



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: June 24, 2021
Item: SPR 2021-005 Scott Balcom
Site: 349 Lithia Ave.

Applicant: Scott Balcom
303 Avery St.
Ashland, OR 97520

Property Owner: Scott Balcom
303 Avery St.
Ashland, OR 97520

Requested Action: Approval of a Site Development Plan to construct 4 dwelling units on a property where a single-family residence was destroyed in the Almeda Fire.

Assessor's Map Number: 38-1W-26AA, Tax Lot 1400 0.18 Acre

Site Location: 349 Lithia Avenue

Zoning: RHD – High Density Residential

Deemed Complete: May 15, 2021
Notice Mailed: May 28, 2021
120-Day Limit:

PROPOSAL

Construction of a four-plex unit development on a property where a single family residence was destroyed in the Almeda Fire.

PROPERTY CHARACTERISTICS

The previous structure was a 1,664 SF SFR (1,144 SF living space, 520 SF garage). The proposed development would be comprised of a 660 SF Studio located above a 660 SF two-car garage, and 3-unit building with 680 SF living space per unit. Total square footage of proposed living space is 2,700 SF, with 660 SF enclosed garage space. Four total parking spaces would be included, one space per unit.

APPROVAL CRITERIA

- TMC Ch 18.110.060, Number of Parking Spaces Required
- TMC Ch 18.40, High Density Residential (RHD)
- TMC Ch 18.150, Site Development Plan

PUBLIC COMMENTS

Four public comments forms were received in response to a request for comment mailed with a comment deadline of June 11, 2021. One encouraged approval and three encouraged denial. Comments are detailed and addressed in the findings below.

AGENCY COMMENTS

Talent Irrigation District provided comments and development requirements with respect to A. Water Rights Issues, B. Easements, C. Facilities, D. Drainage/Storm Water which are provided as an attachment to this decision.

Jackson County Fire District #5 response: No comment.

Talent Police Department response: No comment.

Rogue Valley Sewer Services: There is a 4-inch service stubbed to the property from the 8 inch sewer main along Lithia Way. The service to the lot has been capped, and a new cleanout has been installed near the property boundary. Sewer service for this project may be had by connecting to the service stub. Standard RVSS policy requires the applicant to demonstrate compliance with the Rogue Valley Stormwater Quality Design Manual if installing or redeveloping over 2,500 sf of impervious surfaces.

In response to the Alameda Fire, redevelopment in areas burned will be subject to Stormwater management based on the net increase in impervious surface. In general terms, stormwater management will be required if the proposed development will install more than 2,500 sf of impervious surface than was existing prior to the fire. RVSS has a stormwater incentive policy to encourage the use of Low Impact Development methods for stormwater management. Funding is available for eligible projects for stormwater management plan development and construction. Private projects are eligible for up to \$10,000 and projects initiated by RVSS' co-implementers are eligible for up to \$50,000 in funding. Visit our website for more information.

ANALYSIS

Tentative administrative approval is subject to compliance with the criteria found in the Zoning Code (TMC Title 18), and the underlying zoning district, RHD (TMC Ch 18.40). Text from the code appears in italics.

18.40.030 BUILDINGS AND USES SUBJECT TO TYPE-II SITE DEVELOPMENT PLAN REVIEW

B. *Triplex and quadplex dwellings, subject to the provisions of TMC 18.95.047.*

FINDING: The parcel is zoned High Density Residential (RHD), which allows for tri- and four-plex residential developments, subject to notification of neighbors and compliance with Chapter 18.95.047.

The proposed four-plex replaces a home destroyed in the Alameda Fire. The structure will increase the building footprint and density of the lot. **The provisions of this section have been met.**

E. Conversion of existing single-family dwellings to multiple-family units, up to four dwelling units, provided each unit shall have 250 square feet of open space in compliance with the provision of TMC 18.40.080.

FINDING: The building footprint of the proposed four-unit development covers roughly 29% of the lot, off-street parking and driveway comprise approximately 20%. This leaves nearly 50% of the lot mostly open and unobstructed from the ground to sky except for natural features, or approximately 950 SF of open space per unit. **The provisions of this section have been met.**

18.40.060 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 one- to two-story structures. The following additional provisions shall also apply to side setbacks:

a. Ten feet for street-facing side yards on corner lots when side street is a local or an alley; 15 feet when side street is a collector or arterial; 20 feet for garage and carport entrances.

