

City of Talent

Community Development Department - Planning



STAFF REPORT

Type-4 Land Use Application — Legislative Review — Planning Commission

Meeting Date: June 9, 2020
File No: DCA 2019-001
Prepared By: Zac Moody, Community Development Director
Item: Housing Code Amendments

GENERAL INFORMATION

PetitionerCity of Talent

Requested ActionAmendments to Title 18 of the Talent
Municipal Code (TMC)

I. BACKGROUND

Every region of Oregon is experiencing housing availability or affordability problems, or both. In some cases, the comprehensive plan for the urban area is out of date so housing needs have not been determined. In other cases, the need may be known but the zoning code presents barriers to development of needed housing or does not allow a variety of housing types to meet the diverse needs of residents.

The Department of Land Conservation and Development (DLCD) provided the City technical assistance for the purpose of increasing the supply and affordability of housing within the boundaries of the City. Technical assistance was in the form of direct assistance to update the City's zoning codes to help ensure that the City can satisfy its housing needs and to ensure the amended code allows, and does not include barriers to, development of needed housing.

The project was initially 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 proposed zoning code amendments by June 30, 2019. The City retained additional consultant services from JET Planning following the DLCD technical assistance to support final revisions and the adoption process.

As part of the City's agreement with the DLCD for the code amendments, the City was tasked with establishing an advisory committee to review draft documents. After consultation with the consultant and DLCD, it was determined that to be most efficient with time, the best course of action was to have the Planning Commission serve as the advisory committee. After additional

discussion with the project management team and to provide an opportunity for the UGB CAC¹ members to participate, staff sent an invitation to participate to all the UGB CAC members. The UGB CAC was established by the City Council prior to the beginning of this project to help develop efficiency measures to support the expansion of the City's UGB and we ultimately used as a guide to develop the proposed amendments. Three citizens were appointed and participated in multiple meetings with the Planning Commission through June 30, 2020 to review the draft language.

The Commission held multiple public meetings and considered public testimony on the proposed amendments. Meetings for the proposed amendments began on March 12, 2019 with an overview of the project and draft concepts presented by the consultant. Following the initial meeting, the Planning Commission held a study session on March 28, 2019 in preparation of an April open house. On April 24, 2019, the Planning Commission held an open house where the public was given an overview of the project goals, timelines and existing housing conditions in Talent and main policy change proposals. Following the open house, the Planning Commission held a debriefing meeting to discuss comments received at the open house. Subsequent meetings from May 2019 through the beginning of 2020 were held to refine the amendments in preparation for Planning Commission's final review and Council recommendation. The series of meetings included multiple duly noticed public hearings, as detailed in Section III below.

II. PROPOSAL

The Talent Housing Code Update Project recommends amendments that support further housing development in line with the City's needs and goals, by expanding residential development opportunities and removing barriers to development. Recommended update specifics are drawn from the UGB efficiency measures, the 2017 Housing Needs Analysis, and statewide housing requirements including HB 2001 provisions that expand missing middle housing options in single-family neighborhoods, informed by feedback from previous Planning Commission/Advisory Committee meetings and the public open house.

The City's 2017 Housing Needs Analysis (HNA) identified a need for more housing to serve all income levels, with greater variety of options beyond traditional single-family detached homes, including townhouses and apartments. Dimensional standards and new minimum and maximum density limits have been proposed in tandem to meet the requirements of the Regional Problem Solving (RPS) plan committed density requirements and to promote future infill. Expanded residential uses include many types of "missing middle" housing, such as townhouses, duplexes, triplexes, quadplexes, ADUs, and cluster housing.

The goal for the amendments in 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

¹ The UGB CAC was established by the City Council prior to the beginning of this project to help develop efficiency measures to support the expansion of the City's UGB and their recommendations were ultimately used as a guide to develop the proposed amendments.

while using land efficiently.

Appropriate review procedures (permitted or conditional uses, and Type II or III Site Review) for each type of residential use in each zone are also recommended to meet the goals of a simplified, clear and objective review process as well as opportunity for appropriate public input on proposed development.

As proposed, the code amendments implement many of the HNA and Comprehensive Plan goals related to housing and are consistent with state law that requires a “clear and objective” review path for all types of housing² that does not cause “unreasonable cost or delay” to increase the feasibility and certainty surrounding residential development. (ORS 197.307)

Further state requirements to permit middle housing in all single-family neighborhoods were adopted by the State Legislature in 2019, during the time these code amendments were being developed. HB 2001, as adopted, requires cities with over 10,000 residents to permit duplexes on all lots where single-family detached houses are permitted subject only to reasonable siting and design standards, and for cities over 25,000 to additionally permit townhouses, triplexes, quadplexes and cottage housing. DLCD and LCDC are currently working to develop implementing rules and minimum compliance standards for cities subject to HB 2001, which begins to take effect June 30, 2021. While the City of Talent does not trigger compliance with HB 2001 and implementing rules because its population is below the threshold, the proposed code amendments were developed in the spirit of HB 2001 implementation based on policy direction from Talent’s City Council.

The proposed changes to Title 18 of the Talent Municipal Code are summarized as follows:

- Amend dimensional and density standards for existing RS-5 (proposed low-density RLD zone) and RS-7 (proposed medium-density RMD zone) to enable more efficient use of land for future development.
- Revise the RS-MH zone (proposed RMH zone) to focus on developed manufactured home park uses.
- Revise the high-density residential RM-HD zone (proposed RHD zone) to expand diversity of housing types, amend dimensional and density standards.
- Expand missing middle housing types in all residential zones and provide clear and objective review path to develop them, including townhouses, common-wall single-family, duplexes, triplexes, quadplexes, and cluster housing.
- Develop clear and objective site design standards for duplexes, triplexes, quadplexes, and multifamily development.
- Develop cluster housing standards to permit higher-density but smaller-scale residential development around a central green courtyard in all residential zones.

² 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)

- Create opportunities for higher-density residential uses mixed with commercial uses by allowing horizontal mixed use at specified minimum ratios of commercial and residential uses.
- Develop clear and objective landscaping buffer requirements by use or zone, tied to adjacent use or zone.
- Reduce off-street parking requirements for residential uses for greater site flexibility when developing missing middle housing.
- 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.
- Revise standards for manufactured home parks for consistency with state law and to support future modifications to existing parks.

Considering the number of proposed changes and to attempt to simplify the review process, adopted code sections were downloaded from the Talent Municipal Code Website and the ‘compare’ function of Microsoft Word was used to compare against the proposed language. The ‘compared’ document before the Commission denotes all changes in a red color. New or moved text is shown with underline, and text for removal is shown with ~~strike through~~. Because of the number of changes and text being moved from one section to another, there are some sections within the amended chapters that are colored red, but not actually changed.

