

# City of Talent

Community Development Department - Planning



## STAFF REPORT

Type II Land Use Application — Administrative Review

Date: July 15, 2015  
File No: ADU 2015-001, William Carroll

Applicant: William Carroll  
718 Talent Ave.  
Talent, Oregon 97540

Property Owner: William Carroll  
718 Talent Ave.  
Talent, Oregon 97540

Requested Action: Approval of an Accessory Dwelling Unit (ADU) application allowing the construction of an accessory cottage.

Assessor's Map Number: 38-1W-25BC, Tax Lot 100

Site Location: 718 Talent Ave.

Zoning: RS-7 (Single Family -- Medium Density)

Deemed Complete: June 10, 2015

Notice Mailed: June 10, 2015

120-Day Limit: October 8, 2015

## PROPOSAL

The applicant is proposing to construct an 880 square foot accessory cottage. This unit would provide living space, a bathroom, kitchen and garage. The lot size is 6,970 square feet (0.16 acres), with one pre-existing residential unit totaling 900 square feet.

## APPROVAL CRITERIA

Talent Zoning Code 8-3C.2, 8-3J.1-6, 8-3L.1, 8-3L.5



## PROPERTY CHARACTERISTICS

The site is a corner lot located on the west side of the Talent Ave. and Meadowslope Dr. intersection. The parcel is developed with one residential unit and an unimproved parking area directly southeast of the residential unit. The lot is zoned Single Family – Medium Density (RS-7), and is completely surrounded by residentially zoned lots. The site is relatively flat, but slopes gently downhill to the east.

### Wastewater Service

Wastewater service is currently provided to the subject parcel by Rogue Valley Sewer Service (RVSS).

### Water Service

Water service is currently provided to the subject parcel by the City of Talent.

## AGENCY COMMENTS

No agency comments were received.

## PROPERTY OWNER COMMENTS

Two public comments were received encouraging the approval of this request.

## ANALYSIS

Tentative administrative approval is subject to compliance with the approval criteria above. Text from the code appears in *italics*.

**8-3C.230 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-2 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 8-3L.1.*

- A. *Two or three main buildings on an individual lot, provided that there shall be a minimum of 6,000 square feet of lot area per dwelling unit.*

**FINDING:** The lot size is 6,970 square feet (0.16 acres), with one pre-existing residential unit totaling 900 square feet. As proposed, the subject parcel does not meet the lot minimum of 6,000 square feet per dwelling unit, however in accordance with Talent Zoning Code 8-3L.530, an exception to the minimum lot size rule may be permitted as long as all setbacks and lot coverage standards are still observed. **The provisions of this section have been met.**

**8-3C.260 DENSITY AND DIMENSIONAL REQUIREMENTS**

- A. *Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):*

1. *6,000 square feet.*
2. *Corner lots: 7,000 square feet.*

- B. *Minimum Lot Area per Dwelling Unit:*

1. *6,000 square feet.*

- C. *Minimum Lot Width:*

1. *50 feet; reducible to 40 feet to permit flag lot partitioning.*

- D. *Minimum Setbacks:*

1. *Front: 20 feet for dwellings; 24 feet for garage and carport entrances.*
2. *Side: Five (5) feet for the first story, plus three (3) feet for buildings over 18 feet in height. The following additional provisions shall also apply to side setbacks:*
  - a. *10 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.*
  - b. *10 feet on one side for zero lot-line lots.*
3. *Rear: 10 feet; five (5) feet for alley-access garages; and 20 feet for double-frontage lots.*

- E. *Maximum Building Bulk:*

1. *Height: 30 feet.*
2. *Building Coverage: 35 percent.*

**FINDING:** The lot size is 6,970 square feet (0.16 acres), with one pre-existing residential unit totaling 900 square feet. As proposed, the subject parcel does not meet the minimum lot area of 7,000 square feet per dwelling unit since this is a corner lot; however in accordance with 8-3L.530, an exception to the minimum lot size rule may be permitted as long as all setbacks and lot coverage standards are still observed.

The smallest dimension on this parcel is 70 feet, this meets the minimum lot width requirement of 50 feet.

