



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: February 28, 2022
Item: SPR 2021-016 Matt Pinder
Site: 225 Talent Ave.

Applicant: Matt Pinder
682 Forest St.
Ashland, OR 97520

Property Owner: Sheila Depew
7428 N Charleston Ave #304
Portland, OR 97203

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

Assessor's Map Number: 38-1W-26AB, Tax Lot 1026 0.17 Acre

Site Location: 225 Talent Avenue

Zoning: RHD – High Density Residential

Deemed Complete: January 14, 2022
Notice Mailed: January 27, 2022
120-Day Limit: May 15, 2022

PROPOSAL

Construction of a four-plex unit development on a property where a duplex 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 four 2-bedroom apartments each with approximately 1,200 SF. Two parking spaces would be located in the back of the property line, with access via an alley off of Gangnes Drive. The applicant has proposed two street parking credits on Talent Avenue along the front of the property. The proposal has been reviewed and approved by the Architectural Review Committee (ARC 2021-12).

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

Three public comments forms were received in response to a request for comment mailed with a comment deadline of February 10, 2022.

Comment #1 - “Please ensure adequate parking on-site. I live on Gangnes Drive and am concerned that parking will spill over onto our residential street, which is already expecting additional multi-use units.”

Comment #2 - “Parking. Please ensure at least two spots per unit off the street. The street should be for guests/visitors. We encourage denial for the following reasons: too many units in such a small space.”

Comment #3 - “Parking: Prior to the Alameda fire, a hunt for parking by the areas homeowners, tenants and their guests was frequently required. Most people in Talent drive alone to work with an average car ownership of 2 cars per household. To mitigate the parking issue somewhat, there should be at least one off road parking space per dwelling unit. Even this does not accommodate the average demand. Less than this will almost certainly lead to more driving in the area as people seek parking places further from their destination.

Historical architecture: The proposed building is a single rectangular box. Despite historical adornments, the right and left elevations resemble an apartment building more than an historical building. It seems the primary goals of the historical district regulations will not be met.

Privacy: The previous units on this property were of a size and architecture providing relatively good privacy from each other. The proposed building's side wall (right elevation) has 6 upper windows overlooking the (planned) adjacent house and yard of 227 Talent Ave and 320 Gangnes Dr.

Broader neighborhood density concerns: This proposal is on the high-end of housing density and thus a greater contributor to the increase in neighborhood density. This is obviously the goal of the city plan, but this comes with ramifications and risks. More traffic congestion and vehicle noise. More neighborhood noise from typical life activities.

Lack of a good design for minimizing the risk of specific events, even if very rare, can be disastrous. Statistics on household fires indicate a greater chance of fire in a given area from a greater number of living units in that area, all other things being equal. In addition to the increased risk of accidental fires, greater density and an average decrease of distance between wood structures makes it both more difficult and more important to control and contain a fire. Having plans for handling a potential disaster, and the ability to execute these plans is critical. This increases the challenge and importance of notifying and evacuating residents should an accidental fire turn into another fire storm. However, smart growth is also a good way to lower the chance of such an event.”

STAFF RESPONSE

Parking

Staff acknowledges the impact this project and other projects like it can potentially have on the parking resources of a neighborhood. The proposed quadplex with two-bedroom units requires four parking spaces. The applicant's initial application proposed two parking spaces in the back of the building, and two street parking credits along Talent Avenue, along the property frontage. After noticing the project, three comments were received from neighboring property owners addressing concerns about the proposed street parking credits. Talent Police Chief Jennifer Snook also expressed concern about the proposed parking. One commenter pointed out that street parking will be impacted by the increase in density around Gangnes and this portion of Talent Avenue. Another commenter has stated that prior to the Alameda Fire, residents were already having difficulty finding parking on the street.

The subject property has access to the back of the property via a 12'-wide alley off of Gangnes Drive. Staff feels that by allowing one space to be sized as a "compact" parking space (7.5' x 15' at 90 degrees), three parking spaces can be allowed at the back of the property while still meeting the provisions of 18.95.047(C)), thereby reducing the impact on neighborhood parking. With three off-street parking spaces located in the back, only one on-street parking credit will be necessary.

Historical Architecture

The building has met the architectural design standards of TMC 18.140 with conditions provided during the architectural review process on 2/15/22 (ARC 2021-012).

Privacy

With required conditions, the proposed structure will meet the height and setback requirements of the Old-Town Design Overlay, which are more restrictive than the High Density Residential zone.

Broader Neighborhood Density Concerns

As the commenter has pointed out, this project meets the goals of the underlying zone, which provides for a variety of housing units at densities higher than provided for in other residential zones.

AGENCY COMMENTS

Talent Irrigation District response: No comments or concerns

Jackson County Fire District #5 response: No comments or concerns

Talent Police Department response: Other than lack of parking on site, no comments

Rogue Valley Sewer Services:

There is a 4 inch service to the property from the 8 inch sewer main along Talent Avenue. 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 services if found in good working condition.

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 above 2,500 sf when compared to the pre-fire impervious area footprint.

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.

