



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: February 6, 2020
Prepared by: Jeff Wilcox

Item: SPR 2019-003
Site Development Plan Review

Applicant..... Derek Sherrell
1404 Talent Ave.
Talent, OR 97540

Owner..... Derek Sherrell
1404 Talent Ave.
Talent, OR 97540

Application Received..... December 13, 2019

Application Complete December 24, 2019

Notice Mailed and Posted..... December 26, 2019

Requested Action..... Convert a detached shop into a Second Main Building (Residence)

Assessor's Map Number..... 38-1W-25C, Tax Lot 1802

Lot Size..... 0.76 Acres

Zoning Residential Zone, Single Family – Low Density (RS-5)

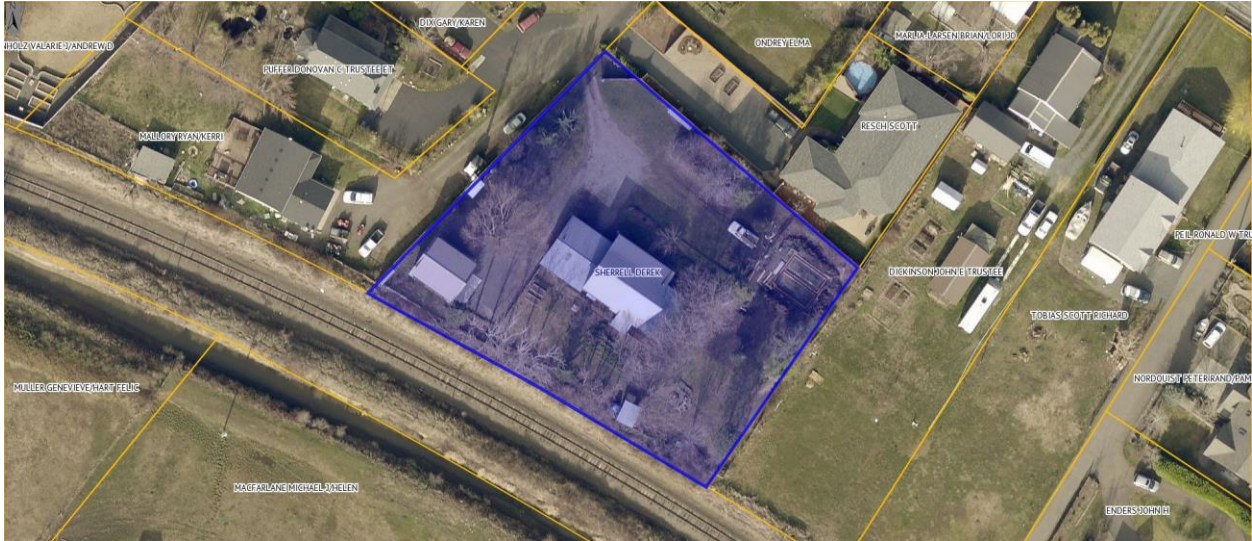
Other applicable code sections Talent Municipal Code (TMC) Title 18, Zoning TMC Title 17, Subdivisions

PROPOSAL

The request is for the approval of a second main building (residence) on the individual lot at 1404 Talent Ave.; to this end, the applicant is proposing to convert an existing two-story shop.

PROPERTY CHARACTERISTICS

The subject property is currently occupied by one (1) main building (residence), one (1) detached shop, one (1) detached living space, and one (1) detached accessory dwelling unit (ADU). The topography is somewhat sloped with a drop in elevation to the northeast.



APPROVAL CRITERIA

- TMC Ch 17, Subdivisions
- TMC Ch 18.25, Residential Zone, Single Family – Low-Density (RS-5)
- TMC Ch 18.150, Site Development Plan

PROPERTY OWNER COMMENTS

Three public comment forms were received; two encouraging approval, the last was unmarked. The following topic was also identified:

- Occupancy of current shop

AGENCY COMMENTS

Talent Irrigation District provided comment and development requirements which are addressed in the Findings below.

Jackson County Fire District #5 response: No comment

Talent Police Department response: No concern

Rogue Valley Sewer Services provided comment and development requirements which are addressed in the Findings below.

ANALYSIS

Tentative administrative approval is subject to compliance with the criteria found in the Subdivision Code (TMC Title 17), Zoning Code (TMC Title 18), and the underlying zoning district, RS-5 (TMC Ch 18.25). Text from the code appears in italics.