C. Rear Yard. Ten feet.

D. Additional Setbacks Adjacent to Residential Uses. To provide compatible building scale and privacy between developments, buildings in the RHD zone shall provide additional setbacks or “step-downs” adjacent to lower-density residential development.

FINDING: As proposed, the development meets RHD setback requirements, with 5’ on the western boundary, 15’ on the eastern boundary adjacent to the collector street Rapp Road, 10’ at the back of the property and 20’ at the front of the property. **The provisions of this section have been met.**

18.40.070 LOT AREA AND DIMENSIONS

In the RHD zone, the minimum lot area shall be as follows:

A. Minimum Lot Area.

For triplex, quadplex and multiple-family dwellings: 5,000 square feet.

B. Maximum Building Coverage.

1. Seventy-five percent.

C. Minimum Lot Width.

3. For triplex, quadplex and multiple-family dwellings: 50 feet.

D. Maximum Building Height.

1. Forty feet or three stories, whichever is less.

FINDING: Subject property is .18 acres -or- 7,841 SF. The proposed garage/studio building has a height of 24', and the proposed 3-unit building has a height of 20'-2". The proposed 3-unit building footprint is 1,325 SF, the proposed garage/studio building has a 660 SF footprint, and the patios cover 256 SF. Therefore, the total developed footprint is 2,241 SF -or- approximately 28.5% building coverage. **The provisions of this section have been met.**

18.40.080 RECREATION AREA FOR MULTIPLE-FAMILY DWELLINGS.

A minimum of 250 square feet of usable recreation area shall be provided for each multiple-family dwelling unit. The recreation area may be in one or more locations, and may include recreation buildings, but no area with any minimum dimension of less than 15 feet, except for bicycle paths, shall be counted toward this requirement. Recreation area may be counted towards the required landscaped open space in TMC 18.105.020.

FINDING: Subject property provides 225 SF enclosed private yard space for each unit in the three-unit building. The garage/studio unit does not have designated recreation space. To satisfy this provision, applicant needs to provide 250 SF of usable recreation space, private or joint-use, to each unit. **The provisions of this section have been met subject to conditions of approval.**

FINDING:

18.40.090 LANDSCAPING, FENCES, WALLS AND SIGNS.

In the RHD zone, all required landscaping shall be installed in accordance with Chapter 18.105 TMC including any required perimeter buffer in accordance with TMC 18.105.050. Fences and walls shall be permitted in accordance with Chapter 18.105 TMC. Signs shall be permitted in accordance with Chapter 18.120 TMC. [Ord. 966 § 2 (Exh. B), 2021; Ord. 952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.482, 2006.]

FINDING: Final development of the property will require compliance with these standards. Landscaping lost to the fire will be replaced meeting the standards in TMC Chapter 18.105. **The provisions of this section have been met subject to conditions of approval.**

18.95.047 ADDITIONAL STANDARDS FOR TRIPLEX AND QUADPLEX DWELLINGS

A. The main entrance for at least one unit in a triplex or quadplex shall face the street frontage.

B. If parking is provided in garages along the front facade of the triplex or quadplex, the garages and driveway accesses cumulatively shall not exceed 50 percent of the width of the front facade, and the garage(s) shall not extend closer to the street than the furthest forward living space on the street-facing facade. Access and driveway design shall comply with standards in TMC [17.10.060](#).

C. If parking is provided in an off-street parking area, the parking and vehicle use areas shall be located behind or beside buildings and structures, such that no more than 50 percent of the lot width shall be occupied by parking or vehicle use areas at the setback line. Parking areas shall not be located between buildings and the street. [Ord. 967 § 2 (Exh. B), 2021.]

FINDING: Three of the units in the subject development face Lithia Avenue. Four off-street parking spaces are provided, none of which are along the front face of either building. All off-street parking spaces are located on the side or back of the property. **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: The required minimum landscaped area for residential zones is 20%. Subject parcel is 7,841 SF and requires 1,568 SF minimum landscaped area. Final development of the property will require compliance with these standards. Landscaping lost to the fire will be replaced meeting the standards in TMC Chapter 18.105. **The provisions of this section have been met subject to conditions of approval.**

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.