III. HEARING PROCEDURES

To ensure an efficient meeting and to familiarize the Commission with the hearing procedures, staff has outlined the hearing procedures below:

The presiding officer of the planning commission and the city council shall conduct the hearing as follows:

- a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the city council or the final decision of the council (these are provided in the legislative hearing script);*
- b. The city planner’s staff report and other applicable reports shall be presented;*
- c. The public shall be invited to testify;*
- d. The public hearing may be continued to allow additional testimony, or it may be closed; and*
- e. The body’s deliberation may include questions to the staff, comments from staff, and inquiries directed to any person present.*

Considering the number of changes proposed and to ensure all changes proposed by the Planning Commission are considered, staff is recommending that proposed changes to the draft amendments be approved by motion and roll call vote. This will ensure that the record is clear on the intended changes of the Planning Commission as an entire body. Additionally, staff recommends that the Commission focus their deliberation and discussion on a single chapter at

one time and in the order presented. This will provide the Commission an opportunity to complete the review of individual chapters, make any necessary changes to those chapters and to vote to recommend approval on an individual chapter basis with any proposed changes. Upon the review of all chapters, the Commission can vote to recommend approval of all of Title 18.

Approval Process and Authority (TMC 18.190.060 (H)(3))

If the planning commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 30 days of its first public hearing on the proposed change, the city planner shall:

- a. Report the failure together with the proposed change to the city council; and*
- b. Provide notice and put the matter on the city council's agenda, a public hearing to be held, and a decision to be made by the council. No further action shall be taken by the planning commission.*

IV. NOTICE

The Planning Commission held a properly noticed public hearing on this matter on July 25, 2019 and September 26, 2019 to take initial public comment on the proposed amendments.

The Planning Commission held a properly noticed first evidentiary hearing on this matter on November 26, 2019. This meeting was rescheduled to December 3, 2019 due to inclement weather and notice of a rescheduled public hearing was posted and mailed to all parties that had previously commented.

The Planning Commission held additional public hearings on December 17, 2019, January 14, 2019, January 28, 2020 and on February 11, 2020 to take additional public comment on the proposed amendments.

On June 9, 2020, the Planning Commission will hold a public hearing to take additional public comment and to allow the Planning Commission to begin deliberations on the proposed amendments.

Notice of the proposed code amendments was sent to the Department of Land Conservation and Development (DLCD) on September 26, 2019, not less than 35 days prior to the first evidentiary hearing of November 26, 2019, as required by State Law and the Talent Municipal Code (TMC).

V. PUBLIC PARTICIPATION

A copy of the application, including all documents, evidence and applicable criteria relied upon by the applicant, and a copy of the staff report are available on-line at www.cityoftalent.org/longrangeplanning (click Development Code Amendments) seven days prior to the hearing. Anyone wishing to provide testimony can submit comments via e-mail to admin@cityoftalent.org with the subject line "Agenda Item V" by 10:00 a.m. on Monday, June 8, 2020. Written testimony received by this deadline will be available for Commissioners to review before the hearing and will be included in the meeting record. Oral testimony will only

be taken during the hearing if you have pre-registered. To pre-register, email your request to admin@cityoftalent.org with the subject line “**Request for Oral Comment/Testimony**” by 4:00 p.m. the date of the hearing. You must include your name and residential address for the record.

Alternatively, respondents may comment by using the comment sheet on the reverse side and return it to the Community Development Department using the utility payment drop box or via US mail. Written correspondence submitted in the drop box or via US Mail, must be received by the date and time above to be included in the meeting record.

City of Talent, Community Development Department
P.O. Box 445,
110 East Main Street
Talent, Oregon 97540

For copies of public documents or for more information related to this staff report, please contact the Community Development Director at 541-535-7401 or via e-mail at zmood@cityoftalent.org.

VI. APPLICABLE CRITERIA

Talent Municipal Code (TMC) Title 18: Zoning

- Chapter 18.190 – Procedures for Review of Applications and Appeals, Section 18.190.060 Type IV Procedure (Legislative)

Talent Comprehensive Plan

- Element A - Citizen Involvement
- Element D - Transportation
- Element E - Economy
- Element G – Housing
- Element H – Regional Plan
- Element J – Clean Energy

Oregon Land Use Planning Goals

- Goal 2 – Land Use Planning
- Goal 10 – Housing

Oregon Revised Statutes (ORS)

- ORS 197.303
- ORS 197.307
- ORS 197.480
- ORS 197.485(1)
- ORS 197.610(1) – (6)
- ORS 227.186

Oregon Administrative Rules (OAR)

- OAR 660-008-0015
- OAR 660-012-0060
- OAR 660-018-0020
- OAR 660-015-000

VII. FINDINGS

In the following, any text quoted directly from City codes appears in *italics*; staff findings appear in regular typeface.

TALENT MUNICIPAL CODE (TMC)

TITLE 18: ZONING

18.190.060 (G) Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. *The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197 (for Comprehensive Plan amendments only);*

FINDING: This regulation is not applicable as this is not a Comprehensive Plan amendment. A development code amendment is presumed to enact policies in the Comprehensive Plan; the findings validating that presumption are outlined below.

2. *Comments from any applicable federal or state agencies regarding applicable statutes or regulations;*

FINDING: This regulation is met. The City sent the full text of the proposed amendment to the Department of Land Conservation and Development (DLCD), which has exclusive oversight of code amendments to ensure compatibility with State Goals, Statutes and Administrative Rules. DLCD provided no comments.

3. *Any applicable intergovernmental agreements; and*

FINDING: This regulation is not applicable. No intergovernmental agreements were found to be applicable to the proposed ordinance amendments.

4. *Any applicable Comprehensive Plan policies and provisions of the Talent Zoning Code that implement the Comprehensive Plan. Compliance with this section shall be required for Comprehensive Plan Amendments, Zoning Map, and Text Amendments.*

FINDING: This regulation is met. All applicable Comprehensive Plan policies and provisions of the Talent Zoning Code have been addressed.

TALENT COMPREHENSIVE PLAN

ELEMENT A: CITIZEN INVOLVEMENT

Policy 1: Citizen Involvement: Provide a process for widespread citizen involvement as defined by Oregon’s Land Conservation and Development Commission (LCDC) including the creation of a Committee for Citizen Involvement and Citizen Involvement Plan.

Objective 1.3: Create an infrastructure within the city government that is both flexible and strong, to ensure sustainable, effective, and maximum public involvement in all land use and other planning and community procedures and issues. The TCIP will work to create a culture of transparency, access, and education.