17.10.060 VEHICULAR ACCESS AND CIRCULATION

N. Construction. The following construction standards shall apply to all driveways and private streets:

- 1. Surface Options. Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete or comparable surfacing, or a durable nonpaving material that will support emergency vehicles may be used to reduce surface water runoff and protect water quality.*

FINDING: A site visit on 21 January 2020 indicates that the driveway as proposed on the site plan, is currently partially paved. As a condition of approval, prior to issuance of certificate of occupancy for second main building, the property owner shall fully surface proposed driveway as required by TMC 17.10.060(N). **The provisions of this section have been met subject to conditions of approval.**

18.25.030 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE II SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in Chapter 18.150 TMC:

- A. Two or three main buildings on an individual lot; provided, that there shall be a minimum of 8,000 square feet of lot area per dwelling unit.*

FINDING: Subject property is 0.76 acres -or- 33,106 square feet, providing over 16,000 square feet per main building. **The provisions of this section have been met.**

18.25.060 YARD REGULATIONS

- A. Front Yard. The front yard shall have a depth of not less than 20 feet for dwellings and 24 feet for garages and carport entrances.*

- B. Side Yard.*

- 1. Five feet for the first story, plus three feet for buildings over 18 feet in height. The following additional provisions shall also apply to side setbacks:*

- C. Rear Yard. Ten feet; five feet for alley-access garages; and 20 feet for double-frontage lots.*

FINDING: The existing shop that is proposed to be converted to a second main building (residence) was constructed in 2016, with setbacks that meet RS-5 minimum setback requirements for a residence. **The provisions of this section have been met.**

18.25.070 LOT AREA AND DIMENSIONS

In the RS-5 zone, the minimum lot area shall be as follows:

- A. Minimum Lot Area. (For rules on lot averaging, refer to TMC 17.15.030(C)(1)(a).)*

- 1. Eight thousand square feet.*

- B. Minimum Lot Area per Dwelling Unit.*

1. *Eight thousand square feet.*

C. *Minimum Lot Width.*

1. *Sixty-five feet; reducible to 50 feet to permit flag lot partitioning.*

D. *Maximum Building Bulk.*

1. *Height: 30 feet.*

2. *Building coverage: 35 percent.*

FINDING: Subject property is 0.76 acres -or- 33,106 square feet, providing over 16,000 square feet per main building.

The proposed second main building (residence) has a height of 14 feet.

The primary main building (residence) is 1,800 square feet, the proposed second main building is 572 square feet, the detached living space is 396 square feet, the detached ADU is 524 square feet. Therefore, the total developed area is 3,292 square feet -or- approximately 10% building coverage. **The provisions of this section have been met.**

18.90.070 DISTANCE BETWEEN BUILDINGS

A minimum distance of six feet shall be maintained between buildings on the same lot that are designed for living purposes. [Ord. 817 § 8-3].125, 2006.]

FINDING: The proposed second main building (residence) is separated from all other buildings designed for living purposes by over 6 feet. **The provisions of this section have been met.**

18.105.030 MINIMUM VEGETATION AND GROUND COVER

A. *Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:*

1. *One tree, minimum two-inch caliper.*

2. *Four five-gallon shrubs or accent plants.*

B. *Minimum Percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with nonplant material as defined in subsection (C) of this section, shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy unless a xeriscape plan is approved.*

FINDING: Subject property is zoned RS-5 and is surrounded by other RS-5 zoned parcels; there are no conflicting uses necessitating screening or buffering. The minimum landscaped area for residential zones is 30%.

Subject parcel is 33,106 square feet and requires 9,932 square feet minimum landscaped area. This necessitates a minimum of ten (10) two-inch caliper trees and forty (40) five-gallon shrubs or accent plants.

A site visit on 21 January 2020 by City staff confirmed the presence of approximately eighteen (18) mature trees, well established landscaping and ground cover that meets the above minimum requirements. **The provisions of this section have been met.**

18.110.060 NUMBER OF PARKING SPACES REQUIRED

A. The number of off-street parking spaces required shall be not less than as set forth in Table 18.110.060-1, except as otherwise provided in this chapter.

Table 18.110.060-1. Parking Requirements by Use

Use	Standard
Residential Uses	
One - and two-bedroom dwelling unit	2 spaces per dwelling unit
Greater-than-two-bedroom dwelling unit	2 spaces plus 1 space per additional bedroom, up to 5 spaces

FINDING: The subject property is currently occupied by one (1) main building (residence), one (1) detached shop, one (1) detached living space, and one (1) detached accessory dwelling unit (ADU).

