

MEMORANDUM

To: City of Talent Planning Commission

CC: Zac Moody, City of Talent Community Development Director

From: Elizabeth Decker, JET Planning
Anais Mathez, 3J Consulting

Date: February 18, 2019

Project Name: Talent Code Update Project
RE: Draft Code Update Concepts

Introduction

The Talent Code Update Project aims to develop zoning code amendments that will support further housing development in line with the City's needs and goals, by expanding residential development opportunities and removing barriers to development. The project is funded through a state grant from the Department of Land Conservation and Development (DLCD) to hire an outside consulting team, 3J Consulting and JET Planning, to develop zoning code amendments by June 30, 2019.

The City's recent Housing Needs Analysis (2017) identified a need for more housing to serve all income levels, with greater variety of options including traditional single-family detached homes, townhouses, and apartments. The proposed code amendments will help to implement the HNA and Comprehensive Plan goals related to housing, consistent with state law that requires a "clear and objective" review path for all types of housing¹ that does not cause "unreasonable cost or delay" to increase the feasibility and certainty surrounding residential development. (ORS 197.307)

The overarching goal for the code amendments is to remove regulatory barriers to the development of a wide variety of housing types in compliance with both the letter and the spirit of Oregon's clear and objective requirements, to better meet the City's identified needs for housing. This spans a wide range of code amendments across three main categories:

- Updating permitted use lists and development standards to expand the mix and density of allowed housing;
- Providing or enhancing a clear and objective approval path for residential projects; and
- Removing or amending development standards, approval criteria or review processes that hinder development of needed housing.

¹ State law requires clear and objective standards for all "needed housing," which implies a certain subset of residential development, however, recent changes to the definition of "needed housing" expand the term to cover all residential development in residential, commercial and mixed-use zones. (ORS 197.303)



This memo outlines draft code update concepts to address the amendment priorities, as a precursor to developing updated zoning code language in the later project stages. The project priorities are based on the Land Use Efficiency Measures, as reviewed by Planning Commission on December 27, 2018, direction from Community Development Director Zac Moody, and consultants' analysis of existing City code, development opportunities and state-wide best practices.

This memo is intended to provide a starting point for Planning Commission discussion at their February 28th meeting to refine the priority areas and the code amendment concepts to address each area, within the short timeline and limited scope for this project. The following code proposals are purposefully ambitious, and while specific numbers, standards, etc. are included, they are intended as a starting point for discussion rather than a concrete recommendation. Discussion at our upcoming meeting will be vital to refine the concepts and amendments proposed, and to identify any missing priority areas.

Priority Code Amendments

The main priorities for this code update project are summarized as:

- Amend dimensional and density standards for existing RS-5 and RS-7 to enable more efficient use of land for future development.
- Develop a Medium-Density Residential zone, through adapting either the existing RS-7 or potential RS-MH zone.
- Revise the high-density residential RM-HD zone to expand diversity of housing types.
- Expand missing middle housing types in all residential zones, and provide clear and objective review path to develop them.
- Develop cottage housing standards to permit higher-density but smaller-scale residential development around a central green courtyard.
- Create opportunities for higher-density residential uses mixed with commercial uses by either creating a new Mixed-Use/High-Density Residential zone that permits vertical or horizontal mixed use at specified minimum ratios of commercial and residential uses, or alternatively developing a strategy for selectively rezoning commercial properties to residential use to create an equivalent mix of uses within the commercial districts.
- Develop clear and objective landscaping buffer requirements by use or zone, tied to adjacent use or zone.
- Amend the Site Development Plan Review regulations to provide a clear and objective approval path for residential projects, including a viable Type II Site Review option rather than defaulting all projects to a Type III review.
- Develop clear and objective subdivision preliminary plat approval criteria and applicable infrastructure standards.
- Revise PUD standards.

Code Update Topics

Subdivisions

The main goal for the subdivision standards is to develop a clear and objective path to approve land divisions, which is the process used to create the majority of new housing units on individual lots.