As proposed, the front setback is 24 feet and meets the minimum front setback requirements. The dwelling unit height is not identified on the site plans, however the structure is single story and presumed to be under 18 feet tall. Therefore, the proposed 5 foot setback meets the minimum requirement of 5 feet. The planned rear setback is 18 feet and meets the minimum rear setback requirement of 10 feet. All setback requirements have been met.

As previously mentioned, the dwelling unit height is not identified on the site plans; however the plans indicate the unit to be single-story and presumably under 18 feet tall, which meets the 30 foot maximum height requirement. The total building footprint with this additional residential unit would be approximately 1,780 square feet. Since the lot is 6,970 square feet, building coverage is approximately 25.5 percent which is less than the maximum requirement of 35 percent. **The provisions of this section have been met.**

### **8-3C.270 LANDSCAPING, FENCES, WALLS, AND SIGNS**

*In the RS-7 zone, all areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted in conformance with 8-3J.7.*

**FINDING:** Because the proposed accessory cottage in the site plan does not significantly impact existing landscaping arrangements, landscaping modifications are not required. As a general condition of approval, landscaping and fences adjacent to neighboring properties shall continue to be maintained. **The provisions of this section have been met subject to conditions of approval.**

### **8-3J.125 DISTANCE BETWEEN BUILDINGS**

*A minimum distance of six (6) feet shall be maintained between buildings on the same lot that are designed for living purposes.*

**FINDING:** As proposed, the distance between buildings is 10 feet, this meets the minimum building setback requirement of 6 feet. **The provisions of this section have been met.**

### **8-3J.126 MINIMUM FRONTAGE REQUIREMENT**

*Every lot shall have at least twenty (20) feet of frontage on a street. Alleys are not considered to be streets for the purposes of this requirement.*

**FINDING:** This lot has 70 feet of frontage along Talent Ave., and 94.31 feet of frontage along Meadowslope Dr., this meets the minimum frontage requirement of 20 feet. **The provisions of this section have been met.**

### **8-3J.140 BUILDING PERMITS**

*No building or structure, including agricultural uses as provided in ORS 455.315, shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished until a building permit has been issued by the building official for the City.*

- A. **Conformance with Chapter Provisions.** No building permit or Certificate of Use of Occupancy shall be issued where such construction, addition or alteration or the use thereof would fail to meet or would be in violation of any provisions of this Chapter.
- B. **Plot Plan.** No building permit shall be issued unless the application is accompanied by a sketch showing a least all of the following:
1. The location and dimensions of the lot upon which construction is proposed;
  2. The floor plan of the proposed structure or alteration and relationship to lot boundary lines;
  3. The location of the lot in relation to streets and the name and widths of all abutting streets;
  4. The location of trees with circumference of fourteen (14) inches or greater, measured three (3) feet above grade at the base of the tree; and
  5. The location of proposed construction in relation to other structures on the same lot.
  6. The location and size of all proposed parking spaces and street access points. More information may be required with a building permit application as required in various articles of this Chapter.

**FINDING:** The Community Development Department has received site plans for the proposed ADU that identify: (1) the location and dimensions of the lot, (2) floor plans denoting structures in relation to lot boundary lines, (3) locations of identified streets in relation to the lot, (4) location of trees, (5) relative location of others structures on the lot. However, item (6) - parking space locations and street access points have not yet been identified.

The proposed accessory cottage necessitates greater off-street parking space due to the increased number of dwelling units on the lot. Site plans indicate one bedroom in the proposed accessory cottage, in accordance with Talent Development Code 8-3J.540 two (2) parking spaces are required.

The site plan does not identify a driveway or off-street parking space for the proposed accessory cottage. As a condition of approval and prior to issuance of building permits, the applicant shall identify two (2) off-street parking spaces, denote the surfacing material type and dimensions. **The provisions of this section have been met subject to conditions of approval.**