FINDING: The policy is met. The City has developed a webpage specifically devoted to the proposed housing code amendments. The page was designed to be easily accessible and less technical than what is generally available for other land use actions. The page includes dates of all meetings that have and will take place as well as links to all draft documents. Draft documents included proposed code as well as discussion guides that summarize information in a less technical manner.

Policy 2 Communication: Assure effective two-way communications between the City (elected and appointed city officials, as well as staff) and citizens.

Objective 2: The City will make every effort to communicate decisions and deliberative discussions to citizens, especially those who participated in the process; and to assure citizens that their participation was considered.

FINDING: The policy is met. The proposed code amendments are consistent with this policy because multiple public hearings have been held to take community comment prior to a final evidentiary hearing. In addition, a code amendment project schedule, which included more than fifteen (15) open meetings, was posted on the City’s homepage advising citizens when meetings would be held and where information on the proposed amendments could be found. Lastly, all participants involved in the process to date will receive an additional mailed notice advising of the next Planning Commission public hearing and those that have not participated to date, will see an additional notice published in the Medford Mail Tribune. All materials associated with the proposed amendments, including hearing agendas are posted on the City’s website at least 7 days prior to the hearing.

ELEMENT D: TRANSPORTATION

LAND USE

Goal: Encourage land uses that reduce reliance on single-occupancy automobiles.

Policies: *The City shall revise the Talent Zoning Code wherever appropriate, especially the articles regarding Off-Street Parking, Site Development Plan review and Conditional Use Permit review, to add or improve transportation-related design standards and review criteria. Such revisions shall include, but are not limited to, connectedness between neighborhoods for vehicles, bicycles and pedestrians, access management standards, and street width and parking requirements.*

FINDING: This policy is met. As proposed, the draft off-street parking standards are intended to increase the viability of missing middle housing types, and all residential development, by reducing the minimum requirements for off-street parking spaces. Key elements of the proposed code changes to support residential development are:

- For middle housing, require: one off-street parking space per unit for single-family homes (one space per lot), duplex unit (two spaces per lot), triplex unit (three spaces per lot), quadplex unit (four spaces per lot), and one space per cluster housing unit.
- For multifamily housing (5+ units), require: 0.5 spaces for studios, 1 space for 1-2-bedroom units, and 1.5 spaces for 3 bedroom or larger units.
- Allow all housing types to reduce off-street parking spaces if on-street parking is available along the site frontage.
- Apply the “residential parking design standards” in proposed TMC 18.110.115 to single-family, duplex, triplex and quadplex uses to make these uses more compatible within residential neighborhoods, and reserve the “parking lot” design standards in TMC 18.110.120 with striping, drive-aisles, and planter islands for multifamily housing with 5 or more spaces.

Best practices for minimum parking requirements continue to evolve in Oregon and other places experimenting with missing middle housing. The latest recommendation from DLCD is 1 space per dwelling unit, and 0.5 spaces per unit for studio and one-bedroom multifamily housing. The recommendation is based on observed car ownership and parking demand patterns, and the importance to set minimum requirements low enough to avoid barriers to housing while allowing individual projects to exceed those minimums as appropriate for the site.

Nearly half of all Talent households have zero or one vehicles, underlying the recommendations to reduce parking minimums to commensurate levels. Based on information from the U.S. Census Bureau, 2013-2017 American Community Survey 5-year Estimates for the City of Talent, 7% of renter households have zero vehicles and 44% of renter households have one vehicle available, for a total of 51% of renter households. Among owner-occupied households, 5% have zero vehicles available and 37% have one vehicle, for a significant 42% of owner-occupied households. In total, 46% of Talent households have zero to one car available, supporting the recommendation for a minimum of one space per unit for a majority of dwelling types.

The proposed amendments to TMC 18.110 support greater residential development than could

otherwise be approved, while maintaining appropriate standards for access and circulation within parking areas. The proposed parking reductions not only minimize the overall cost of development of a project, but also allow for increased density by reducing site area that would otherwise be devoted to parking.

ACCESS MANAGEMENT

Goal: Maximize the efficiency and safety of surface transportation systems by managing access.

Objective: *Increase street system safety and capacity through the adoption and implementation of access management standards.*

4. *The City shall maintain carrying capacity and safety of pedestrian, bicycle, public transit and motor vehicle movement on arterials and collectors through driveway and curb cut consolidation or reduction.*
5. *The City shall discourage direct driveway access onto streets designated as collectors and arterials whenever an economically feasible alternative exists or can be made available.*
6. *The City shall require design that combines multiple driveway accesses to a single point in a residential and commercial development.*

FINDING: This policy is met. The amended Development and Design Standards section of the zoning code (TMC 18.115) include the addition of private driveway standards along with consistent minimum driveway opening widths. As proposed, the minimums have been established to increase street system safety and promote a more efficient use of land. Without a consistent code to regulate access to the city's arterial and collector streets, infill development could increase the number of driveways causing turning movements that disrupt the intended function of moving people and goods safely, quickly, and efficiently. Disconnected street networks and poorly coordinated access and circulation systems would force more trips onto the arterial or collector, traffic conflicts multiply, and congestion increases. Eventually the corridor would be transformed into an unattractive and confusing jumble of signs, curb cuts, utility lines, and asphalt negatively impacting the rural character of the landscape. The proposed standards for driveways reduce the number of access points and maintain minimum spacing to prevent such outcomes. Additionally, reducing the off-street parking minimums as proposed in TMC 18.110 will reduce the number and width of proposed driveways, for example, by allowing a single-car driveway rather than a double-car width.

PARKING

Goal: Ensure the Talent urban area has an appropriate supply of parking facilities that supports the goals and objectives of this plan.

Objective 2: *Promote economic vitality and neighborhood livability by requiring an appropriate supply of off-street parking facilities.*

Policies:

2. *The City shall consider establishing lower minimum parking requirements in their current zoning codes to encourage in-fill development, shared parking facilities, and the use of alternative travel modes.*

FINDING: This policy is met. As proposed, the draft off-street parking standards have been developed to increase the viability of all residential development, including a number of missing middle housing types. The proposed amendments reduce the minimum requirements for off-street parking spaces in most circumstances to a number that is more consistent with other similar size jurisdictions. The decrease in off-street parking requirements for nearly all residential uses is key to encouraging an intensification of land uses that could not otherwise be approved under the current standards. The proposed parking reductions not only minimize the overall cost of development of a project, but also allow for increased density by reducing site area that would otherwise be devoted to parking.

