



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING
TOWN HALL
February 3, 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, February 3, 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 Code Amendments.....Page 3-44

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 DOT by Art Anderson.....Page 45-53

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 January 20, 2016.....Page 54-59

7.2 Acknowledge receipt Parks Minutes for December 9, 2015.....Page 60-61

7.3 EOA Citizen Advisory Committee.....(no agenda report)

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 Second Reading for Ordinance 16-913-O, an Ordinance prohibiting the use of disposable food service ware composed of polystyrene foam in the City of Talent.....Page 62-64**
- 8.2 First Reading for Ordinance 16-910-O, An Ordinance that provides rules and regulations for the conduct and operation of the water system of the City of Talent and connection therewith – regulating and governing the use of water from said system – providing penalties for non-payment of water service and for violation of this Ordinance and repealing Ordinances 07-830-O and 07-831-O.....Page 65-88**
- 8.3 Approval of Resolution 16-937-R, A Resolution establishing a fee schedule for the City of Talent Water Rates.....Page 89-90**

9. Information Items

- 9.1 None**

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.

City of Talent

Community Development Department - Planning



STAFF REPORT

Type-4 Land Use Application — Legislative Review — City Council

Meeting date: February 3, 2016
File no: DCA 2015-001
Prepared by: Zac Moody, Community Development Director
Item: Adoption of regulations relating to traffic impact studies.

GENERAL INFORMATION

Petitioner.....City of Talent

Requested Action*Amendments to the Talent Zoning Code adding Title 8, Chapter 3, Division L, Article 9, Traffic Impact Study, amending Title 8, Chapter 3, Division M, Article 1, Section 150 (B) and 160(C), amending Title 8, Chapter 3, Division L, Article 2, Section(s) 244 and 246, and amending Title 8, Chapter 2, Section 260. New language allows the City to require a Traffic Impact Study when certain thresholds have been met.*

PROPOSAL

In June of 2015, David Evans and Associates, Inc., the consultant hired to complete our Transportation System Plan (TSP) prepared an audit of the City’s current Subdivision and Zoning Codes based on changes in the adopted TSP.

A memorandum prepared by the consultant recommended two key areas for code amendments based on the updated TSP policies, goals and objectives. The two areas identified were Traffic Impact Studies (TIS) and Parking. The code amendments being proposed at this time are specific to the requirements for a TIS. The recommendations for changes to the parking standards in the zoning code will be addressed in future code amendments.

The memo identifies deficiencies in both the Zoning and Subdivision Codes as it relates to requirements for a TIS. TIS provisions are important to ensure that an applicant is required to prepare and submit a TIS when warranted.

The City of Talent Zoning Code (Municipal Code, Title 8, Chapter 3), provides the general requirements for a TIS, but it only is contained in the application requirements for Type III (quasi-judicial) procedures. Additional requirements for a TIS are contained in the subdivision code

(General Ordinances, title 8, Chapter 2, Article 2, Development and Design Standards).

Some deficiencies in the TIS provisions are:

- The two sections that describe TISs do not reference each other.
- As written, a TIS may only be required for a Type III or a subdivision application.

It has been recommended by the Planning Commission in the signed Final Order that the TIS provisions be consolidated in one location in the Zoning Code, and all other Zoning Code and Subdivision Code provisions refer to that Article. If, in the future, the TIS requirements are amended, the references to it would not need to be changed. The TIS requirements as proposed, would be added as a new article to Zoning Code Division L, Development Review and Approval Procedures; consolidated from the requirements in the existing Zoning Code and Subdivision Code and expanded to include additional necessary provisions.

The code provisions for TIS need to contain elements relating to purpose, authority, applicability, required components, analysis, methodology, approval criteria, and mitigation options. It needs to include discretion for the Community Development Director and/or City Engineer where appropriate.

Policy 4 and 5 in the Land Use section of the 2015 TSP require the City to adopt subdivision and zoning code regulations that include review criteria for adequate transportation facilities, including connectedness between neighborhoods for vehicles, bicycles and pedestrians, access management standards, and street width and parking.

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.

BACKGROUND

Amendments to the Talent Zoning and Subdivision Codes have been recommended by the Planning Commission for approval and meet the goals and objectives on the Talent Comprehensive Plan. The proposed updates better address the TSP's Transportation Demand Management and Land Use goals identified in Element D, Transportation, in the Talent Comprehensive Plan.

These goals include the reduction of demands placed on the current and future transportation system by single occupant vehicles. There are two policies outlined in the Land Use Goals that if put in place provide the City with regulations to aid in the coordination of land use and transportation planning efforts. These goals are outlined in the proposed final order and are substantiated in the Findings of Fact.

Implementation of these policies requires changes to both the Subdivision and Zoning Codes. Currently, both codes reference the need for a TIS, but lack clear and objective thresholds for determining when a study is required.

Section 8-2.250 and 260 address transportation facility and vehicular access standards and state that access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the TSP. Currently Section 8-2.260(D) provides the following text for Staff to determine if a study is required:

D. *Traffic Study Requirements. The City or other agency with access jurisdiction **may require** a traffic impact study (TIS) prepared by a certified professional transportation engineer acceptable to the City. The engineer must be currently licensed and otherwise qualified to perform the work under applicable professional and community standards and must have no financial interest in the project whatsoever and no past or current pecuniary association of any kind with the developer other than occasional work as an independent contractor performing traffic impact studies. The TIS shall determine the impact of the proposed development on existing and proposed transportation facilities and assess the applicant’s plans to mitigate such impacts. (See also Section 250— Transportation Facility Standards).*

Nothing in the current adopted Subdivision Code provides a quantitative threshold for determining the need for a TIS. Considering the City only has a contracted City Engineer, TIS need would have to be directed to them each time a land use application was submitted. Not only does this review create additional costs to the applicant, it increases the time needed for processing a land use application. The addition of clear and objective thresholds would allow City Staff to determine if a TIS is necessary; reducing review cost and time.

Section 8-3M.150(B)(2)e provides a quantitative threshold, stating that:

“A traffic impact study shall be required if the proposal generates more than 500 vehicle trips”.

There are multiple issues with this requirement. Simply stating that a TIS is required for more than 500 vehicle trips doesn’t clearly state if these are 500 new trips or 500 cumulative trips. The proposed language expands on this threshold adding four actions that determine applicability; zoning or comprehensive plan map or text amendments projected to generate 500 or more net daily trips, development proposals that generate 50 or more net peak hour trips, land use actions that impact a known safety, congestion or capacity problem or a land use action or development proposal that is on a highway segment with access control.

If a land use action or development proposal meets or exceeds these thresholds, a TIS would be required. The other component missing from the current zoning and subdivision codes is specific TIS requirements. The current code provides a broad description of criteria, but nothing specific. The proposed language is a new section that provides an applicant a list of submittal requirements as well as analysis methodology, approval criteria, and potential mitigation requirements/conditions of approval.

These requirements, even though somewhat subjective, provide a baseline for staff and the engineer to determine any potential traffic related constraints and make a more informed recommendation to the Planning Commission.

As recommended by the Transportation Consultant, Planning Commission is proposing changes to Section 8-3L.2.44, General Criteria for Approval and 8-3L.2.46, Special Standards Governing

Conditional Uses. Changes to Section 8-3M.150, Type III Procedures and Section to 8-2.260 and 320 are also being proposed. The aforementioned proposed changes provide a cross reference to TIS requirements and remove the TIS language that is no longer necessary.

The proposed language is attached and is in track change format to identify what was removed or added. Additions are underlined in red text, while deletions have been stricken.

RECOMMENDATION

Based on the recommendations in the signed Planning Commission Final Order and staff report, the Talent Planning Commission recommends City Council approval of the proposed amendments and the subsequent Ordinances.

RECOMMENDED MOTIONS

"I move to approve Ordinance 16-911-O, and ordinance amending Ordinance 458, Talent Zoning Code, adding Title 8, Chapter 3, Division L, Article 9, Traffic Impact Study, amending Title 8, Chapter 3, Division M, Article 1, Sections 150(B) and 160(C) and amending Title 8, Chapter 3, Division L, Article 2, Sections 244 and 246, allowing the City to require a Transportation Impact Study when certain thresholds have been met."

"I move to approve Ordinance 16-912-O, and ordinance amending Ordinance 818, Talent Subdivision Code, Title 8, Chapter 2, Section 260, allowing the City to require a Transportation Impact Study when certain thresholds have been met."

ATTACHMENTS

The following information was submitted regarding this application:

- Planning Commission Final Order – Attachment 1
- Ordinance 16-911-O
- Ordinance 16-912-O



Zac Moody, Community Development Director

January 22, 2016

Date

Staff 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 Talent City Council on February 3, 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. DCA)
2015-001, AMENDMENTS TO THE TALENT ZONING AND) ORDER
SUBDIVISION CODES, ADDING TITLE 8, CHAPTER 3 DIVISION)
L, ARTICLE 9, AND AMENDING TITLE 8, CHAPTER 3 DIVISION)
M AND TITLE 8, CHAPTER 2, SECTION 260, THE CITY OF
TALENT PLANNING COMMISSION FINDS THE FOLLOWING:

1. The Planning Commission held a properly noticed public hearing on this matter on December 8, 2015;
2. The Planning Commission requested that the Community Development Director present a staff report and a proposed final order with code language, findings and recommendations;
3. The proposed text amendments are consistent with the Talent Comprehensive Plan and the 2015 Transportation System Plan.
4. 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 based on the information presented in the staff report and the following findings of fact, the Talent Planning Commission recommends approval of the amendments to the Talent Zoning and Subdivision Codes adding Title 8, Chapter 3, Division L, Article 9, Traffic Impact Study, amending Title 8, Chapter 3, Division M, Article 1, Section 150 (B), amending Title 8, Chapter 3, Division L, Article 2, Section(s) 244 and 246, and amending Title 8, Chapter 2, Section 260. New language allows the City to require a Traffic Impact Study when certain thresholds have been met.

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

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 development code amendment is presumed to enact policies in the Comprehensive Plan; the findings validating that presumption are outlined below. **The provisions of this section are not applicable.**

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

FINDING: The City sent the full text of the proposed amendment to the Department of Land Conservation and Development (DLCD), which has exclusive oversight of code amendments to ensure compatibility with State Goals, Statutes and Administrative Rules. At the present time, no responses from either DLCD or any other public agencies have been received. Staff would note that it has reviewed all Federal and State laws associated with transportation and contends that these amendments are consistent with all applicable State and local regulations. **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 ordinance amendments. **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.*

Element D: Transportation

LAND USE

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

POLICIES:

4. *The City shall adopt a new Subdivision Code that includes simplified Planned Unit Development requirements, and that includes design standards and review criteria for adequate transportation facilities. Such provisions shall include, but are not limited to, connectedness between neighborhoods for vehicles, bicycles and pedestrians, access management standards, and street width and parking requirements.*
5. *The City shall revise the Talent Zoning Code wherever appropriate, especially the articles regarding Off-Street Parking, Site Development Plan review and Conditional Use Permit review, to add or improve transportation-related design standards and review criteria. Such revisions shall include, but are not limited to, connectedness between neighborhoods for vehicles, bicycles and pedestrians, access management standards, and street width and parking requirements.*

FINDING: Section 8-2.260(D) of the existing Subdivision Code addresses the need for traffic study requirements, but lacks specific criteria for determining when a TIS is required or if one is required, what standards and criteria must be addressed. Section 8-3.150 also addresses the need for traffic impact studies and provides some minimal clarification as to when a TIS is necessary, but it too lacks specific standards. This section provides an unclear

threshold, stating that a TIS is required when more than 500 vehicle trips are generated. It does not specify if these are new trips or cumulative trips, nor does it differentiate between land uses for the type of TIS required.