- Develop clear and objective standards for subdivision preliminary plat to facilitate a Type II review, including requirement for Type III Planning Commission review in 17.15.010.B,



approval criteria in 17.15.030, and development standards in 17.10 that defer to Planning Commission discretion.

- Clarify standard requiring secondary access for subdivision preliminary plats to implement comprehensive plan goal. (17.10.050 or 17.10.060)
- Remove minimum density standards in favor of referencing density standards in the base zones. (17.15.030.B)
- Revise lot averaging language for greater clarity. (17.15.030.C.1.a)
- Revise PUD ordinance as a discretionary alternative to the subdivision process, exploring options to integrate missing middle housing provisions. (17.30.010)
- Amend the City’s flag lot standards to allow more than one flag lot per flag in certain situations, such as infill sites, division of small lots, and lots with natural resource constraints. (17.30.030)
 - Develop provisions for shared accessways in place of individual “poles.” Develop private street standards, common drive standards or other access standards for multiple flag lots that provide emergency access. (17.30.030.B and C)
 - Revise private street standards as needed to align with flag lot access standards. (17.10.050.U)
 - Reduce setbacks for flag lots to increase building envelope while balancing impacts on adjacent properties. Consider moving setback standards to the residential zone dimensional standards section for greater usability. (17.30.030.E.1)

Residential Zones and Uses

The overall goal for the residential zones and uses is to provide greater variety of residential types that can be developed in a greater number of zones, with corresponding dimensional standards that provide adequate space for each type of residential development while using land efficiently. Dimensional standards and new minimum and maximum density limits will be developed in tandem so that they fit future projects. Expanded residential uses include many types of “missing middle” housing, such as townhouses, duplexes, triplexes, four-plexes, ADUs, and cottage cluster housing. Appropriate review procedures (permitted or conditional uses, and Type II or III Site Review) for each type of residential use in each zone will be established to meet goals for a simplified, clear and objective review process as well as opportunity for public input on proposed development.

- Rename and recalibrate residential zoning districts to better reflect intended development types, while respecting existing development patterns. Map amendments will likely be necessary to support these changes.

Existing Zone	Proposed Zone	Intended Application
Residential Zone – Single-Family – Low Density (RS-5)	Residential Low Density (RLD)	Existing RS-5 areas, potentially some existing RS-7 if it better fits the new RLD dimensional standards
Residential Zone – Single-Family – Medium Density (RS-7)	Residential Medium Density (RMD): Intended to implement recommendation for new medium-density residential zone	Existing RS-7 and single-family subdivisions currently zoned RS-MH, UGB expansion areas as they are annexed
Residential Zone – Single-	Residential Manufactured	Existing manufactured home



Family – Manufactured Home (RS-MH)	Home Park (RMHP)	parks zoned RS-MH
Residential Zone – Multiple Family – High Density (RM-22, RM-HD)	Residential High Density (RHD)	Existing RM-HD

- *Alternative option:* Retain RS-5 and RS-7 as two distinct low-density residential zones, and develop RS-MH zone into a medium-density residential zone supporting missing-middle housing development and existing manufactured home parks. Additional consideration of the existing development patterns in the RS-5 and RS-7 zones, as well as future development goals for those zones, is needed to determine whether there is a need for two similar low-density residential zones, or if those goals could be served with a single zone.
- Revise dimensional standards for lots for single-family detached development in RLD and RMD zones. Replace higher minimum lot sizes for corner lots with single lot size standard; clear vision requirements will still apply at corners, and homes will have to be placed to meet those requirements. Reducing lot sizes will allow existing residential land to be used more efficiently and provide more flexibility for developers. Single-family detached homes are the most common development type in Talent, and are expected to remain popular in future developments, thus, reducing lot sizes is one of the most effective measures to increase the number of units developed in future projects and bring the city closer to meeting its overall density goals.

