



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING
TOWN HALL
January 6, 2016 – 6:45 P.M.**

Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website

The City Council of the City of Talent will meet in a Regular Council session at 6:45 P.M on Wednesday, January 6, 2016 at 6:45 P.M. in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COUNCIL MEETING- 6:45 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the “Citizens Heard on Non-agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

1. Call to Order/Roll Call

2. Pledge of Allegiance

3. Mayor Announcements

4. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.

4.1 Zone Change.....Page 3-16

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

6. Public Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.

6.1 None

7. Consent Agenda

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

7.1 Approval of Regular Council Meeting Minutes for December 16, 2015.....Page 17-35

8. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

- 8.1 Council Goals Process.....(no agenda report)
- 8.2 First Reading, Ordinance 16-907-O, An Ordinance Regulating Activities on the portion of the Bear Creek Greenway Corridor within the City limits of the City of Talent, Oregon.....Page 36-43
- 8.3 First Reading 16-908-O, an Ordinance adopting a uniform fire code prescribing regulations governing conditions hazardous to life and property from fire or explosion; and establishing a bureau of fire prevention and providing officers therefor and defining their powers and duties.....Page 44-48
- 8.4 First Reading 16-909-O, an Ordinance regulating the use of solid fuel burning devices within the City of Talent, Oregon and to require the permanent removal of non-certified wood stoves and fire place inserts from structuresPage 49-57

9. Information Items

- 9.1 Draft Ordinance for Smoke Free Parks 16-910-O.....Page 58-71

10. City Manager & Other Department Reports

Items for discussion by the City Manager and Department Heads as needed.

11. Other Business

11.1

12. Mayor and Councilor - Committee Reports and Councilor Comments

- Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)
- Together for Talent Committee – Councilor Collins
- Metropolitan Planning Organization – Mayor Stricker & Councilor Cooke (alternate)
- Planning Commission – Councilor Wise & Councilor Abshire (alternate)
- Public Art Advisory Committee – Councilor McManus
- Parks Commission – Mayor Stricker
- Traffic Safety & Transportation Commission – Councilor Cooke
- Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)
- Talent Historical Society –Councilor Abshire
- Harvest Festival Committee – Councilor McManus
- Economic Development - Councilor Pederson & Council McManus
- Chamber – Councilor Pederson
- Talent Charter Review – Councilor Cooke

13. Adjournment

The City of Talent is an Equal Opportunity Provider

Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

Meeting date: January 6, 2016
File no: REZ2015-001
Prepared by: Zac Moody, Community Development Director
Item: Zoning Map Amendment – Talent Truck Stop Property

GENERAL INFORMATION

Petitioner Richard Stevens & Associates, INC.

Assessor’s Map Number 38-1W-23D Tax Lot 200, 201

Site Location 251 W. Valley View Rd.

Site Area..... 5.40 Acres (235,224 sq. ft.)

Zoning Commercial Interchange (CI)

Adjacent zoning and land uses.....North: CH – Commercial-Highway
South: CH – Commercial-Highway
East: CH – Commercial-Highway
CI - Commercial-Interchange
West: CH – Commercial-Highway

Applicable Code Sections Article 8-3M.160, Talent Comprehensive
Plan, Oregon Administrative Rules

120-Day Limit..... January 21, 2016

Requested Action Zone Change from Commercial Interchange
(CI) to Commercial Highway (HC) on two
parcels of land located at 251 W. Valley View
and described as Township 38 South, Range
1 West, Section 23D, Tax Lot 200 and 201.

PROPOSAL

The purpose of this application is to request a zone change from Interchange Commercial (CI) to Highway Commercial (CH), consistent with the Commercial Comprehensive Plan designation for the subject tract. This zone change allows for a wider variety of uses on the subject tract. The abutting lands are used for commercial purposes, and are zoned CH and CI. The area to be rezoned has been developed to the extent that water, sewer, street improvements and other public facilities have been provided.



BACKGROUND

The subject properties are currently developed. Tax Lot 201 was formerly the site for the Talent Truck Stop Restaurant; however, the restaurant is no longer in business, and the structure is vacant. A stonework display is also located in the southeast corner of Tax Lot 201. Tax Lot 200 is the former site for the truck repair and service portion of the Talent Truck Stop. The existing structure is now used for truck dispatching; truck service and repairs are no longer offered. The existing use is similar in nature to an office use, which is a permitted use within the CH zone; therefore, no non-conformities will be created with a change in zoning.

Allowing the proposed zone change to Commercial Highway allows a more expansive residential option to the property. This change would help to replenish a depleted supply of medium and high density residential land in the City, while providing other commercial options, encouraging development of a prominent commercial property at the entrance of the City.

While the existing Commercial Interchange zone allows housing, it is only allowed above a commercial building. A change to Commercial Highway would allow for ground floor residential uses on up to 50% of the parcel, provided the residential uses are shielded from the adjacent street by commercial development.

Both zones are compatible with the Commercial Comprehensive Plan designation outlined in the Talent Comprehensive Plan. A zone change to Commercial Highway would continue to move the City and this area in a positive direction and would allow broader list of uses compatible with the West Valley View Rd area. The option to have a larger residential development combined with a commercial center will not only enhance and beautify this area, but provides a residential component to a commercial parcel which can encourage more pedestrian oriented activity.



Wastewater Service

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

Stormwater

Stormwater on the site is directed to street.

Water Service

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

APPROVAL CRITERIA

Unlike some zoning codes in Oregon, the City of Talent does not have any specific requirements addressing zone changes. Zone changes in the City of Talent are addressed in only one section of the Talent Zoning Code; Section 8-3M.120(D), which describes the request as a Type IV review. As part of the Type IV review, the requested zone change must also address any other State or local regulations applicable to the change, including the Talent Comprehensive Plan. Oregon Administrative Rules (OAR 660-012-0060 Division 12) and the Talent Comprehensive Plan both have general rules which need to be addressed. OAR 660-012-0060 addresses transportation related issues associated with these types of changes while the Talent Comprehensive Plan, Elements B-F addresses more localized issues such as public facilities,

economy and housing needs. Approval of the proposed zone change is contingent upon meeting the above stated approval criteria.

AGENCY COMMENTS

As of the date of this staff report, no agency comments have been received.

PUBLIC COMMENTS

As of the date of this staff report, no public comments have been received.

RECOMMENDATION

Based on the findings for the proposed zoning map amendments outlined in the Planning Commission Final Order, Planning Commission recommends City Council approval of the proposed amendment.

RECOMMENDED MOTION

“I move to approve Ordinance 906, changing the zoning of properties located at 38-1W-23D Tax Lots 200 and 201 from Commercial Interchange (CI) to Commercial Highway (CH), as shown in Exhibit A of the Ordinance”.

ATTACHMENTS

- Signed Planning Commission Final Order – Attachment 1
- Ordinance 906 – Attachment 2



Zac Moody, Community Development Director

December 23, 2015

Date

Planning Commission has recommended these amendments for approval, but it will require at least one public hearing before the Planning Commission and one public hearing before the City Council for a decision. The Talent Zoning Code establishes procedures for legislative hearings in Section 8-3M.160.

A public hearing on the proposed action is scheduled before the City Council on January 6, 2016 at 6:45 PM at the Talent Town Hall.

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



**BEFORE THE TALENT PLANNING COMMISSION
STATE OF OREGON, CITY OF TALENT**

IN THE MATTER OF PLANNING COMMISSION FILE NO. REZ)
2015-001, A REQUEST TO RE-ZONE A 5.4 ACRE TRACT OF)
LAND DESCRIBED AS 38-1W-23D, TAXLOTS 200 AND 201 FROM) ORDER
COMMERCIAL INTERCHANGE (CI) TO COMMERCIAL)
HIGHWAY (CH), THE CITY OF TALENT PLANNING)
COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on December 17, 2015;
2. The Planning Commission requested that the Community Development Director present a staff report and a proposed final order with findings and recommendations;
3. The Planning Commission finds that the subject parcels are legal lots of record, located within the City Limits of the City of Talent.
4. The Planning Commission finds that the requested zone change is consistent with Goal 12 of the Oregon Statewide Planning Goals, the Talent Comprehensive Plan and Section 8-3M.160 of the City of Talent Zoning Code.
5. At the public hearing evidence was presented by the Community Development Director and the public was given an opportunity to comment;

IT IS HEREBY ORDERED THAT the Talent Planning Commission recommends approval of the proposed zone change from Commercial Interchange (CI) to Commercial Highway (CH) and based on the information presented in the staff report and the following findings of fact:

In the following, any text quoted directly from City or State codes appears in *italics*; staff findings appear in regular typeface.

TALENT ZONING CODE REQUIREMENTS

8-3M.160(G) Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. *The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197 (for Comprehensive Plan amendments only);*

FINDING: Not applicable as this is not a Comprehensive Plan amendment. A zoning map amendment is presumed to enact policies in the Comprehensive Plan; the

Planning Commission Final Order

Applicant: Richard Stevens & Associates, INC

findings validating that presumption are outlined below. **The provisions of this section have been met.**

2. *Comments from any applicable federal or state agencies regarding applicable statutes or regulations;*

FINDING: The City sent a proposed zoning map to the Department of Land Conservation and Development (DLCDC), which has exclusive oversight of code and zoning map amendments to ensure compatibility with State Goals, Statutes and local regulations. At the present time, no responses from either DLCDC or any other public agencies have occurred. **The provisions of this section have been met.**

3. *Any applicable intergovernmental agreements; and*

FINDING: No intergovernmental agreements were found to be applicable to the proposed zoning map amendment. **The provisions of this section are not applicable.**

4. *Any applicable Comprehensive Plan policies and provisions of the Talent Zoning Code that implement the Comprehensive Plan. Compliance with Section 160 of this Article shall be required for Comprehensive Plan Amendments, Zoning Map, and Text Amendments.*

FINDING: All applicable Comprehensive Plan policies and provisions or State Law are addressed in the findings below. **The provisions of this section are address in the Findings of Fact below.**

TALENT COMPREHENSIVE PLAN POLICIES, GOALS AND OBJECTIVES

Element B; Parks, Recreation, Open Space, and Urban Forestry

POLICY 1: Preservation: It is the policy of the City of Talent to preserve and enhance the quality of its existing parks and recreation resources

FINDING: The north, west, and east sides of the subject tract are adjacent to the Bear Creek and Wagner Creek Greenways, and a bike path exist across Bear Creek on the east side of the northern boundary. The proposed change of zoning will not have any impact on the existing bike paths and greenway, as the comprehensive plan designation will remain commercial with uses similar to that of the Interchange Commercial zone. If approved, the proposed zone change would allow uses that could enhance the quality of the adjacent natural resources.

Any future development that may occur will be required to be reviewed and approved by the City. Approval of any development proposal will require that certain conditions, such as setbacks and riparian enhancements, be required to ensure that the existing bike path and open
Planning Commission Final Order Applicant: Richard Stevens & Associates, INC

space adjacent to Bear Creek and Wagner Creek will be impacted as minimally as possible by the potential future development. **The provisions of this section have been met.**

Element C; Natural Hazards

POLICY 1.1. Flood Hazards: It is the policy of the City of Talent to implement a comprehensive strategy that will mitigate and reduce risks of flood damage from naturally occurring flood events.

FINDING: The subject tract is located within the mapped floodway and 100-year floodplain; however, since no development is proposed with this application and the commercial uses for both zones are similar in nature, the proposed zone change will not have any impact on the floodway or floodplain. Considering the similarities between the uses in both commercial zones, an increased risk for flood damage on the subject tract or surrounding properties is not anticipated. All future development regardless of the zoning designation will required a floodplain review to reduce the risks of flood damage. **The provisions of this section have been met.**

Element D; Transportation

Land Use

Goal: Encourage land uses that reduce reliance on single-occupancy automobiles.

Policies:

- 1. The City shall consider changes to the Zoning Code that will more effectively implement Comprehensive Plan goals that encourage transit-oriented, mixed-use and high-density development near the city center to reduce private vehicle trips by increasing access to transportation alternatives in conformity with the Oregon Transportation Planning Rule (TPR).*

FINDING: The proposed zone change is not a change to the zoning code, but rather the zoning map. However, the proposed zone change from Commercial Interchange to Commercial Highway allows a larger variety of uses that could be more transit-oriented and allow mixed-use and high density developments, encouraging the use of transportation alternatives in conformance with the Oregon Transportation Rule (TPR). **The provisions of this section have been met.**

- 3. To reinforce the implementation of this transportation plan in land use decision-making, corridors for future auto, bicycle and pedestrian facilities have been adopted into this plan.*

FINDING: The proposed zone change from Commercial Interchange to Commercial Highway allows a larger variety of uses that are more transit-oriented and allow mixed-use and high density developments, encouraging the use of transportation alternatives along West Valley View, an identified bicycle and pedestrian corridor. **The provisions of this section have been met.**

- 6. The City shall coordinate land use planning for properties with access onto Highway 99 and Valley View Road, and other projects large enough to impact traffic counts on those roads, with the Oregon Department of Transportation. To this end, the City will provide notice of pending decisions and invite ODOT to*

make suggestions for design improvement and conditions of approval, and to participate in pre-application conferences whenever practical.