The main building (residence) has two (2) bedrooms, requiring two (2) spaces;

The shop, and proposed second main building (residence) has one (1) bedroom, requiring two (2) spaces;

The detached living space has one (1) bedroom, requiring two (2) spaces;

The detached ADU does not require parking per TMC 18.165.030(C)(2)

The asphalt driveway and 2-car garage provide off-street parking that meets the minimum six (6) required off-street parking spaces. **The provisions of this section have been met.**

18.150.050 REQUIRED FINDINGS FOR APPROVAL OF PLAN

After an examination of the site, the planning commission shall approve, or approve with conditions, the site development plan if all of the following findings are made:

A. All provisions of this chapter and other applicable city ordinances and agreements are complied with;

B. The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;

FINDING: The proposed site development plan, with conditions, complies with the provisions of the Talent Zoning Code and supports the ‘stable, healthful and livable residential environment’ intent of the RS-5 zone. **The provisions of this section have been met.**

C. All applicable portions of the city comprehensive plan or other adopted plan are complied with;

FINDING: The proposed site development plan, with conditions, is consistent with the intent of the low-density residential Comprehensive Plan Designation. **The provisions of this section have been met.**

D. The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area;

FINDING: Subject property is zoned RS-5 and is surrounded by other RS-5 zoned parcels; there are no conflicting uses necessitating screening or buffering. **The provisions of this section have been met.**

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

FINDING: The proposed site development plan does not drain any waste other than normal water runoff into the City storm and wastewater facilities. **The provisions of this section have been met.**

F. The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:

- 1. Buildings, structures, and improvements;*
- 2. Vehicular and pedestrian ingress and egress, and internal circulation;*
- 3. Parking and loading facilities;*
- 4. Setbacks and views from structures;*
- 5. Walls, fences, landscaping and street and shade trees;*
- 6. Lighting and signs; and*
- 7. Noise generation facilities and trash or garbage depositories;*

FINDING: The proposed conversion of the existing shop to a second main building (residence) meets setback standards and will simply necessitate changes to the interior of the structure. As such, the proposal is not expected to impact surrounding properties. Although no new fencing or landscaping is proposed, a site visit on 21 January 2020 indicates that existing fencing and mature landscaping afford a degree of privacy to neighbors. No additional lighting, noise generating facilities or waste depositories are proposed as part of this application. **The provisions of this section have been met.**

G. The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this title and the applicable portions of TMC Title 17, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made. [Ord. 817 § 8-3L.150, 2006.]

FINDING: No city street or facility improvements are required.

However, ORS 92.090(6) requires the City to obtain certification from Talent Irrigation District that all conditions of the District have been met. As a condition of approval, prior to the issuance of building permits, the property owner shall provide Community Development with certification from Talent Irrigation District that all requirements have been met or are bonded for in accordance with ORS 92.090(6).

Furthermore, Rogue Valley Sewer Services requires sewer System Development Charges for the conversion. As a condition of approval, prior to the issuance of building permits, the property owner shall provide Community Development with evidence that sewer System Development Charges are paid to RVSS. **The provisions of this section have been met subject to conditions of approval.**

DISCUSSION

It should be noted that site plans indicate a ‘proposed’ detached ADU, this will need to be accomplished through a separate ADU application process.

Furthermore, consideration for future partitioning has been mentioned by the applicant in findings and on the site plans. The driveway consumes a large proportion of land area within this potential future parcel. Staff recommends paving the required driveway to a minimum width of 10 feet to preserve a minimum 30% landscaped area per TMC Ch 18.105.

Overall, staff is supportive of the proposed site development plan because of its ability to meet the applicant's housing needs and support the intent of the Residential, Low Density zone.

DECISION

Staff tentatively **APPROVES** the Site Plan Review with the following conditions:

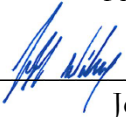
PRIOR TO ISSUANCE OF BUILDING PERMITS

1. The property owner shall provide Community Development with certification from Talent Irrigation District that all requirements have been met or are bonded for in accordance with ORS 92.090(6).
2. The property owner shall provide Community Development with evidence that sewer System Development Charges are paid to RVSS.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR SECOND MAIN BUILDING

3. The property owner shall fully surface proposed driveway as required by TMC 17.10.060(N).

Approved by:



Jeff Wilcox
Assistant Planner

February 6, 2020

Date

This matter has been approved administratively without a public hearing. The Talent Zoning Code allows administrative decisions under specified conditions. If no one requests a hearing on this matter within **14 days** of this tentative decision, it becomes the final decision of the city. To appeal an administrative decision requires written notice and a \$257.00 deposit. Please refer to TMC 18.190.040(E)(5), "Appeal," for specific provisions for appeals on Type-2 decisions.

This decision is being mailed to the applicant and all property owners who responded to the original notice.

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