		Existing	Proposed
RLD (RS-5)	Minimum lot size	8,000 SF 9,000 SF corner lots	6,000 SF for all lots (1)
	Minimum lot area per dwelling unit	8,000 SF	None; replaced by density standards
	Minimum lot width	65 ft, 50 ft for flag lots	50 ft Flag lot standard tbd
	Maximum height	30 ft	No change
	Maximum building coverage	35%	50%
RMD (RS-7)	Minimum lot size	6,000 SF 7,000 SF corner lots	4,000 SF for single-family detached 3,000 SF for townhouses 5,000 SF for duplexes 10,000 for triplexes and four-plexes
	Minimum lot area per dwelling unit	6,000 SF	None; replaced by density standards
	Minimum lot width	50 ft, 40 ft for flag lots	40 ft Flag lot standard tbd
	Maximum height	30 ft	No change
	Maximum building coverage	35%	60%

See: TMC 18.25.070, 18.30.070



Note 1: The 6,000-SF recommended minimum lot size for RLD, coupled with higher densities in other residential zones, supports the City's overall goal of reaching a net density of 8 dwelling units per net developable acre. Because the recommended 6,000-SF standard is a minimum, individual developments could include larger homes so long as they meet the proposed minimum density standard of 5.8 units per net developable acre, which translates to an average of 7,500 SF lots.

- Develop minimum density standards for RLD and RMD zones that correspond to 80% of minimum lot sizes for single-family detached residential lots. (18.25 and 18.30) Maximum densities are effectively established by the minimum lot sizes for each type of development, with a new maximum average density standard for new subdivisions that facilitates a mix of development types and lot sizes. The current minimum requirement in the subdivision code is to build to 40% of the maximum density, meaning that a project in the RS-5 zone could currently be built with 20,000-SF lots or 2.2 units per acre; this raises concerns about using urban land efficiently for residential development given that the City has adopted a target of 8 units per net developable acre average for new development. A higher minimum density encourages more efficient use of land inside the UGB, which in turn supports more efficient and economical infrastructure development and homes that are more affordable.

	RLD	RMD
Minimum density	5.8 du/nda	8.7 du/nda
Maximum density	7.2 du/nda	10.9 to 21.8 du/nda for individual lots based on minimum lot sizes, with 14 du/nda maximum average density for new subdivisions

- Expand the range of residential uses permitted in the RLD and RMD zoning districts, and simplify the review required to develop such uses. According to the HNA, single-family detached residential is forecasted to remain the predominate form of development, however, there is significant demand for townhouses and apartments that can be met with a variety of development types. Expanding the range of uses translates into variety of ownership type, household sizes, and affordability levels to serve a wider range of Talent households. Allow uses to be developed under the appropriate level of review, including a true Type II Site Review option supported by changes to procedural standards, rather than defaulting all Site Reviews to a Type III review as currently required.

	RLD		RMD	
	Existing	Proposed	Existing	Proposed
Single-family detached	P	P	P	P
Manufactured homes	P	P	P	P
Accessory dwelling units, per TMC 18.165	P	P	P	P
Corner duplexes	N	P	N	P
Duplexes	N	N	N	P
Single-family common-wall dwellings	n/a	P	n/a	P
Single-family attached (rowhouses or townhouses)	N	N	N	P



Triplexes	N	N	N	S2
Four-plexes	N	N	N	S2
Cottage clusters	N	S2	N	S2
Two or three main buildings on a lot	S2	S2	S2	S2
Buildings over 30 ft	C	n/a (Variance option)	C	n/a (Variance option)

Notes: P=Permitted with Type I review, S2=Type II Site Review required, S3=Type III Site Review required, C=Conditional use review required, N=Not permitted
See: TMC 18.25.020-.050, 18.30.020-.050.