ELEMENT E: ECONOMY

POLICY 5: Business Development: *The City will plan for and nurture a favorable environment to attract and maintain new businesses.*

Objective 5.4: *Ensure that the City's building permitting and land use entitlement processes support business growth.*

Implementation Strategy 5.4a: *Identify changes to Talent's Zoning Code or entitlement process to simplify the development process.*

Implementation Steps: *City will compare building permit and land use processes with other cities and work to establish an expedited process for commercial and industrial developments in key areas within the City.*

FINDING: This policy is met. Although no direct changes have been made to the building permit and land use processes for commercial and industrial developments, the proposed amendments to the zoning code establishing clear and objective review criteria for residential development that provides an indirect change that encourages residential development across all housing types. These proposed amendments provide new opportunities for future Talent businesses to employ staff that can live and work in the same city, fostering a favorable environment for new businesses to thrive.

ELEMENT G: HOUSING

GOALS:

1. *Provide an adequate supply of residential land and encourage land use regulations that allow a variety of housing types that will be able to meet the housing needs of a range of age groups, income levels, and family types.*
2. *Encourage efficient land development patterns that minimize service and infrastructure costs.*
3. *Encourage land use patterns that provide livable neighborhoods; allow mixed uses, and allow a variety of housing types.*
4. *Encourage land use patterns that protect and enhance Talent's natural resources.*
5. *Facilitate new housing starts to ensure there is adequate opportunity and choice to acquire safe, sanitary, and affordable housing.*
6. *Maintain an attractive residential community in an appealing rural setting.*

FINDING: This policy is met. A residential Buildable Lands Inventory (BLI) and Housing Needs Analysis adopted in May 2017 determined that through the 20-year planning period (2017-2037), there was an insufficient supply of residential buildable land to meet the future housing demands within the existing Urban Growth Boundary. As noted in the Housing Element G of the Talent Comprehensive Plan, Talent's forecasted population is expected to increase by approximately 2,716 residents by 2037.

A revised forecast for population growth was released by Portland State University in 2018, suggesting that the City's forecasted population would not increase as previously estimated. Although the new population forecast estimates a smaller increase and will result in less demand for future housing, additional housing across all housing types is still necessary to not only meet the projected demands, but to provide opportunities for the development of relatively affordable housing.

Despite the decrease in population projections and the need for land projected in the 2017 HNA, the City's planned development densities do not meet the requirements of the Regional Problem-Solving Plan. Talent's committed density in the plan is 6.6 units per acre for the 2010-2035 planning period. The proposed amendments assist the city in reaching committed density and pave the way for additional increases in density in the future by allowing development of a variety of housing types to serve a range of households in a manner that is safe, sanitary and affordable.

POLICY 1: Land Availability: *Plan to for a 20-year supply of suitable land for Talent's housing needs within the existing urban growth boundary to the extent possible.*

Objective 1.1: *Identify opportunities to address the residential land deficits identified in the Housing Needs Analysis.*

Implementation Strategy 1.1a: *Develop a Medium Density Plan Designation and Zone that allows 5 to 14 dwelling units per gross acre for all housing types.*

Objective 1.3: *Address applicable requirements of the Regional Problem Solving (RPS) when making decisions about changes to the Comprehensive Plan map and Zoning map.*

Implementation Strategy 1.3b: *Modify Talent’s existing zoning districts and standards to achieve the required RPS densities inside the city limits.*

Implementation Steps: *(1) Identify revisions needed to Talent’s zoning code to meet requirements of the RPS plan and (2) develop and adopt revisions through a public process.*

FINDING: This policy is met. Three-quarters of the housing in Talent’s housing market is single-family detached. While Talent will continue to need single-family detached housing in the future, the City’s needed housing mix includes a wider range of housing types, such as townhouses and all types of multifamily housing.

The City’s existing Medium Density Plan Designation includes one zone, the Single-Family Manufactured Home (RS-MH) zone, which is intended to provide opportunities for developing manufactured home parks or on individual lots. The City lacks a zone that bridges the gap between low-density zones and high-density zones. The HNA recommends and the Comprehensive Plan requires that the City develop a medium density zone and Plan Designation with a density sufficient to fill this gap. As part of these proposed code amendments, the proposed Medium-Density (RMD) zone allows for single-family detached housing, townhouses, duplexes, triplexes and quadplexes, cluster housing, and other moderate density housing types.

Following the adoption of the proposed amendments, the City will need to formally establish a Medium Density Comprehensive Plan Designation to allow the RS-7 and RMH (formally RS-MH) zones to be fall within this designation³. The establishment of a Medium Density Plan Designation not only provide options for more housing types but establishes a minimum density that exceeds Talent’s RPS committed residential density of 6.6 dwelling units per gross acre and implements the desired Comprehensive Plan density range. The density regulations proposed in Chapter 18.30.065 establish a minimum density of 7.2 units per acre and a maximum 14.5 units per acre. Increased density, paired with reduced minimum lot widths and an increase in building coverage, allow for more infill options in an area of the City that primarily developed, but appropriate for higher densities.

POLICY 2: Opportunity for Development of a Range of Housing Types: *Provide opportunities for development of a range of housing types that are affordable to households at all income levels as described in the Talent Housing Needs Analysis. These housing types include (but are not limited to): single-family detached housing, accessory dwellings, cottage housing, manufactured housing, townhouses, duplexes, and apartments.*

HUD sets a Median Family Income (MFI) for each county in the nation based on information from the U.S. Census’ American Community Survey. The MFI is meant to provide information about the income of an average family. In 2016, Jackson County’s MFI was \$53,000.

³ An amendment of the Comprehensive Plan and Zoning Maps will be brought before the Commission following the adoption of the proposed zoning code amendments.

Objective 2.1: *Provide opportunity for and support the development of housing affordable to low-income households, including government-assisted housing. HUD defines low-income households as households with less than 60% of MFI (about \$32,000 in 2016).*

Objective 2.2: *Provide opportunity for and support the development of housing affordable to moderate and higher-income households. HUD defines moderate and higher-income as households with incomes between 60% and 120% of MFI (about \$32,000 to \$64,000 in 2016).*

Objective 2.3: *Provide opportunity for and support the development of housing affordable to higher income as households with incomes above 120% of MFI (\$64,000 and above in 2016).*

FINDING: This policy is met. The proposed amendments increase the opportunities for development of a range of housing types that are affordable to households at all income levels as described in the Talent Housing Needs Analysis. Although the proposed amendments are intended to support the development of all housing types at all income levels, the main focus of the City’s comprehensive plan is on the development of housing affordable to households between 60% and 120% of median family income. Although there is not conclusive evidence, missing middle housing types such as duplexes, triplexes, quadplexes and townhouses are more likely to be available at these price levels because of their smaller size and smaller lot sizes that reduce land costs.