FINDING: The subject tract is adjacent to West Valley View Road which is classified as a minor arterial with an average daily trip (ADT) count of approximately 8,000 trips. Studies conducted as part of the Transportation System Plan update, the Interstate Area Management Plan for Exit 21 and the ODOT All Roads Transportation Safety grant provide evidence that at full buildout with the highest and best commercial or residential uses, average daily trips for W. Valley View will not exceed 13,000 ADT. The maximum ADT for West Valley View with a 3-lane configuration is 20,000 ADT, exceeding the maximum projected ADT by nearly 7,000. ODOT was notified of the pending application, but no response was received. Additionally, prior to any development approval, the applicant may be required to prepare a Traffic Impact Study, which ODOT will have another opportunity to evaluate. **The provisions of this section have been met.**

Element E; Economy

POLICY 2: Family Wage Jobs: Promote and support businesses that bring family wage jobs into the community.

POLICY 3: Business Support and Assistance: The City will support, and encourage retention and expansion of existing business.

POLICY 5: Livability: The City recognizes that livability is an important factor in the location choices of some types of businesses, and the policy of maintaining livability for the benefits of City residents is further reinforced by the potential for economic benefits.

POLICY 8: Land Availability: The City will plan for commercial and industrial land needs and encourage the efficient use of land.

FINDING: The only uses allowed as a Type II review within the current CI zoning of the subject property are automobile service station, hotel/motel, eating/drinking establishments, gift shops, and public parks. However, the uses allowed under a Type II review within the proposed CH zone include automobile parts sales/servicing, vehicle sales, equipment rental/sales, commercial recreation facilities, retail businesses, veterinary clinics, public assembly uses, feed/fuel stores, automobile service stations, storage buildings, and all Type II uses allowed within the CBH/CN/CBD zones. Therefore, the proposed zone change will allow for a much wider variety of uses that can be established on the subject tract, which will in turn provide for a broader opportunity for economic growth within the City of Talent. The subject property has remained in its current state for years, demonstrating that the current zoning is very limiting for potential uses.

The Talent Comprehensive Plan identifies a list of strengths, weaknesses, opportunities, and threats (SWOT Analysis) that the residents of Talent identified. Some of the weaknesses the residents identified were: few local recreation opportunities, commercial activity is fragmented along West Valley View Road, and few professional and retail services. The proposed change of zoning will allow for these weaknesses to be improved due to the vastly increased types of

uses that will be allowed on the parcel with the proposed zone change. The current CI zoning does not allow for recreational uses, with exception to public parks; however, the proposed CH zone will allow for commercial recreational uses (e.g. bowling alleys, skating rinks, dance halls, performing arts/movie theaters). The proposed CH zone will also allow for professional and retail services, including, but not limited to, business offices, auto and equipment sales, nurseries, home furnishings stores, and many other similar uses. Additionally, the proposed change of zoning will allow for many different options for potential businesses within the subject tract, which will help reduce the 'fragmentation' of commercial activity along West Valley View Road. These potential uses would be more appropriately situated outside the downtown core, which is why the change of zoning would be ideal for this tract.

The subject tract is the former site for the Talent Truck Stop, and is currently developed with a vacant restaurant on Tax Lot 201 and truck dispatching service on Tax Lot 200. The southeast corner of Tax Lot 201 is also currently the site for a stonework display. However, the subject tract is significantly underused for commercial activities, thus creating the undesirable 'fragmented' commercial activity discussed above in this Section. Due to the lack of commercial activity occurring on the subject tract, which is due to the lack of variety of potential commercial or residential uses allowed, it is apparent the subject tract is not being used to its capacity or potential. A change of zoning would allow for a much wider variety of allowable uses; therefore, it is more likely for the subject tract to become developed with commercial uses upon approval of this zone change.

As previously stated within this Section of these findings, one of the few uses allowed within the current zoning is an automobile service station; however, a Chevron station is currently operating directly east of the subject tract. Therefore, it is highly unlikely that the subject tract would be used for a similar use. Additionally, residential communities (Oak Valley and Anjou Club) are situated west of the subject tract, and are separated by Highway 99 from the majority of existing commercial uses within the City of Talent. By changing the zoning of the subject tract to CH, a wider variety of commercial uses could potentially become available to the residents of those communities, and all other residents situated east of Highway 99. **The provisions of this section have been met.**

Element F; Public Facilities and Services

Objective 3.1: Continue to provide safe and livable housing for working families, single-earner households, retired people, and students while improving the quality and value of local housing stock.

FINDING: The proposed CH zone and current CI zone both allow for dwelling units to be established. However, the CH zone allows for more flexibility in regards to the location and quantity of dwelling units. In the CH zone for example, residential units are allowed as independent units provided that the residential units do not exceed 50% of the gross parcel size and that commercial buildings front the adjacent street. This allows for the property to be developed with more high density residential units than could be developed in the CI zone. This increased allowance provides a location for a large quantity of dwelling units that could be used to address the needs of working families, single-earner households, retired people and students while providing an increase to the local housing stock. **The provisions of this section have been met.**

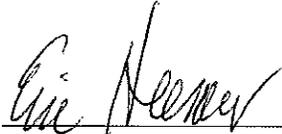
OREGON ADMINISTRATIVE RULES

OAR 660-012-0060, Plan and Land Use Regulation Amendments

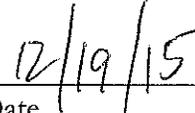
1. *If an amendment to a functional plan, an acknowledged comprehensive plan or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).*
 - b) *Change standards implementing a functional classification system, or*
 - c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of the evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

FINDING: The subject tract is adjacent to West Valley View Road which is classified as a minor arterial with an average daily trip count of approximately 8,000 trips. The proposed change will not degrade the performance of the existing transportation facility and does not appear to impact the level of service below that required by the Transportation System Plan.

The proposed zoning map amendment would change the existing Commercial Interchange zone to Commercial Highway, both with commercial comprehensive plan designations, creating essentially the same traffic volumes and level of service. Considering the impacts would be minimal or unchanged, the proposed amendment would not significantly affect the transportation facility, the mitigating measures provided in section (2) of this rule are not applicable. **The provisions of this section have been met.**



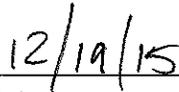
Eric Heesacker
Chairperson



Date

ATTEST


Zac Moody
Community Development Director



Date

(

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ATTACHMENT 2

ORDINANCE NO. 16-906-O

AN ORDINANCE FOR A ZONE CHANGE OF 5.40 ACRES FROM COMMERCIAL INTERCHANGE (CI) TO COMMERCIAL HIGHWAY (CH), FOR PROPERTY ALONG VALLEY VIEW ROAD, PREVIOUSLY OCCUPIED BY THE TALENT TRUCK STOP.

WHEREAS: The City Council finds that the applicant participated in a pre-application meeting, as required under TMC 8-3M.160 (A), on September 1, 2015 as evidenced in the record and on the land use application.

WHEREAS: The City Council finds the proposed zone change (zoning map amendment) is consistent with the City’s Comprehensive Plan and identified Commercial designation.

WHEREAS: The City Council finds the proposed rezoning is consistent with the existing zoning in the area, making it possible for alternative commercial uses to be considered.

WHEREAS: The City Council finds that proposed rezoning application was duly noticed, including a noticed hearing by the Talent Planning Commission on December 17, 2015.

WHEREAS: The City Council finds that the Planning Commission recommended approval of the proposed zone change as shown in the Final Order dated December 21, 2015.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. REZONING: That the zoning designation of Tax Lot 200 and 201, Jackson County Map Number 381W-23D, as shown on the map labeled as Exhibit A, attached, be changed from Commercial Interchange (CI) to Commercial Highway (CH).

SECTION 2. That the proposed rezoning as described herein has been advertised and publically noticed in accordance with Section 8-3M. Article 1 of the Talent Zoning Code.

Duly enacted by the City Council in open session on _____, 2016 by the following vote:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

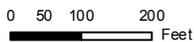
Melissa Huhtala, City Recorder and Custodian of City records



Proposed Zoning

38-1W-23D Tax Lots 200, 201

- UGB
- City Limits
- Talent Taxlots
- Highway Central Business District (CBH)
- Highway Commercial (CH)
- Interchange Commercial (CI)
- Multiple Family - High Density (RM-22)
- Single Family Manufactured Housing (RS-MH)



Mapping is schematic only and bears no warranty of accuracy. This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed by the City prior to use for such purposes.

Plotted: 12/9/15
By: Zac Moody



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING DRAFT MINUTES
TOWN HALL
December 16, 2015 – 6:45 P.M.**

Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website

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The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COUNCIL MEETING- 6:45 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

1. Call to Order/Roll Call

Members Present
Mayor Stricker
Councillor McManus
Councillor Cooke
Councillor Abshire
Councillor Pederson
Councillor Wise

Members Absent
Councillor Collins

2. Pledge of Allegiance

3. Mayor Announcements

- **There will be an upcoming volunteer recognition party tentatively on February 4th.**
- **Goal setting will begin in January.**

4. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.

4.1 Comments on new Community Center

City Manager, Tom Corrigan gave a brief staff report.

The City of Talent is completing a Talent Community Center Design and Construction project funded with Community Development Block Grant funds from the Oregon Business Development Department. The location of the project is 104 East Main Street, Talent, OR 97540. It is estimated that the project has benefited at least 5,589 persons of whom 51.4% are low or moderate income.

The Community Center design & construction included architectural, engineering and construction. The total grant amount awarded is \$1,500,000. Architectural and Engineering contracts were awarded to ORW. The construction contractor for the project was Adroit Construction.

The purpose of the hearing is for the city council to obtain citizens views about the project and to take comments about the local government's performance.

Mayor Stricker opened the Public Hearing at 7:09 PM

Public Input:

Hannah Sohl-684 Normal Avenue, Ashland, OR. - Ms. Sohl spoke that she loved the new Community Center.

Mayor Stricker closed the Public Hearing at 7:09 PM

4.2 Water Rate Recovery Plan

Mr. Corrigan gave a brief staff report.

It was discussed that this was duly noticed. Mayor Stricker suggested to do another Public Hearing the seconded meeting in January. And to put in the FLASH.

Public Comment: None

Mayor Stricker opened the Public Hearing at 7:14 PM.

Mayor Stricker closed the Public Hearing at 7:14 PM.

Council gave consensus to have another Public Hearing on January 20th.

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

Alexis MCKenna, 311 Davidson Way, Talent – Ms. Makenna spoke regarding multigenerational housing in Talent (*see attached*). Mayor Stricker suggested Ms. Makenna speak with Planning Director, Zac Moody.

Gill Anderson and Chris C. from Ashland, OR – Spoke regarding supporting the wine industry in Talent. Mayor Stricker suggested to discuss this with the Chamber.

Meadowsweet and Lorian Levi, 106 N. First Street, Talent –Ms. Levi thanked Council and Staff for supporting the Parks.

6. Public Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.

6.1 Audit Report

Coner Delaney from Pauly Rogers and Co. gave the Audit Report. He spoke that it was a clean opinion which is the best opinion.

Councilor Wise moved to approve the audit report. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. Roll Call Vote: Councilor McManus, Councilor Cooke, Councilor Abshire, Councilor Pederson and Councilor Wise: YES. Motion passed unanimously.

6.2 EPA Green Power Community opportunity- Hattie Berg & Southern Oregon I Blue Sky renewable energy program- Pacific Power

Hattie Berg gave a presentation (*see attached*). She spoke regarding having Talent be an EPA Green Power Community. She gave Council options on how much it would be to become an EPA Green Power Community and the process.

Councilor Pederson questioned if we could do more than 20%. Mr. Corrigan answered they can look into other options for the next budget.

Councilor Pederson moved to direct staff to move forward in enrollment in the Bluesky program at the 20% rate for the fiscal year. Councilor Abshire seconded. Mayor Stricker repeated the motion. Discussion: Councilor McManus spoke he was not in favor due to not being budgeted yet. Mr. Corrigan explained there is enough in the budget. Councilor McManus changed his mind. All Ayes. Motion passed unanimously.

7. Consent Agenda

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

7.1 Approval of Regular Council Meeting Minutes for December 2, 2015

7.2 Acknowledge Receipt of Payables

7.3 Parks Minutes for November 18, 2015

Councilor Cooke moved to approve the Consent calendar. Councilor Wise seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

8.1 Recommend Liquor License for Ton Ton

Mr. Corrigan gave a staff report. Staff recommended approval.