The amendments propose changes to both the Subdivision and Zoning Codes that will provide consistency between the two codes and set forth applicability standards as well as specific requirements for a TIS. The new language clarifies who is qualified to prepare and review the TIS and details the content requirements of the TIS. As proposed, the study would include a detail of the study area (area of influence), description of the proposal, phasing and time table for development. The proposed language requires submittals of trip generation data and level of service tables to ensure a 95% level of service. Most importantly, the study requires local or regional intersection details specific to background traffic volumes and trip distribution assignments. The addition of these provisions helps to ensure that traffic issues created from a development or zone change are not assigned to a different area.

An analysis methodology is also required as part of the TIS. This section is within the TIS section of the proposed amendments and must be prepared using analysis software programs following the most recent Highway Capacity Manual procedures. The analysis methodology, as written requires the applicant to address existing, background and total conditions. The existing conditions data includes a detailed infrastructure inventory, traffic volumes measured within the previous twelve months and existing peak hour intersection operations. The background conditions data includes traffic forecasts based on traffic growth rates as well as an evaluation of the volume to capacity ratio and level of service. The total conditions data is a forecast of the both the existing and background conditions and evaluates potential safety problems from conflicting turning movements, distance to nearest driveway and stacking and queuing issues.

Approval criteria and mitigation requirements have also been included in the proposed language to provide staff and the engineer the ability to impose reasonable conditions of approval to address any on or off-site deficiencies for present and proposed phases of the proposed land use action or development.

The proposed additions of the Traffic Impact Study section and supplemental language to the Zoning Code and changes to the Subdivision Code successfully implement Policies 4 and 5 above. **The provisions of this section have been met.**

TRANSPORTATION SYSTEM MANAGEMENT

***Goal:** Maximize the efficiency of the existing surface transportation system through management techniques and facility improvements.*

***Objective 2:** Maximize the effective capacity of the street system through improvements in physical design and management of on-street parking.*

POLICIES:

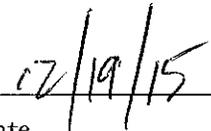
1. *The City shall give the physical improvement of intersections a higher priority in the design process than general street corridor widening, when seeking ways to increase capacity and relieve congestion on a street.*
3. *The City shall facilitate implementation of bus bays by RVTB on congested arterial streets as a means of facilitating traffic flow during peak travel periods. The feasibility, location and design of bus bays shall be developed in consultation between the City and RVTB.*

FINDING: As stated in the finding above, the addition of specific TIS thresholds and requirements provides the City with an opportunity to correct any existing or proposed traffic or parking related issues at the time of development or redevelopment.

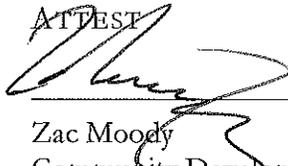
Approval criteria and mitigation requirements included in the proposed language provide staff and the engineer the ability to impose reasonable conditions of approval to address any on or off-site deficiencies for present and proposed phases of the proposed land use action or development. These conditions could include but are not limited to requiring special transit related studies to facilitate the installation of RVTB bus bays on congested arterial streets. **The provisions of this section have been met.**



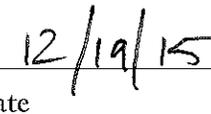
Eric Heesacker
Chairperson



Date

ATTEST


Zac Moody
Community Development Director



Date

ORDINANCE NO. 16-911-O

AN ORDINANCE AMENDING ORDINANCE, NO. 458, TALENT ZONING CODE, ADDING TITLE 8, CHAPTER 3, DIVISION L, ARTICLE 9, TRAFFIC IMPACT STUDY, AMENDING TITLE 8, CHAPTER 3, DIVISION M, ARTICLE 1, SECTIONS 150(B) AND 160(C), AND AMENDING TITLE 8, CHAPTER 3, DIVISION L, ARTICLE 2, SECTIONS 244 AND 246 ALLOWING THE CITY TO REQUIRE A TRANSPORTATION IMPACT STUDY WHEN CERTAIN THRESHOLDS HAVE BEEN MET

WHEREAS, after due consideration, the City of Talent has made certain findings in connection with the proposed amendments and have followed the statutory procedures.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. That the following sections within Title 8, Chapter 3 have been added as described in EXHIBIT A attached herein:

Division L, Article 9, Sections 910, 920, 930, 940, 950, and 960

SECTION 2. That the following sections within Title 8, Chapter 3 have been amended as described in EXHIBIT A attached herein:

Division L, Article 2, Sections 244 and 246

Division M, Article 1, Sections 150(B) and 160(C)

SECTION 4. That the amendments as described herein comply with all applicable Comprehensive Plan Policies of the City of Talent as well as all applicable State and Federal Laws.

SECTION 5. That the amendments as described herein have been advertised and publically noticed in accordance with Section 8-3M, Article 1 of the Talent Zoning Ordinance.

Duly enacted by the City Council in open session on February 3, 2016 by the following vote:

Ayes: Nays: Abstain: Absent:

Melissa Huhtala, City Recorder and Custodian of City records

EXHIBIT A

8-3L.244 GENERAL CRITERIA FOR APPROVAL

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable. A conditional use may be granted only if:

- A. The proposed use is consistent with the City of Talent Comprehensive Plan.
- B. The proposed use is consistent with the purpose of the zoning district.
- C. The proposed use and development is found to meet the required findings of 8-3L.150, "Required Findings for Approval of Plan," set forth for approval of a site development plan review.
- D. The proposed use will not adversely affect the livability, value, and appropriate development of abutting properties and the surrounding area, compared to the impact of uses that are permitted outright. Testimony of owners of property located within two hundred and fifty (250) feet of the boundaries of the property in question shall be considered in making this finding.
- E. All required public facilities have adequate capacity to serve the proposal. System Development Charges will be assessed at the time a building permit is issued. Additional SDCs will be assessed for change in use that are more intense than a pre-existing use.
- F. The conditional use must include mitigation for any decrease in level of service exceeding City standard or operational safety of the transportation system if the proposal generates more than 500 daily vehicle trips or an additional fifty (50) peak hour trips, per Section 8-3L.9 Traffic Impact Study.
- G. The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.
- H. The City of Talent has adequate firefighting equipment to protect the structure, as verified by the Talent Fire Chief, or arrangements have been or will be made by the developer to insure that adequate equipment will be available before the occupancy of the building for any use.

8-3L.246 SPECIAL STANDARDS GOVERNING CONDITIONAL USES

Certain conditional uses shall meet the following standards:

- A. Daycares and Preschools
 - 1. At least 75 square feet of outdoor play and socializing area per child or

adult shall be provided, but in no case shall the total area be less than 500 square feet.

2. If planned for children, the outdoor plan shall be adequately fenced in order to provide for their safety.
3. If the day care facility is not a residential use as provided in ORS 657A.440, the day care facility shall not be located in a single-family residence.
4. The facility shall be readily accessible for fire and other emergency vehicles.
5. The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.
6. Adequate space must be provided on-site to allow for drop-off of the children or adults, preferably a circular drive. L-shaped drives and alley drop-offs may also be approved.
7. Parking areas and ingress-egress points are designed so as to facilitate traffic, bicycle, and pedestrian safety; to avoid congestion; and to minimize curb cuts on arterial and collector streets.

B. Temporary Medical Hardship

1. The mobile home will be occupied by an infirm person, or by one or more individuals engaged in caring for the infirm person, whose infirmity renders that person incapable of maintaining a residence on separate property.
2. The infirmity must be due to physical or mental impairment verified by a written statement from a medical doctor or other responsible individual or agency, which clearly indicates that the infirm person is not capable of maintaining a residence on separate property. Financial hardship, childcare and other convenience arrangements not relating to physical or mental impairment are not considered infirm conditions for which a permit can be issued.
3. The mobile home shall not be occupied until it is connected to the public sewer system.
4. The location of the mobile home will not violate the minimum yard setbacks required in the zone in which it will be located.
5. The applicant has agreed to vacate the mobile home within forty-five (45) days after the unit has ceased to be used for the purpose for which the permit was issued, and to remove the mobile home within ninety (90) days

after the unit has ceased to be used for such purpose. In any event, the mobile home shall be removed from the premises by the day of the expiration of the permit unless the permit has been renewed in conformance with subsection F below.

6. A conditional use permit for a temporary mobile home will be valid for one (1) year from the date of issuance and must be renewed on an annual basis, unless a shorter time limit is placed upon the permit by the Planning Commission. The applicant shall be responsible for applying to the Planning Commission for renewal at least thirty (30) days before the expiration date of the permit.

C. Neighborhood Commercial

1. Located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.
2. Permitted Uses. Uses shall be limited to small-scale establishments that serve the neighborhood or the community that do not exceed 2,000 square feet of floor area and are located at the intersection of a designated arterial and/or collector street. Allowable uses include those allowed in the Community and Broadway Commercial Zoning Districts.
3. Outdoor Activities Prohibited. All business operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building.
4. Automobile-Oriented Uses Prohibited. Prohibited automobile-oriented uses include:
 - a. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles, boats, construction equipment, and similar vehicles and equipment.
 - b. Drive-up, drive-in, and drive-through facilities.
5. Maximum Size. The maximum commercial floor area shall not exceed 2,000 square feet per neighborhood commercial site. There may be up to four neighborhood commercial sites at one intersection (one on each corner).
6. Signs. One sign for each facing street per business or use conducted within the building, not to exceed twenty (20) square feet in area. Signs attached flat against the building shall not project more than twelve (12) inches from the wall nor project above the roof or parapet wall. Freestanding signs shall

be located on the property and shall not project beyond the property line.

7. Additional Standards. The Planning Commission may limit the type, extent, and hours of operation of a proposed use and may require additional standards to protect adjacent property owners based upon evidence submitted at the public hearing.
- D. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser.
1. Subject to the provisions of Section 5.01(E)(2) of the Talent Zoning Code.
- E. The having, keeping or maintaining of any apiary (beehives) of more than two colonies.
1. The number of colonies is limited to two (2) colonies per legal lot with a minimum of 8,000 sq. ft. of lot area, plus one (1) additional colony per each additional 8,000 sq. ft. of lot area, up to a maximum of four (4) colonies regardless of lot size.
 2. Colonies shall be located in the side or rear yard, and set back no less than 10 feet from the nearest property line.
 3. Hives shall be placed on property so the general flight pattern of bees does not unduly impact neighboring properties or their inhabitants. If any portion of a hive is located within thirty (30) feet of a public or private property line, a flyaway barrier at least six (6) feet in height shall be established and maintained around the hive. The flyaway barrier shall be located along the property boundary or parallel to the property line, and shall consist of a solid wall, solid fencing material, dense vegetation or combination thereof extending at least ten (10) feet beyond the colony in each direction, so that all honey bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the colony.
 4. Colonies shall be maintained in movable-frame hives with adequate space and management techniques to prevent overcrowding.
 5. Every beekeeper shall maintain a supply of water for the bees located within 10 feet of each hive. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
 6. Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed.

