



**TALENT PLANNING COMMISSION
REGULAR COMMISSION MEETING MINUTES
TALENT COMMUNITY CENTER
October 23, 2014**

*Study Session and Regular Commission meetings are digitally recorded and will be available on the City website:
www.cityoftalent.org*

The Planning Commission of the City of Talent will meet on Thursday, October 23, 2014 in a regular session at 6:30 P.M. in the Talent Community Center, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012. The Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COMMISSION MEETING- 6:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the Minute Taker. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the Planning Commission.

I. Call to Order/Roll Call 6:30 P.M.

Members Present:

Chair Wise
Commissioner Abshire
Commissioner Hazel
Commissioner Schweitzer

Members Absent

Commissioner Heesacker

Also Present:

Zac Moody, Community Development Director
Betsy Manuel, Minute-Taker
Don Steyskal, City Councilor

II. Brief Announcements

There were none.

III. Consideration of Minutes from September 25, 2014

Commissioner Hazel asked that the Minutes include the role of those who participated – especially as the minutes for September included an appeal with an applicant, an appellant, and staff members who spoke, regarding the appeal.

Motion: *Commissioner Abshire moved to approve the Minutes of September 25, 2014 as amended. Commissioner Schweitzer seconded and the motion carried.*

IV. Public Comments on Non-Agenda Items.

There were none.

- V. Public Hearing (quasi-judicial) Variance** allowing the construction of a single-family dwelling with a reduced front and side yard setback located at 202 W. Main St. Talent, Oregon and legally described as Township 38, South Range 1 West, Section 26BA, Tax lot 2600. File: **VAR 2014-003**. Decisions are based on approval criteria found in Zoning Ordinance 8-3L-4. The property is zoned RS-7 (Single Family – Medium Density) **Applicant: Linda Kay.**

The opening statement was read. There were no exparte communications.

Staff Report: Director Moody stated that the request for a variance was in two parts: (1) a variance of 1 foot from the standard setbacks for a home over 18 feet in height, and (2) a variance to the front setback requirements in the Historic Downtown District.

Moody detailed the history of the lot and adjacent alley, noting that the configuration was part of the original grid system platted in 1888. The property was re-configured in 1948 to the narrow size that it is today. Moody stated that there were no property requirements at the time: no width criteria, no partition requirements or other standards that would have created a conforming use for the lot today.

Moody stated that the alley was considered a legal right-of-way even though it was partially blocked. He noted that alley setbacks apply. Moody described unique characteristics of the lot, such as the width of the lot and the planned 25 ft. wide dwelling. He highlighted the utility pole and telephone box that constrains access to the proposed dwelling from the front.

Moody highlighted the public comments received – one against approval and 2 others in support of the application. Moody stated that he recommended approval of the variance because there was sufficient separation (23 ft.) between the adjacent properties to meet the intent of the code, given the addition of footage from the alley.

Moody also stated that the proposed front setback would set the house back from the street further than the norm. He noted that the design of the house would need approval from the Architectural Review Committee to ensure that the footprint would be appropriate to the site.

In response to a question by Wise, Moody noted that if the plan was to create a 2 story house, then a variance of 1 ft. (from 8' to 7') on the west side would be necessary.

THE PUBLIC HEARING OPENED.

Property owner **Chris Barrett** of 108 N 2nd St. Talent, OR. was called forward.

Mr. Barrett stated that the alley had been used as a driveway for the last 80 years, and the intended plan for the alley would be to continue its use as a driveway entrance onto the property. He noted the importance of the 1 ft. reduction for the west side of the proposed dwelling. Barrett also noted the utilities equipment on the Main St. side that would preclude a front porch or use as the entrance to the property. In response to a question by Wise, Barrett stated that he anticipated a 25 ft. setback as a remove from the curbside on Main Street. Hazel highlighted the public comment regarding the privacy concerns of a neighbor, should the house be 2 stories. Barrett replied that houses in the surrounding neighborhood were 2 stories.

He stated that there were design options that would mitigate the privacy issue such as the placement of windows.

There followed a brief discussion about the intended purpose for the building, the constraints of the site and other issues. Moody highlighted the condition of approval that required an approved Architectural Review Application, along with a plot plan showing the orientation of the dwelling, relative to the surrounding properties. Wise noted that a single story building would not need a variance.

(7:05 P.M.) THE PUBLIC HEARING CLOSED.

Abshire stated that he was satisfied with the proposed variance, noting that it had not yet been determined whether the house would be one story or two. Moody concurred, stating that the variance would only apply if the house had two stories. Schweitzer noted that in her opinion, a variance of one ft. was not substantial.

