST

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Zac Moody  
Community Development Director