7. In any instance in which a colony exhibits unusually aggressive characteristics or a disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen, or the colony will be destroyed.
- F. Standards for high impact transportation and recreation facilities such as community centers, fraternal or lodge buildings, sports complexes, bowling alleys, pool halls, stadiums, equestrian arenas, golf courses, swimming pools, heli-ports, heli-stops, and bus or train terminals.
1. Major noise generators shall be located a minimum of 30 feet from residential property lines and shall be screened by a noise attenuating barrier.
 2. Transportation facilities must be consistent with or incorporated into the Transportation System Plan (TSP).
 3. Major public recreation facilities must be consistent with or incorporated into the Parks, Recreation, and Open Space Plan.
 4. A traffic impact study may be required in accordance with Section 8-3L.9 Traffic Impact Study. A parking study may be required in accordance with the Talent Comprehensive Plan. The development project must include mitigation for any decrease in level of service exceeding City standards or the operational safety of the transportation system.
- G. Standards for automobile service stations, automobile wrecking yards and contractor offices and storage yards.
1. All activities associated with automotive repair and service, with the exception of maintenance activities such as pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odor do not disturb the normal operation or livability of neighboring uses.
 2. Storage of vehicles to be repaired shall be screened by a sight-obscuring fence, wall, or hedge.
 3. There shall be a minimum of a ten (10) foot front yard setback that is landscaped.
 4. There shall be a physical barrier between the driving surfaces and pedestrian areas.

5. All areas of the site where vehicles, vehicle parts or equipment will be stored, repaired, or displayed must be paved.
 6. The areas around fuel pumps and over underground storage tanks must be paved with concrete.
 7. Public restroom facilities must be available within the building.
 8. All stormwater runoff must be pretreated with pollution control devices before entering into the public stormwater system.
- H. Drive-in, drive-up and drive-through facilities.
1. Drive-up uses may be approved in areas as identified CBH, CH and CI Zoning Districts only and only in these zoning districts along Valley View Road and east of a line drawn perpendicular to South Pacific Highway and west of Bear Creek (refer to attached Drive-up Overlay Map).
 2. Drive-up uses in existence at the time of this ordinance's adoption or amendments thereof and not within the area identified on the drive up overlay map, are considered legal-conforming uses except for the following circumstances:
 - a. If such uses are abandoned or the drive-up window function of the business is abandoned for a period of six months, the drive-up window function would not be permitted to re-open.
 - b. If such uses are substantially altered (40% of the building's exterior walls are modified, added on to, etc.), at least three of the design standards identified below in Section C.5 shall be incorporated into the final site or building design.
 3. Drive-up lines, including menu speaker, service window and stacking area shall be to the side or rear of the building with the intent to minimize the visibility of these elements from the public street and adjacent residential dwellings. Infill of existing parking lots along a street's frontage is encouraged.
 4. Drive-up menu speakers and service windows shall be at least 200 feet from the nearest residentially zoned property line. Menu speakers shall not have a noise decibel reading greater than 55 decibels at the property line and shall otherwise comply with Talent Ord. #749 relating to unnecessary noises.

5. Drive-up buildings shall have their primary orientation toward the public street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Where buildings are located on a corner, the building entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. Buildings shall be located as close to the intersection corner as practicable. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple building spaces such as shopping centers where this standard is met by other building storefronts.
6. In addition to the Parking Area Improvements required as part of Article 8-3J.575, parking areas shall be designed to incorporate 5 of the 8 following design elements for visual, aesthetic and environmental relief:
 - a. One shade tree per seven parking spaces;
 - b. Bio-swale plant and filtration system;
 - c. Storm water oil separators;
 - d. Decorative landscape walls, max 24" in height;
 - e. Porous concrete in "plaza" areas (sidewalks, plaza space, outdoor dining space, etc.);
 - f. Mounded earth landscaping;
 - g. 15' landscape or hardscape buffer between sidewalk and parking area;
 - h. Use light colored paving materials with a high solar reflectance index (SRI) of at least .29 to reduce heat absorption for a minimum of 50% of the parking surface area.
7. Drive-up buildings shall incorporate one square foot of "plaza space" for every 10 square feet of gross floor area. The plaza space must incorporate 3 of the 6 following design elements:
 - a. Seating – 1 seat for each 500 square feet of building area;
 - b. Shelter or windbreaks for inclement weather;
 - c. Trees – 1 tree per 500 square feet of plaza space;
 - d. A mixture of areas that provide both sunlight and shade;
 - e. Water feature or art (may include decorative surface art);
 - f. Outdoor eating areas.
8. Drive-up buildings shall have a minimum first floor area ratio of 35% (building footprint area to lot size area). Plaza space may be considered as part of first floor area, but not greater than 30% of the required floor area ratio.

9. Drive-up buildings shall incorporate transparent window glazing and shall be encouraged to use window awnings in order to reduce heat gain.
10. Drive-up lanes shall either be flat or downhill to minimize excessive fuel consumption and exhaust during the wait in line.
11. Drive-up lanes shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.
12. Drive-up lanes shall provide sufficient stacking to ensure that public rights-of-way, including sidewalks, are not obstructed.
13. Drive-up buildings shall be fixed buildings with standard foundations. No temporary structure such as a vending cart, mobile or trailer is permissible.
14. Areas along the street without building frontage, between the street and the parking area or drive-thru lane, shall be landscaped in order to minimize visibility of vehicles and asphalt.
15. Trash and recycle areas shall be screened from the public right-of-way.

I. Retail Sales of Medical & Recreational Marijuana

1. Establishments vending medical or recreation marijuana shall be located at least 100 feet from a residential zone, 100 feet from a mixed use building with a residential unit, at least 750 feet from a public or private park and at least 1,000 feet from an existing public or private elementary, secondary or career school primarily attended by minors. For purposes of determining the distance between the establishment and the aforementioned areas, within the specified distance means a straight line measurement in a radius extending for specified distance or less in every direction from any point on the boundary line of a residential zone, public or private park or from an existing public or private elementary, secondary or career school primarily attended by minors.
2. No extracts, oils, resins or similar products from marijuana shall be produced on site and the use of open flames for the preparation of any products is prohibited.
3. Marijuana and tobacco shall not be used on property where a sale occurs.
4. Establishment shall have air filtering and ventilation systems that confine odors to the premises.

5. Minors are not allowed on the premises unless they are a medical marijuana cardholder and accompanied by a parent or guardian.
 6. Owners, operators and employees who have been convicted of manufacturing or delivering drugs once in the past five years or twice in their lifetime may not operate or own a medical or recreational marijuana retail establishment.
 7. Prior to operation, background checks for all owners, operators and employees shall be provided to the City. Not providing required background checks for all owners, operators and employees at any time is grounds for revocation of the conditional use permit.
 8. Establishments shall keep financial records that are subject to audit. (if tax is implemented)
 9. Establishment shall not have security bars and shall not operate a drive-thru facility.
- J. Overnight Recreation Vehicle Parks.
1. The park shall consist of a minimum of one (1) acre.
 2. There shall be a minimum of a twenty (20) foot landscaped buffer on all property lines.
 3. The public transportation system must be able to support large trucks and trailers.
- K. Caretaker or watch person dwelling on the premises of a non-residential use.
1. Only one (1) dwelling may be situated upon a particular piece of property unless approved by the Planning Commission.
 2. The dwelling shall be separated by at least ten (10) feet from all other buildings on the property.
 3. Setbacks of the dwelling from all property lines shall be the same as for the zone in which the dwelling is located or ten (10) feet whichever is greater.
 4. If the home is a manufactured dwelling, it shall be constructed to the State of Oregon Manufactured Dwelling Standards enacted on June 15, 1976 or any subsequent amendments thereto and have the Oregon Insignia of Compliance. It shall be a minimum of twelve (12) feet in width and 40 feet in length. It shall be provided with a kitchen having a sink with hot and cold

running water and at least one bathroom equipped with a water closet, lavatory and bathtub and/or shower. A building permit must be submitted and approved by the building inspector to ensure that the manufactured dwelling has been properly placed on and securely anchored to state approved foundation and stabilizing devices.

5. All plumbing fixtures shall be connected to a public water supply system and to a public sewerage disposal system and be equipped with running water. All water and sewer lines connecting the dwelling with public water and sewer lines shall comply with the standards of the City and Rogue Valley Sewer.
6. If a manufactured dwelling is used, the wheels and tongue or hitch shall be removed within 60 days unless a temporary use permit provides for an extended date.
7. Unless placed upon a continuous permanent foundation, the manufactured dwelling shall be completely enclosed with a continuous concrete wall or skirting which shall consist of non-decaying, non-corroding material extending to the ground or to an impervious surface.
8. Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:
 - a. The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet for each 25 linear feet of exterior wall.
 - b. Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh.
 - c. All foundation areas shall be provided with a 16x24 inch access way and shall be secured against entry.
9. No additional or accessory buildings shall be permitted in conjunction with a dwelling except as follows:
 - a. One carport or garage not to exceed 500 square feet in area.
 - b. One covered or uncovered patio not to exceed 300 square feet in area.
 - c. One storage building not to exceed 100 square feet in area and which shall be attached to and made a part of a carport or garage and which shall be included as a part of the maximum area provided for the carport or garage.
10. A caretaker residence may be accessory to an existing commercial or

industrial use that is in need of protection. The duration of the conditional use may be for the life of the commercial or industrial use and temporary vacancy periods for up to two (2) years. If at the end of the conditional use, the manufactured dwelling is removed from its permanent foundation, the owner of the property shall sign and record a development agreement approved by the City Attorney to remove the foundation and all additions to the manufactured dwelling and permanently disconnect and secure all utilities. The development agreement authorizes the City to perform the work and place a lien against the property for the cost within 30 days from the date on which the manufactured dwelling is moved from its foundation. This condition shall not apply in the event that another approved manufactured dwelling is placed within 30 days of the original unit's removal.

11. Two (2) off-street parking spaces for the dwelling shall be provided.

L. Wireless Communication Towers

1. The following items shall be provided:

- a. A photo of each of the tower and its major components of a similar installation, including a photo montage based on a perception of the surrounding area.
- b. A set of manufacturer's specifications of the support structure, antennas, and accessory buildings with a listing of materials being proposed including colors of the exterior materials.
- c. A map indicating all structures, land uses and zoning designations within 250 feet of the site boundaries, or 300 feet if the height of the structure is greater than 50 feet.
- d. A collocation feasibility study conducted by a third party shall adequately indicate collocation efforts were made and states the reasons collocation can or cannot occur. This study shall include a map showing all existing wireless communication facilities and providers within a five (5) mile radius of the proposed location.

2. Site Design for Wireless Communication Towers:

- a. The wireless communication tower (including antenna) shall not exceed 75 ft. A submittal verifying the proposed height and mass shall be prepared by a licensed engineer.
- b. Signage for wireless communication facilities shall consist of a maximum of two non-illuminated signs, with a maximum of two square feet each stating the name of the facility operator and a contact phone number.

- c. The proposed tower shall be constructed and/or treated in a manner that shall camouflage the structure and reduce its visual impact on the surrounding area. Examples of camouflage design include: camouflage as flag pole, monument, steeple, evergreen, or the integration of rooftop towers onto existing buildings, water towers, etc. Rooftop towers must use materials similar to or that blend in with the structure to which it is attached. Other camouflaged tower structures must be of similar height and appearance as other similar structures allowed in the zone, e.g. towers camouflaged as light poles or utility poles must be of similar height and appearance as other such poles. The purpose of this criterion is to reduce the visual impact of the tower.
- d. The proposed tower shall be set back from any Residential zoning district at least a distance equal to 200% of the height of the tower. In all other scenarios, the setback shall be the same as for other structures in the district, except for front yards which shall be a minimum of 20' in all zones.
- e. Any equipment associated with the tower facility shall be enclosed in a shed or building, which shall be adequately screened from view of the public right-of-way and any adjacent residential or commercial property.
- f. The proposed tower shall not utilize a back-up generator as a principal power source. Back-up generators may only be used in the event of a power outage.
- g. Facilities shall be designed to accommodate at least three providers. On the condition that this additional capacity does not prevent the applicant from adequately screening or camouflaging the use.
- h. The perimeter of the Wireless Communication facility shall be enclosed with a security fence or wall. Such barriers shall be landscaped in a manner that provides a natural sight obscuring screen around the barrier to a minimum height of 6 (six) feet.
- i. The outer perimeter of the Wireless Communication facility shall have a 10 (ten) foot landscaped buffer zone and shall be maintained by the property owner to ensure proper growth and health of the surrounding vegetation
- j. The location of the tower and equipment shall comply with all natural resource protection including those for floodplain, wetlands and steep slopes.

