

**City of Talent**  
**Planning Commission Meeting Minutes**  
Talent Community Center  
206 East Main St. Talent, Oregon  
May 23, 2013

**I. Call to Order/Roll Call**

**Members Present:**

Commissioner Heesacker  
Commissioner McDonald-Gibson  
Commissioner Moody

**Members Absent:**

Commissioner Wise  
Commissioner Schmidt  
Commissioner Walker

**Also Present:**

Teresa Cook, Council Liaison  
Mark Knox, City Planner  
Betsy Manuel, Minute Taker  
David Maynard – Community Development Officer

**II. Brief Announcements**

There were none.

**III. Consideration of Minutes for April 25, 2013.**

*Commissioner Heesacker moved to approve the minutes dated 3-25-14 as presented.  
Commissioner McDonald Gibson seconded and the motion carried.*

**IV. Public Comments on Non-Agenda Items**

There were none.

**V. Public Hearing to Amend the City of Talent's Zoning Code, Title 8  
Chapter 3, Division J, Section 240 (8-3J.240)**

**Staff Report:** Planner Knox noted that the intent of the amendment proposal was to adapt regulations relating to Accessory Structures. He stated that the Planning Department regularly fielded questions from citizens about the standards for adding small structures.

Know stated that Talent's Code does not address this issue directly; therefore standard setbacks of 10' (rear) and 5' (sides) are applicable by default. He noted that the requirements lead to less efficient land use for property owners and possible code enforcement issues with yard debris and critter infestations in areas surrounding the structure.

Knox reported that codes from adjacent communities, tended to address requirements with smaller setbacks, size and height restrictions, and a provision that puts property owners on notice that future alterations that

would convert the structure to an accessory dwelling unit would not be permitted.

Knox referred to the uniform building code that allows for zero setbacks if the structure is less than 200 square feet.

Knox proposed the Talent's code be amended to permit structures of less than 200 feet in overall area, no greater than 10 feet in height, and separated from other on-site structures by 10 feet or more. He suggested that setbacks be relaxed to 2 feet of any side or rear property lines, with building projections of 4" or less. He noted that water runoff could not impact a neighbor's property.

Knox emphasized that future land use planning would require ever more emphasis on the most efficient use of land for livability and increased density for urban settings.

Knox proposed that the following code language be added as residential lot standards N:

"Accessory Structures: As defined in 8-3J.124 and less than 200 square feet in overall area, no greater than 10' in height, separated from other on-site structures by at least 10' placed greater than 40' from any street and in compliance with all building code requirements, may be constructed or placed within 2' of any side or rear property line, excluding the side of the front yard area. Projections such as cornices, eaves, belt courses, sills, bay windows, or other similar architectural features shall be permitted as long as such projections are less than 4". Conversion of Accessory Structures into accessory residential units is prohibited unless in compliance with the zone's standard setbacks."

Acting Chair Moody read the opening statement. Planner Knox reviewed the findings, noting that the Planning Commission would review the amendment and make recommendation to the City Council for final approval of the revised zoning code. He stated that it would not amend the Comprehensive Plan. He stated that there were no comments from applicable state or federal agencies, nor were there any intergovernmental agreements to consider.

#### **Public Hearing opened.**

**Jennifer Kuehnle of 214 Gibson Avenue, Talent was called forward.**

Ms. Kuehnle spoke in support of the proposed changes for setback requirements. She stated that she supported minimal setbacks, noting that 2' setbacks could create areas for yard debris, critter infestations, and trash accumulations.

**Ruby Forbes-Roberts of 1200 Lithia Way, Talent was called forward.**

She stated that she and her husband were advocates for the proposed smaller

setbacks.

**Public Hearing closed.**

Commissioner McDonald-Gibson inquired about adding a requirement to ensure that sunlight for neighbors was not compromised. Planner Knox replied that while a desirable outcome, adding the expectation to the codes, could make compliance increasingly difficult. Knox referred to the number of accessory structures already in place – and the need to engineer solutions that would not result in an excessive number of non-compliant situations. He stated that greater setbacks address the issue of shadows.

McDonald Gibson clarified provisions for structures larger than 200 square feet (standard setbacks apply). He suggested changing the language referring to the 200 feet provision to *less than* 200 feet for greater understanding. McDonald-Gibson stated that he would support setbacks smaller than two feet to minimize maintenance issues.

Commissioner Heesacker stated that he would prefer language that would outlaw using spaces behind the structures for debris storage, or using a portion of the building as a fence line. He suggested a zero setback option instead. Knox reiterated his preference for fewer provisions in the code, with dependence upon the property owner's obligation to be a good neighbor.

Commissioner Moody also spoke in favor of smaller setbacks, stating that it was up to the property owner to maintain his property to standards, and to be responsible for the impact of the structure on adjacent neighbors. It was also noted that the building codes included prohibitions for changes to the topography of the land – with particular emphasis on proper drainage.

Moody pointed out that the amendment should be as general as possible, noting that boundary lines could change over time and strict measurements might not provide enough flexibility for complaint resolution.

It was agreed that raising public awareness of the impacts with regard to placement and maintenance of an accessory building would be warranted. A handout with a list of dos and don't would be appropriate as well.

There followed discussion about formalizing the recommendation to the Council. It was noted that there was a consensus on smaller setbacks – even zero setbacks if stormwater runoff, or other livability issues were not compromised. Adding a requirement for rain gutters on the structure could assist with ensuring proper drainage.