Councilor Wise moved to recommend approval of Ton Ton's Liquor License. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.2 Resolution #15-935-R, Authorizing an interfund loan for purchase of the Street Sweeper

Mr. Corrigan gave a brief staff report.

Councilor Pederson moved to approve Resolution #15-935-R, authorizing an interfund loan for purchase of the Street Sweeper. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.3 Resolution #15-936-R, Budget Transfer for purchase of Street Sweeper

Administrative Services Director, Denise Woodman gave a staff report.

Councilor Abshire moved to approve Resolution #15-936-R, a Resolution authorizing a contingency transfer within the General Fund and an interfund transfer from the General Fund to the Capital Improvement Projects (CIP) fund for purchase of a street sweeper. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.4 Parks Commission Recommendation Smoke Free Parks

Mr. Corrigan gave a staff report. He spoke he would like direction from Council as to whether or not to draft an Ordinance.

Councilor Wise questioned enforcement of such a ban. Mr. Corrigan explained the enforcement process.

Mayor Stricker clarified that enforcement is complaint driven.

Councilor Pederson spoke he does not agree with bans that are not absolutely necessary.

The majority of Council gave Staff direction to draft an Ordinance

8.5 Award of Economic Opportunity Analysis (EOA) Contract

Community Development Director, Zac Moody gave a brief staff report.

Councilor McManus moved to award the contract. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.6 Facilitator for Council Goals

City Recorder, Melissa Huhtala gave a brief staff report. Ms. Huhtala explained that there were 2 options one from Central Point and one from Portland. The Central Point option would be approximately \$1800 this could be less depending on what the City needs. The Portland option would be more expensive charging \$130/hour as well as mileage and lodging.

Council discussed where the money would come from. Mr. Corrigan explained there is not money left in the Council Fund.

Mayor Stricker suggested looking into goal setting in-house by having a Staff Member facilitate. It was decided to discuss budget for a facilitator and the goal setting process at the January 6th meeting.

9. Information Items

9.1 Styrofoam Ban Ordinance # 15-906-O

Mr. Corrigan gave a staff report.

Council discussed options.

It was decided to have a Public Hearing on January 20th regarding banning Styrofoam.

10. City Manager & Other Department Reports

Items for discussion by the City Manager and Department Heads as needed.

City Manager, Tom Corrigan gave City and Department Reports

- The City received an incentive check for the Community Center (*see attached*).
- The City has sandbags they will be available at Public Works.
- The Parks website was assessed. It will be updated and kept up until June.
- Tuesday is the annual Adopt a Family gift wrapping party. This is at noon in City Hall.
- The tree lights on tree are not working. They will be fixed.
- Staff will be looking into taking down existing fans and adding lights at Town Hall.
- Mr. Corrigan suggested having an update regarding DOT at a future Council Meeting. Council gave consensus for this.
- The double oven will be arriving at the Community Center in 2 weeks. The partition is expected to arrive in 6-8 weeks.

11. Other Business

11.1 Councilor McManus spoke regarding Council term lengths. Councilor Collins should be until the next election. Ms. Huhtala will correct on the website.

Mayor Stricker spoke that she will be presenting the State of City in February. She asked Council to send any input and accomplishments to her.

12. Mayor and Councilor - Committee Reports and Councilor Comments

Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)
Together for Talent Committee – Councilor Collins
Metropolitan Planning Organization – Mayor Stricker & Councilor Cooke (alternate)
Planning Commission – Councilor Wise & Councilor Abshire (alternate)
Public Art Advisory Committee – Councilor McManus
Parks Commission – Mayor Stricker
Traffic Safety & Transportation Commission – Councilor Cooke
Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)
Talent Historical Society – Councilor Abshire
Harvest Festival Committee – Councilor McManus
Economic Development - Councilor Pederson & Councilor McManus
Chamber – Councilor Pederson
Talent Charter Review – Councilor Cooke

Councilor McManus announced that there was a Harvest Festival Meeting to discuss ways to keep it sustainable.

Councilor Abshire announced that the Historical Society's is getting the online store going. They also have a new board member.

Councilor Pederson announced that the Chamber meeting is tomorrow.

Councilor Cooke announced the Traffic Safety & Transportation Commission meets tomorrow.

Councilor Wise announced that the Planning Commission Meeting is tomorrow.

Mayor Stricker announced she attended the Parks Commission meeting. Parks decided to move forward with the Smoking in Parks Ban. Mr. Corrigan gave an update. He spoke that Parks is looking to get more Commissioners. Financials were discussed. Talked about the future of the Clearview land donation. Tennis Courts were discussed. Parks goals were discussed.

13. Adjournment

The Council Meeting was adjourned at: 8:46 PM

Respectfully submitted by:

City Recorder, Melissa Huhtala

Attest:

City Manager, Tom Corrigan

The City of Talent is an Equal Opportunity Provider

Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

Alexis McKenna, Ph.D.
P.O. Box 117
Talent, OR. 97540
541-535-6145
amckenna4@msn.com

11/18/15

To: Talent City Council

Re: Multi-generational Housing & "Walkable" Communities

I wanted to propose that the Talent City Council think of forming a committee to look into the feasibility of building multi-generational housing that could become the heart of a "walkable" community.

I know the City of Talent is completing a 15 year urban renewal project. I am guessing that, as part of this project, the city is looking at how it wants to "build out" what is left of the open land.

Recent data (see attachments) indicates that citizens are interested in creating "walkable" communities that contain multigenerational housing. The idea is that people can "age out" in their home. Aging-out means: (1) using universal design standards that allow for the accommodation of wheel-chairs, etc as people age; and (2) building housing within "walking distance" of vital services like bus, grocery store, medical offices, etc.

The benefits to the city would be:

- Making the best use of current resources by thinking and planning for the long-term benefit of the community rather than the short-term benefit of developers.
- Attracting residents who are well-educated, financially stable, and interested in participating in the community.
- Getting "ahead of the curve" by creating a community that will address changing consumer demands for housing and services.
- Financing and funding may be available. The national AARP stated that they have lists of banks and insurance companies that are willing to lend on these kinds of "multi-generational, walkable" community projects. More importantly, they are willing to help small towns put together the kinds of proposals these institutions want to see. (Again, see attachments)

While I am not retired, and could not work on this project full-time, I am prepared to help out where I can.

Thank you for considering my request.

Alexis McKenna



AARP Oregon
9200 SE Sunnybrook Blvd, #410
Clackamas, OR 97015
www.aarp.org/or

Bandana Shrestha
Director
Community Engagement

bshrestha@aarp.org

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twitter.com/aarpor

Great Places for All Ages

AARP works with elected officials, policy makers, community leaders, planners, citizen activists and the public-at-large to help towns, cities, counties and communities nationwide become great places for people of all ages.

Among our programs and resources:

- AARP Network of Age-Friendly Communities
- AARP HomeFit Workshops
- AARP Livable Communities Advocacy
- AARP Public Policy Institute
- AARP Foundation

AARP Livable Communities publishes an award-winning website and monthly e-newsletter, both of which feature interviews, how-to's, slideshows, model legislation, fact sheets, assessment tools and links to subject-specific archives with articles, reports, surveys, action plans and case studies about housing, land use, transportation, walkability and livability.

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AARP.org/livable

- **Subscribe to our free e-newsletter**
aarp.org/livable-newsletter
- **Find the livability score of any community in the United States**
aarp.org/livabilityindex

Follow us: [@LivableCmnty](https://twitter.com/LivableCmnty)
Contact us: livable@aarp.org

-
- One in three Americans is now age 50 or older.
 - The vast majority of people 50-plus want to stay in their homes and communities for as long as possible.
 - Boomers are turning 65 at a rate of 10,000 a day.
 - At least one out of five adults over age 65 does not drive.
 - Within 20 years, nearly a dozen states will have more Medicare-eligible adults than school-age children.

By 2030 one in five adults in the United States will be 65 or older. (That's more than 70 million people!)

Will your community be ready?  **AARP**[®]
Real Possibilities

2015 Livability Solutions Forum:

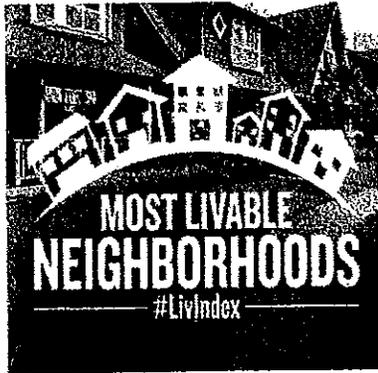
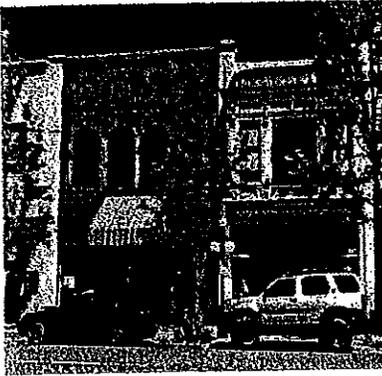
Economy, Housing and Transportation

Wednesday, September 23, 2015

Medford, Oregon

- 8:00 a.m. **Registration/Networking/Refreshments**
- 8:30 a.m. **Welcome & Overview**
Bandana Shrestha, Community Engagement Director, AARP Oregon
Al Densmore, Community Leader, JWA & Associates
- 8:45 a.m. **The Longevity Economy: A Case for Thinking Outside the Box,**
Jody Holtzman, Senior Vice President, Enterprise Strategy & Innovation, AARP
- 9:15 a.m. **Creating Livable Communities for All Ages & the Livability Index**
Jana Lynott, Senior Strategic Policy Advisor, AARP Public Policy Institute
- 10:00 a.m. **Break: The Big Idea in 4 Minutes**
- 10:15 a.m. **Local Response Panel**
Danielle Amarotico, Co-owner, Common Block Brewing Co. & Ashland Transportation Commissioner
Dave Toler, Director, Senior & Disability Services, Rogue Valley Council of Governments
Jason Elzy, Director of Development, Housing Authority of Jackson County
Tom Humphrey, Community Development Director, City of Central Point
- 11:00 a.m. **Participant Roundtable**
- Noon **LUNCH**
- The Millennial Monolith Myth: What Young Adults Really Want and Why**
Michael Anderson, News Editor, BikePortland.org & Staff Writer, the Green Lane Project
- 1:15 p.m. **20 Minute Neighborhoods**
Edem Gomez, TDM Planner, Rogue Valley Transit District
John Adam, Principal Planner, City of Medford
- 2:00 p.m. **Public Transportation for a Livable Community**
Tom Schwetz, Planning and Development Manager, Lane Transit District
Paige Townsend, Senior Planner, Rogue Valley Transit District
- 2:45 p.m. **Regional Active Transportation Plan**
Jenna Stanke, Bicycle & Pedestrian Program Manager, Jackson County
- 3:00 p.m. **Next Steps and Closing Remarks**
- 3:30 p.m. **Adjourn**





Jody Holtzman, Senior Vice President, Enterprise Strategy & Innovation, AARP has three decades of experience helping companies develop and implement competitive strategies and achieve their strategic market goals. Jody also created the concept of the Longevity Economy, which makes the economic case for how people over 50 are a significant source of economic growth benefiting people of all ages and generations. Before joining AARP, Jody was in senior leadership roles in several strategy consulting firms. Jody is a frequent speaker on the opportunities and challenges presented by the demographic wave, at the Milken Global Conference, SXSW, CES, the Silicon Valley Boomer Business Summit, among others. Jody is a Fellow of SCIP, the organization of Strategic and Competitive Intelligence Professionals. He has a graduate degree in international political economy from the University of Chicago.

Jana Lynott, AICP, is a Senior Strategic Policy Advisor on the Livable Communities Team in AARP's Public Policy Institute. Her research and videography focuses on a broad array of planning and policy issues including human services transportation coordination, transit-oriented development, street design for active living, and the travel patterns of older adults. Her recent products include: *Weaving It Together: A Tapestry of Transportation Funding for Older Adults*; *Reconnecting Small-Town America by Bus: New Federal Transit Rules Spur Investment*; *Planning Complete Streets for an Aging America*; *Aging in Place: A State Survey of Livability Policies and Practice*. Most recently, Jana was responsible for bringing AARP's groundbreaking Livability Index to fruition. As a land use and transportation planner, she brings practical expertise to the research field.

Michael Andersen's 12 years in local journalism have given him a front seat in the ways today's cities and towns work and the ways demographics change them. Since 2010, he's been using personal stories and hard data to cover the comeback of transit and bicycling in everyday American life. Michael grew up in Toledo, Ohio, and has worked as a reporter in rural Iowa, small-town Washington, suburban Portland, Washington DC, and now Portland proper, where he lives with his wife.