Wise called for an amendment of the proposed final order for greater clarity regarding setbacks. It was agreed that Article 6 of the final order would be amended to state *"The Talent Planning Commission approves the Variance (VAR 2014-003) for a reduced side yard setback of one foot on the west side, for a setback of 7 ft. rather than 8 ft."* or language similar to that in italics. The final order would be reviewed by the Chair prior to issuance.

Motion: *Commissioner Schweitzer moved to approve Variance 2014-003 as amended. Commissioner Hazel seconded and the motion carried.*

- VI. **Public Hearing (quasi-judicial) Site Development Plan Review and Variance** allowing the construction of a single family dwelling located on steep slopes with a reduced front yard setback, located at 1885 Summer Place Talent, Oregon and legally described as township 38 South, Range 1 West, Section 25BD Tax Lot 4100. File: SPR 2014-005/VAR 2014-002. **Applicant RNN, LLC.**

The opening statement was read. There were no ex parte communications.

Staff Report: Director Moody noted that the applicant would be building a single family dwelling on property that included a steep slope. He stated that the purview of the Planning Commission would be to approve or deny the requested variance, rather than to ensure that the building was properly anchored to the site. Moody noted that the applicant would depend upon the expertise of a geotechnical engineer to determine how best to develop the site safely. Moody stated that the geotechnical report included in the application meets industry standards.

Moody explained that the request for a variance was to move the dwelling forward, further from the slope in order to eliminate additional engineering costs. He stated that moving the garage forward to 19 ft. rather than setting back to the required 24 ft. would make a significant difference in the engineering costs for the property.

Moody noted that there were 4 other houses in the subdivision that had similar steep slope issues, stating that this time the developer will be addressing the challenges of the site beforehand rather than after difficulties arise.

Moody highlighted concerns from neighbors regarding moving the garage forward and thereby eliminating adequate parking. He stated that a typical parking space was 8 ft. X 19ft. and the site would provide 19 ft. of parking without encroaching on the sidewalk.

In response to a question by Wise, Moody stated that 19 ft. would meet the code requirements. Moody also noted that moving the garage forward by 5 ft. would not visually impact the streetscape in a significant way, because of the site's location on the curve of the street.

Commissioner Hazel asked for clarification of parking requirements per the size of the dwelling. Moody explained that the norm is two spaces two bedrooms and one additional for more than two bedrooms. He referenced a credit for the third space, noting that the Code allows for on street parking. (8-3J.540 (f) in the Zoning Code.)

PUBLIC HEARING OPENED.

Applicant Rick Jackson of 254 Briarwood Ln, Medford OR. was called forward.

Mr. Jackson stated that the request for moving the dwelling forward was due to the practical constraints of the site, making it important to move the house as far from the steep slope as possible to minimize foundation issues.

Jackson noted that the plan called for sealed pilings driven into the ground, a strategy recommended by the geotechnical engineer because of prior experience in stabilizing the surrounding sites. Jackson stated that the geotechnical engineer also suggested adding a daylight basement for added strength, but that it had not yet been determined at this point whether the dwelling would include a daylight basement.

Hazel asked about the size of the house, particularly the number of bedrooms. Jackson stated that the final design had not been determined yet but the square footage would be somewhere around 1800 square ft. with 3 bedrooms planned.

In response to a question by Wise, Jackson noted that the geotechnical report was a description of how issues related to the steep slope would be addressed. He stated that the report did not detail the specifics, and it would not, until all of the construction details had been finalized. Jackson also addressed the streetscape view, stating that in his opinion, the view would not be detrimental to the neighborhood.

There followed a brief discussion about the orientation of the garage. Jackson stated that the garage would be oriented to the north of the house. Wise asked about design features to mitigate the garage facade.

Hazel asked about the viability of the lot, given the challenges. She asked about the added strength given by a daylight basement because it seemed counter-intuitive. There followed a brief discussion about utilizing the extra dwelling space.

Ms. Christa Peterson, of 125 Tracy Ln. Medford, OR. was called forward.

Ms. Peterson detailed a myriad of issues with her house, which is adjacent to the proposed Jackson dwelling. She stated that her house developed cracks and other signs of instability, due

to improper anchoring and the site location on a steep slope hillside that was subject to slides. Peterson noted that ultimately, the cost to repair her home was approximately \$300,000.

Peterson commented that Mr. Jackson was doing everything possible to address potential problems with the slope and in anchoring the house properly. She stated that she was in support of the application, and was pleased that the owner was proactive in planning development of the site.