#### **8-3J.240 RESIDENTIAL DEVELOPMENT STANDARDS**

- H. **Garages or Carports:** Garages shall be constructed to conform to the construction code of the type of residence it will serve and may have either a single double-width door or two single-width doors. The exterior finishes of garages or carports shall conform in pattern, shape, texture, and color to the materials used on the primary dwelling structure, including the siding, roofing, and any architectural decorative trim. (Amended by Ord. no. 808; 09/06/2006)
- I. **Siding:** Exterior siding may include painted or stained wood siding, or aluminum or vinyl siding that is textured to simulate wood or that is otherwise similar to the established architectural style or character of the neighborhood.
- J. **Roofs:** All residential dwellings shall be designed with gable, mansard, or other pitched roof having an average slope of no less than 1:4 and covered with asphalt, fiberglass, or wood shingles, shakes, or tile. Accessory structures, such as garages, carports, sheds, etc., shall have the same roofing type. An exception may be made by the Planning Commission without a variance for roofs that are designed to be flat, or that may be unsuitable for the specified roofing materials for

*some other documented reasons. Metal or similar roofing materials may only be used on flat or slightly sloping roofs that are not visible from the street or surrounding properties and are not suitable for shingles or other materials.*

**FINDING:** The applicant intends to use fiber cement siding and the same three-color paint scheme on the ADU so as to maintain visual continuity with the existing house and to ensure the building is of a style and scale that fits well in the neighborhood.

The site plans indicate an 8:12 pitch for the ADU, which matches the existing structure on the lot; this also meets the minimum 1:4 pitch requirement. **The provisions of this section have been met.**

### **8-3J.460 LANDSCAPE MAINTENANCE**

*It shall be the responsibility of the property owner to maintain landscaping on their property. All landscaping and trees shall be provided with irrigation or other facilities for the continuing care of the vegetation.*

#### **A. Residential Areas**

1. **Landscaping.** *In all residential zones, areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be maintained.*

**FINDING:** Because the proposed accessory cottage in the site plan does not significantly impact existing landscaping arrangements, landscaping modifications are not required. As a general condition of approval, landscaping and fences adjacent to neighboring properties shall continue to be maintained. **The provisions of this section have been met subject to conditions of approval.**

### **8-3J.515 GENERAL**

*No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements set forth below are to be fulfilled, and that property is and will be available for exclusive use as off-street parking and loading space. Every use hereafter inaugurated and every building hereafter erected or substantially altered or enlarged shall have permanently maintained parking spaces in accordance with the provisions of this Article. The subsequent use of the property for which a building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Article.*

**FINDING:** The proposed accessory cottage necessitates greater off-street parking space due to the increased number of dwelling units on the lot. Site plans indicate one bedroom in the proposed accessory cottage, in accordance with Talent Development Code 8-3J.540 two (2) parking spaces are required.

The site plan does not identify a driveway or off-street parking space for the proposed accessory cottage. As a condition of approval and prior to issuance of building permits, the applicant shall identify two (2) off-street parking spaces, denote the surfacing material type and dimensions. **The provisions of this section have been met subject to conditions of approval.**

### **8-3J.530 OFF-STREET PARKING**

*Off-street parking spaces shall be provided and maintained as set forth in this Article for all uses in all zoning districts, except in the Central Business District Zone (CBD), or as otherwise provided at the time:*

A. *A new building is hereafter erected or enlarged;*

**FINDING:** The proposed accessory cottage necessitates greater off-street parking space due to the increased number of dwelling units on the lot. Site plans indicate one bedroom in the proposed accessory cottage, in accordance with Talent Development Code 8-3J.540 two (2) parking spaces are required.

The site plan does not identify a driveway or off-street parking spaces for the proposed accessory cottage. As a condition of approval and prior to issuance of building permits, the applicant shall identify two (2) off-street parking spaces, denote the surfacing material type and dimensions. **The provisions of this section have been met.**

### **8-3J.570      PARKING AREA DESIGN STANDARDS**

A. *A driveway for a single- or two-family dwelling or a mobile home shall have a minimum width of ten (10) feet. To minimize impervious surfaces, the driveway may be constructed with parallel tracks, leaving the space between unpaved.*

**FINDING:** The proposed accessory cottage necessitates greater off-street parking space due to the increased number of dwelling units on the lot. Site plans indicate one bedroom in the proposed accessory cottage, in accordance with Talent Development Code 8-3J.540 two (2) parking spaces are required.