Alexis McKenna

From: Alexis McKenna [amckenna4@msn.com]
Sent: Tuesday, October 27, 2015 3:09 PM
To: 'bshrestha@aar.org'
Subject: Doing a presentation on Livable Communities in Talent, OR

Dear Bandana,

I attended the *Livability Solutions* training that AARP offered in Medford, OR on Sept. 23, 2015. I gave the materials that I received from that workshop to my local Talent City Council member, Christina Collins. Christina asked me to come to the City of Talent council meeting on Wed, Nov 4, 6:45pm to give them an idea of what we talked about in the workshop. I will do that.

As you may remember, both Jody Holtzman and Jana Lynott from the national AARP said that AARP would work with local communities who were interested in developing "livable and walk-able communities" They said that someone from AARP would be able to come out to the city council meeting and do a slide or power point presentation on the topic. They also said that AARP might be able to assist small cities in getting connected to banks and insurance companies that would lend on "livability solution" projects.

Christina asked if I would write to you and ask if someone from AARP might be able to make a presentation to the Talent City Council. They usually meet on the 1st and 3rd Wednesdays of each month. So I am sending this email to see if AARP might be able to make a presentation to them.

FYI – Talent, OR is coming to the end of a 15 year urban renewal and downtown development project. They have 2 years left to run on the current grant. They know they have more work to do and are looking for support and assistance from knowledgeable people who might be able to guide them as they take their next steps. The city council is definitely interested in creating "walk-able" communities; I believe they would be very receptive to the kind of education and insight that AARP might provide.

I have no official connection with anyone on the Talent City Council. I simply live in the town and am interested in the topic. I told Christina that I would make the initial email contact and then give you her contact information for follow-up.

Christina Collins = Email = councilor3@cityoftalent.org. Phone number = 541-778-8409

I am certainly interested in seeing Talent become a "walk-able community;" I will help in any way that I can.

Thank you for taking the time to read this email and consider my request.

Sincerely,
Alexis McKenna, PhD
Talent, OR.



Let's turn the answers on.



Oregon Blue SkySM renewable energy options enrollment form

Yes! I am a Pacific Power Oregon business customer and would like to enroll in the renewable energy option selected below. I agree to pay the extra charge noted below on my monthly electric bill to support renewable energy. Credit criteria apply.

City of Talent	Government
Company name	Type of business
Thomas	Corrigan
Contact first name	Contact last name
104 E. Main Street	
Service address (meter location, also known as your service street address)	
PO Box 445	
Mailing address (if different from service address)	
Talent, OR 97540	
City, State, Zip	Account number (optional; number in upper right corner of bill)
541.535.1566	TCorrigan@CityofTalent.org
Daytime phone	Email address

Enroll me in (please mark only one of the renewable energy options below):

- If you are a current Blue Sky customer and are changing your enrollment, please check here. Indicate below the total number of blocks you want to purchase each month, or mark Usage or Habitat if you'd like to change options.

Small Business options (rate schedules 23 or 41)

There is no minimum length of participation for these options; you may cancel at any time. However, minimum block purchases and a minimum purchase period of one year are required to participate in our business partner program (see Business Partner Program sheet).

- Block:** Support Western region wind energy and help develop community-based, small-scale renewable energy projects for a fixed cost of \$1.95 per 100-kilowatt-hour block per month. Buy as many blocks as you would like.
\$1.95 per block x _____ # of blocks purchased = \$_____ per month
- Usage:** Support a blend of renewable energy equal to 100% of my electric use for an additional \$0.0105 per kwh. Likely to include wind (77%), biomass (21%), geothermal (1%) and solar (1%) from the Pacific Northwest (Oregon, Washington and Idaho).
- Habitat:** Same as Blue Sky Usage, plus you help restore and preserve native fish habitat, including salmon in Oregon through a fixed \$2.50 monthly donation that is directed to The Freshwater Trust (a nonprofit agency). Check out pacificpower.net/habitat for more information.

continued



Printed on recycled paper.

Large Business options (rate schedules 28, 30, 41L or 48)

- Block:** Support Western region wind energy and help develop community-based, small-scale renewable energy projects for a fixed cost of \$1.95 per 100-kilowatt-hour block per month. There is no minimum length of participation for this option. You may cancel at any time. However, minimum block purchases and a minimum purchase period of one year are required to participate in our business partner program.
\$1.95 per block x _____ # of blocks purchased = \$ _____ per month
- QS:** Purchase at least 101 blocks of renewable energy per month in 100-kwh blocks for a minimum of one year. The more you buy, the less the per-unit (block) cost. Please see pacificpower.net/blueskycalc for a calculator to determine exact costs.
\$ 1.86822 per block x 107 # of blocks purchased (must be at least 101) = \$ 199.90 per month

For more details about the renewable energy you will support through your participation, please see our Product Content Labels available at pacificpower.net/resources.

Blue Sky Business Partner Program

- Yes!** I want to participate in your business partner program and I agree to meet the purchase requirement of the recognition category* I've selected for a minimum one-year term.
- I authorize the use of my business name and participation level on your website, social media platforms, print advertising and in Blue Sky renewable energy program materials.
- I DO NOT want to be mentioned in Pacific Power communications as a Blue Sky Business Partner.

Customer signature: _____ Date: 12/16/2015

Print name and title: Thomas J. Corrigan, Talent City Manager

Doing business as (known business name): City of Talent

Type of business: Government

Marketing/PR contact: _____

Recognition category: Champion Average monthly kwh usage:** 53,500

*For more information on the recognition category, visit us at pacificpower.net/bluesky.

**The average daily kwh consumption data appears on the upper right side of your bill, just below the date.

Upon completion of a one-year term, service will continue on a month-to-month basis unless we are notified of your desire to cancel your subscription or you have chosen another renewable power option.

PAC070

After completing the form, make a copy for your records and send the original to:

Email: bluesky@pacificcorp.com

Mail: **Blue Sky Renewable Energy, P.O. Box 400, Portland, OR 97207-0400**

Or fax both pages to: **1-800-754-3114, Attention: Blue Sky Renewable Energy**

If you have any questions about your enrollment or want more information about the Blue Sky program, please call 1-800-769-3717.

Thank you

 for making a commitment to renewable energy through Blue Sky.

Your purchase helps make a difference.

When you enroll in Blue Sky, Pacific Power purchases renewable energy certificates equal to your Blue Sky purchase; this guarantees that renewable energy was produced and delivered to the grid, which helps reduce the need for nonrenewable electricity production in the region where the renewable energy facility is located. For every unit of renewable electricity generated, an equivalent amount of renewable energy certificates are produced. Your purchase helps build a market for renewable energy and may have other local and global environmental benefits. For more information about RECs, please visit pacificpower.net/bluesky or green-e.org.

Partnership Agreement



The EPA Green Power Partnership encourages the voluntary use of green power to reduce the risk of climate change. Partners benefit from the use of green power, while supporting the development of new, renewable energy in the United States.

By joining EPA's Green Power Partnership, Partners commit to:

- Use green power that meets or exceeds Partnership requirements.
- Report on green power use annually.
- Use the Green Power Partner mark in a manner that is consistent with Partner mark use guidelines, available at www.epa.gov/greenpower/documents/gpp_guidedoc_mark.pdf.

In return, EPA commits to:

- Provide public recognition.
- Provide procurement and communications assistance, as requested by Partner.
- Provide a brief description of the Partner's green power commitment on the Green Power Partnership Web site.

General Terms:

- Either party can terminate this agreement at any time without prior notification or penalties and with no further obligation. EPA will not comment publicly regarding the withdrawal of Partners.
- Partner agrees that the activities it undertakes connected with this voluntary agreement are not intended to provide services to the federal government and that the Partner will not seek compensation from a federal agency.
- Partner agrees that it will not claim or imply that its participation in the Green Power Partnership constitutes EPA approval or endorsement of anything other than its participation in the program and will not make statements or imply that EPA endorses the purchase or sale of the Partner's products and services or the views of the Partner organization.
- EPA may post information about the Partner's green power use publicly.
- EPA may periodically revise program benchmark levels or other eligibility requirements.

Key Green Power Partnership Requirements

Your Organization's Baseload If your annual electricity use is...	Green Power Partner Requirements You must, at a minimum, use this much green power	Green Power Leadership Club Requirements You must, at a minimum, use this much green power for your entire organization
≥ 100,000,001 kWh	3% of your use	30% of your use
10,000,001 - 100,000,000 kWh	5% of your use	50% of your use
1,000,001 - 10,000,000 kWh	10% of your use	100% of your use
≤ 1,000,000 kWh	20% of your use	Not Applicable

- Eligible green power includes electricity generated from solar, wind, geothermal, biogas, and certain forms of biomass and hydropower.
- Green power must be sourced from eligible U.S.-based generation facilities.
- Requirement can be met with any combination of green power products (i.e., utility product, RECs, or on-site generation).

- Partner purchases must be voluntary and incremental to the renewable electricity included in the standard electricity service.
- Requirements must be entirely met with power from "new" renewable facilities (i.e., installed within the last 15 years).
- Partners may join organization-wide (U.S. operations only), at the facility-level, or a logical aggregation of facilities less than organization-wide.

More details are available in the Partnership Requirements Document, http://www.epa.gov/greenpower/documents/gpp_partnership_reqs.pdf

Authorizing Official:

On behalf of City of Talent, Oregon, the undersigned understands and agrees to the terms of the Partnership.
(Name of organization or entity)

Signature: _____
Print Name: Tom Corrigan

Title: Talent City Manager
Date: 12/16/15

Primary Contact:

Name: Tom Corrigan
Title: Talent City Manager
Address: 104 E. Main St
City: Talent State: OR Zip: 97540
Phone: 541.535.1566
E-mail (required): T.Corrigan@CityofTalent.org

Public Relations Contact (optional):

Name: _____
Title: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____
E-mail: _____

Electricity and Green Power Information

Reporting Period: The electricity and green power information listed below covers the following 12-month period.

Reporting Period Start Date 10/1/2014 Reporting Period End Date 9/30/2015

Annual electricity use of participating entity: 642,000 kWh / year

Purchased Green Power

Green power purchase: 128,400 kWh / year

Contract details

Start date: _____ End date (if applicable): _____

Green power resource mix

% biogas _____ % biomass _____ % geothermal _____
% small hydro _____ % solar 100 % wind _____

Product certification (third party):

Green-e Not certified Other

If other, by whom?

Name of green power provider(s): Pacific Power

Green power product name(s): Blue Sky

On-site Use of Green Power

Green power generation: _____ kWh / year*

Resource type: biogas biomass geothermal
 small hydro solar wind

Was the on-site unit installed in the last 15 years? Yes No

Installed capacity: _____ kW

Location of on-site generation (ZIP code): _____

Installation ownership: self other

If other, by whom?

* EPA will only count as green power kWh generated from on-site installations for which the participating entity owns the rights to the renewable energy credits (RECs).

Motivating factors behind your green power use (optional) (check all that apply)

- Brand or product differentiation EPA recognition Reduce carbon footprint
 Cost stability or savings LEED certification Support economic development & job creation
 Demonstrate environmental leadership Meet sustainability goals Support renewable energy development
 Other

The government estimates the average time needed to fill out this form is 1.96 hours and welcomes suggestions for reducing this level of effort. Send comments (referencing OMB control number) to the Director, Collection Strategies Division, U.S. EPA (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460.

PLEASE FAX PAGE 2 OF PARTNERSHIP AGREEMENT TO (617) 371-3979 (contractor in support of EPA) OR
E-MAIL TO critchfield.james@epa.gov (must be signed and scanned).



United States
Environmental Protection
Agency

EPA-430-K-05-013
www.epa.gov/greenpower
February 2014

Yearly Reporting Form



Green Power Community Yearly Reporting Form

This Yearly Report form contains the information EPA currently has on your community with regards to its status as a EPA Green Power Community. Please complete the report, save the file, and return to your account manager Anthony Amato at your earliest convenience. Anthony Amato's email address is anthony.amato@erg.com.

All fields are required unless noted otherwise.

Contact Information	
Salutation	Primary Contact
Contact Name	Public Relations Contact (Optional)
Title	
Street Address	
City/State/Zip	
Email Address	
Phone Number	

Community Information	
Community Name	Talent, Oregon
Green Power Participation Rate (%)	16%
<i>Optional</i>	
Community Website Link	http://www.cityoftalent.org/
Green Power Related Web Page (e.g. environmental or sustainability page) <i>Optional</i>	N/A

Community-wide Electricity Use	
Annual Electricity Use (kWh/yr)	51,384,935
Reporting Period: The electricity and green power information contained in this report covers the following 12-month period. Communities may choose to report most recent calendar year, fiscal year, other 12-month period, or forward-looking data.	
Reporting Period Start Date	10/1/2014
Reporting Period End Date	9/30/2015

Motivating Factors (Optional) Check the motivating factors behind you green power use (check all that apply)	
<input type="checkbox"/> (If other, please specify):	

Community Profile (Optional)

All Green Power Communities have the opportunity to have a Community Profile on the Partnership's Web site. The Community Profile is a short paragraph (200 word limit) that briefly describes a Community, its efforts in promoting green power, and may include a quote about the benefits of green power to the community. (Please be sure to include the name and title of the person the quote is attributed to.) If you would like to create a Community Profile, please draft a paragraph in the space provided below.