8-3 Division L. Article 9.

TRAFFIC IMPACT STUDY

8-3L.910 PURPOSE AND AUTHORITY

The City will review land use actions and major roadway projects for potential impacts and to ensure that new development contributes to the orderly development of the Talent Transportation System Plan network of roads, bikeways, and pedestrian facilities.

8-3L.920 APPLICABILITY

- A. Transportation Impact Study (TIS) shall be required if any of the following actions exist:
1. A zoning or comprehensive plan map or text amendment is projected to generate 500 or more net daily vehicle trips.
 2. A development proposal is projected to generate fifty (50) or more net peak hour trips on an arterial or collector segment or intersection.
 3. A land use action or development proposal will impact known safety, congestion or capacity problems.
 4. A land use action or development proposal is on a highway segment with special access controls.

8-3L.930 TRAFFIC IMPACT STUDY REQUIREMENTS

- A. The TIS shall be prepared by a certified professional transportation engineer acceptable to the City. The engineer must be currently licensed and otherwise qualified to perform the work under applicable professional and community standards and must have no financial interest in the project whatsoever and no past or current pecuniary association of any kind with the developer other than occasional work as an independent contractor performing traffic impact studies. The TIS shall determine the impact of the proposed development on existing and proposed transportation facilities and assess the applicant's plans to mitigate such impacts.
- B. **Contents.** The TIS will include the following:
1. Study area. The study area shall be the Area of Influence of the proposed action or development and all segments of the surrounding

transportation system where users are likely to experience a change in the quality of traffic flow, including:

- a. All site access intersections
 - b. Nearest intersecting collector or arterial street upstream and downstream of the proposed action or development.
 - c. Any other collector or arterial street intersection that would experience an increase of fifty (50) additional net peak hour trips.
 - d. Additional intersections requested by staff
2. Description of the proposal, phasing, if applicable, time schedule, intended use of the site(s), and intensity of use.
 3. Study timeframes
 - a. Existing conditions.
 - b. Build-out year or completion year of each significant phase of development.
 - c. 20-years from existing (for comprehensive plan and zoning amendments).
 4. Tables
 - a. Trip Generation (including phase breakdown if applicable)
 - b. LOS Table (LOS for every analysis scenario at every study area intersection. Report LOS, delay, v/c ratio, 95% vehicle queue, and any additional pertinent analysis results)
 5. Figures
 - a. Vicinity Map
 - b. Site or Tentative Plan Map
 - c. Background Traffic Volumes (all study intersections, all analysis years)
 - d. Trip Distribution and Assignment
 - e. Total (Background + Site Generated) Traffic Volumes (all study intersections, all analysis years)
 6. The stamp and signature of a qualified registered professional Engineer with a license valid in the State of Oregon.
- C. The Community Development Director or his/her designee may waive or reduce the scope of the TIS if the impacts from the development area are reasonably known and do not provide reasonable justification for the estimated cost of the analysis and report preparation. In waiving or limiting the scope of a transportation impact analysis that would otherwise be required by subsection B. above, the

Community Development Director or his/her designee shall make a written determination that potentially affected intersections will not fall below the performance standards in the Talent TSP or the intersections have been adequately analyzed already in research and reports available to the City. The Community Development Director or his/her designee shall coordinate with ODOT and/or Jackson County as appropriate prior to waiving or reducing the scope of a transportation impact analysis for any development impacting a state or county maintained roadway.

8-3L.940 ANALYSIS METHODOLOGY

- A. All traffic analysis shall be prepared using analysis software programs following the most recent Highway Capacity Manual procedures.
- B. Existing condition. The following data shall be collected and reported:
 - 1. An infrastructure inventory shall be conducted that addresses all travel modes (streets as well as pedestrian, bicycle, and transit facilities).
 - 2. Traffic volumes shall be measured within the previous twelve months for the weekday peak traffic period. A weekend peak period analysis shall be required at the discretion of the Community Development Director or his/her designee if weekends are the peak traffic period for either the existing street or the proposed development.
 - 3. Existing peak hour intersection operations shall be evaluated and performance indicators including volume-to-capacity ratio and level of service shall be reported.
- C. Background condition. Analysis must include:
 - 1. Background traffic forecasts shall be prepared for the peak hour for the Buildout Year of the proposed project. Background forecasts shall be based on a traffic growth rate agreed upon by the Community Development Director or his/her designee. Trips generated by any permitted development that has not been constructed but has had a Traffic Impact Analysis prepared shall be added to the Background forecasts.
 - 2. Background peak hour intersection operations shall be evaluated and performance indicators including volume-to-capacity ratio and level of service shall be reported.
- D. Total condition. Analysis must include:

1. Total traffic forecasts shall be provided for the peak hour for Buildout Year of the proposed project. Total traffic shall be calculated by adding the trips generated by the project to the background traffic forecast. Trip generation estimates for the proposed development shall be based on ITE's Trip Generation Manual (latest published edition). The Community Development Director or his/her designee may approve different trip generation rates when trip generation rates are not available in ITE's Trip Generation Manual or different rates are justified. Trips generated by the proposed development shall be logically distributed and assigned to the street system based on analysis of local traffic patterns, the regional travel demand forecasting model, or on alternative methodology approved by the Community Development Director or his/her designee.
2. Total peak hour intersection operations shall be evaluated and performance indicators including volume-to-capacity ratio and level of service shall be reported.
3. Safety considerations shall be evaluated. Potential safety problems resulting from conflicting turning movements between and among driveways, intersections, and internal traffic shall be addressed. Distance to the nearest driveways on both sides of streets fronting the site and in both directions from site access points shall be shown. On-site driveway stacking and queuing impacts shall be assessed. The potential for shared access with adjacent development shall be assessed.

8-3L.950 APPROVAL CRITERIA

- A. The Community Development Director's or his/her designee assessment of the TIS will be used as the basis for requiring mitigation and imposing conditions of approval.
 1. Intersections.
 - a. The Community Development Director or his/her designee shall evaluate the intersection analyses provided in the TIS for safety and queuing deficiencies and compliance with the Transportation Planning Rule and the Talent TSP.
 - b. Intersections under the jurisdiction of the Oregon Department of Transportation shall also be evaluated for compliance with the Oregon Highway Plan.
 - c. Intersections that do not comply with the criteria listed in those documents may be required to be mitigated.
 2. The Community Development Director or his/her designee will determine if the development or study area has adequate transportation facilities to

support the proposed land use action or development based on compliance with the operations standards.

3. The Community Development Director or his/her designee shall evaluate the crash histories and crash rates provided to identify any queuing issues.
4. The Community Development Director or his/her designee shall approve all proposed traffic distribution prior to the completion of the traffic study.

8-3L.960 MITIGATION REQUIREMENTS/CONDITIONS OF APPROVAL

- A. Mitigation shall ensure that the transportation facilities are providing adequate capacity and safety concurrent with the land use action or development of the property.
- B. The City may deny, approve, or approve a land use action or development proposal with appropriate conditions.
- C. The TIS shall identify methods of mitigating on-site and off-site deficiencies for present and proposed phases of the land use action or development.
- D. Build-out Year, Long-Range Forecast Year, and project phasing impacts shall be considered.
- E. Mitigation measures may also include, but are not limited to:
 1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or access ways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
 2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use may be required.
 3. Where planned local street connectivity is required to improve local circulation for the betterment of interchange function, local street system improvements will be required.
 4. Mitigation measures may also include additional street connections and street extensions, turn lanes, signalization, signal modifications, installation of medians, shared access and other access management

strategies, geometric improvements such as lane geometry improvements, and intersection realignments.

- F. The TIS shall demonstrate how the recommended mitigations are roughly proportional to the identified impacts.

8-3M.150 TYPE-III PROCEDURE (QUASI-JUDICIAL)

- A. Pre-application conference. A pre-application conference is required for Type-III applications. Pre-application conference requirements and procedures appear in Section 180(C), below. In addition, the applicant may be required to present his or her development proposal to a city-recognized neighborhood association or group before the City accepts the application as complete.
- B. Application requirements.
1. Application Forms. Type-III applications shall be made on forms provided by the City Planner;
 2. Submittal Information. The application shall include:
 - a. The information requested on the application form;
 - b. Be filed with 3 copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;
 - c. Be accompanied by the required fee;
 - d. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application. The records of the Jackson County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list. [Alternatively, the applicant may pay a fee for the City to prepare the public notice mailing];
 - e. Include all relevant data and narrative materials to support the land division and/or site plan review application. Data may include an impact study to quantify or assess the effect of the development on public facilities and services. **A traffic impact study shall be required if the proposal exceeds the thresholds of Section 8-3L.9 Traffic Impact Study. The study be consistent with the provisions of Section 8-3L.9.** In situations where the Subdivision Code and/or Talent Zoning Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that clearly demonstrates that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

8-3M.160 TYPE-IV PROCEDURE: LEGISLATIVE

- A. Pre-Application conference. A pre-application conference is required for all Type-IV applications. The requirements and procedures for a pre-application conference are described in Section 180(C).
- B. Timing of requests. The City Planner shall not review non-City-sponsored or State-required proposed Type-IV actions more than five times annually, based on a City Council Resolution-approved schedule for such actions.
- C. Application requirements.
 - 1. Application forms. Type-IV applications shall be made on forms provided by the City Planner;
 - 2. Submittal Information. The application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee; and
 - d. Three copies of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.
 - e. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application. The records of the Jackson County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list. [Alternatively, the applicant may pay a fee for the City to prepare the public notice mailing];
 - f. Include all relevant data and narrative materials to support the land use application. Data may include an impact study to quantify or assess the effect of the requested change on public facilities and services. **A traffic impact study shall be required if the proposal exceeds the thresholds of Section 8-3L.9 Traffic Impact Study. The study shall be consistent with the provisions of Section 8-3L.9.**

C. Notice of Hearing.

1. Mailed Notice. Notice of a Type-III application hearing or Type-II appeal hearing (Section 140(E)) shall be given by the City Planner in the following manner:
 - a. At least 20 calendar days before the hearing date, notice shall be mailed to:
 - (1) The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - (2) All property owners of record within 250 feet of the site;
 - (3) Any governmental agency, which has entered into an intergovernmental agreement with the City and includes provision for such notice, or who is otherwise entitled to such notice.
 - (4) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
 - (5) Any person who submits a written request to receive notice;
 - (6) For appeals, the appellant, all persons who provided written and oral testimony, and any person adversely affected or aggrieved; and
 - (7) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - b. The City Planner shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was posted on the property and mailed to the persons who must receive notice;
 - c. At least 10 days and not more than 14 calendar days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;
 - d. At least 10 days and not more than 14 calendar days before the hearing, the applicant shall post notice of the hearing on the property per Subsection 4 below. The applicant shall prepare and submit an affidavit of posting of the notice, which shall be made part of the administrative record.
2. Content of Notice. Notice of appeal of a Type-II Administrative decision or a Type-III hearing to be mailed, posted, and published per Paragraph 150(C)(1), above, shall contain the following information:

- a. The nature of the application and the proposed land use or uses, which could be authorized for the property;
- b. The applicable criteria and standards from the development code(s) that apply to the application;
- c. The street address or other easily understood geographical reference to the subject property;
- d. The date, time, and location of the public hearing;
- e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
- f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
- g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost and that copies shall be provided at a reasonable cost;
- h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- j. The following notice: "Notice to mortgagee, lienholder, vendor, or seller: The City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

E. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall declare to those in attendance that:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;

- c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body may grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
 2. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
 3. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection E of this section;
 - a. When the Planning Commission re-opens the record to admit new evidence or testimony, any person may raise new issues, which relates to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to this Section is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
 - c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.
 4. The record.