The demand for missing middle housing is due to many factors including resurgent demand for housing in amenity rich walkable neighborhoods, the necessity of housing affordability, environmental efforts to support walkability and transit-oriented developments and changing demographic trends. A report from The American Association for Retired Persons (AARP) confirms that more and more, Americans want to “age in place,” and need easy access to services and amenities available in walkable, urban, transit-oriented communities. Millennials have been shown to drive less and seek housing choices in walkable neighborhoods close to transit as well. A decline in driving is most striking among young people aged 16 to 34, who drove 23% fewer miles on average in 2009 than their age group did in 2001.⁴

The proposed amendments include the addition of a variety of dwelling types and densities common with missing middle housing that are characterized by a scale smaller than that of detached single-family housing. The proposed amendments include the allowance of the types of buildings and developments that promote walkable neighborhoods, require less parking, and often share common open spaces. The types of missing middle housing proposed include single-family attached, duplexes, triplexes, quadplexes, as well as cottage clusters. These building types typically have a residential unit density in the range of 14 to 28 units per acre but are often perceived as being less dense because they are smaller in scale. The scale of the missing middle

⁴ Moore, Patrick J. *"U.S. Temporary Housing Trend: Millennials and the "Walkable Urban Neighborhood".* Bristol Global. Archived from [the original](#) on 2014-11-20. Retrieved June 4, 2014.

housing proposed is intended to be compatible within single family housing blocks, or act as a transition between single-family housing and higher density housing or mixed-use areas.

The types of units proposed across many of the city's residential zones is intended to produce smaller units on smaller lots, less parking and less required private open space, which results in lower per-unit land costs resulting in lower overall costs.

The proposed amendments focus on increasing opportunities to develop missing middle housing. These amendments provide a more efficient use of land within the city and remove regulatory barriers the zoning code making it easier property owners to create smaller housing units and increase the number and variety of housing choices in Talent's primarily single-family zones.

POLICY 3: Efficient Development Patterns: *The City will support and encourage residential development, infill, and redevelopment, especially in downtown, as a way to use land and existing infrastructure more efficiently and promote pedestrian-oriented commercial development in downtown.*

Objective 3.1: *Provide a variety of housing types in Talent at densities that support maintaining densities of 6.6 dwelling units per gross acre through 2035 and 7.6 dwelling units per gross acre between 2036 and 2060 in urban reserves and areas within the urban growth boundary but outside of the city limits.*

Implementation Strategy 3.1a: *Evaluate opportunities for allowing smaller lots in Talent's Low Density Residential zoning designations. RS-7 has a minimum lot size of 6,000 square feet and RS-5 has a minimum lot size of 7,000 square feet.*

Implementation Steps: *(1) Develop regulations allowing smaller lot sizes and (2) develop and adopt changes to the Comprehensive Plan and zoning ordinance to implement these changes through a public process.*

FINDING: This policy is met. The proposed code amendments include smaller lot sizes for single-family detached houses and duplexes, at 6,000 square feet for the RS-7 zone (proposed RLD zone) and 4,000 square feet for the RS-5 zone (proposed RMD zone).

Implementation Strategy 3.1b: *Evaluate the development of a cottage housing ordinance to allow for development of small single-family detached housing clustered on a lot, possibly with the inclusion of park or open space.*

Implementation Steps: *(1) Develop a cottage housing ordinance and (2) develop and adopt changes to the Comprehensive Plan and zoning ordinance to implement these changes through a public process.*

FINDING: This policy is met. The proposed code amendments include cluster housing standards in TMC 18.97 and permit cluster housing development in all residential zones. The cluster housing standards permit cottage housing with small single-family detached houses around a common green space, and include additional flexibility to permit various attached and detached unit configurations.

Implementation Strategy 3.1c: *Evaluate development of a tiny house ordinance to allow for development of tiny houses clustered on a lot, possibly with the*

inclusion of park or open space.

FINDING: This policy is met. Tiny house standards were considered with this project and a cluster of tiny houses could be developed under the proposed cluster housing standards in TMC 18.97, provide the tiny houses are mounted on foundations. Note: Tiny houses on wheels are regulated as vehicles under state statute and are not considered “dwelling units” under Talent code, and were not included in this project.

Implementation Strategy 3.1d: *Evaluate adoption of minimum and maximum densities in the Medium Density and High Density residential designations and zones.*

Implementation Steps: *(1) Develop minimum and maximum density standards in each of the zones in the Medium and High Density residential designations and (2) changes to the Comprehensive Plan and zoning ordinance to implement these changes through a public process.*

FINDING: This policy is met. Development in the RMH zone, which implements the Medium Density residential designation, is either subject to the minimum and maximum density standards for the RMD zone in TMC 18.30.065 or the specific density standards for manufactured home parks in TMC 18.180.050.E. Development in the proposed RHD zone, which implements the High Density designation, includes minimum and maximum density standards in TMC 18.40.065.

Implementation Strategy 3.3c: *Develop zoning regulations that allow ground floor residential use as a temporary use in commercial mixed-use buildings. These regulations should include 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 these uses are allowed. (Consistent with Economic Strategy 2.2b.)*

Implementation Steps: *(1) Review and identify opportunities to implement policies to allow temporary ground floor residential use in commercial mixed-use buildings and (2) adopt revised design standards for mixed use buildings with these allowances.*

FINDING: This policy is met. The most common form of mixed-use development comprises of non-residential uses on the ground floor and residential uses above - this is referred to as vertical mixed use. Locating residential uses above street level provides dwellings with separation from street noise, greater privacy and better access to views and sunlight. Vertical mixed-use developments are often costly and not supported by a City the size of Talent. Horizontal mixed uses on the other hand blends uses in separate buildings adjacent to each other creating a sense of place, providing places to shop, dine, work, live and gather without the cost of a mixed use, multiple story building. Allowing stand-alone residential buildings (single or multi-family units) mixed in with stand-alone commercial units provides an opportunity for a development that is much less expensive to construct than a typical multiple story mixed use building, has improved walkability, higher tax revenue and greater exposure to customers.

Zoning regulations that allow ground floor residential in a horizontal development have been

proposed in Chapter 18.50 Central Business District (CBD). The addition of Section 18.50.120 allows stand-alone ground floor residential buildings in the CBD zone provided that the residential square footage does not exceed 50% of the ground floor non-residential. Minimum densities are also proposed in the CBD zone to maximize the use of the city's commercial land for mixed use purposes.

Objective 3.4: Evaluate the City's access and circulation standards in the zoning and subdivision codes to encourage efficient development.