The site plan does not identify a driveway or off-street parking space for the proposed accessory cottage. As a condition of approval and prior to issuance of building permits, the applicant shall identify two (2) off-street parking spaces, denote the surfacing material type and dimensions. **The provisions of this section have been met subject to conditions of approval.**

C. *In cases where a lot fronts on a major or minor arterial street, parking spaces shall be arranged so that no backward movement in the public right-of-way or other maneuvering of a vehicle, including any trailer being towed by a vehicle, within the arterial street shall be required.*

**FINDING:** The portion of Talent Ave. and Meadowslope Dr. adjacent to the subject tax lot are classified as collector streets. **The provisions of this section are not applicable.**

### **8-3J.630      STREET ACCESS AND CIRCULATION**

A. *General. This Article shall apply to all public streets within the City and to all properties that abut these streets.*

1. *General Considerations. The number of access points to a single property shall be limited to a minimum that will allow the property to accommodate and service such traffic as may be reasonably anticipated to be commensurate with the safety of the traveling public, and must not infringe on the frontage of adjoining property. Access points shall be located where they do not create undue interference or hazard to the free movement of normal road, bicycle or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other services that affect traffic operation are to be avoided.*

**FINDING:** The proposed site modifications will not negatively impact traffic along the only pre-existing vehicular access point that abuts Meadowslope Dr., as an additional vehicular access point is presumed to be constructed in order to connect the accessory cottage garage with Talent Ave. **The provisions of this section are not applicable.**

**8-2.260 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 turn-arounds shall be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material that will support emergency vehicles may be used to reduce surface water runoff and protect water quality.*

**FINDING:** The proposed accessory cottage necessitates greater off-street parking space due to the increased number of dwelling units on the lot. Site plans indicate one bedroom in the proposed accessory cottage, in accordance with Talent Development Code 8-3J.540 two (2) parking spaces are required.

The site plan does not identify a driveway or off-street parking space for the proposed accessory cottage. As a condition of approval and prior to issuance of building permits, the applicant shall identify two (2) off-street parking spaces, denote the surfacing material type and dimensions. **The provisions of this section have been met subject to conditions of approval.**

**8-3L.150 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;*

**FINDING:** The subject parcel is zoned RS-7 which allows ADUs subject to a Type-II Site Development Plan review. The proposed accessory cottage is consistent with the provisions of this section.

The applicant’s proposed site plan and findings address all provisions of this Chapter and other applicable City ordinances or meet the provisions of this chapter and other applicable City ordinances through the applications of conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

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

**FINDING:** The subject parcel is zoned RS-7 which allows ADUs subject to a Type-II Site Development Plan review. The proposed accessory cottage is consistent with the provisions of this section. **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 ADU is consistent with the approval criteria addressed in this staff report and meets the overall intent of the residential Comprehensive Plan designation. **The provisions of this section have been met subject to conditions of approval.**

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

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

**FINDING:** The properties immediately adjacent to the subject parcel are zoned RS-7, however on the north side of Talent Ave., higher density residential zones (RS-MH and RM-22) are also present. No increase in noise, traffic or waste outside the context of normal residential usage is expected, therefore the proposed development does not conflict with nearby existing land uses. **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:** Through the submittal of a site development plan and findings, the applicant has demonstrated that the above criteria have been met or can be met with conditions of approval. **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 Chapter and the applicable portions of the City Subdivision Code, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made.*

**FINDING:** The proposal does not require any street related or other public facility improvements. **The provisions of this section are not applicable.**

### **8-3L.530 STANDARDS**

#### **A. Lot Standards**

1. *Occupied by Dwelling Unit: An ADU may be incorporated in either an existing or a new dwelling unit.*

**FINDING:** The proposed ADU will be a stand-alone structure and is considered by definition an accessory cottage. **The provisions of this section have been met.**

2. *Minimum Size: ADUs may be developed on legal lots meeting the minimum lot size for the respective zoning district. For legal lots of substandard size, an exception to the minimum lot size rule may be permitted as long as all setbacks and lot coverage standards are still observed.*

**FINDING:** The lot size is 6,970 square feet (0.16 acres), with one pre-existing residential unit totaling 900 square feet. The total building footprint with this additional residential unit would be 1,780 square feet. As proposed, the subject parcel does not meet the minimum lot area of 7,000 square feet per dwelling unit since this is a corner lot; however in accordance with 8-3L.530, an exception to the minimum lot size rule is permitted because all setbacks and lot coverage standards are met. **The provisions of this section have been met.**