- a. The record shall contain all testimony and evidence that is submitted to the City and the hearings body and not rejected;
- b. The hearings body may take official notice of judicially recognizable facts under the applicable law. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts; and
- c. The review authority shall retain custody of the record until the City issues a final decision.

5. Participants in the appeal of a Type-II Administrative decision or a Type-III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts (see Subsection 6 below) as reasonably possible. However, the public has a countervailing right to hear and present arguments at a public hearing. Therefore:
 - a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing *ex parte* contacts (as defined in Subsection 6 below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
 - b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a financial interest: Their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
 - c. Disqualification of a member of the hearings body as a result of contacts or conflict may be ordered by a majority of the voting members present. The person who is the subject of the motion may not vote on the motion to disqualify;
 - d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall not be re-qualified to make a decision;
 - e. If a member of the hearings body abstains or is disqualified, the City may provide a substitute in a timely manner to make a quorum, subject to the impartiality rules in Subsection 6; and
 - f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.
6. *Ex parte* communications.
 - a. Members of the hearings body shall not:
 - (1) Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing, except upon giving notice, per Subsection 5 above; and

- (2) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

- b. No decision or action of the hearings body shall be invalid due to *ex parte* contacts, if the person receiving contact:
 - (1) Places in the record the substance of any written or oral *ex parte* communications concerning the decision or action; and
 - (2) Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
- c. A communication between City staff and the hearings body is not considered an *ex parte* contact.

7. Presenting and receiving evidence.

- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section 150(D), above; and
- c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize him or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

F. The Decision Process.

- 1. Basis for decision. Approval or denial of an appeal of a Type-II Administrative decision or a Type-III application shall be based on standards and criteria in the Talent Zoning Code, Subdivision Code, and any other applicable ordinances. The standards and criteria shall relate approval or denial of a discretionary development application to the development regulations and, when appropriate, to the Comprehensive Plan for the area in which the development would occur and to the development regulations and Comprehensive Plan for the City as a whole;
- 2. Findings and conclusions. Approval or denial shall be based upon the criteria and

standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

3. Form of decision. The hearings body shall issue a final written order containing the findings and conclusions stated in subsection 2, which approves, denies, or approves with specific conditions. The hearings body may also issue appropriate intermediate rulings when more than one permit or decision is required; and
 4. Decision-making time limits. A final order for any Type-II Administrative Appeal or Type-III action shall be written and filed by the City Planner within thirty calendar days after the close of the deliberation.
- G. Appeal Procedures. An appeal of a Type-III application to a hearings officer, appointed by the City Council, shall be heard through a *de novo* hearings procedure. Only those with standing to appeal may present arguments, but can submit new evidence into the record. The hearings officer may place conditions of approval to meet the applicable criteria or deny an application based on applicable criteria not met, but must be supported by findings of fact in the record. An appeal of a hearings officer decision may be appealed by those with standing to the state Land Use Board of Appeals within 21 days of the date of the notice of decision or order, which ever is later.
- H. Notice of Decision. Written notice of a Type-II Administrative Appeal decision or a Type-III decision shall be mailed to the applicant and to all participants of record within five business days after the final order of the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- I. Final Decision and Effective Date. The decision of the hearings body on any Type-II appeal or any Type-III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the designated hearings body. The notification and hearings procedures for Type-III applications on appeal to the hearings officer shall be the same as for the initial hearing.

ORDINANCE NO. 16-912-O

**AN ORDINANCE AMENDING ORDINANCE, NO. 811, TALENT SUBDIVISION CODE,
AMENDING TITLE 8, CHAPTER 2, SECTION 266(D) ALLOWING THE CITY TO
REQUIRE A TRANSPORTATION IMPACT STUDY WHEN CERTAIN THRESHOLDS
HAVE BEEN MET**

WHEREAS, after due consideration, the City of Talent has made certain findings in connection with the proposed amendments and have followed the statutory procedures.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. That the following sections within Title 8, Chapter 2 have been amended as described in EXHIBIT A attached herein:

Section 8-2.260(D)

SECTION 2. That the amendments as described herein comply with all applicable Comprehensive Plan Policies of the City of Talent as well as all applicable State and Federal Laws.

SECTION 3. That the amendments as described herein have been advertised and publically noticed in accordance with Section 8-3M. Article 1 of the Talent Zoning Ordinance.

Duly enacted by the City Council in open session on February 3, 2016 by the following vote:

Ayes: Nays: Abstain: Absent:

Melissa Huhtala, City Recorder and Custodian of City records

EXHIBIT A

8-2.260 VEHICULAR ACCESS AND CIRCULATION

A. Intent and Purpose. The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the City’s Transportation System Plan. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.

These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

B. Applicability. This ordinance shall apply to all public streets within the City and to all properties that abut these streets.

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

1. Permits for access to City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Section and the provisions of Section 250—Transportation Facility Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
2. Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Jackson County. In that case, the City or County shall determine whether access is granted based on its adopted standards.
3. Permits for access to County highways shall be subject to review and approval by Jackson County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

D. Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared in accordance with Section 8-3L.9 Traffic Impact Study.

E. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public or private street.

F. Access Options. When vehicle access is required for development, access shall be

provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider.

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection G, below.
4. Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots.
5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).
- G. Access Spacing. Driveway access shall be separated from other driveways and public and private street intersections in accordance with the following standards and procedures:
 1. Local Streets. A minimum of 10 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in Subsection 3, below.
 2. Arterial and Collector Streets. Access spacing on collector and arterial streets shall be determined by the Public Works Director. Access to State Highway 99 shall be subject to review and approved by the Oregon Department of Transportation (ODOT), based on the applicable standards contained in the City’s Transportation System Plan and policies contained in the *1999 Oregon Highway Plan*.
 3. Special Provisions for All Streets. Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified by Subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. (See Subsection I, below.) Where no other alternatives exist, the permitting agency may allow construction of an access

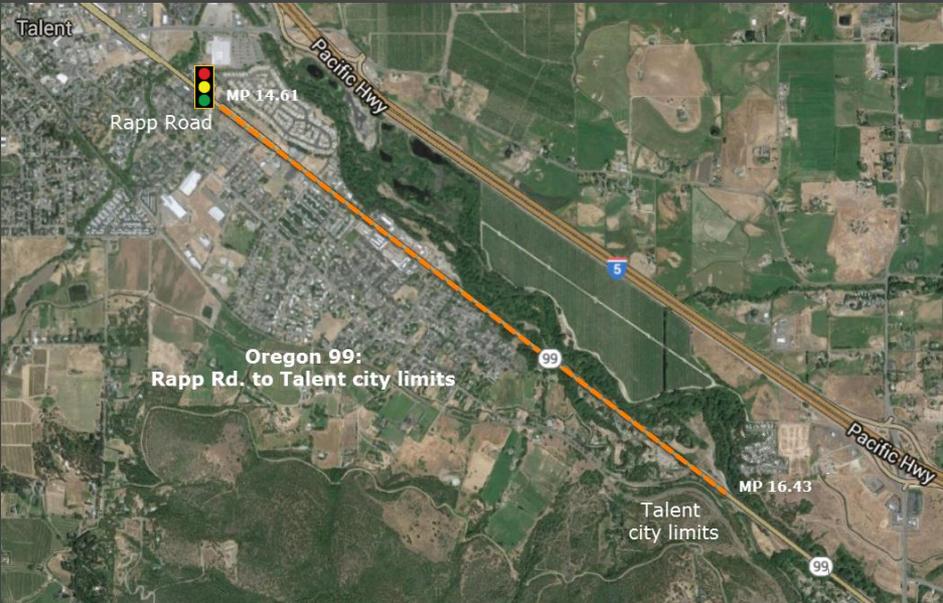
connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

- H. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot. Alley access is strongly encouraged before other access points are considered; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), and subject to the access spacing standards in Section G, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection I, below, in order to maintain the required access spacing, and minimize the number of access points.
- I. Shared Driveways. The number of driveway and private street intersections with public streets may be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
 - 1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they may be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
 - 2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

Oregon 99: Rapp Rd. to S. Talent City Limits

Talent City Council

FEBRUARY 3, 2016



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS

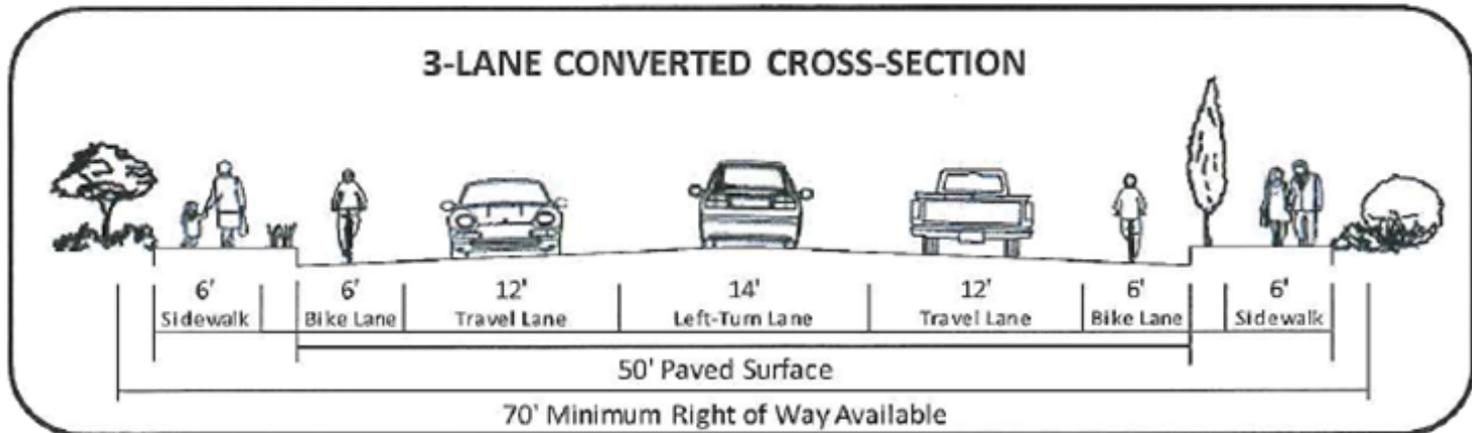
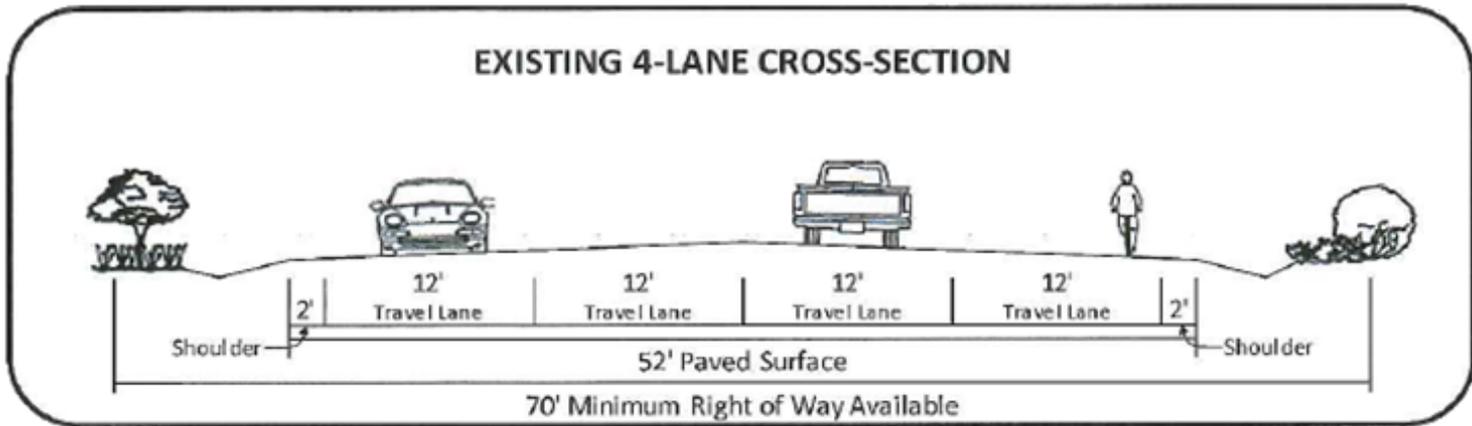
PROJECT SCOPE & TIMELINE