FINDING: This policy is met. The amended Development and Design Standards section of the zoning code (TMC 18.115) include the addition of private driveway standards along with consistent minimum driveway opening and widths. As proposed, the minimums have been established to increase street system safety and promote a more efficient use of land. Without a consistent code to regulate access to the city's arterial and collector streets infill development will increase the number of driveways causing turning movements that disrupt the intended function of moving people and goods safely, quickly, and efficiently. Disconnected street networks and poorly coordinated access and circulation systems force more trips onto the arterial or collector, traffic conflicts multiply, and congestion increases. Eventually the corridor is transformed into an unattractive and confusing jumble of signs, curb cuts, utility lines, and asphalt negatively impacting the rural character of the landscape.

POLICY 4: Zoning Flexibility: The City will support residential development through adopting a flexible zoning code that provides City Staff with flexibility to balance the need for housing and to provide consistency with the required density targets in the RPS (in urban reserves and areas within the urban growth boundary but outside of the city limits, develop at an average of 6.6 dwelling units per gross acre through 2035 and 7.6 dwelling units per gross acre between 2036 and 2060) while protecting scenic and natural resources and maintaining the quality of life of the residents of Talent.

Objective 4.2: Consider standards for residential parking standards based on the number of bedrooms and/or size of the unit.

Implementation Strategy 4.2a: Develop parking standards for cottage housing, tiny houses, and multifamily housing based upon the number of bedrooms and/or size of unit rather than the number of units to encourage smaller units in new residential developments and to increase opportunities for affordable housing through decreased development costs.

FINDING: This policy is met. The proposed off-street parking standards are intended to increase the viability of missing middle housing types, and all residential development, by reducing the minimum requirements for off-street parking spaces. Key elements of the proposed code changes to support residential development are:

- For middle housing, require: one off-street parking space per unit for single-family homes (one space per lot), duplex unit (two spaces per lot), triplex unit (three spaces per lot), quadplex unit (four spaces per lot), and one space per cluster housing unit.

- For multifamily housing (5+ units), require: 0.5 spaces for studios, 1 space for 1-2-bedroom units, and 1.5 spaces for 3 bedroom or larger units.
- Allow all housing types to reduce off-street parking spaces if on-street parking is available along the site frontage.
- Apply the “residential parking design standards” in proposed TMC 18.110.115 to single-family, duplex, triplex and quadplex uses to make these uses more compatible within residential neighborhoods, and reserve the “parking lot” design standards in TMC 18.110.120 with striping, drive-aisles, and planter islands for multifamily housing with 5 or more spaces.

Best practices for minimum parking requirements continue to evolve in Oregon and other places experimenting with missing middle housing. The proposed amendments are consistent with the latest recommendation from DLCDC of 1 space per dwelling unit, and 0.5 spaces per unit for studio and one-bedroom multifamily housing. The recommendation is based on observed car ownership and parking demand patterns, and the importance to set *minimum* requirements low enough to avoid barriers to housing while allowing individual projects to exceed those minimums as appropriate for the site.

Nearly half of all Talent households have zero or one vehicles, underlying the recommendations to reduce parking minimums to commensurate levels. In Talent, 7% of renter households have zero vehicles and 44% of renter households have one vehicle available, for a total of 51% of renter households.⁵⁶ Among owner-occupied households, 5% have zero vehicles available and 37% have one vehicle, for a significant 42% of owner-occupied households. In total, 46% of Talent households have zero to one car available, supporting the recommendation for minimum parking standards for most dwelling types.

The Planning Commission discussed whether to have a standard parking requirement for all residential types based on the number of bedrooms. A parking study completed by King County in August 2015 on factors that influence the parking demand for residential projects indicated that transit frequency, density of population and jobs were most important factors.

The amendments as proposed establish lower minimums consistent with state-wide recommendations leaving more space for additional dwelling units, lowering overall project costs and providing flexibility for additional parking to be provided as needed.

ELEMENT H: REGIONAL PLAN

Performance Indicators – ORS 197.656(2)(B)(C)

⁵ From U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates, City of Talent.

⁶ We assume the majority of new missing middle housing will be renter-occupied, with the possible exception of townhouses that would be required to have one off-street parking space.

5. *Committed Residential Density. Land within a URA and land currently within an Urban Growth Boundary (UGB) but outside of the existing City Limit shall be built, at a minimum, to the following residential densities. This requirement can be offset by increasing the residential density in the City Limit.*

City	Dwelling Units per Gross Acre 2010-2035	Dwelling Units per Gross Acre 2036-2060
Central Point	6.9	7.9
Eagle Point	6.5	7.5
Medford	6.5	7.5
Phoenix	6.6	7.6
Talent	6.6	7.6

Prior to annexation, each city shall establish (or, if they exist already, shall adjust) minimum densities in each of its residential zones such that if all areas build out to the minimum allowed the committed densities shall be met. This shall be made a condition of approval of a UGB amendment.

FINDING: This policy is met. The Jackson County Comprehensive Plan Population Element projects that population for Talent’s urban area will be 8,472 residents in the year 2026 and 9,817 residents by the year 2040. To accommodate its proportional share of a doubling of the region’s urban population, the City of Talent must plan for an increase of 4,572 residents for a total of 11,288 residents within its urban area by the year 2060.

One of those major guiding principles was Talent’s decision to avoid expanding into productive farmland, if at all possible, as a means of preserving what the City considered a major competitive advantage – the feel of a bustling small town in the middle of an actively farmed landscape.

As part of the RPS process, the City agreed to comply with all applicable monitoring and implementation requirements of the Regional Plan, Chapter 5, titled “Performance Indicators.” To effectuate the Regional Plan, the City of Talent incorporated the portions of the Regional Plan that were applicable into city’s comprehensive plan and implementing ordinances.

Progress following the acknowledgement of the Greater Bear Creek Valley Regional Plan by the State of Oregon is measured against a number of performance indicators that determine the level of compliance by the City. One measurable performance indicator specific to these proposed amendments is Committed Residential Density.

5. Performance Indicators— ORS 197.656(2)(B)(C)

5. *Committed Residential Density. Land within a URA and land currently within an Urban Growth Boundary (UGB) but outside of the existing City Limit shall be built, at a minimum, to the following residential densities. This requirement can be offset by increasing the residential density in the City Limit.*

The RPS Plan goes on to require that prior to any annexation, each city shall adjust its minimum densities in each of its residential zones such that if all areas build out to the minimum allowed the committed densities can be met. The proposed changes in density across all zoning districts as well as the expanded residential uses allowed support the City's required committed residential density.