Current Profile for Your Community:

You can find existing GPP profiles at: <http://epa.gov/greenpower/communities/index.htm>

Note: The "Save & Exit" button above will only work if you've enabled macros. If you have not enabled macros, simply save the file as you would any other Excel file.

December 4, 2015

421 SW Oak St., Suite 300
Portland, OR 97204

Tom Corrigan
City of Talent
PO Box 445
Talent, OR 97540-0445

1.866.368.7878
503.546.6862 fax
energytrust.org

Subject: Incentive Check

Project Name: City of Talent - Community Center
Project ID: 2014429

Dear Tom Corrigan:

Congratulations on completing your New Buildings project. The New Buildings program team applauds your energy efficiency efforts. In recognition of your completed project and attention to energy efficiency, please find enclosed a check for \$730.00. We calculated this amount based on your successful installation of the following measures:

Measure	Quantity	Incentive	Application
Lighting interior	1	\$ 730.00	520LC
Total	1	\$ 730.00	

Your building may be eligible for additional incentives for earning the U.S. EPA ENERGY STAR[®] after 12 months of building operation and occupancy. This is a valuable opportunity to monitor and improve the energy performance of your building. If you are interested in applying for these additional incentives, I would be happy to work with you to verify eligibility and guide your participation in this program offering.

It has been a pleasure to work with you. Thank you for your initiative and participation in the New Buildings program. I look forward to working with you on future projects.

If you have questions regarding this project or other program offerings, I am available at 541.200.2005 or angalee@rhtenergy.com.

Sincerely,



Angalee O'Connor
Outreach Manager
New Buildings Program
CLEAResult

Enclosure: Energy Trust of Oregon, Inc. Check #629274

ORDINANCE NO. 16-907-O

AN ORDINANCE REGULATING ACTIVITIES ON THE PORTION OF THE BEAR CREEK GREENWAY CORRIDOR WITHIN THE CITY LIMITS OF THE CITY OF TALENT, OREGON, AND REPEALING ORDINANCE 00-686-O (AS AMENDED BY ORDINANCE 04-768-O)

Commented [TT1]: Consolidating Ordinances: 00-686-O & 04-768-O

WHEREAS,

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. Purpose.

Substantial completion of the Bear Creek Greenway has stimulated greater use of that corridor by the public. Increased use of the Greenway necessitates the establishment of rules regulating its use. The following rules were developed and approved by the Jackson County Board of Commissioners to establish common enforceable regulation of activities throughout the Bear Creek Greenway Corridor.

Section 2. Definitions.

For the purposes of Sections 1 to 8, unless the context requires otherwise, the following definitions apply:

"Camp" means to set up, occupy, or to remain in or at a campsite for more than two (2) hours at any one time or more than 4 (four) hours in any 24 (twenty-four) hour calendar day.

"Campsite" means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove or fire, is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, box, lean-to, shack or any other structure, or any vehicle or part thereof.

"Bear Creek Greenway Corridor (Greenway)" means that publicly-owned 20- mile corridor of parks, trails, and adjacent land and waters that is located running north and south and includes sections of Bear Creek between North Mountain Avenue in the City of Ashland to Seven Oaks Interchange in the City of Central Point.

"Bicycle" has the meaning given that term in ORS 801.150.

"Destructive device" means any device with an explosive, incendiary or poison gas component, including but not limited to a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any combination of parts either designed or intended

for use in converting any device into any destructive device described in this paragraph and from which a destructive device may be readily assembled.

"Dwell" means to [regularly or intermittently] remain for such a period of time at or near a particular location, premises or area for more than two (2) hours at any one time or more than 4 (four) hours in any calendar day.

"Firearm" has the meaning given that term in ORS 166.210.

"Fireworks" has the meaning given that term in ORS 480.110.

"Greenway Authority" means a unit of local government, its designees, or its employees, who have lawful control of regulating use of the Greenway by nature of jurisdiction, ownership, tenancy, or official position.

"Horse," in addition to its ordinary meaning includes mules, donkeys and other rideable animals.

"Keeper" means a person who owns, possesses, controls or otherwise has charge of a companion animal, as that term is defined in ORS 164.055(2)(a).

"Livestock" means equines, cattle, sheep, goats, llamas, alpacas and swine.

"Occupy" or "Occupancy" means the purpose for which a premises or structure, or parts thereof, is used or intended to be used. The definition of "Occupy" is not limited to human or animal inhabitation and can include the improvement, development, or the placement of a structure or building on a premises, or any condition thereof.

"Open to the public" means premises that, by their physical nature, function, custom, usage, notice or lack of notice, or other circumstances at the time, would cause a reasonable person to believe that no permission to enter or remain is required.

"Possess" has the meaning given that term in ORS 161.015.

"Premises" includes any real property, facility, structure, shelter or building whether privately or publicly owned.

"Skate" or "Skating" means roller skating, skate boarding or roller blading, or otherwise the use or application of a similar contrivance propelled exclusively by human power.

"Weapon" means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury. A weapon includes any knife having a blade that projects or swings into position by force of a spring or by centrifugal force and commonly known as a switchblade knife, any dirk, dagger, ice pick, slingshot, metal knuckles, or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person. A "deadly" weapon has the meaning given that term in ORS 161.015(2).

Section 3. Intended Uses.

The Greenway is intended for multiple use for recreational and non-motorized transportation activities. None of the provisions of the Bear Creek Greenway Ordinance relieves the pedestrian or relieves the cyclist, skater, or equestrian from the duty to exercise due care concerning other users of the Greenway or adjacent land owners.

- A) All Greenway users should maintain their own common or standard lane of travel without impeding travel of other users.
- B) Bicyclists and skater yield to all other trail users. Unless otherwise marked, Greenway users are permitted only on paths or paved trails specifically designed for such use.
- C) Companion animals are allowed if on a leash no longer than six feet and in strict control of its keeper. Keeper shall remove the animal's waste.
- D) All users are expected to observe and obey all Oregon State and Greenway traffic, as well as informational, warning, and closure signs.
- E) All persons within the Greenway will be held responsible for any damage they cause. Parents or guardians will be held responsible for the damage caused by their children under the age of 18 years old, whether or not the parent or guardian is present.

Section 4. Authority; Closure of Greenway; Use Limitations.

- A) The Greenway Authority is hereby authorized to establish and post regulations governing the use of the Greenway which are not inconsistent with regulations contained in this Ordinance and which promote public health and safety and the preservation of property.
- B) The Greenway Authority is hereby authorized to close to public use the Greenway corridor or any portion thereof, restrict the times when the same shall be open to such use and limit or prohibit any recreational use whenever such action is necessary to protect the health or safety of the public or the safety of the Greenway or its facilities. Causes for Greenway closure or limitations on Greenway use include, but are not limited to, scheduled public events, fire hazard, dangerous weather or water conditions, sanitary protection of the watershed, park construction or repairs, conservation of fish and wildlife, unsafe or overcrowded shoreline, ramp, parking or road conditions, the prevention of damage to the Greenway or any of its facilities or any dangerous, unsafe or unhealthful condition.
- C) Unless otherwise posted, Greenway closure shall occur between the hours of 10:00 p.m. and 6:00 a.m. except as follows:

- 1) Pedestrians crossing the Greenway on a paved section of the path;
- 2) Participants or spectators of an athletic contest or approved public event in Greenway areas;
- 3) Persons attending a scheduled event in a Greenway building designated for community recreation or instruction; or
- 4) Government employees during the course of official activities.

D) The Greenway Authority shall have the authority to eject from the Greenway any person acting in violation of regulations contained in Sections 1 to 8.

Section 5. Regulations; Prohibitions.

All regulations of the Greenway shall apply to and be in full force and effect within the Greenway area unless otherwise specifically authorized by Sections 1 to 8 or by declaration of the Greenway Authority or local unit of government independent of each other as a representative of each applicable jurisdictional boundary affected by the Greenway. The provisions of Subsections A) and B) of this Section do not apply to governmental officials or their agents acting within their official capacity. In addition, to fine imposed pursuant to violation of any provision of this Section, violator is responsible for any and all costs resulting from necessary response, clean up, or damage caused by the act of offensive littering. Unauthorized signing or trail marking is prohibited.

A) Closure: No person shall enter the Greenway or area which has been closed if notice of prohibited entry has been posted.

B) Basic Speed Rule: A person commits the offense of violating the basic speed rule if the person drives bicycles, skates or rides a horse upon the Greenway at a speed greater than is reasonable and prudent, having due regard to all the following:

- 1) the traffic;
- 2) the surface and width of the pathway;
- 3) the hazard at intersections;
- 4) weather;
- 5) visibility; or
- 6) any other conditions then existing.

In no case shall a person drive a bicycle, skate or ride a horse in speeds in excess of 15 miles per hour, unless otherwise posted.

C) Obstruction of the Right of Way: No person, unless specifically authorized, shall:

- 1) Stand, gather with others upon any street, street crossing, sidewalk, trail or area within the Greenway in a manner that obstructs free passage of users of the Greenway; or
- 2) Place, cause to be placed, or permit to remain on any street, sidewalk, trail or area within the Greenway anything that obstructs or interferes with such area or interferes with the normal flow of users of the Greenway.

D) Vehicles/horses: No unauthorized person shall operate, park, stand or use any motorized vehicle, or ride or lead a horse within the Greenway, except in areas provided, maintained or designated for such purpose. Horses are permitted only on posted equestrian trails, where located.

E) Animals: Companion animals are allowed if on a leash no longer than six feet and in strict control of its keeper.

- 1) No person within the Greenway shall allow any pet or animal in his or her custody:
 - to annoy or molest any person; or
 - to be tied up and left unattended; or
 - except for areas provided, maintained or designated for such purpose, to deposit its waste on any street, sidewalk, trail or managed landscape area unless the person immediately removes the waste from the area.
- 2) No horse or pack animal shall be tied, secured or hobbled in such a manner as to injure any tree, shrub or Greenway improvement.
- 3) No person shall cause or knowingly permit livestock within the Greenway.

F) Access to Private Lands: No person shall use the Greenway to gain unauthorized access to private property adjacent or otherwise to the Greenway.

G) Property Destruction: No unauthorized person shall:

- 1) Pick, cut, mutilate, blaze, paint or remove any flowers, shrubs, foliage, trees or plant life, or property of any kind, within the Greenway area without written permission therefor from the Greenway Authority;

- 2) Mutilate, deface, damage, move or remove any Greenway equipment, including but not limited to streets, sidewalks, bicycle paths or any part of the public right-of-way, tables, benches, buildings, signs, markers, plaques, barriers, fountains, faucets, traffic recorders or other structures or facilities of any kind within the Greenway area; or
- 3) Dig, dredge, deface or remove any dirt, stones, rocks, artifacts or other substances, make any excavation, quarry any stones or other objects or cause or assist in doing any of such things within the Greenway area, except upon written permission from the Greenway Authority.

H) Fires: Unless specifically authorized, no person shall build, light or maintain any fire, portable gas, gasoline or oil stoves or other portable cooking devices, or leave a fire unattended, throw or deposit any burning substance, or other substance capable of burning or combustion within the Greenway. A person shall be responsible for damage resulting from fires caused by said person and for the cost of suppressing such fires.

I) Offensive littering: No person shall:

- 1) Throw, dump, deposit or leave any trash, refuse, garbage, litter, cigarettes or tobacco products, or waste material within the Greenway area, except in receptacles designated by the Greenway Authority for that purpose;
- 2) Bring into the Greenway area any trash, refuse, garbage, litter, waste material or vehicle for the purpose of leaving it therein;
- 3) Wash any clothing or other materials in the waters of any pond or stream, or throw, dump or deposit into such waters, or onto the banks thereof, any trash, refuse, garbage, litter, waste material or other polluting product of any kind. Pollution and waste, for the purpose of this Subsection, are as defined in ORS 468B.005(3) and (7).

J) Camping: Unless specifically authorized, no person shall camp or dwell within the Greenway, or under any bridge or viaduct within the Greenway area.

K) Peddlers and Solicitors; Advertising; Signs: Unless otherwise specifically permitted by the Greenway Authority or other appropriate local governmental authority, no person shall, within the Greenway:

- 1) Operate a concession, either fixed or mobile, or engage in the business of soliciting, selling or peddling goods, wares, merchandise, liquids or

edibles for human consumption;

2) Advertise in any manner, including but not limited to distributing circulars, or using fixed or mobile display; or

3) Erect any sign, marker or inscription.

L) Alcoholic Beverages: Possessing or drinking alcoholic beverages within the Greenway is prohibited.