In response to a question by Hazel about building a smaller house on the site, Peterson noted that the CC & R's for the neighborhood, had requirements that houses in the sub-division be no smaller than 1800 square feet.

Schweitzer asked about her experience with the underground water challenges. Peterson replied that it was discovered approximately 20 ft. underground. Jackson noted that the geotechnical engineer was aware of the underground water and was taking steps to anchor the house in a manner that would address the issue. He stated that auguring the pilings was a way to anchor the building without creating pools of water.

PUBLIC HEARING CLOSED.

Moody highlighted the conditions of approval listed in the final order. He stated that site plans for the property would be reviewed prior to beginning to build the dwelling. Steps taken to secure the site would also be reviewed. A building permit would be issued once the environmental infrastructure and mitigation was in place and met with the approval of the geotechnical engineer.

Moody highlighted the Commission's concerns about the visual impact of the garage. He suggested that a requirement for the addition of windows placed to lighten the façade might be helpful.

Wise asked about other architectural elements as well. Moody noted that the Commission could add requirements, but he cautioned against setting a precedent that might become unworkable for other applications.

Moody reviewed the conditions for approval, noting that it was staff's opinion that the standards had been met. He stated that the variance was due to the steep slope – something that was extraordinary in Talent.

Hazel stated that in her opinion, the lot was too small and the issues were severe enough to require a smaller footprint for the dwelling. Moody discussed the viability of requiring a smaller home, asking for clarification as to the rationale. Hazel cited on-street parking issues as well as the smaller size of the lot. Wise noted that a smaller house would negate the necessity for a variance.

Moody talked about the standards involved and property owner rights. Moody highlighted code requirements such as setbacks, noting that the only size requirement in the Land Development Ordinance was that a house could not cover more than 35% of a lot.

Schweitzer stated that she was confident based on the geotechnical report, that the developer was doing everything that could be done. There followed a brief discussion about the need for a

variance. Abshire noted that the variance was not significant: a 19 ft. driveway rather than 24 ft. Denial of the variance, in his opinion, would force undue hardship on the developer because of the extraordinary expense needed for additional geotechnical engineering. Ms. Peterson reiterated that the CC&R's were in place to protect the property values for all residents of the sub-division and a smaller house would impact others.

Councilor Steyskal noted that the codes change over time. He stated that the Commissioners were bound by the Code and they could not arbitrarily change Code provisions for special situations. He spoke in support the proposed variance, stating that simply adding windows to the garage would make a difference visually. He stated that the placement of the house would not significantly disturb the appearance of the neighborhood because of the curve of the property and road. Steyskal reminded the Commission that Talent encourages in-fill within the City, in an effort to curb urban-sprawl.

Abshire noted that he is often in the neighborhood and crowded on-street parking was not the norm.

It was agreed that adding windows to the garage would be an additional condition for approval. Moody noted that page one of the final order should read that the Talent Planning Commission approves Application (2014-5) and Variance (VAR 2014-003) for reduced front-yard setbacks from 24 ft. to 19 ft. and the addition of Conditional #2, requiring windows for the garage.

Motion: *Commissioner Schweitzer moved to approve Application (2014-5) and Variance (VAR 2014-003) as amended with reduced front-yard setbacks from 24 ft. to 19 ft. and the addition of Conditional #2, requiring windows for the garage. Commissioner Hazel seconded and the motion carried.*

VIII. Updates – Community Development Director.

Moody announced that a Code Enforcement Officer had been hired. He noted that the Department has added a Planning Assistant that would be doing the administrative paperwork.

Moody stated that an Open House had been held as part of an effort to extend the urban growth boundary to include parcels TA 4 and TA 5. He stated that a conceptual plan would be ready to submit to Jackson County in late summer of 2015.

An updated Transportation System Plan should be ready for the Commission's review in early January.

In answer to a question by Wise, Moody stated that the Code amendments submitted to Council had been approved and was slated for adoption prior to year end. In other news, the appeal approved by the Planning Commission had been challenged and would be reviewed by a Hearings officer.

Moody highlighted the need for more Planning Commissioners.

VIII. Next meeting January 22, 2014.

Moody noted that no meetings for November or December would be held, unless there was a pending application.

IX. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:57 PM.

Submitted by: *Dusty Marner* Date: 11/22/15

Attest:

Zac Moody
Zac Moody, Community Development Director

ACTING CHAIR: Eric Heron
~~Chair Wise~~

Note: These Minutes and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.