ELEMENT J: CLEAN ENERGY

Policy 1: Energy Efficiency & Conservation (EE&C): *It is the policy of the City to reduce the consumption of electricity and natural gas by 30%⁷ based on 2015 energy consumption levels by advancing the adoption of conservation measures and the installation of more efficient technologies in existing and new residential, commercial, industrial and municipal buildings.*

Objective 1.6: *Pursue the objectives of the Talent Housing Element that encourage the development of small-scale, affordable dwellings that utilize energy-efficient building materials and contribute to land use development patterns that conserve energy.*

Implementation Strategy 1.6a: *Pursue Objective 3.1b of the Talent Housing Element by evaluating the development of a cottage house ordinance.*

Implementation Strategy 1.6b: *Pursue Objective 3.1c of the Talent Housing Element by evaluating the development of a tiny house ordinance.*

Implementation Strategy 1.6c: *Pursue Objective 4.5 of the Talent Housing Element by developing density bonus regulations that create incentive for housing projects that incorporate the use of energy efficient or otherwise environmentally sustainable building materials in affordable housing projects.*

FINDING: This policy is met. Cluster housing product types, including cottage clusters, townhome clusters, apartment clusters, and others, are found in many communities. The proposed cluster housing standards are meant to be compatible with many different community types, as they are scalable from lower intensities in neighborhoods, to higher intensities around high-quality transit and can later be incorporated into commercial and mixed-use areas with a

change of allowed uses in the zone.

Cluster housing product types represent an opportunity to capitalize on market strengths to expand housing options, with smaller, more affordable units that fit the scale and density of a residential neighborhood.

The proposed Cluster Housing chapter is intended to allow more flexible development as an alternative to traditional housing and to encourage creation of more usable space. The chapter was developed with careful consideration of visual impact on adjacent standard residential development and balances bulk and mass with the allowed intensity of the units.

The chapter establishes regulations that encourage the development of centrally located and functional common open space, fostering a sense of community necessary in denser developments. Cluster housing as proposed would be permitted in three of the four residential zones (excluding RMH).

Proposed cluster housing code supersedes the base zone development standards for height, density, minimum lot size, setbacks, yards, lot coverage, and minimum vegetation, as well as other design standards and parking standards and contributes to land use development patterns that conserve energy.

These amendments encourage path forward to use the cluster housing format to provide affordable market-rate workforce housing that fits with and enhances the community.

OREGON REVISED STATUTES (ORS)

The procedures for legislative decisions and public hearings are set out in the Talent Municipal Code, which has been acknowledged by DLCDD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments to the City code are listed below with findings to address consistency with these State laws.

ORS 197.303: “Needed housing” defined.

(1) As used in ORS 197.307 (Effect of need for certain housing in urban growth areas), “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;*
- (b) Government assisted housing;*

- (c) *Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);*
- (d) *Manufactured homes on individual lots planned and zoned for single family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and*
- (e) *Housing for farmworkers.*

FINDING: This statute is met. The proposal is consistent with this statute because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within the Talent UGB. The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes, and multifamily housing units. The proposed amendments meet and exceed the requirement for various needed housing types, by providing for single-family detached dwellings and manufactured homes on individual lots in all residential zones, single-family attached dwellings in the RMD and RHD zones, manufactured home parks in the RMH zone, and multiple-family housing in the RHD zone as well as part of mixed-use development in the NC and CBD commercial zones, with no limitations on owner or rental occupancy. In addition, the proposed amendments permit additional forms of housing including duplexes, triplexes, quadplexes, and cluster housing in appropriate residential zones.

ORS 197.307: Effect of need for certain housing in urban growth areas.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

FINDING: This statute is met. The proposal is consistent with subsection (3) of this statute because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within the Talent UGB. The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes and multifamily housing units. The proposed amendments meet and exceed the requirement for various needed housing types, by providing for single-family detached dwellings and manufactured homes in all residential zones, single-family attached dwellings in the RMD and RHD zones, manufactured home parks in the RMH zone, and multiple-family housing in the RHD zone as well as part of mixed-use development in the NC and CBD commercial zones, with no limitations on owner or rental occupancy. In addition, the proposed amendments permit additional forms of housing including duplexes, triplexes, quadplexes, and cluster housing in appropriate residential zones.

- (4) *Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:*
 - (a) *May include, but are not limited to, one or more provisions regulating the density or height of a development.*
 - (b) *May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

- (6) *In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:*
- (a) *The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;*
 - (b) *The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and*
 - (c) *The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.*
- (7) *Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:*
- (a) *Set approval standards under which a particular housing type is permitted outright;*
 - (b) *Impose special conditions upon approval of a specific development proposal; or*
 - (c) *Establish approval procedures.*

FINDING: This statute is met. The proposal is consistent with subsections (4), (6) and (7) of this statute because it includes options for both clear and objective review standards and discretionary standards for projects that request modifications to the standards. Development standards for residential development in all residential zones are specified in TMC Title 18, including clear and objective standards for uses, minimum lot dimensions, minimum lot area, lot coverage, yard regulations and setbacks, density, and height for each residential and commercial zone. Residential uses in residential and commercial zones are permitted outright or through a Type II site design review process, against clear and objective standards. Specific development standards for particular housing types that are clear and objective are established for single-family attached, duplexes, triplexes and quadplexes, (TMC 18.95), multifamily dwellings (TMC 18.96), cluster housing (TMC 18.97), individual manufactured homes (TMC 18.95.050) and mobile home/manufactured home parks (TMC 18.180).

- (8) *In accordance with subsection (4) of this section and ORS 197.314 (Required siting of manufactured homes), a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:*
- (a) *The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.*
 - (b) *The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.*

- (c) *The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.*
- (d) *The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.*
- (e) *The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010 (Definitions for ORS chapter 455).*
- (f) *The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.*
- (g) *In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional*

FINDING: This statute is met. The proposal is consistent with subsection (8) of this statute because it includes placement standards for individual manufactured homes in (TMC 18.95.050) that are the same as or less restrictive than the standards in statute. The proposed code includes numerous standards for manufactured homes that are intentionally less restrictive than the statute to better support a variety of housing including affordable options, such as allowing minimum size as low as 300 square feet per TMC 18.95.050.A.

ORS 197.480: Planning for parks; procedures; inventory.