M) Firearms, Air Guns and Other Weapons: No person, other than law enforcement officers performing their official duties, shall discharge any firearm, air gun, pellet gun, bow and arrow, slingshot or other projectile propelling device within the Greenway.

N) Fireworks: No person shall possess or use fireworks or explosives of any type within the Greenway.

O) Hunting: Unless specifically authorized, no person shall, or attempt, to pursue, hunt, trap, kill or injure any wild bird or animal within, into or out of the Greenway area.

P) Noise: Loudspeakers, public address systems and amplified musical instruments are allowed within the Greenway only upon approval from the Greenway Authority or other appropriate local governmental authority.

Section 6. Camping by homeless on public property.

A) In accordance with ORS 203-077, the City recognizes the social nature of the problem of homeless individuals camping on public property.

B) To ensure the most humane treatment for removal of homeless individuals from camping sites on public property, the City Manager and City staff are required to implement and continue to execute the requirements of ORS 203.077. Said ORS details a process and notification procedure to be followed prior to the physical removal of homeless individuals from camp sites including 24 hour notification.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase or portion of Sections 1 to 8 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Jurisdiction; Enforcement.

A) Persons are subject to the jurisdiction of that unit of local government in which the violation has alleged to have been committed.

B) Enforcement of this code may be performed by any law enforcement officer whose jurisdictional boundaries include or are adjacent to the Greenway, or by any enforcement personnel as designated by the Greenway Authority.

Section 9. Violations/Penalty.

A) Unless provided otherwise, violations of any provision of this ordinance shall, upon conviction, be punished by a fine set by that unit of local government in which the violation has been committed.

B) Violations committed within the jurisdiction of the City of Talent shall, upon conviction, be punished by a fine of not more than \$250.00 per incident.

Duly enacted by the City Council in open session on _____ by
the following vote:

Ayes:

Nays:

Abstain:

Absent:

Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE NO. 16-908-O

AN ORDINANCE ADOPTING A UNIFORM FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES. REPEALING ORDINANCE 77-366-O (AS AMENDED BY 82-439-O, 83-443-O, 83-447-O, 91-537-O),

Commented [TT1]: Consolidating Ordinances: 77-366-O, 82-439-O, 83-443-O, 83-447-O, & 91-537-O

WHEREAS,

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. Adoption of Fire Prevention Code.

There is hereby adopted by the City Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as Uniform Fire Code recommended by the International Conference of Building Officials, being particularly the 1976 edition as hereinafter deleted, modified, or amended (by Section 7 of this ordinance); of which code not less than three copies have been and now are filed in the office of the City Recorder of the City of Talent, Oregon; and the same is hereby adopted and incorporated as fully as if set out at length herein; and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the city limits of the City of Talent, Oregon.

A) **Intent of code.** It is the intent of this code to prescribe regulations consistent with nationally recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Compliance with the standards of the National Board of Fire Underwriters or other nationally recognized authority, as referred to by number and date of publication in this code, shall be deemed prima facie evidence of compliance with this intent.

B) **Application to new and existing conditions.** The provisions of this code shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

C) **Liability for damage.** This code shall not be construed to affect the responsibility of any person owning, operating or installing any equipment for damage to persons or property caused by any defect therein; nor shall the City of Talent be held as assuming any such liability by reason of the inspection or

reinspection authorized herein or the permit issued as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

D) **Adoption of state laws; conflicts.** All the provisions of ORS 479.010 to 479.190, inclusive, and all amendments thereto hereafter duly enacted, are hereby adopted as a part of this ordinance and, by reference, hereby made a part hereof as though fully set forth herein; provided, however, that if any regulation contained in any of said statutes conflicts with any other regulation contained in this ordinance, then the more restrictive regulation shall apply.

Section 2. Establishment and Duties of Bureau of Fire Prevention.

A) The uniform fire code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Talent, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

B) The fire marshal in charge of the Bureau of Fire Prevention shall be appointed by the Fire Chief with the approval of the City Council on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service, and he shall not be removed from office except for cause after public trial.

C) The Chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The Chief of the fire department shall recommend to the City Council the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

D) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this code, with such statistics as the Chief of the fire department shall wish to include therein; the Chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable.

Section 3. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section:

A) Wherever the word "municipality" is used in the uniform fire code, it shall be held to mean the City of Talent.

B) Wherever the term "corporation counsel" is used in the uniform fire code, it shall be held to mean the attorney for the City of Talent.

C) Wherever the term "chief of the Bureau of Fire Prevention" is used in the uniform fire code, it shall be held to mean the fire marshal.

D) "Approved" shall mean accepted by the chief of the fire department or fire marshal, pursuant to applicable standards provided herein, or pursuant to applicable standards to which reference is herein made.

E) Authority is granted to the Fire Chief to issue citations for violations of this ordinance, of Ordinance 272, and of any other ordinance that pertains to the Uniform Fire Code and/or enforcement of the fire prevention ordinances of the City of Talent.

Section 4. Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents Is to Be Prohibited.

The limits referred to in Section 11.201 of the Uniform fire code are as follows: The planning commission shall recommend to the City Council a location for such a storage (if) the location is outside of the principal business district, closely built commercial areas, and heavily populated areas; the code shall be enforced in full as detailed in Section 11.201; before a permit may be issued, the chief of the bureau of fire prevention, or his assistants, shall inspect and approve the location; joint approval shall be obtained from all departments concerned.

Section 5. Penalties.

A) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any permit or certificate issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein; shall severally for each and every such violation and noncompliance respectively be guilty of an infraction punishable by a fine of not less than \$25.00 nor more than \$100.00. The imposition of one penalty for any violation shall not excuse the violation or permit

it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 6. Modifications.

The chief of the bureau of fire prevention shall have power to modify any of the provisions of the fire prevention code, upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed, and the decision of the chief of the bureau of fire prevention thereon, shall be entered upon the records of the department; and a signed copy shall be furnished the applicant.

Section 7. Amendments Made in the Uniform Fire Code.

A) The Uniform Fire Code is amended and changed in the following respects:

1) Section 1.302. Before a permit may be issued, all applications for a permit required by the code shall be made to the division of fire prevention in such form and detail as it shall prescribe.

B) The Uniform Fire Code is amended by adding the following to Section 27.101: It is unlawful for anyone to cause or permit an outside fire to be kindled or maintained on property under his control without first securing a written permit from the Fire Department. The Fire Department shall not issue such a permit if the Oregon Department of Environmental Quality Ventilation Index is less than 200, or the State Forestry Burn Index is greater than 65, or the wind speed, as determined by the department, is greater than 10 mph and no permit shall authorize burning at a time when any such conditions exist. The Fire Department may rely upon information secured from the local offices of the above agencies and of the National Weather Service, and the permittee shall rely upon, and secure a determination from, the Department. Upon issuance of the written burn permit. Annual permits may be issued for barrel burning only and only for approved barrels on an approved site. All annual permits will expire on December 31 of the year issued. The Department is authorized to issue a written letter of instruction with each permit. Failure to comply with the requirements of the written letter of

instruction shall be a violation of this ordinance and may be the basis for the cancellation of the permit or the imposition of a fine pursuant to Section 5.

Section 8. Appeals.

Whenever the fire marshal shall refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the City Council. Such appeal shall be made in writing not less than 10 days from the service of the order or denial of the permit; after a decision from the corporation counsel, the fire chief shall affirm, modify or revoke the decision of the fire marshal; and the appealing person shall, within the time limit then set by the fire chief, comply with the order as affirmed or modified; provided, that if the decision of the fire marshal is revoked, then the permit shall be forthwith granted or the order appealed from shall be deemed vacated.

Section 9. New Materials, Processes, or Occupancies Which May Require Permits.

The corporation counsel, the chief of the fire department and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in said code.

Section 10. Validity.

The City Council hereby declares that should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

Duly enacted by the City Council in open session on _____ by the following vote:

Ayes: Nays: Abstain: Absent:

Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE NO. 15-909-O

AN ORDINANCE REGULATING THE USE OF SOLID FUEL BURNING DEVICES WITHIN THE CITY OF TALENT, OREGON AND TO REQUIRE THE PERMANENT REMOVAL OF NON-CERTIFIED WOOD STOVES AND FIRE PLACE INSERTS FROM STRUCTURES, REPEALING ORDINANCE 98-635-O (AS AMENDED BY ORDINANCE 06-804-O).

Commented [TT1]: Consolidating Ordinances: 98-635-O & 06-804-O

WHEREAS,

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. DEFINITIONS.

As used in this ordinance:

Conveyance of Real Property – Transfer of title of real property from one person or entity to another, including, but not limited to transfer by earnest money agreement, purchase agreement, land sale contract, inheritance, bankruptcy or action of law. A lease of real property (including any lease options or extensions) for a term of ten (10) or more years shall be considered a conveyance of real property under this ordinance. A revocable inter vivos trust (living trust) created for the purpose of holding ownership to an individual's assets during the person's lifetime, and for distributing those assets after death to minimize taxes or avoid probate (or both) shall not be considered a conveyance of real property hereunder. The term "transfer of title" shall otherwise be liberally construed in favor of a transfer.

High pollution period means a period of time commencing three hours after initial designation as a red or yellow day by the Oregon Department of Environmental Quality (hereinafter referred to as DEQ) or the Jackson County Department of Health and Human Services. In the event more than one consecutive day are designated as red or yellow, they shall all be considered a part of the same period.

Non-certified wood stove or fireplace insert means a residential space heating device that has not been certified by either the State of Oregon Department of Environmental Quality or Federal Environmental Protection Agency as complying with smoke emission standards. "Non-certified wood stove or fireplace insert" does not include:

- A) devices exempt from certification requirements such as pellet stoves (a wood burning heating appliance which uses wood pellets as its primary source of fuel);
- B) cook stoves (an indoor wood burning appliance the design and primary purpose of which is to cook food);

C) antique wood stoves (a wood stove built before 1940 that has an ornate construction and a current market value substantially higher than a common wood stove manufactured in the same time period), and fireplaces and is not being used for heating purposes.

Opacity means the degree to which emissions from a solid fuel-burning device reduce the transmission of light and obscure the view of an object in the background. It is expressed as a percentage representing the extent to which an object viewed through the smoke is obscured.

Oregon certified stove means a solid fuel-burning device certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules Division 262.

PM₁₀ means airborne particles ranging from .01 to 10 microns in size, **PM_{2.5}** means airborne particles ranging from .01 to 2.5 microns in size, the breathing of which can be harmful to the human respiratory system.

Red and yellow woodstove curtailment days mean a 24-hour period beginning at 7:00 a.m. when fine particulate levels are forecast by the DEQ or the Jackson County Department of Health and Human Services to possibly approach or exceed Federal Particulate Standards.

Residence means a building containing one or more dwelling units used for habitation by one or more persons.

Residential Wood burning means utilization of wood in a solid fuel-heating device inside a residence.

Sole source of heat means one or more solid fuel burning devices, which constitute the only source of heating in a residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.

Solid fuel burning device means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces, fireplace inserts, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.

Space Heating means raising the interior temperature of a room.

Structure has the same meaning provided in the Zoning Ordinance of the City of Talent, Oregon.

Section 2. REQUIREMENTS FOR SOLID FUEL HEATING DEVICE INSTALLATION.

The purpose of this section is to reduce the amount of particulate pollution resulting from wood burning for space heating.

A) It shall be unlawful for any new or used solid fuel-heating device to be installed in the City of Talent after April 4, 1998, unless:

1) The device is installed pursuant to the City Building Code and regulations of the Department of Planning and Development; and

2) The solid fuel heating device complies with the Oregon Department of Environmental Quality Particulate Emission standards for certified woodstoves; and

3) For all new construction, the structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat the home with other than a solid fuel heating device.

B) If the conditions set forth in this subsection are not fulfilled, no person in possession of the premises shall cause or permit, and no public agency shall issue any permit for, the installation of the device.

Section 3. SOLID FUEL BURNING DEVICE EMISSION STANDARD.

A) Within the City of Talent, no person owning or operating a solid fuel burning device shall at any time cause, allow, or discharge emissions from such device which are of an opacity greater than fifty (50) percent.

B) The provisions of this subsection shall not apply to emissions during the starting or refueling of a new fire for a period not to exceed 30 minutes in any four-hour period.

C) For the purposes of this section opacity percentages shall be determined by a certified observer using the standard visual method listed in 40 CFR 60A, Method 9, or operation of equipment approved by the Jackson County Department of Health and Human Services that is known to produce equivalent or better accuracy.

Section 4. RESTRICTION OF WOODBURNING AND EMISSIONS ON HIGH POLLUTION DAYS

A) Operation of Solid Fuel Burning Device Prohibition

1) The operation of a solid fuel-burning device within the City of Talent during a high pollution period shall be prohibited unless an exemption has been granted pursuant to Section 4 (B) of this Chapter. A presumption of a violation for which a citation shall be issued shall arise if smoke is being discharged through a flue or chimney after a time period of three hours has elapsed from the time of declaration of the high pollution period.