- Develop supporting design standards for new missing middle housing that manage potential impacts while supporting reasonable, economical development.
 - Limitation of one driveway per lot for triplex and four-plex, limit amount of parking in the front yard to avoid a “parking lot” feel.
 - Minimize driveways for townhouses. At a minimum, require shared driveways for pairs of units. Alleys preferred, but not feasible in many cases.
 - Allow 0-foot side yard setbacks for townhouses and single-family common-wall dwellings.
 - Require minimum of one street-facing entrance for duplexes and corner duplexes, with maximum of one street-facing entrance per street frontage for corner duplexes.
- Expand development options in the High-Density zone by expanding the housing types allowed and calibrating dimension and design standards for each development type. (18.40)
 - Allow a wider range of uses to include single-family attached, duplexes, triplexes (S2), four-plexes (S2), cottage clusters (S2), and apartments (S2), through a clear and objective review process.
 - Increase existing dimensional standards to allow a 45-foot height limit (three stories) without a conditional use permit and 75% maximum lot coverage. Develop minimum lot sizes for each types of development, including 1,500-SF minimum lot size for townhouses, 2,500-SF minimum lot size for duplexes, and 5,000-SF minimum lot size for triplexes, four-plexes and apartments.
 - Retain newly adopted density standards with a minimum density of 18 units per net developable acre and no maximum density. Maximum feasible density for townhouses would be 29 units per net developable acre based on minimum lot size.
 - Consider clear and objective design standards for townhouses, specifically addressing driveways, parking access, and façade differentiation.

Commercial and Mixed-Use Zones

- Allow development of three-story buildings (with a maximum of 45 feet) as a permitted use, rather than a conditional use in the CBD zone to encourage the development of multi-family housing over commercial. (18.50.050.E)
- Clarify when transition measures are required in the CBD zone, in place of current discretionary language, and revise transition measures to fit within setbacks. (18.50.110 and 18.105.050.A)



- Permit ground-floor residential use as a temporary use in commercial mixed-use buildings in CBD, HC, and CBH zones with provisions such as: design standards to ensure that the ground floor in new commercial buildings is designed for commercial use, and zoning districts or overlay areas in which these uses are allowed.
 - *Alternative option:* Consider allowing ground-floor residential as a permitted use in commercial districts in limited circumstances, with additional design standards for an engaging and interest façade. Building ground floors to commercial building standards adds considerable expense for residential projects, and newly built “temporary” residential uses are likely to have a 20-50 year lifespan before they could potentially be converted to commercial use, at which point building codes and development needs may be considerably different.
- Develop a new Mixed-Use/High-Density Residential zone that permits vertical or horizontal mixed use, provided that ratios for residential and commercial development are met to prevent sole-purpose residential developments. Explore option for district-wide commercial and residential development ratios, with opportunity to trade between sites similar to a density transfer program.
 - *Alternative option:* This option stems from the HNA finding that there is a surplus of commercial land and a shortage of residential land, leading to the recommendation to expand residential options in existing commercial districts. However, it can be challenging to attract mixed-use development in small and medium-sized cities because of the complexity of financing and building standards, resulting in many sites remaining vacant. While horizontal mixed-use as proposed offers more flexibility than vertical mixed-use requirements, mixed-use development on individual sites requires a rare constellation of factors to be successful. The City could also consider a more general, neighborhood-scale mixed-use strategy of selectively rezoning some surplus commercial properties off of the main roads for residential use while retaining commercial zoning along the main roads to allow for a mix of development without requiring individual mixed-use projects. This could free up residential and commercial development of individual projects to proceed at their own pace, each lead by experienced developers in their respective fields, rather than waiting for a developer and development proposal that can do it all at once.