The project will require a site-specific erosion and sediment control plan if the total ground disturbance is more than 7,000 sf. The project will require a 1200-CN permit if the total ground disturbance is more than one acre.

Rogue Valley Sewer Services requests that approval of this project be subject to the following conditions:

Prior to the start of construction:

1. Applicant must obtain sewer service connection permits from RVSS and pay all related fees.
2. Applicant must submit plumbing plans to RVSS for the calculation of related SDC fees.
3. Applicant must provide a site-specific erosion and sediment control plan and obtain a 1200-CN permit from RVSS as applicable.
4. Applicant must demonstrate compliance with the Rogue Valley Stormwater Quality Design Manual or show the proposed site impervious surface area is not increased more than 2,500 sf vs the pre-fire impervious area.
5. Applicant must record a Declaration of Covenants for all new stormwater quality features.

During Construction:

6. Sewer and stormwater facilities must be constructed per RVSS standards. Prior to final acceptance of project:
7. All new sewer must be inspected and accepted per RVSS standards.
8. Applicant must have all stormwater quality facilities, including vegetation when applicable, inspected and approved by RVSS.

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 would replace a duplex 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.**

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.

FINDING: As proposed, the development has 9’ side setbacks, 20’ front setback and 45’ rear setback. The project is within the Old Town Design Overlay and is subject to the side setback requirements of TMC 18.140. Per 18.140.040(4)(a) the side setback needs to be five feet plus one-half foot for each additional foot of height. Since the building is 28’-8” high, the side setbacks need to be 9’-4” per 18.140.040(4)(b). As a condition of approval, prior to approval of a building permit, applicant shall submit building plans showing 9’-4” side setbacks. **The provisions of this section can be met subject to conditions of approval.**

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 .17 acres -or- 7,405 SF. The proposed 4-unit building has a height of 28’-8”, and the total developed footprint is 2,560 SF -or- approximately 35% building coverage. The lot width is 50 FT. **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 1,000 SF yard space in the back and 1,000 yard space in the front. **The provisions of this section have been met.**

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: The main entrance to one of the four units in the subject development faces Talent Avenue. Parking is addressed in the findings below. **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 7,405 SF and requires 1,481 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 proposed quadplex with two-bedroom units requires four parking spaces. The applicant’s initial application proposed two parking spaces in the back of the building, and two street parking credits along Talent Avenue, along the property frontage. After noticing the project, three comments were received from neighboring property owners addressing concerns about the proposed street parking credits. One commenter pointed out that street parking will be impacted by the increase in density around Gangnes and this portion of Talent Avenue. Another commenter has stated that prior to the Alameda Fire, residents were already having difficulty finding parking on the street.

The subject property has access to the back of the property via a 12’-wide alley off of Gangnes Drive. Staff feels that by allowing one space to be sized as a “compact” parking space (7.5’ x 15’ at 90 degrees), three parking spaces can be allowed at the back of the property while still meeting the provisions of 18.95.047(C)).

Parking areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, parallel driveway tracks leaving the space between unpaved, or an in-ground grid or lattice surface is encouraged to minimize impervious surface and reduce storm water runoff.

Additionally, applicant will need to ensure that one of the four parking spaces meets the criteria of the Fair Housing Act.

The provisions of this section can be met subject to conditions of approval.

18.115.060 VEHICULAR ACCESS & CIRCULATION

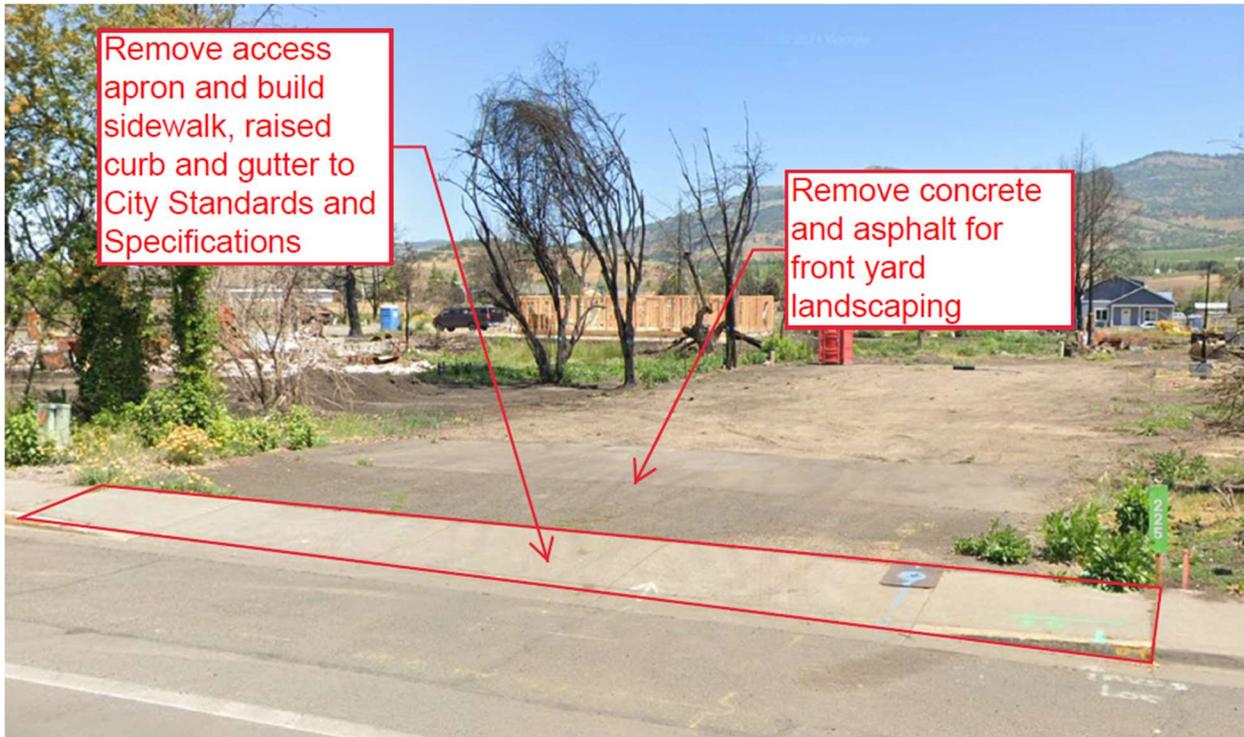
C. Access Permit Required. A new or modified connection to a public street requires an access permit in accordance with the following procedures:

