

## Zac Moody

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**From:** ronald.laupheimer@gmail.com  
**Sent:** Monday, March 11, 2019 4:46 PM  
**To:** Zac Moody  
**Cc:** commisionervolkart@icloud.com; Mayor Talent; Sandra Spelliscy  
**Subject:** March 12, 2019 Talent Planning Commission Hearing---Questions re the Talent Code Update Project and 3J Consulting's Memorandum on Draft Code Update Concepts

Mr. Moody---

I have reviewed the February 18, 2019 3J Consulting Memorandum ("Memorandum") to the Talent Planning Commission regarding the Talent Code Update Project ("Project") and 3J's Draft Code Update Concepts which will be discussed at tomorrow evening's Planning Commission meeting and have several questions regarding the Code Update Project's possible effect on any future development applications for the properties west of the railroad tracks. You asked me to address you (not the consultants) regarding any questions I or other citizens might have about the Project and 3J Consulting's Draft Code Update Concepts. Those questions are set forth below.

Some background is needed before my inquiries. You are of course familiar with the opposition and litigation regarding the 201 Belmont Road property owners' recent attempt to develop that property with an ELD Application and avoiding any Talent Planning Commission review. The City, Hearings Officer and Oregon Court of Appeals all rejected such an approach using the ELD statutes.

One of the major arguments the opponents of that Application made was that the Talent Comprehensive Plan in Element F required as mandatory permit approval criteria various standards for any property development west of the railroad tracks and in the Railroad District Master Plan, including specifically mandating 2 accesses to any such property under the 10.2.1 standard of the Plan. The Hearings Officer rejected that argument.

On pages 17-26 of the Hearings Officer's September 5, 2018 Decision and Final Order denying the 201 Belmont Road ELD Application, he explained in detail why the two-access standard was not a Subdivision Code mandatory permit approval criterion and how the City could easily accomplish that result through the use of proper incorporation language.

At a November 29, 2018 meeting, both the City Manager and the Mayor promised all of us members of the South of Talent Neighborhood Association Council ("STNA") present that the incorporating of the two-access standard for west of the railroad tracks development and other Comprehensive Plan Element requirements such as the City's Transportation System Plan (Element D) into the Zoning Code and/or Subdivision Code as mandatory permit approval criteria was going to be part of the Talent Code Update Project. STNA and other members of the public have therefore been

watching when and how that would occur to ensure City follow through on that promise.

With that background in mind and the publication of 3J Consulting's Memorandum, below are my questions:

1. At the top of page 3 of the Memorandum, it states one of the topics under the heading **Code Update Topics--Subdivisions** to include: **"Clarify standard requiring secondary access for subdivision preliminary plats to implement comprehensive plan goal (17.10.050 or 17.10.060)".**

We assume that part of the Project Code Update is to follow through on the City Manager's/Mayor's promise to properly incorporate the Comprehensive Plan's 2-access standard in Section 10.2.1 into the Talent Zoning and/or Subdivision Code as a clear mandatory permit approval criterion like the Hearings Officer explained. If that assumption is not correct, please explain in detail what is meant by the above-noted language.

Additionally, I did not see in 3J Consulting's Memorandum any discussion of the proper incorporation of the other Talent Comprehensive Plan's goals and standards into the Subdivision Code and/or Zoning Code as clear mandatory permit approval criteria for any west of the railroad tracks property development. Where and how will that effort be handled as part of this Talent Code Update Project so that there is no confusion regarding what specific criteria are applicable to any future development proposal?

2. At the bottom of page 2 of the 3J Consulting Memorandum regarding Subdivisions, it states the main goal is to: **"Develop clear and objective standards for subdivision preliminary plat to facilitate a Type II review, including requirement for Type III Planning Commission review in 17.15.010.B, approval criteria in 17.15.030, development standards in 17.10 that defer to Planning Commission discretion."** In other places of the Memorandum, it states this Code Update is to **"ensure Type II [review] path is available for all residential uses."** (See, e.g., the middle of page 8 of the Memorandum under the heading **"Development Review and Procedures"** and the discussion of **"Priority Code Amendments"** on page 2 to reduce the number of Planning Commission Type III reviews wherever possible.) It is clear from the numerous references throughout the Memorandum that reducing the number of land use matters coming before the Talent Planning Commission for decision as part of a Type III review is one of this Project's primary methods of removing any and all so-called "restrictions" to achieving Talent's housing goals.

STNA opposes the reduction of any public notification and full participation in the City's activities, particularly when it involves potential property development issues. We assume such possible lower standard of review will not include possible

development of property west of the railroad tracks because of the unique safety, access and other non-typical concerns related to such property. If that assumption is not correct, please explain how such a lower standard of review could be applicable to the development of any west of the railroad tracks property with all of the major problems associated with those properties.

This Code Update Project is quite significant for all property owners and citizens of Talent. Therefore, I ask you make this email and any response from you part of the record of this effort. Moreover, because of the significance of this Project, I also request a public hearing be held with specific notice to all potentially-affected property owners so they are given a real opportunity to learn about this major code update effort and participate in it.

Thank you in advance to your prompt and detailed response to my inquiries and requests described above.

*Ron Laupheimer*

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Please consider the environment before printing this email.