- PROJECT BUDGET: \$3.34 MILLION
- REVISED ESTIMATE: \$4.59 MILLION
- BIDS: MAR 2017
- CONSTRUCTION START: MAY 2017



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS

PROJECT ISSUES

Additional \$300K needed from Talent for east sidewalks –

- Costs increased due to:
 - Need \$ for right of way for driveways vs. permit of entry
 - Existing asphalt is in poor shape; estimate doubled
 - Project never fully scoped before RVACT funding approval



Unanticipated Project Issues

THEN

Initial concept

- **Asphalt:**
Remove 2", back 2"
- **Property:**
Permit of Entry required
- **Design Costs:**
Estimate

NOW

Refined design

- **+\$882K**
Remove 3", back 5"
▶ additional 3" of mix
- **+\$193K**
Temp. & Perm. Easements
- **+\$170K**
Actual Detailed Design



\$300K requested from Talent

ODOT is providing an additional \$900K

Project deficit is approximately \$1.2 million

Oregon 99: Rapp Rd. to South Talent City Limits

Phase	Budget	Estimated to Finish	Deficit
Preliminary Engineering	\$280,000	\$450,000	\$170,000
Right of Way	\$7,000	\$200,000	\$193,000
Construction	\$3,054,000	\$3,936,074	\$882,074
Total	\$3,341,000	\$4,586,074	\$1,245,074



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS



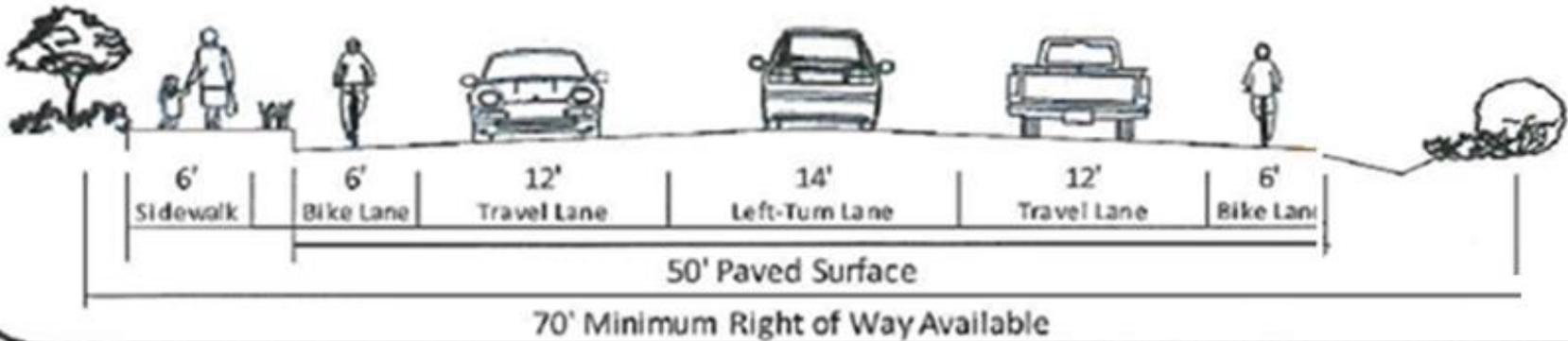


THANK YOU!



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS

3-LANE CONVERTED CROSS-SECTION





**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING
TOWN HALL
January 20, 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 20, 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

Members Present
Councillor McManus
Councillor Cooke
Councillor Abshire
Councillor Pederson
Councillor Collins

Members Absent
Mayor Stricker
Councillor Wise

2. Pledge of Allegiance

3. Mayor Announcements

Due to Mayor Stricker's absence Council President Pederson would be running the meeting. Councilor Pederson announced that Kindred Spirits restarted the second Friday celebration for art and music.

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.

City Manager, Tom Corrigan suggested moving the Styrofoam Ban to item 4.1 due to speaker request forms submitted to speak on the topic.

Councillor Cooke moved to switch 4.1 with 4.2 Councillor Collins seconded. Councilor Pederson repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

4.2 Styrofoam Ban

Mr. Corrigan gave a brief Staff Report.

Council President Pederson opened the Public Hearing at 6:51 PM

Jill Iles – 1707 Talent Ave., Talent – Ms. Iles spoke in support of the Styrofoam ban. She gave facts regarding Styrofoam.

Julie Allemand – 208 Pleasant View, Talent – Ms. Allemand spoke in support of the Styrofoam ban.

Councilor President Pederson closed the Public Hearing at 6:56 PM

Councillor Abshire moved to approve Ordinance 16-913-O, an Ordinance prohibiting the use of disposable food service ware composed of polystyrene foam in the City of Talent. Councillor Collins seconded. Councilor Pederson repeated the motion. Discussion: Councilor President Pederson spoke that Council has been looking at this for a couple of months and there had been little resistance to ban Styrofoam. All Ayes. Motion passed unanimously.

4.1 Water Recovery Plan

Mr. Corrigan gave a Staff Report. He spoke that rates have not been raised in years they have only been lowered. He explained that we are looking at a water rate recovery plan to get back on track. Peak flow time was discussed. It was discussed to tie in raising rates with the CPI.

Council Pederson opened the Public Hearing at 7:06 PM

Public Input: None

Council Pederson closed the Public Hearing at 7:07 PM

Councilor McManus moved to approve the proposed water rates restoring rates to the 2002 rates as shown in the Council Packet and to also include an annual increase tied to CPI. Councilor Cooke seconded. Councilor Pederson repeated the motion. Discussion: Councilor Cooke spoke that Council has worked hard to keep from raising rates. Councilor Abshire and Councilor McManus spoke that this was important to consider the recovery for future infrastructure. Councilor Pederson agreed with the above comments. Councilor McManus amended the motion to make the effective date to March 1, 2016. Councilor Cooke seconded to the amendment. All Ayes. Motion passed unanimously.

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

Zac Moody- 140 Briarwood Dr., Talent – Mr. Moody spoke regarding funding for the Little League Master Planning Project. He explained what would be involved in the master plan. He requested help from Council and Parks Commission to be part of the advisory board. Mr. Moody gave Council a letter (*see attached*).

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 January 6, 2016

Councilor Abshire moved to approve the Regular Council Minutes for January 6, 2016. Councilor Collins seconded. Council Pederson repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

7.2 Acknowledge receipt of Payables

Councilor Cooke moved to approve the payables. Councilor Abshire seconded. Councilor Pederson repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

7.3 Re-appoint Paul Hadella to the Parks Commission for a 2 year term

Councilor McManus moved to re-appoint Paul Hadella to the Parks Commission for a 2 year term. Councilor Collins seconded. Councilor Pederson repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

7.4 Appoint Jenica Faye to the Parks Commission for a 2 year term

Councilor Cooke moved to appoint Jenica Faye to the Parks Commission for a 2 year term. Councilor Collins seconded. Councilor Pederson repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

7.5 Appoint John Harrison to the Budget Committee for a 3 year term

Councilor Abshire moved to appoint John Harrison to the Budget Committee for a 3 year term. Councilor McManus seconded. Councilor Pederson 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 Second Reading 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

Mr. Corrigan gave a brief Staff Report.

Councilor Collins moved to approve Ordinance 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. Councilor Cooke seconded. Councilor Pederson repeated the motion. Discussion: Councilor Abshire spoke not in favor of the Ordinance. Councilor Collins, Councilor McManus and Councilor Cooke: YES. Councilor Abshire: NO. Motion passed 3-1.

8.2 Second 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

Mr. Corrigan gave a brief Staff Report.

Councilor Collins moved to approve 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. Councilor Abshire seconded. Councilor Pederson repeated the motion. Discussion: None. All Ayes motion passed unanimously.

8.3 Second 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 therefore and defining their powers and duties.

Mr. Corrigan gave a brief Staff Report.

Councilor Abshire moved to approve Ordinance 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 therefore and defining their powers and duties. Councilor Collins seconded. Councilor Pederson repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.4 Second 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 structures.

Mr. Corrigan gave a brief Staff Report.

Councilor Cooke moved to approve Ordinance 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 structures. Councilor McManus seconded. Councilor Pederson repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

9. Information Items

9.1 None

10. City Manager & Other Department Reports

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

City Manager, Tom Corrigan gave Department and City Reports:

- Council Goals were sent to Council from the last Study Session.
- Had a great meeting with LCDC at the Community Center.
- Cantina Vida is close to opening at the Depot.
- Reminded Council that State of the City report is coming. If you have accomplishments please send them to the Mayor.
- Staff took SPAM tests and suggested Council do too.
- The server room air conditioner went out at City Hall. Will be looking into replacing it and will bring back to Council.
- Oak Valley called with concerns about a possible dam forming over Wagner Creek.
- The Community Center has been getting a lot of use.

- DOT will be presenting at the February 3rd Council Meeting requesting additional funding from the City for the Road Diet.
- There is new abstract art done by Megan Headley hanging in the Community Center.

11. Other Business

11.1 Councilor McManus suggested to get notification to citizens regarding the rate increase. Mr. Corrigan spoke that notification will be going out.

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

Councilor McManus spoke that RVCOG was cancelled. He spoke that SOREDI is going to have a Southern Oregon Business Conference on January 28th.

Councilor Collins announced that Together for Talent has their next meeting on February 2nd.

Councilor Abshire announced that the Historical Society is doing well financial and they are always looking for new memberships.

Councilor Cooke thanked Councilor Collins Fix My Street will be brought to the next TSTC meeting.

Councilor Pederson had no announcements.

13. Adjournment

The Council Meeting was adjourned at 7:45 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.

PHOENIX-TALENT LITTLE LEAGUE

PO Box 401
Phoenix, OR 97535
www.ptlleague.com
Tax ID No. 22-2605290



Dear City Councilors,

Phoenix-Talent Little League (PTLL) is once again planning an upcoming spring baseball and softball season for the benefit of the youth of the Phoenix Talent area. As you may know, we serve nearly 150 children and their families playing baseball and enjoying time together almost every day of the week at our Talent facility. During this time, our complex can see as many as 250 people per day. That's 250 people coming to our beautiful city.

We are excited to announce that we are in the beginning stages of preparing a master plan for the complex that will help us plan for the future and begin a much needed complex restoration.