FINDING: The applicant shall obtain an access permit for all work done in the right-of-way. **The provisions of this section can be met subject to conditions of approval.**

F. *Access Options.* When vehicle access is required for development, access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/ subdivider.

1. *Option 1.* Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

FINDING: The applicant has proposed to take access via the alley that connects to Gangnes Drive to provide parking in back of the subject property. Per 18.115.060(F)(1), this means access to Talent Avenue must be closed. Currently there is an access apron along the property frontage that is approximately 30’ wide. This access point will need to be closed and sidewalk, raised curb and gutter will need to be constructed to City standards and specifications. Prior to receiving a building permit, the applicant shall submit to the Community Development department building plans that include construction details for all work that is to be done in the right-of-way. Demolition must include the concrete and asphalt located in the former driveway. The City of Talent will not be responsible for improvements to the alley. Applicant shall be responsible for posting “No Parking” signs in the alley. **The provisions of this section can be met subject to conditions of approval.**



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.**

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 with RHD zoning along the north, east and west 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 of approval.**

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*

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 can be met subject to conditions of approval.**

7. *Noise generation facilities and trash or garbage depositories;*

FINDING: Mechanical equipment, garbage collection areas, and other site equipment and utilities shall be screened so they are not visible from the street and open spaces. Screening shall be visually compatible with other architectural elements in the development. **The provisions of this section can be met subject to conditions of approval.**

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: City street improvements are required and have been detailed in the findings above. **The provisions of this section can be met subject to conditions of approval.**

DECISION

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

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The applicant shall submit to the Community Development Department building plans showing 9'-4" side setbacks.
2. Applicant will submit plans to the Community Development Departments showing two standard parking spaces and one compact parking space (7.5'x15" at 90 degrees) located at the back of the property, with a durable and dust-free hard surface maintained for all-weather use. One of the spaces will need to meet the accessibility requirements of the Fair Housing Act.
3. Applicant shall obtain access permits for all work done in the public right of way.
4. Applicant will submit plans detailing the closure of the access apron on Talent Avenue, including construction details for sidewalk, raised curb and gutter following City standards and specifications.

PRIOR TO START OF CONSTRUCTION

5. Applicant must obtain sewer service connection permits from RVSS and pay all related fees.
6. Applicant must submit plumbing plans to RVSS for the calculation of related SDC fees.
7. Applicant must provide a site-specific erosion and sediment control plan and obtain a 1200-CN permit from RVSS as applicable.
8. Applicant must demonstrate compliance with the Rogue Valley Stormwater Quality Design Manual or show the proposed site impervious surface area is not increased more than 2,500 sf vs the pre-fire impervious area.
9. Applicant must record a Declaration of Covenants for all new stormwater quality features.
10. Benzene test results shall be provided to the Community Development Department.

11. Documentation of post-fire clean-up of the site shall be provided to the Community Development Department.
12. Fence permits are required, please obtain a fence permit prior to construction.

DURING CONSTRUCTION

13. Sewer and stormwater facilities must be constructed per RVSS standards. Prior to final acceptance of project:
14. All new sewer must be inspected and accepted per RVSS standards.
15. Applicant must have all stormwater quality facilities, including vegetation when applicable, inspected and approved by RVSS.
16. Applicant will demolish existing access apron and driveway, and construct sidewalk, curb and gutter to City specifications and standards.
17. Applicant will screen mechanical equipment, garbage collection areas, and other site equipment and utilities so they are not visible from the street and open spaces. Screening shall be visually compatible with other architectural elements in the development.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

18. 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.
19. Applicant shall post “No Parking” signs in the alley.

Approved by:



Kim Trimiew
Planning Technician

February 25, 2022

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.