2) Notwithstanding subsection (A)(1) of this section, the operation of an Oregon Certified solid fuel burning device shall be permitted during a high pollution period so long as no visible emissions of smoke are discharged through a flue or chimney after a time period of three hours has elapsed from the time of the declaration of the high pollution period. The provisions of this subsection shall not apply to emissions of smoke during the starting or refueling of a fire for a period not to exceed 30 minutes in any four-hour period.

3) After two years from the effective date of this ordinance, no property owner within the City of Talent shall rent or lease a residential unit that is not equipped with a secondary source of heat other than a solid fuel-burning device, unless the landlord has a valid exemption under Section 4 (B)(2) of this Chapter. Should a violation of this section occur it shall be attributable to the property owner and not to the tenant or lessee.

B) Exemptions

It is permissible for a household to operate a solid fuel-burning device within the City of Talent during a high pollution period when the head of that household has obtained one of the following exemptions. Exemptions granted under this section shall expire on September 1 of each year.

1) Economic Need: An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Federal Department of Energy Low-income Energy Assistance Program (hereinafter referred to as L.I.E.A.P.), as administered by ACCESS Inc. or its successor.

2) Sole Source: An exemption may be issued to the heads of households who sign a statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source

exemptions shall not be issued after two years from the effective date of this ordinance, unless the residence is approved for installation of an alternative heating source through the Jackson County Housing Authority woodstove replacement program guidelines or in the absence of such a program when the head of the household can show that the family income is less than 80% of the median income level for the Medford metropolitan area as established by the Federal Department of Housing and Urban Development (HUD). Households that qualify for an exemption based on economic need, as defined in this Chapter, may continue to rely on a solid fuel-burning device as the sole source of heat for the residence beyond two years from the effective date of this ordinance.

3) Special Need: Upon a showing of special need, as further defined by administrative rule, a temporary exemption may be granted authorizing the burning of a solid fuel burning device notwithstanding Section 4 (A)(1) of this Ordinance. Special need shall include, but not be limited to occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect.

Section 5. PROHIBITED MATERIALS

It shall be unlawful for a person to cause or allow any of the following materials to be burned in a solid fuel burning device: garbage, treated wood, plastic, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated material, rubber products, animal remains, paint, animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or any other material which normally emits dense smoke or noxious odors.

Section 6. REMOVAL OF NON-CERTIFIED WOOD STOVES AND FIRE PLACE INSERTS

For the protection of the health, safety and welfare of the City's residents it is required that non-certified wood stoves and fireplace inserts be permanently removed from when the real property is conveyed.

A) Unless otherwise agreed, the responsibility for removal of non-certified wood stoves or fireplace inserts shall be the responsibility of the seller of the structure(s), which contain the non-certified wood stoves or fireplace inserts,

B) The presence of all wood stoves or fireplace inserts in a structure shall be included as part of the seller's property disclosure presented to the new owner, as part of the conveyance of any real property. The disclosure shall evidence by certificate, whether any wood stoves or fireplace inserts are of a conforming use, and present in the subject real property.

C) Unless otherwise agreed, all non-certified wood stoves and fireplace inserts shall be permanently removed from the structure(s) on or before conveyance of any real property containing a structure having any non-certified wood stove(s) and fireplace insert(s). If the seller assumes the responsibility for removal, then such removal shall be completed on or before the earlier of the closing date or title transfer date of the real property. Should the buyer assume the responsibility of removal, or should the seller fail to remove the non-certified wood stove(s) and fireplace insert(s) for any reason whatsoever, then the buyer shall complete the removal within thirty (30) calendar days after the closing date or title transfer date.

D) The disclosure(s) and certificate must be executed by both the seller and the undersigned owner, on or before, the closing of any real estate transaction involving real property, upon which the structure(s) containing the wood stoves or fireplace inserts are involved. Upon the complete execution of the disclosure certificate, a copy must be submitted to the City of Talent, Building Department by the responsible designee. Delivery of the disclosure certificate is required for any transfer of title, whether the real estate transaction is closed in escrow or closed by the seller and the undersigned owner without a closing escrow.

E) Failure of the seller, or the undersigned owner, to provide a disclosure certificate in substantially the form found in Appendix A of this ordinance shall be subject to a fine of not more than \$1000.

F) Failure of the seller or the undersigned owner to provide a notarized removal certificate in substantially the form found in Appendix B of this ordinance certifying removal of non-certified wood stove(s) or fireplace insert(s) from a structure as required by this ordinance shall be subject to a fine or not more than \$1000 and/or legal or equitable action to enforce said removal.

G) A copy of the receipt received for the disposal of the scrap metal by means of recycling is required to be provided to the City of Talent. The receipt shall state that the non-certified woodstove was properly disposed of at a DEQ regulated landfill or that the non-certified woodstove was sold to a person in the business of recycling scrap metal.

Section 7. This ordinance shall become effective 30 days after passage.

Duly enacted by the City Council in open session on _____ by the following vote:

Ayes: Nays: Abstain: Absent:

Melissa Huhtala, City Recorder and Custodian of City records

APPENDIX A

WOOD STOVE/FIREPLACE INSERT DISCLOSURE CERTIFICATE

The undersigned seller discloses to the undersigned owner the presence of wood stoves or fireplace inserts are located at the real property having the following address:

The wood stoves or fireplace inserts are generally described as:

The wood stoves or fireplace inserts are:

	Certified	Non-certified
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Seller and the undersigned owner, understand that the City of Talent's wood stove/fireplace insert ordinance requires non-certified wood stoves or fireplace inserts to be permanently removed from the subject structures upon conveyance; and that the seller shall have the responsibility for the removal of the wood stoves or fireplace inserts, unless the seller and the undersigned owner agree in writing, that the undersigned owner shall assume the responsibility to remove the wood stove(s) or fireplace insert(s) pursuant to the local ordinance. The undersigned owner shall have the responsibility to remove the wood stove(s) or fireplace insert(s) or if the seller fails to remove them for any reason whatsoever.

Recognizing that woodstoves and fireplace inserts can be valuable as well as decorative, an approved alternative to removal is to disable their use. This requires welding firewood openings permanently closed. If this option is chosen, City Hall shall be notified after the welding has taken place and the City will verify the work has been completed. At that time the disclosure statement will be accepted.

The responsibility for removing any non-certified wood stoves or fireplace inserts shall be:

- Responsibility of the seller
- Responsibility of the undersigned owner

The seller and the undersigned owner also understand that this certificate must be completed, signed by both parties, and delivered to the City of Talent on or before the closing of any related real estate transaction. Further, all obligations stated herein, survive the close of escrow or transfer of title.

The seller or the undersigned owner must submit to the City on an approved form a notarized certificate certifying permanent removal of non-certified wood stove(s) or

fireplace insert(s) from a structure as required by City ordinance. Failure to submit the notarized form shall subject the seller or undersigned owner to a fine of not more than \$1000 and/or legal or equitable action to enforce removal of the stove(s) and/or insert(s).

The penalty for not removing non-certified wood stoves or fireplace inserts is a fine not exceeding \$1000.

Dated _____

Seller

Undersigned Owner

APPENDIX B

WOOD STOVE/FIREPLACE INSERT CERTIFICATION OF PERMANENT REMOVAL

The undersigned owner of the real property at the address below certifies that all non-certified wood stoves and fireplaces have been permanently removed from the structures on the real property, and will not be replaced:

The wood stoves or fireplace inserts are generally described as:

The wood stoves or fireplace inserts are:

	Certified	Non-certified
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Dated _____

Seller

Undersigned Owner

STATE OF OREGON)
) ss.
County of Jackson)

This instrument was acknowledged before me on _____, by _____, who represents that he or she is the owner of the above-referenced property, or if the property is owned by an entity, represents that he or she is duly authorized by the entity to represent that the entity is the owner of the property.

Notary Public for
My Commission Expires:

ORDINANCE NO. 16-910-O

AN ORDINANCE REGARDING CITY PARKS AND PUBLIC PLAYGROUNDS OF THE CITY OF TALENT TO PROHIBIT SMOKING OR TOBACCO USE IN PARKS

WHEREAS, the Oregon Indoor Clean Air Act regulates smoking in public places and in some outdoor areas to protect the public from the effects of secondhand smoke at work and in public; and

WHEREAS, the City of Talent has enacted additional regulations regarding smoking or using electronic smoking devices; and

WHEREAS, currently park rules only restrict smoking in buildings in City parks; and

WHEREAS, the public regularly gather within the parks to enjoy entertainment or to recreate; and

WHEREAS, secondhand smoke and vapors infringes on the safety and welfare of others in the City Parks; and

WHEREAS, smoking products, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminishing the beauty of City Parks and posing a health risk to children, pets and wildlife that may handle or ingest the debris; and

WHEREAS, the City Council desires to protect and promote public health, safety and welfare by providing smoke, vapor and tobacco free environments within City Parks and open spaces.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

No person may use any tobacco product, smoke, or carry any lighted smoking instrument, in any park, unless in a properly designated smoking area.

Duly enacted by the City Council in open session on January 6, 2016 by the following vote:

Ayes: Nays: Abstain: Absent:

By:

Melissa Huhtala, City Recorder and Custodian of City Records

ORDINANCE NO. 14-871-O

AN ORDINANCE CODIFYING THE PARKS AND RECREATION
COMMISSION AMENDING ORDINANCE 10-853-O.

WHEREAS the City Council of Talent, Oregon desires to codify the creation of the Parks and Recreation Commission in the Talent Municipal Code

THE CITY TALENT DOES ORDAIN AS FOLLOWS:

A new Chapter is hereby established to read as follows:

Section 1. [Parks and Recreation Commission Created] There is hereby created a commission to be known as the Parks and Recreation Commission. Its primary purpose shall be to assist and advise the City of Talent in the planning and developing City Parks, Recreation Program and Cultural Programs and facilities.

Section 2. [General Duties and Responsibilities] The Parks and Recreation Commission is an appointed citizen body with the Primary responsibility of providing recommendations to the Mayor and City Council on direction, planning and policy on matters pertaining to the acquisition and development of public parks, greenways, open spaces, recreational programs and cultural facilities, and to make such other recommendations to assist the Council in developing and preserving aesthetic, recreational and cultural values that serve the public interest. It shall also perform such other related duties as may be assigned by the council, which may include, but not be limited to:

1. Perform periodic reviews of the City's Parks Master Plan.
2. Compile data to assist City policy making in the preservation and beautification of parks, recreational areas, and aesthetic areas in the City of Talent.
3. Make recommendations to the City Council on potential revisions and future delivery of services by the City of Talent as they pertain to Parks and Recreation.
4. Make recommendations to the City Council for modifications or additions to existing ordinances, policies and practices that help promote and make available recreational opportunities in the City of Talent.
5. Work in conjunction with other city commissions, Boards, Committees to help ensure coordination of various elements of the Parks Master Plan, Recreation Programs and Cultural Programs.
6. Conduct public meetings and make recommendations to the City council on Parks and Recreation issues and ordinances.
7. Make recommendations for capital improvements and operations relating to the City of Talent's Parks and Recreation and its facilities.
8. Review and comment on fund-raising efforts and donations made on behalf of the City of Talent's Parks and Recreation.
9. Foster public awareness and involvement in all aspects of the City of Talent's Parks and Recreation and its facilities.

Section 3. [Membership – Compensation]. The Parks and Recreation commission shall consist of seven (7) members to be appointed by the Mayor with the consent of the City Council. One (1) member may live outside the city limits of Talent. Commission members shall receive no compensation. The mayor or a City Council member appointed by the Mayor shall serve as an ex-officio member of the commission, but shall have no vote and shall not count toward a quorum.

Section 4. [Terms of Office – Vacancy]. Terms of office shall be for a period of two (2) years and shall expire on December 31 of the second year. Any vacancy shall be filled by the mayor, with the consent of the council, for the unexpired portion of the term.

Section 5. [Officers]. The Parks and Recreation Commission shall, at its first meeting of each calendar year, elect from its appointed members a Chair, Vice-Chair and Secretary.

Section 6. [Duties of Chair and Vice Chair]. The Chair shall preside at all meetings, set the agenda, recommend the creation of sub-committees, and appoint members to such sub-committees as are authorized. The Vice Chair shall perform the duties of the Chair in the absence of the Chair, and such other duties as may be assigned by the Chair. The Chair or Vice Chair shall preserve the decorum at the Parks and Recreation meetings.

Section 7. [Minutes]. The secretary shall keep an accurate record of all Parks and Recreation proceedings, including written minutes of all meetings. A copy of the approved minutes, signed by the Chair of each Parks and Recreation commission meeting shall be delivered to the City Recorder for filing and said minutes shall be a public record and available for public inspection.