To: Talent Planning Commissioners

From: Jim and Rhonda Gleaves, 121 S. Pacific Hwy, Talent

Re: Zoning Code Amendments

Dear Commissioners,

We are owners (and residents) of a property that is part of your Site 12 of properties that might be considered to be rezoned, from commercial to residential.

In support of this rezoning, we note that your 3J Consulting Memorandum (Feb 12, 2019, page 7, see attached) states:

**"Mixed-use development on individual sites requires a rare constellation of factors, to be successful."**

The Consultants here are casting doubt on the value of Mixed-use zoning, to provide housing.

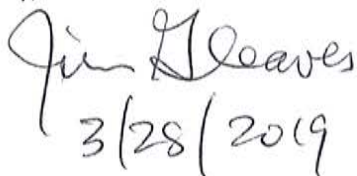
One problem with Mixed-use is that it makes residential construction dependent upon commercial construction. If Talent doesn't see much commercial activity, then Mixed-use zoning will not provide **any** residences.

The Memo then considers a strategy that includes selectively rezoning some commercial properties to residential zoning.

We believe that rezoning commercial properties to residential-only, is the option that will produce actual housing in Talent.

As owner, and resident, of a property that we believe will never be developed commercially, due to configuration and large creek setback, we would like to see Talent change the zoning on our property, to residential. We would be interested in anything from Cottage housing, to High Density.

Sincerely,

  
3/28/2019

- Permit ground-floor residential use as a temporary use in commercial mixed-use buildings in CBD, HC, and CBH zones with 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 in which these uses are allowed.
  - *Alternative option:* Consider allowing ground-floor residential as a permitted use in commercial districts in limited circumstances, with additional design standards for an engaging and interest façade. Building ground floors to commercial building standards adds considerable expense for residential projects, and newly built “temporary” residential uses are likely to have a 20-50 year lifespan before they could potentially be converted to commercial use, at which point building codes and development needs may be considerably different.
- Develop a new Mixed-Use/High-Density Residential zone that permits vertical or horizontal mixed use, provided that ratios for residential and commercial development are met to prevent sole-purpose residential developments. Explore option for district-wide commercial and residential development ratios, with opportunity to trade between sites similar to a density transfer program.
  - *Alternative option:* This option stems from the HNA finding that there is a surplus of commercial land and a shortage of residential land, leading to the recommendation to expand residential options in existing commercial districts. However, it can be challenging to attract mixed-use development in small and medium-sized cities because of the complexity of financing and building standards, resulting in many sites remaining vacant. While horizontal mixed-use as proposed offers more flexibility than vertical mixed-use requirements, **mixed-use development on individual sites requires a rare constellation of factors to be successful.** The City could also consider a more general, neighborhood-scale mixed-use strategy of selectively rezoning some surplus commercial properties off of the main roads for residential use while retaining commercial zoning along the main roads to allow for a mix of development without requiring individual mixed-use projects. This could free up residential and commercial development of individual projects to proceed at their own pace, each lead by experienced developers in their respective fields, rather than waiting for a developer and development proposal that can do it all at once.

#### Site Development Standards

- Develop clear and objective landscaping buffer requirements by use or zone, tied to adjacent use or zone. Size landscaping and other buffer requirements to fit within the setbacks required in underlying zones. Use menu of buffering tools including setbacks, berms, fences, trees, and landscaping. (18.105.050)
- Review and consider reductions to parking minimums for some residential types including multifamily residential and new missing middle types. (18.110.060)
  - Reduce minimum parking requirement to no more than two spaces per unit for units of all sizes, and consider reducing minimum parking to one or 1.5 spaces per unit for duplexes, triplexes, four-plexes, townhouses, cottages and apartments. Reduced parking standards free up more land for residential development, rather than parking lots, and minimize the visual impact of parking areas within neighborhoods.
- Develop reduced parking minimums for residential uses in CBD zone that address impacts created by residential uses without making such development infeasible due to site

March 28, 2019

To: Zac Moody, Community Development Director  
Talent Planning Commission

From: Vernon J Davis; RMDavisTrust@gmail.com

re: Housing Code update project

As a Council member of the South Talent Neighborhood Association and as someone who has been significantly involved in the process and litigation associated with an Expedited Land Development (ELD) at 201 Belmont Road, I urge that the following issues be strongly considered during the update process.

- 1) Ensure that the codes are written in such a way that they will withstand legal scrutiny so that they will achieve the intended purpose.

During the appeal process regarding the 201Belmont Road ELD application, it was discovered that aspects of the Comprehensive Plan could not be applied because they were not reflected in housing code. The specifics of the problem can be read in the Hearings Officer report. It would be a waste of time and money to revise the housing codes if they could not be applied when challenged.

- 2) Make the 2 access point rule the default.

The 2019 fire season and the associated disasters in the west provide a lesson that cannot be ignored regarding the necessity of having well developed ingress and egress routes during emergencies. While there may be times when a single access route is feasible without compromising safety, single access should be the exception and not the rule.

- 3) Maintain Type III reviews as the primary and default process.

Talent's goals regarding public participation are ill served by bypassing the Planning Commission. Efficacy in approving housing projects should not come at the expense of safety and public input. While there is a place for Type II reviews, the City and its citizens are best served by taking the time for public scrutiny and input that occurs in the Planning Commission.