- (1) *Each city and county governing body shall provide, in accordance with urban growth management agreements, for mobile home or manufactured dwelling parks as an allowed use, by July 1, 1990, or by the next periodic review after January 1, 1988, whichever comes first:*
 - (a) *By zoning ordinance and by comprehensive plan designation on buildable lands within urban growth boundaries; and*
 - (b) *In areas planned and zoned for a residential density of six to 12 units per acre sufficient to accommodate the need established pursuant to subsections (2) and (3) of this section.*
- (2) *A city or county shall establish a projection of need for mobile home or manufactured dwelling parks based on:*
 - (a) *Population projections;*
 - (b) *Household income levels;*
 - (c) *Housing market trends of the region; and*

- (d) *An inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high-density residential development.*
- (3) *The inventory required by subsection (2)(d) and subsection (4) of this section shall establish the need for areas to be planned and zoned to accommodate the potential displacement of the inventoried mobile home or manufactured dwelling parks.*

FINDING: This statute is met. The proposal is consistent with this statute because it permits manufactured home parks within lands designated for mobile home and manufactured home parks and simplifies required land use review by making such parks permitted subject to Type II site plan review rather than Type III (TMC 18.180). This proposal does not affect the inventory or need for mobile home or manufactured dwelling parks, which was completed with the 2017 HNA and found adequate acreage within the city and UGB to accommodate the projected demand for manufactured housing. The proposed amendments also restrict the type of dwellings allowed in the RMH zone to only manufactured dwellings, further protecting the existing manufactured home parks from redevelopment to other less affordable housing options.

ORS 197.485: Prohibitions on restrictions of manufactured dwelling

(1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.

FINDING: This statute is met. The proposal is consistent with this statute because there are no restrictions in the proposed manufactured home park standards restricting placement of a dwelling based on age (TMC 18.180). Both mobile homes, constructed prior to June 15, 1976, and manufactured homes, constructed after that date, are permitted.

ORS 197.610: Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

- (1) *Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.*
- (2) *If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.*

- (3) *Submission of the proposed change must include all of the following materials:*
- (a) *The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;*
 - (b) *If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;*
 - (c) *A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;*
 - (d) *The date set for the first evidentiary hearing;*
 - (e) *The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and*
 - (f) *Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.*
- (4) *The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:*
- (a) *Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and*
 - (b) *Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.*

FINDING: This statute is met. The proposal is consistent with this statute because notice to DLCDC was sent on September 26, 2019 at least 35 days prior to the first evidentiary public hearing and the notice contained the information required in this statute. The notice of proposed change was circulated widely within the city consistent with subsection (4), as detailed in response to Comprehensive Plan Element A – Citizen Involvement above. In addition to the required notice to DLCDC, a Measure 56 Notice was mailed to all residential property owner on April 5, 2019 and published in the Mail Tribune the same day. All proposed amendments, meetings, meeting memos and other documents supporting the proposed changes were added to a dedicated website for review (www.cityoftalent.org/housingcodeupdate).

OREGON ADMINISTRATIVE RULES (OAR)

The procedures for legislative decisions and public hearings are set out in the Talent Municipal Code, which has been acknowledged by DLCDC and these local regulations effectively implement state law. The sections of State rules that relate to the proposed amendments to the City code are listed below with findings to address consistency with these State laws.

OAR 660-008-0015: Clear and Objective Approval Standards Required

- (1) *Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the*

development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

- (2) *In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:*
- (a) *The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);*
 - (b) *The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and*
 - (c) *The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.*
- (3) *Subject to section (1), this rule does not infringe on a local government prerogative to:*
- (a) *Set approval standards under which a particular housing type is permitted outright;*
 - (b) *Impose special conditions upon approval of a specific development proposal;*
or
 - (c) *Establish approval procedures.*

FINDING: This rule is met. The proposal is consistent with this rule as detailed in the findings for ORS 197.307(4), (6) and (7). The proposed amendments include only clear and objective standards for needed housing development, including standards for uses, minimum lot dimensions, minimum lot area, lot coverage, yard regulations and setbacks, density, and height for each residential and commercial zone. Specific development standards for particular housing types that are clear and objective are established for single-family attached, duplexes, triplexes and quadplexes, (TMC 18.95), multifamily dwellings (TMC 18.96), cluster housing (TMC 18.97), individual manufactured homes (TMC 18.95.050) and mobile home/manufactured home parks (TMC 18.180). Under the proposed amendments, residential uses have been made permitted uses or allowed subject to a Type II site development plan review, rather than a Type III site development plan or conditional use review. The proposed amendments strengthen clear and objective review procedures for needed housing development to ensure all development is subject only to a Type I or II review process, including new approval criteria for Type II site development plan review applied to residential projects in TMC 18.150.045.

***OAR 660-012-0060: Transportation Planning, Plan and Land Use Regulation
Amendments***

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned*

transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

FINDING: This rule is met. The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations in ways anticipated to result in the generation of additional vehicle trips compared to estimated traffic generation in the adopted Transportation System Plan (TSP); therefore, the amendments will have no measurable impacts on the amount of traffic on the existing transportation system. Because of this, the proposed amendments do not cause a “significant effect” under OAR 660-012-0060.

OAR 660-018-0020: Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department’s Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

FINDING: This rule is met. The proposal is consistent with this rule as detailed in the findings for ORS 197.610.

OAR 660-015-0000 (Goal 10):

To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

[...]

Needed Housing Units -- means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

[...]

FINDING: This rule is met. The proposal is consistent with this rule because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within existing buildable lands designated for residential use. The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes and multifamily housing units. The proposed code amendments support this full range of housing types, in addition to triplexes, quadplexes, and cluster housing across the city's residential zones at differing density ranges to provide for flexibility of housing type and density both within individual zones and across the city as a whole in multiple zones. The population of the City of Talent exceeds 2,500 people, so the requirement for various housing types applies. The proposed amendments meet and exceed the requirement for various needed housing types, by providing for single-family detached dwellings and manufactured homes in all residential zones, single-family attached dwellings in the RMD and RHD zones, manufactured home parks in the RMH zone, and multiple-family housing in the RHD zone as well as part of mixed-use development in the NC and CBD commercial zones, with no limitations on owner or rental occupancy.

B. IMPLEMENTATION

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.

FINDING: This rule is met. The proposal is consistent with this rule because it includes proposed zoning and land use controls that support implementation of the adopted HNA, including needed housing types as identified above.

VIII. CONCLUSION

The proposed amendments to the Talent Municipal Code (TMC) Title 18 are consistent with the applicable criteria in the City of Talent Comprehensive Plan, Talent Municipal Code (TMC), Oregon Revised Statutes and Oregon Administrative Rules.

IX. EXHIBITS

- A. Proposed Amendments
- B. Proposed Final Order

Zac Moody, Community Development Director

June 2, 2020
Date

Staff has recommended these amendments for approval, but it will require at least one public hearing before the Planning Commission and one public hearing before the City Council for a decision. The Talent Municipal Code establishes procedures for legislative hearings in Section 18.190.060.

A second evidentiary public hearing on the proposed action is scheduled before the Planning Commission on June 9, 2020 at 6:30 PM and will be held electronically in compliance with the Governor's Executive Order 20-16.