Section 8. [Quorum – Meetings – Rules And Procedures—Number of Meetings]. Four (4) of the voting members of the Commission shall constitute a quorum. The Parks and Recreation Commission shall adopt rules and procedures consistent with city ordinances and this resolution. The Commission meetings shall include at least one (1) regularly scheduled meeting per month, unless canceled at the direction of the Chair due to lack of Commission business or other good reason. Meetings may be run informally in accordance with the latest edition of *Roberts Rules of Order* or in accordance with the Parks Commission By-Laws.

Section 9. [Alternate Members]. Not more than two (2) Alternate members shall be appointed by the Mayor with consent of the City Council. Such Members shall serve with no compensation for the terms of two (2) years, which shall expire on December 31 of the second calendar year after appointment. The Alternate member's primary function shall be to assist the Parks and Recreation Commission, as requested. In the case of an absenteeism or vacancy on the Parks and Recreation Commission the Chair, with consent of the Commission, shall appoint an Alternate member to occupy the vacant position on a meeting by meeting basis. That Alternate member shall have the same rights and voting privileges as the absent commissioner and is required to attend meetings regularly.

Section 10. [Removal From Commission]. If a member of the Parks and Recreation Commission or Alternate should, without valid reason, miss three (3) regular commission meetings within the same calendar year, that member shall be subject to removal from the commission. In addition, a

Commissioner may be removed for misconduct, with consent of the City Council, following a public hearing. This process may be initiated by the City council or by a recommendation from the Parks and Recreation Commission.

Section 11. Commissioners. (The term of a Commissioner for which the Commissioner has been appointed by the Mayor). Seven Commissioners shall be appointed by position number running from one to seven, each for a two-year term. Terms will overlap so three Commissioners term expire on December 31 of the second calendar year after appointment. Candidates for Commissioner, will be designated the number of the Commission seat to which they seek; further, one candidate may only apply for one position at the time of a vacancy.

Section 12. Bylaws for City of Talent Parks and Recreation Commission (see attached).

Duly enacted by the City Council in open session on February 5, 2014 by the following vote:

Ayes: 4 Nays: 0 Abstain: 0 Absent: 2

By:



Melissa Huhtala, City Recorder and Custodian of City Records

Bylaws for City of Talent Parks Commission

1. MISSION

The City of Talent Parks and Recreation Commission is an appointed citizen body, committed to the care and development of Talent City Parks, Recreations Program, and Cultural Programs and related facilities. The Commission assists and advises the City of Talent through recommendations to the City Council.

2. ORGANIZATION

The Commission consists of seven members and two alternate members appointed by the Mayor with the approval of the City Council. Members serve two (2) year terms, which may be repeated indefinitely. The three officers of the Commission are Chair, Vice-Chair, and Secretary.

Commissioners. (The term of a Commissioner for which the Commissioner has been appointed by the Mayor). Seven Commissioners shall be appointed by position number running from one to seven, each for a two-year term. Terms will overlap so three Commissioners term expire on December 31 of the second calendar year after appointment. Candidates for Commissioner, will be designated the number of the Commission seat to which they seek; further, one candidate may only apply for one position at the time of a vacancy.

3. ELECTION AND DUTIES OF CHAIR, VICE CHAIR AND SECRETARY

3.A. The Commission, at its first regular meeting in January of each year, shall elect a Chair, Vice-Chair, and Secretary.

3.B. After consultation with the Commission regarding availability, the Commission shall appoint representative(s) to sub committees as the need arises.

3.C. Chair — Duties

1. The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:
2. Announcing the business on the meeting agenda in the order in which it is to be acted on;
3. Receiving and submitting all motions presented by the members of the Commission;
4. Putting to a vote all questions which are properly moved, or those that arise in the course of proceedings, and to announce the result thereof;

5. Informing the Commission when necessary, or when called to, on any point of order or practice. The Chair may call upon staff for advice on such matters;
6. Maintaining order at the meetings of the Commission;
7. Moving the agenda along, holding down redundancy, referencing handouts and procedures graciously during meetings;
8. Receiving documents or other physical evidence as part of the record;
9. Recognizing speakers and members of the Commission prior to receiving comments and presentations of physical evidence; i.e., plans and pictures;
10. The Chair may rule out of order any testimony or comment that is irrelevant, personal, or not pertinent to the matter being heard.

3.D. Duties of the Vice-Chair

During the absence of the Chair the Vice-Chair will have and perform all the duties and functions of the Chair.

3.E. Temporary Chair

In the event of the absence or disability of both the Chair and Vice-Chair, the Secretary calls the meeting to order, calls the roll, and the Commission shall elect a temporary Chair to serve until the Chair or Vice-Chair so absent or disabled shall return. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

3.F. Commissioners – Duties

The duties of the other Commissioners include: contributing ideas; keeping on subject; being aware of personal agendas and acknowledge if appropriate; aiding and contributing to all of the Chair's responsibilities.

3.G. Secretary – Duties

The secretary shall have the following duties:

1. Give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, call the roll and record for the record all members in attendance, read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting; and receive and bring to the attention of the Commission messages and other communications from other sources;

2. Keep the minutes of the proceedings of the Commission and record the same;

3. Perform such other duties as may be required by these rules.

3.H. Alternate Members – Duties

The Alternate member's primary function shall be to assist the Parks Commission, as requested, and members shall be encouraged to attend all Parks Commission meetings. In the case of an absence or vacancy on the Commission, the Chair, with consent of the Commission, shall appoint an Alternate member to occupy the vacant position on a meeting-by-meeting basis. That Alternate member shall have the same rights and voting privileges as any Commissioner.

4. CONDUCT OF COMMISSION MEMBERS

4.A. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit or have familiarity with a site under discussion they shall disclose any relevant observations.

4.B. Attendance

Every member of the Commission shall attend the meetings of the Commission unless duly excused with advance notice or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the Chair as soon as possible. The secretary shall call the same to the attention of the Chair.

4.C. Addressing Members

Commission members shall address other members as "Commissioner" and their last names. This is for the benefit of the record and the public, who may not know the various commissioners by their first names.

5. MEETINGS

5.A. Place

Meetings of the Commission shall be held in the Community Center at 206 E. Main Street, Talent, Oregon, or at such other place in the City of Talent as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within the city

of Talent for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

5.B. Regular Meetings

1. Regular meetings of the commission shall be held on the second Wednesday of each month at the hour of 6:30 PM.

2. At 8:30 PM the Parks Commission will consider finishing the item presently being considered, and no additional items will be heard after that time unless a motion is made by a member of the Commission and approved by a majority of those present requesting to continue the agenda. All items remaining to be heard will be forwarded to the next agenda for consideration.

5.C. Special Meetings - Call

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission, delivered in accordance with City policy.

5.D. Meetings - Matters Considered

Any matter pertaining to the affairs of the City of Talent Parks or Recreation may be considered and acted upon at any regular meeting of the Commission without prior notice thereof, unless other notice is required under statute or other noticing policies of the Commission. At special meetings, a matter not included within the notice may not be considered or acted upon.

5.E. Quorum

1. Four (4) members of the Commission shall constitute a quorum.

2. Except as otherwise specifically provided in these Bylaws, a majority vote of the Commission members voting shall be required and shall be sufficient to transact any business before the Commission.

3. If all members of the Parks Commission abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by doing so be re-qualified and proceed to resolve the issues.

4. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

5.F. Study Sessions

Study sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such study session, but may give directions to Staff regarding the presentation of options for future consideration.

5.G. Oregon Public Meetings Law

All meetings of the Parks Commission shall be noticed in conformance with the requirements of Oregon's Public Meetings Law.

6. ORDER and DECORUM

6.A. Order of Consideration of Items

The following procedure will normally be observed in a public hearing or other matter before the Commission; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

1. Chair introduces item;
2. Abstentions, conflicts of interest and challenges are entertained and any declaration of conflicts of interest;
3. Any opponents and/or proponents may comment;
4. Parks Commission members may question staff, proponents or opponents on all the above. Questioning of witnesses shall be brief and to the point. Questions shall be submitted through the chair, or asked by a commission member recognized by the Chair.
5. Closing of the public hearing, if applicable;
6. Staff may provide new recommendations based on testimony;
7. The Commission discusses the item. During discussion members may further question any party appearing for or against the proposal as necessary, but generally, questions should be asked while the public hearing is open.
8. Motion is made and seconded; the Chair states the question; the Parks Commission may discuss the item further before voting.

6.B. Public Hearings

The Chair of the Parks Commission shall have authority to:

1. Regulate the course and decorum of the meeting.
2. Dispose of procedural requests and similar matters.
3. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.
4. Question any person appearing, and allow other members to question any such person.
5. Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.
6. Take such other action as authorized by the Parks Commission to appropriately conduct the hearing.

Any member of the Parks Commission present at the hearing may challenge a ruling of the Chair. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.

6.C. Guidelines for Persons speaking before the Commission

Persons making presentations or providing comments to the Parks Commission shall address the Commission from the podium or microphone, or from the audience only when recognized and waived from the requirement by the Chair, shall address all comments to the Parks Commission, and may not directly question other persons in the audience or at the podium.

If possible, persons presenting materials as evidence for an agenda item at a meeting shall submit a copy by email, fax or hard-copy to the city recorder for forwarding to the Parks Commission not less than one week before the meeting.

6.C.1 Conduct

Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the hearing anyone who:

- a. Is disorderly, abusive, or disruptive.

- b. Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
- c. Testifies without first receiving recognition from the Chair and stating his or her full name and residence.
- d. Presents irrelevant, immaterial, or repetitious evidence.

6.C.2 Time Restrictions

Persons speaking before the commission shall be limited to five(5) minutes for non-agenda items, and ten(10) minutes for agenda items, and may be invited to continue for an additional period of 5 minutes by the chair.

7. PROCEDURE — ORDER OF BUSINESS AND MOTIONS

7.A. Order of Business

1. Roll call
2. Brief Announcements by staff
3. Approval of minutes of prior meetings
4. Public Comments on Non-Agenda Items
5. Public Hearings
6. Discussion Items
7. Report(s) of any active subcommittee
8. Propositions and Remarks from the Commission
9. Assignment of representatives to the City Council
10. Adjournment

7.B. Making of Motions

Upon review of the full public record on a request and due deliberation among the members of the Parks Commission, any Commissioner may move or second a

motion. A second shall be required for each motion. Other members of the Commission may support the motion by adding compatible findings. A motion shall die in the absence of a second. Discussion of the motion should not take place until it has been seconded and the Chair has stated the motion and called for discussion.

7.C. Withdrawing a Motion

When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn or modified by the mover. The member simply says, "Chair, I withdraw the motion."

If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only the mover may withdraw it.

If a motion is modified before being stated by the Chair, the second may withdraw his/her second.

After the Chair states a motion, it is the property of the commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.

7.D. Amendments

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment be offered, the question shall be first upon the amendment.

7.E. Friendly Amendments

A Commissioner may make a friendly amendment without a formal motion with unanimous consent of the members present. Typically, such motions are appropriate for clean-up items or an issue discussed but inadvertently neglected by the maker of the motion.

8. PROCEDURE — DEBATE

8.A. Commissioner Input

Members shall be recognized by the chair for input or questions in rotation, making effort to give all commissioners equal input. Second testimony by a Commissioner shall wait until all Commissioners have had an opportunity to speak.

9. PROCEDURE — VOTING

9.A Voting

Voting shall be done by voice vote. Voting results on all motions, excepting minutes, shall be forwarded as recommendations to the City Council.

9.B. Minutes Approval

The Chair shall ask the Commission if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission, the Chair shall declare the minutes approved either as presented or as amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next regular meeting.

9.C. Changing Vote before Decision Announced

When a vote is taken on roll call on any question, any member may change his/her vote before the Chair has announced the decision of the question.

9.D. Voting or Changing Vote after Decision Announced

On any such vote no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair unless the member has the permission of the Parks Commission by general consent or motion if a member objects.

9.E. Late Voting

A member entering the Chamber after the question is put, and before it is decided, may have the question stated, record his/her vote and be counted.

9.F. Tie Votes

If a motion regarding any matter before the Commission receives an equal number of affirmative and negative votes the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.

9.G. Explaining Vote

After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.

9.H. No Vote unless Present

No member of the Commission shall vote on any question unless the member is present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

10. DOCUMENTS OF THE COMMISSION

10.A. Any and all materials submitted to the Parks Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the record." The Staff Report submitted to the Parks Commission as part of the agenda is automatically part of the public record.

10.B. All notices, agendas, requests, agency or consultant letters or reports, staff reports, minutes of meetings, and resolutions of record shall constitute the documents of the Parks Commission and shall be indexed as public record.

11. AMENDMENT

Adopted Bylaws may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present.

12. MAINTAINING OF BYLAWS — COPIES TO BE FURNISHED

The secretary shall maintain a copy of these Bylaws, and all subsequent amendments thereto, and shall furnish an up-to-date copy to each member of the Commission in a form convenient for reference.