Site Development Standards

- Develop clear and objective landscaping buffer requirements by use or zone, tied to adjacent use or zone. Size landscaping and other buffer requirements to fit within the setbacks required in underlying zones. Use menu of buffering tools including setbacks, berms, fences, trees, and landscaping. (18.105.050)
- Review and consider reductions to parking minimums for some residential types including multifamily residential and new missing middle types. (18.110.060)
 - Reduce minimum parking requirement to no more than two spaces per unit for units of all sizes, and consider reducing minimum parking to one or 1.5 spaces per unit for duplexes, triplexes, four-plexes, townhouses, cottages and apartments. Reduced parking standards free up more land for residential development, rather than parking lots, and minimize the visual impact of parking areas within neighborhoods.
- Develop reduced parking minimums for residential uses in CBD zone that address impacts created by residential uses without making such development infeasible due to site

constraints, to replace the current total exemption for parking requirements in CBD district. (18.110.050 and 18.110.060)

Architectural Design Standards

- Limit application of discretionary Old Town Design District residential design standards to designated historic homes to ensure compliance with requirements for clear and objective residential standards under ORS 197.303. (18.140.040)
 - City to review Old Town District designation status and history to determine whether it qualifies as a protected historic resource exempt from the clear and objective standards requirement.
 - *Alternative option:* Develop clear and objective set of standards for residential projects within the Old Town Design District as an alternative review path that implement similar objectives as the existing discretionary standards.

Development Review and Procedures

- Amend the City's Site Development Plan Review regulations to provide a clear and objective approval path for residential projects.
 - Clarify when Type II and Type III reviews are required, and ensure Type II path is available for all residential uses. Explore potential for Type I review for projects subject only to clear and objective standards. (18.150.020)
 - Develop clear and objective approval criteria. (18.150.050)

Special Standards

- Develop cottage housing standards to allow for development of small-scale housing clustered on a lot, with the inclusion of open space. Standards will address:
 - Site size: Typical cottage clusters are developed with 4-12 units per cluster for the low and medium-density zone, but allow larger developments in the high-density zone. Consider a 12,000-SF minimum site size for the RLD zone, 10,000-SF minimum site size for the RMD zone, and no minimum for RHD zone.
 - Unit sizes: Consider maximum unit sizes of 1,000-1,500 SF per unit.
 - Density: Allow bonus of at least 50% above the maximum density for single-family detached in the underlying zone.
 - Housing types allowed: Allow single-family detached and duplexes in the RLD zone, and single-family detached and up to four units attached in the RMD zone. Allow all unit types including attached in the RHD zone, effectively creating a courtyard apartment-style development. Allowing attached units decreases construction costs and increases number of homes than can be built within a project by maximizing space. Height and bulk requirements keep even attached units at a scale consistent with nearby neighborhoods.
 - Common space required: Consider 200-250 SF requirement per unit, consistent with multifamily requirement. Require at least half of open space to be provided in a common central courtyard.
 - Orientation: Require two to three sides of the courtyard to be occupied by buildings.
 - Pedestrian paths: Require paths connecting each unit to open space, parking area, and sidewalk.
 - Height: Limit height to two stories.



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- Setbacks: Require perimeter setbacks similar to single-family detached residential, but not greater, to maximize the building envelope.
 - Parking: Require no more than one space minimum per unit to maximize area available for residential development and minimize appearance of a “parking lot.” Allow parking in common lot, on street, and in attached garages with units if served by an alley.
 - Design details: Consider limited design standards for entryways, materials, window coverage, but avoid limiting standards that significantly increase costs relative to other single-family residential development types.
 - Manufactured Home Park standards. (18.180) Review and align with state building code requirements for manufactured home parks.

Next Steps

Consultants will present the key concepts from this memo and facilitate discussion with Planning Commission discussion at the February 28th meeting in order to refine the direction for code amendments. Based on the Commission’s feedback, the consultants will develop draft zoning code language for public review at a public workshop on April 24th followed by a Planning Commission meeting on April 25th. Consultants will incorporate the feedback into final draft zoning code by June 30th, and the Community Development department will then lead the adoption process through a series of public hearings at Planning Commission and City Commission in the second half of 2019.

Comments and additional feedback on the concepts presented are welcome throughout the project; please direct comments to Zac Moody and he will share with the consultant team.