B. *Occupancy Standards*

1. *The occupants of the ADU shall be limited to three (3) in number.*
2. *The ADU shall not be sold, but may be rented.*

**FINDING:** The applicant has not identified how many occupants are expected to utilize the ADU. As a general condition of approval, the ADU shall accommodate no more than three (3) occupants. **The provisions of this section have been met subject to conditions of approval.**

C. *Building Standards*

1. *ADUs shall conform to the dimensional standards of the zone in which they are located, including setbacks, height and coverage.*

**FINDING:** The proposed ADU conforms to the dimensional standards of the zone in which it will be located. **The provisions of this section have been met.**

2. *Architectural Design and Types of Structures: ADUs should be consistent with the building type, architectural style, and color of the principal unit and the appearance of accessory cottages must remain that of a site-built, single-family dwelling unit. ADUs proposed in the Talent Old Town District must submit site plans and elevations to the Architectural Review Committee for design approval.*

**FINDING:** The proposed ADU is consistent with the building type, architectural style, and color of the principal unit and possesses the appearance of a conventional single family dwelling unit. The proposed ADU is not located within the Talent Old Town District, therefore no architectural review is required. **The provisions of this section have been met.**

4. *Orientation of Entrance: If the ADU's primary entrance is not the same as that of the principal dwelling unit, it shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit, except on corner lots, and exterior stairways may not be constructed on any street-facing side of a principal dwelling unit.*

**FINDING:** The proposed ADU has a primary entrance that faces the same direction as the principal dwelling unit. **The provisions of this section have been met.**

5. *Size: In no case shall the living area of an ADU be more than 750 square feet, or less than 300 square feet, or have more than two bedrooms. Accessory apartments are exempt from the maximum square footage requirement.*

**FINDING:** The proposed ADU has 600 square feet of living space. **The provisions of this section have been met.**

6. *Screening and Orientation: The orientation of the proposed ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement.*

**FINDING:** All setbacks have been met, however the proposed ADU is a mere 5 feet from the northwest property border, initially this raised privacy concerns. However, a site visit revealed a 6-foot tall fence separating this property from the neighboring property. Staff has determined the fence provides adequate

privacy. As a general condition of approval, landscaping and fences adjacent to neighboring properties shall continue to be maintained. **The provisions of this section have been met subject to conditions of approval.**

D. *Parking Standards*

1. *Off-street parking shall be provided as described in Article 8-3J.5, which generally requires two parking spaces per dwelling unit.*

**FINDING:** The proposed accessory cottage necessitates greater off-street parking space due to the increased number of dwelling units on the lot. Site plans indicate one bedroom in the proposed accessory cottage, in accordance with Talent Development Code 8-3J.540 two (2) parking spaces are required.

The site plan does not identify a driveway or off-street parking space for the proposed accessory cottage. As a condition of approval and prior to issuance of building permits, the applicant shall identify two (2) off-street parking spaces, denote the surfacing material type and dimensions. **The provisions of this section have been met subject to conditions of approval.**

2. *The conversion of a garage to an ADU shall necessitate the construction of a new single- or two-car garage or two-car carport, as required by 8-3J.240(H).*

**FINDING:** The proposal does not include the conversion of a garage. **The provisions of this section are not applicable.**

**DISCUSSION**

Overall, staff is supportive of the proposed ADU as it will help applicants meet their housing needs and the project matches the overall intent of the RS-7 zoning district.

**RECOMMENDATION**

Staff tentatively approves the ADU application subject to the following conditions:

**GENERAL CONDITIONS**

1. The Applicant shall continue to maintain landscaping and fences adjacent to neighboring properties.
2. The ADU shall accommodate no more than three (3) occupants.

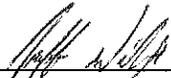
**PRIOR TO ISSUANCE OF BUILDING PERMITS**

3. The applicant shall identify two (2) off-street parking spaces, denote the surfacing material type and dimensions.

**ATTACHMENTS**

The following information was submitted regarding this application:

- Applicant's statement
- Proposed Site Plans

  
\_\_\_\_\_  
Jeff Wilcox, Community Development Assistant

15 JUL 15  
Date