Our goal is to be able to restore the fields and complex to a tournament ready facility. Not only will this allow our league to host baseball and softball tournaments, but an improved facility will help us administer a fall-season baseball program to keep our fields in use almost year-round.

As a non-profit league supporting four fields on nearly 7 acres without municipal assistance, we rely exclusively on volunteers to maintain the fields and run the league. Operating expenses each season far exceed what it takes to maintain our fields and fundraisers, private donations, and sponsorships we receive help us generate a balance.

With the crucial assistance of private donors and business sponsorships, PTLL has operated at our current location in Talent for almost 40 years! Our league represents an opportunity to invest in the future of our children. It is our hope that the City will join many other Southern Oregon businesses in becoming a part of the future of not only the Phoenix Talent Little League, but the complex as a whole.

So, how can the City of Talent support the future of Little League in the area? We need the City's involvement on a few different levels. First, we need a commitment to have a Councilor or a Parks Commissioner interested in youth sports to participate in the master planning process.

Second, we would like to request the Council set aside a portion of their yearly discretionary funds during the 2016-17 fiscal year to help financially support the master planning process. This process will require the league to secure the services of a surveyor, landscape architect and possibly an engineer. While the league has set aside funds to move forward with this project, additionally outside sources of funding would greatly reduce the financial stress this type of project create.

Lastly, the league has a 25 year contract to lease the complex space that is somewhat outdated and places the entire burden of maintenance on the league. We have made great strides and spent thousands of dollars to get the complex into a condition that the fields could be maintained by the City. Although we are not quite where we need to be, we are close and would like to re-evaluate our contract in the coming year and ask the City to

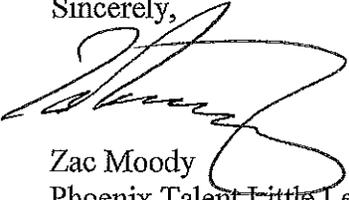
consider taking on some of the maintenance responsibilities.

With that said, our league is grateful that we have a complex centrally located in Talent that offers our youth an opportunity to participate in a summer baseball and softball program. These programs are part of our mission to teach teamwork, discipline, good sportsmanship, and a love of baseball to the youth of the Phoenix-Talent area.

Thank you for your time and, in advance, for your consideration of these requests and for your support of our 2016 season of Little League in Phoenix and Talent!

If you have any questions, or would like a representative from our league to formally address the Talent City Council, please contact me. You may email ptlleague@gmail.com or call me at 541-225-8686.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zac Moody', written over a large, stylized flourish.

Zac Moody
Phoenix Talent Little League President

Paul Hadella
1/14/2016

Minutes
Parks and Recreation Commission Meeting,
December 9, 2015 - 6:30 PM - Community Center, City of Talent

- I) **Call to Order/ Roll Call** – Commissioner Paul Hadella (Chair) called the meeting to order. Present at roll call were Commissioners: Gordon Mobley, Kittie Harrison, Linda Heerema, and Present were Council Liaison, Mayor, Darby Stricker and City Manager, Tom Corrigan.
- II) **Consent Calendar** – November meeting minutes were approved. Motion made to accept minutes made by Commissioner Mobley. Seconded by Commissioner Heerema. Motion approved by commission.
- III) **Public Comment** – None.
- IV) **Staff Park Report and Financial Report** Tom Corrigan, spoke about finances first. Divided between Parks and Recreation and Parks maintenance (PM) they are currently at 42 % of the year and are at 39% of expenditures. Parks and Recreation program has spent \$9,000 of the \$10,000 budgeted. Any maintenance issues to be brought to PM attention.

V) New Business:

A. Strategize ways to recruit and retain new Commissioner- Guest David Pastizzo give ideas for Talents parks map. Moved to a sub group to compile ideas and share with Parks and Recreation Committee next meeting. Review city policy, and put together interview questions for interested applicants and recommend to the Mayor.

B. Discuss Parks website- website cost \$600 a year to maintain. Tom Corrigan had IT dept. check on users' hits and found there are very few. Question is do we want to maintain the site at \$ 600. a yr. or seek other avenues. Commission will postpone decision until Public Relations subcommittee reports.

C. Future of Newbry Park- some ideas are: voluntary removal of blackberry bushes by Rogue Valley Disc Golf Club. Setting up a park host to police the park. Possible Dog Park for bigger dogs giving the Bark Park over to small dog use due to its size.

D. Ways to fund increasing maintenance cost for Parks- Commissioners, City Manager, and Mayor discussed maintenance costs and summer program costs together, because they are both connected, through a City resolution, to the monthly Parks surcharge on the City of Talent water bill. To increase maintenance funding, City may have to rewrite resolution to define smaller proportion for recreation program. This issue will be put on next month's meeting agenda for further consideration. Meanwhile, City Manager will prepare a staff report on past summer program cost and attendance to help Commission reach a decision.

VI) Ongoing Business:

- A. **Future of Clearview land donation-** Commission supports the conceptual plan in 2006 Master Plan for Suncrest area (which would now include Clearview).
- B. **Consider Smoke Free policy in Parks- Motion to adopt smoke- free policy in parks of Talent.** Motion made by Commissioner Heerema. Seconded by Commissioner Mobley. Motion approved by commission.
- C. **Discuss options for 2016 Summer Program-** Chair Hadella informed Mayor and City Manager, who were not present at Nov. Meeting, that the Commission passed two motions

at the meeting regarding 2016 summer program: Commission recommended that the program continue as a series of monthly events, as in 2015; also that the City hire a program organizer. City Manager explained that hiring an organizer would have to be as a city temporary position.

- VII) Council Liaison Report** – awaiting report of tennis court options. Parks and Rec. goals are in City Council’s packet for consideration.
- VIII) Committee Reports** – None
- IX) TNR Suggestions** – None.
- X) Other** – None
- XI) Agenda** – report from subcommittee on mapping of Talent parks. Staff report for resolution. Series of workshops on self-reliance and family emergency preparedness.
- XII) Adjournment** – 8:03 pm

Minutes submitted by Kittie Harrison

ORDINANCE NO. 16-913-O

AN ORDINANCE PROHIBITING THE USE OF DISPOSABLE FOOD SERVICE WARE
COMPOSED OF POLYSTYRENE FOAM IN THE CITY OF TALENT

WHEREAS, polystyrene foam has negative impacts on human health, wildlife and the environment; and

WHEREAS, according to the United States Energy Information Administration, polystyrene foam, which is derived from petroleum can take more than 1,000,000 years to decompose; and

WHEREAS, there is no viable option for recycling polystyrene foam in or near the City of Talent; and

WHEREAS, viable alternative packaging for food and food products exists and is available for use by food vendors in the City of Talent;

NOW THEREFORE, THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. Definitions.

A. "City Manager" means the City Manager of the City of Talent or the City Manager's designee.

B. "Food vendor" means, but is not limited to, shops, sales outlets, restaurants, bars, pubs, coffee shops, cafeterias, caterers, convenience stores, liquor stores, grocery stores, supermarkets, delicatessens, nonprofit organizations, mobile food trucks, vehicles or carts, and roadside stands that serve, sell, or otherwise provide food for human consumption.

C. "Disposable service ware" is a single use disposable product used by the food vendor for serving prepared food that includes, but is not limited to, plates, trays, bowls, cups, lids, straws, utensils, and hinged or lidded containers (clamshells).

D. "Polystyrene foam" means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent (expanded polystyrene) including, but not limited to, fusion of polymer spears (expandable bead polystyrene), injection molding, for molding, an extrusion blown molding (extruded from polystyrene).

E. "Prepared food" means, but is not limited to, food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the premises. "Prepared foods" does not mean: (1) any raw meat product unless it can be consumed without any further preparation, or (2) prepackaged food that is delivered to the food vendor wholly encased,

contained, or packaged in a container or wrapper, and sold or otherwise provided by the food vendor in the same container or packaging.

F. "Provide" means, but is not limited to, active serving, giving away, selling, delivering, packaging, and providing.

Section 2. Polystyrene foam disposable food service ware prohibited.

No food vendor shall provide prepared food in disposable service ware composed of polystyrene foam.

Section 3. No City sponsored event will allow the use of food in disposable service ware composed of polystyrene foam.

Section 4. Exceptions to the polystyrene foam disposable food service ware prohibition other than at City sponsored events.

- A. A food vendor may qualify for an exemption from the prohibition in Section 2 of this ordinance if the food vendor provides documentation to the City Manager showing the following: (1) gross revenue of less \$50,000 dollars as shown on the food vendor's tax filing for the most of the recent tax year, and (2) with respect to each specific and necessary polystyrene foam disposable food service ware used by the food vendor, the food vendor must show that there is no feasible alternative that would cost the same or less than polystyrene foam disposable food service ware.
- B. The City Manager shall render a written decision on each request for an exemption from the prohibition in Section 2 of this ordinance. The City Manager's decision shall be final.

Section 5. Penalties.

- A. Violations of Section 2 of this ordinance shall be punishable by a fine of up to \$250. Every day in which a violation is caused or permitted to exist constitutes a separate violation. The penalty imposed by this section is in addition to and not in lieu of any other penalty imposed by City ordinance.
- B. The City will not issue a business license to any violator of this Ordinance.
- C. The City will revoke any business license of any violator of this Ordinance.

Section 6. Effective Date.

The Ordinance shall take effect on July 1, 2016

Duly enacted by the following vote on _____ 2016

AYES:

NAYS:

ABSTAIN:

ABSENT:

Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE #16-910-O

AN ORDINANCE THAT PROVIDES RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE WATER SYSTEM OF THE CITY OF TALENT AND CONNECTION THEREWITH – REGULATING AND GOVERNING THE USE OF WATER FROM SAID SYSTEM – PROVIDING PENALTIES FOR NON-PAYMENT OF WATER SERVICE AND FOR VIOLATION OF THIS ORDINANCE AND REPEALING ORDINANCE 07-830-O and 07-831-O.

The City of Talent ordains as follows:

ARTICLE 1 - GENERAL PROVISIONS

Section 1. Short Title:

This ordinance shall be known as “Rates, Rules and Regulations for the Operation of the Water Department of the City of Talent, Jackson County, Oregon”, and may be so cited and pleaded.

Section 2. Words and Phrases:

For the purpose of this ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

Section 3. Water System:

The City will furnish a distribution system, pump stations, reservoirs and activities used for and useful in obtaining, conserving, and disposing of water for public and private uses, including all parts of the water system, all appurtenances to it; and lands, easements, rights in land, water rights, contract rights, franchises; and other water supply, storage, and distribution facilities and equipment.

Section 4. Separability:

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Pressure Conditions:

All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the City harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

Section 6. Maintenance of Water Pressure and Shutting Down for Emergency Repairs:

The City shall not accept responsibility for the maintenance of pressure, and it reserves the right to discontinue service while making emergency repairs and shutdowns required in the operation of the water system. Consumers dependent upon a continuous supply should provide emergency storage.

Section 7. Tampering with City Property:

No one except an employee, or representative of the City, shall at any time in any manner operate the curb cocks or valves (except to repair or change private plumbing), main cocks, gates, or valves of the City's system; or interfere with meters or their connection, street mains, or other parts of the water system.

Section 8. Penalty for Violation:

For the failure of the customer to comply with all or any part of this ordinance, any ordinance, resolution, or order fixing rates and charges of this City, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated; or, in the event that he cannot comply with said rule or regulation, until he shall have satisfied the City that in the future he will comply with all the rules and regulations established by the City.

Section 9. Infraction:

Violation of any provision of this ordinance constitutes an infraction punishable by fine not to exceed five hundred dollars (\$500.00). Each and every connection or occupancy in violation of any provision hereof shall be deemed a separate violation, and each and every day or part of a day a violation continues shall be deemed a separate offense hereunder and punishable as such.