Planner Knox noted that adding accessory buildings to a property, does not require a building permit.

It was agreed that "Accessory structures not requiring a building permit are not required to have rear or side yard setbacks provided that stormwater from the roof of structures does not flow onto the neighboring property".

**Public Hearing closed.**

*Commissioner Heesacker moved to recommend reduced setbacks or zero setbacks for accessory buildings with the wording as stated above. Commissioner Mc-Donald Gibson seconded and the motion carried.*

**VI. Highway 99 Annexation Update**

Planner Knox noted that at the prior Planning Commission meeting, he had been directed to research the costs involved if property owners choose annexation.

Knox reported that Talent's property taxes are among the highest in the valley, at \$2.67 per \$1000 in property value. As an example, he stated that property taxes for a home worth \$200000 would pay an assessment of approximately \$925 per year. In addition, citizens of Talent pay user fees for parks, water, libraries and others. Knox stated those fees often fluctuate based on use, but could conceivably add significantly to the costs for living in Talent. (estimated at \$70 to \$110 per month) Knox pointed out that those properties that remain in the county use amenities paid for by Talent's taxpayers, without contributing their share.

Knox contrasted county and city standards, noting that the county's standards were more appropriate to rural areas, while Talent's were concerned with a more urban environment. He highlighted the Council's aesthetic concerns, particularly along Highway 99.

Knox stated that if the properties chose to remain in the county, then Planning, if so directed, could work with the County to design standards more appropriate to the urban environment and in keeping with Talent's requirements.

**VII. Mountain View Paving Update**

Knox reiterated that the county had approved the land use for Mountain View Paving, while acknowledging that it was non-conforming. The county tempered the approval with the addition of special conditions. Knox noted that the property owners have since proposed a mitigation plan that exceeds County requirements, but that there were still concerns about flood plain management.

He stated that the property owner indicated a willingness to abide by the Mitigation Plan if Talent and the Rogue Advocates were to withdraw the appeal. He further stated that if the appeal were to continue, then a tentative agreement to sell the property to Talent for use as an open space would no longer be available.

Knox noted that a special meeting would be held with the City Council to decide

whether to pursue the appeal, or to agree with the mitigation plan.

Knox highlighted provisions within the mitigation plan that included a guarantee of an environmental clean bill of health.

Knox stated that the City had no jurisdiction over the land, and therefore has no more clout than any one citizen would have, when presenting concerns about the proposed use. He stated that the City has an interest in the property per the comprehensive plan.

Knox stated that the City Council will make the decision whether to go forward with the appeal, or accept the terms of the mitigation plan.

Commissioner McDonald-Gibson suggested assigning deadlines for the actions depicted in the mitigation plan. Commissioner Heesacker expressed concerns about the proposed outcome; voicing his opinion that the matter be taken under advisement by a hearings officer.

Knox noted that once the hearings officer consents to review the project, it is eligible for further appeal to LUBA initiated by any one entity or citizen. The appeal process to LUBA would be expensive.

Knox stated that the City Council would act as the decision-maker for Talent. The options are as follows:

1. Agree to proceed with the mitigation plan and withdraw the appeal.
2. Allow the appeal to move forward to review by a hearings officer.
3. Partner with Rogue Advocates to share expenses and pursue an appeal to the Oregon State Land Board.

Knox stated that the Council would hold a public hearing on the matter, and that any member of the Planning Commission could make their opinions known as private citizens.

## VIII. Planning Commissioner's Education

Planner Knox proposed adding a regular Agenda item, for discussion of various topics related to urban planning. He suggested a list of topics, such as: connectivity, alleys, street trees, wetlands, building frontages for commercial and residential applications, bio-swales, the concept of road diets, parking, design elements for sidewalks, streetscapes, density per acre training, RPS impacts, and others.

Knox highlighted as an example, the importance of alleyways in development plans, because they are a tool to increase density while preserving the specious look and feel of a single family neighborhood. He stated that RPS process would require increased densities in the future and that it was important to study best practices, and solutions for livability. He discussed the advantages of incorporating alley's into residential areas, such as designating services to specific spaces for safety

and aesthetic purposes. He stated that alleys facilitate grid patterns that are highly desirable for transportation purposes and that such practices enhance the quality of life for everyone.

Commissioner Moody stated that alleys were beneficial not only for residential areas, but also for commercial applications as well. He explained that loading, and servicing business could be channeled away from public areas. Moody volunteered to give a presentation on bio-swales.

It was agreed that discussion items would be added as a regular agenda item with advance notice as to the specific topic so that Commissioners could prepare for further discussion.

Knox asked for assistance in exploring alternatives to the existing signage code. He stated his goal of amendment of the code by year's end.

Knox noted that Talent was making application for a land use a transportation growth management grant to formulate a development plan for the industrial parcels within Talent's urban growth boundaries.

#### VIII. Commissioner's Open Discussion

There were none.

Acting Chair Moody noted that the next regularly scheduled meeting would be held on June 27, 2013. The topic for discussion will be "density per acre".

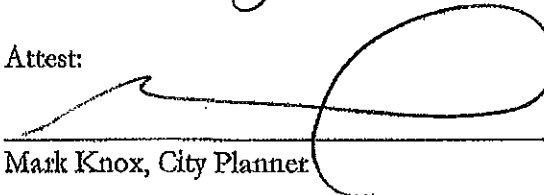
#### IX. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:05 PM.

Submitted by: 

Date: 8/22/13

Attest:

  
Mark Knox, City Planner

8-22-13  
Chair Wise