Use	Standard
Residential Uses	
Triplex and quadplex dwelling	1 space per dwelling unit

FINDING: The subject property will have 4 units and provided 1 space per dwelling unit. **The provisions of this section have been met.**

18.150.050 REQUIRED FINDINGS FOR APPROVAL OF SITE DEVELOPMENT PLAN

After an examination of the site, the planning commission shall approve, or approve with conditions, the major 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;*

FINDING: The RHD zone allows for triplex and quadplex dwellings, which are subject to an Administrative Site Development Plan review and notice to the neighboring property owners. All applicable code sections have been addressed within the application submittals or will be made to comply with conditions of approval. **The provisions of this section have been met.**

Four responses were received from neighboring property owners; one encouraged approval and three encouraged denial on the following grounds:

Bruce and Nena Gledhill, 1916 Canyon Ave., Medford, OR 97504

Concerned that there is not enough off-street parking provided to keep residents of the proposed development from parking in front of neighbor’s houses. Also, they request that the proposed development not provide views into their yard.

Anonymous

This commentor expressed concern about parking capacity. They feel the development would down-grade the neighborhood by encumbering the street with additional parked cars.

Robert and Judy Pierce, 207 Tiffany Ave., Central Point, OR 97502

Concerned that the neighborhood already has an issue with on-street parking that will be exacerbated by the proposed 4-plex. Commentors do not feel there is enough room for the proposed development to provide four off-street parking spaces and preserve the sight triangle at Lithia Ave. and E. Rapp Road.

Discussion

Comments addressed three main issues, parking capacity, privacy, and the sight triangle at Lithia and Rapp Road.

Parking Capacity

All three requests for denial cite parking capacity as the primary issue with this development. The proposed development has provided four (4) off-street parking spaces as required per TMC 18.110.060, one space per dwelling unit. Two of the spaces would be located in the garage and two at the back of the lot.

Privacy Issue

The proposed development meets the height and setback requirements as detailed in TMC 18.40.060 and 18.40.070 (see above, Yard Regulations and Lot Area and Dimensions).

Sight Triangle

Per TMC 18.40.060, a 15’ setback is required on a corner lot when the side street is a collector or arterial. The proposed development provides a 15’ setback where it meets with Rapp Road, and meets the standards described in the most recent edition of the “AASHTO Policy on Geometric Design of Highways and Streets,” whereby the clear vision area for all corner lots shall be that area within a 30-foot radius from where the lot line and the edge of a street intersect.

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

FINDING: The RHD zone is intended to accommodate housing alternatives to single-family detached housing as noted in TMC 18.40.010. **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 is consistent with the approval criteria of the Talent Zoning Code and meets the overall intent of the Comprehensive Plan designation for housing. **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: The proposed development is located on the southeast corner of the block, with RHD zoning along the east and north property lines. As there are no conflicting land uses adjacent to the property, a buffer is not required. **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: Redevelopment in areas burned will be subject to Stormwater management based on the net increase in impervious surface. In general terms, stormwater management will be required if the proposed development will install more than 2,500 sf of impervious surface than was existing prior to the fire. **The provisions of this section have been met with conditions.**

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: With respect to setbacks, vehicular circulation, parking, buffering, landscaping, lighting and noise generation, the proposed use meets the minimum requirements for development in the Residential High Density Zone as described in TMC Ch. 18.40 as demonstrated in the above findings. **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 required security arrangement with the city to ensure that such improvements will be made. [Ord. 966 § 2 (Exh. B), 2021; 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). **The provisions of this section have been met subject to conditions of approval.**

DECISION

Staff **APPROVES** the Site Development Plan application subject to the following conditions:

GENERAL CONDITIONS

1. The applicant will provide a minimum of 250 SF usable recreation space per dwelling.

PRIOR TO START OF CONSTRUCTION

2. Applicant must submit construction plans to RVSS for review and approval.
3. Applicant must prepare a stormwater management plan in accordance with the Regional-Stormwater Quality Design Manual as applicable.
4. Applicant must record a Declaration of Covenants for all new stormwater quality features.
5. Applicant must obtain a sewer service connection from Rogue Valley Sewer Service. Any new sewer facilities must be constructed per RVSS standards.
6. Applicant must obtain permits from RVSS as applicable.
7. 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).
8. Benzene test results shall be provided to the Community Development Department.
9. Documentation of post-fire clean-up of the site shall be provided to the Community Development Department.
10. Fence permits are required, please obtain a fence permit prior to construction.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

11. All new sewer service must be constructed, inspected, and accepted per RVSS standards.

12. Prior to the issuance of a Certificate of Occupancy, the applicant shall install landscaping in accordance with the Landscaping Standards of TMC Chapter 18.105.

Approved by:

Kristen Maze

Kristen Maze
Community Development Director

June 24, 2021

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 541-535-1566 or via e-mail at kmaze@cityoftalent.org.