Section 10. Ruling Final:

All rulings of the Council shall be final. All rulings of the City Manager shall be final unless appealed in writing to the City Council within five (5) days. When appealed, the Council's ruling shall be final.

Section 11. Repeal:

All ordinances, or parts thereof, in conflict herewith, are hereby repealed.

Section 12. Effective Date:

This ordinance shall be in force and effect as provided by law.

ARTICLE 2 - DEFINITIONS

Section 1. Council: The city council of the City of Talent, Oregon.

Section 2. Connection:

The pipeline and appurtenant facilities such as the curb stop, meter and meter box, all used to extend water service from a main to premises, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

Section 3. Cost:

The cost of labor, material, transportation, supervision, engineering, bonding obligations and all other necessary overhead expenses.

Section 4. Cross Connection:

Any physical connection between the piping system from the City service and that of any other water supply that is not, or cannot be, approved safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the City distribution mains.

Section 5. Main:

A water line in a street, highway, alley, or easement used for public and private fire protection and for general distribution of water.

Section 6. Person:

An individual or a company, association, co-partnership, or public or private corporation.

Section 7. Premises:

A lot or parcel of real property under one (1) ownership, except where there are well-defined boundaries or partitions such as fences, hedges, or other restrictions preventing the common use of the property by the several tenants, in which case each portion shall be deemed separate premises. Apartment houses and office buildings may be classified as single premises.

Section 8. Private Fire Protection Service:

Water service and facilities for building sprinkler systems, hydrants, hose reels, and other facilities installed on private property for fire protection and the water available therefore.

Section 9. Public Fire Protection Service:

The service and facilities of the entire water supply, storage and distribution system of the City, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

Section 10. Owner:

The person owning in fee, or the person in whose name the legal title to the property appears by deed duly recorded in the County Clerk Recording office, or the person in possession of the property or buildings under claims of, or exercising acts or ownership over same, for himself, or an executor, administrator, guardian, or trustee of the owner.

Section 11. Regular Water Service:

Water service and facilities rendered for normal domestic, commercial, and industrial purposes on a permanent basis, and the water available therefore.

Section 12. Public Works Superintendent:

The foreman of the City of Talent Public Works Department and other duly authorized representative.

Section 13. Temporary Water Service:

Water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore.

Section 14. City: The City of Talent, Jackson County, Oregon.

Section 15. Water Department:

The City of Talent Public Works Department performing functions related to the City water service, the Public Works Superintendent, and other duly authorized representative

ARTICLE 3 - NOTICES

Section 1. Notices to Customers:

Notices from the city to a customer will normally be given in writing and either delivered or mailed to him/her at his/her last known address. Where conditions warrant, and in emergencies, the City may resort to notification either by telephone or messenger.

Section 2. Notices from Customers:

Notice from the customer to the City may be given by him/her or his/her authorized representative in writing:

- a. At City Hall, 110 East Main Street, Talent Oregon
- b. Emailed to UB@cityoftalent.org
- c. Mailed to P.O. Box 445, Talent, OR 97540

ARTICLE 4 APPLICATION FOR REGULAR WATER SERVICE

Section 1. Application:

Applications to turn on water must be signed by the owner/property manager and tenant of the property involved and must be filed with the City before they become effective. A deposit as per Article 9 Section 1 shall be required at the time that the application is submitted to the City.

Section 2. Undertaking of Applicant:

Such applications will signify the customer and owner's acknowledgement of their responsibility to comply with this and other ordinances or regulations relating to the regular water service and to make payments for water service required.

Section 3. Payment for Previous Service:

An application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the City.

Section 4. Installation Charge:

The charge for service connections shall be established by ordinance of the City of Talent. Said ordinance shall be kept on file with the City Recorder, and may be amended from time to time as the council deems appropriate.

Section 5. Installation of Services:

Regular water services will be installed at the location desired by the applicant, of the size determined by the Public Works Department. Only duly authorized employees or agents of the city will be authorized to install service connections. Service installation will be made only to property abutting on distribution mains as have been constructed in public streets, alleys, or easements, or to extensions thereof as herein provided. Services installed in new subdivisions prior to the construction of streets or in advance of street improvements must be accepted by the applicant in the installed location.

Section 6. Changes in Customer's Equipment:

Customers planning to make any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations may result in a greater than 500% increase in the average usage of water, shall contact the city prior to implementing any changes, and, if necessary, amend their applications.

Section 7. Size and Location:

The City reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The Public Work's Superintendent shall approve the location of the service connection before the installation of the consumer's pipeline to the curb.

Section 8. Curb Cock:

Every service connection installed by the City shall be equipped with a curb cock or wheel valve on the inlet side of the meter. Such valve or curb cock is intended for the exclusive use of the City in controlling the water supply through the service connection pipe. If the curb cock or wheel valve is damaged by the consumer's use to an extent requiring replacement, then such replacement shall be at the consumer's expense.

Section 9. Domestic, Commercial and Industrial Service Connection:

It shall be unlawful to maintain a connection excepting in conformity with the following rules:

(a) **Separate Building:**

Each house, commercial or industrial structure under separate ownership must be provided with a separate service connection. Two (2) or more structures under one (1) ownership and on the same lot or parcel of land may be supplied through the same service connection;, and an additional minimum charge will be applied to the single meter serving said structures, or a separate service connection may be provided for each building. The City reserves the right to limit the number of structures or the area of land under one (1) ownership to be supplied by one (1) service connection.

Section 9. Domestic, Commercial and Industrial Service Connection (cont):

(b) Single Connection:

Not more than one (1) service connection for domestic or commercial supply shall be installed for one (1) building, except under special conditions. The City Manager is authorized to determine that special conditions exist upon making a finding that more than one service connection will better serve the customer, will not result in unreasonable damage or expense to the water system, and will not have an adverse affect on the billing system.

(c) Different Owners:

A service connection shall not be used to supply adjoining property and/or property of a different owner or to supply property of the same owner across a street or alley.

(d) Divided Property:

When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

Section 10. Service Connections:

The City shall maintain the service connections extending from the water main to the property line including the meter, meter box and curb cock or wheel valve. All pipes and fixtures extending or lying beyond the property line shall be installed and maintained by the owner of the property.

Section 11. Property Owner/Authorized Agent Responsibility:

The property owner/authorized agent shall be responsible for all accumulated charges in the event that the tenant moves without having paid all outstanding water charges owed to the City. In the event that the tenant's water is scheduled to be turned off due to non-payment, both the property owner, authorized agent and the tenant shall be notified of the impending shut-off consistent with Article 12. All unpaid charges shall be assessed to the property owner/authorized agent. The property owner/authorized agent and the tenant are jointly and severally liable for all water charges, including user charges, fees, penalties and interest.

Section 12. Building Permit Required:

An application for a permit to connect premises with the City water system for service to a new building or structure shall not be accepted for filing unless a building permit has been issued for such building or structure as provided in the building regulations of the City. The water service established for construction may not be transferred to new ownership without a Certificate of Occupancy issued by the City.

ARTICLE 5

APPLICATION FOR REGULAR WATER SERVICE WHEN MAIN EXTENSION REQUIRED

Section 1. Application for Main Extension:

The following rules are established for making main extensions:

(a) **Application:**

Any owner of one (1) or more lots or parcels of land desiring the extension of one (1) or more water mains to serve such property shall make a written application to contain the legal description of the property to be served and any additional information which may be required by the City and be accompanied by a map showing the location of the proposed connections.

(b) **Investigation:**

Upon receipt of the application, the City shall make an investigation and survey of the proposed extension and shall report his findings to the council, including the estimated cost thereof.

(c) **Ruling:**

The Council shall thereupon consider said application and report and, after such consideration, reject or approve it.

(d) **City Lines:**

All extensions thus provided for, in accordance with these regulations, shall be and remain the property of the City.

(e) **Dead-End Lines:**

The City shall permit dead-end lines upon a finding that such is reasonably necessary to serve a property or properties and is not unreasonably deleterious to the water system.

Section 2. General:

The City will provide all main extensions upon applications for service.

Section 3. Determination:

If, in the opinion of the council, the cost thereof is in excess of what it is prepared to advance, or it questions the economic advantage to the City of making such advance, it shall determine the cost of such line.

Section 4. Advance Cost:

When the council so determines, the applicant shall advance the amount of each estimate, and the line shall be installed by the City or under the City's supervision.

Section 5. Facilities Exceeding Needs:

Should the water department desire to install facilities greater than are needed to meet the applicant's service demands, the cost of the excess size of facilities shall be borne by the City unless the Council shall determine that the increased size is necessary to serve the applicant.

Section 6. Specifications and Construction:

The size, type and quality of materials and location of lines shall be specified by the Public Works Department and/or duly authorized representative in conformance to the City comprehensive plan. The actual construction will be done by the Public Works Department or by a contractor acceptable to it, supervised and inspected by the Public Works Superintendent and/or duly authorized representative.

Section 7. Adjustment:

Adjustment of any substantial difference between the estimated and reasonable actual total installed cost thereof shall be made after the completion of the installation. The City shall be paid the amount of any excess cost and shall refund the amount of any savings.

Section 8. Extensions by City:

The Public Works Department may make extensions to the facilities constructed under this article without obligation to applicant.

Section 9. Main Extension by Applicant:

Should the Council determine that the cost of the main extension should be paid in whole or in part by the applicant, the Council may, in lieu of requiring the applicant to deposit the cost of the main extension with the City, enter into an agreement with the applicant whereby the applicant undertakes to provide for the installation of the facilities comprising the public main extension in accordance with the plans and specifications approved by the Council and subject to inspection by the City. In such event, the Council may require the applicant to post a surety bond, cash, or other improvement security with the City to guarantee the satisfactory completion of the main extension in accordance with the plans and specifications approved by the Council.

Section 10. Reimbursements:

Where the cost of main extension has been paid by the property owner/authorized agent pursuant to Article 5 - Section 9 and Article 6 - Section 9, the City shall thereafter, but for not longer than ten (10) years after the date said extension is originally connected to the City's water system, collect from any water user connecting to such extension that fraction of the cost of such as approved by the City, as the number of front feet or acreage, or combination of the two held by said water user,

bears to the total number of front feet or acreage, or combination of the two, which may be served by such extension as determined by the City at the time such extension is connected to the City's water system. Such sums as are thus actually received by the City shall be paid by the City only to the property owner/authorized agent originally installing such extension, but the City shall in no way be obligated to assure that the property owner/authorized agent making such extension is paid the total cost thereof nor to initiate any action or incur any expense to collect any sum to be paid to property owner/authorized agent; nor shall such refund be from any revenues derived from the sale of water. Where different property owners contribute to the making of the extension, such sums shall be refunded to such property owners pro rata according to the amounts which they severally contributed toward the extension and pursuant to the preceding plan.

Section 11. Special Reimbursement Agreements:

Where special conditions exist, in the opinion of the City, which justify reimbursement to the person paying the cost of a main extension, which justify reimbursement on any basis other than that provided in Section 10 hereof, the council may authorize a special reimbursement contract by the City and the person or persons constructing the main extension. Said special reimbursement agreement shall be made and entered into prior to acceptance of the work and water main by the City.

ARTICLE 6 - SUB-DIVISIONS

Section 1. Application:

A person desiring to provide a water system within a tract of land which he proposes to subdivide shall make application at the time the proposed sub-division is submitted for review by the Planning Commission.

Section 2. Id – Contents:

The application shall state the number of the tract, the name of the subdivision, and its location. It shall be accompanied by a copy of the final map, and of the plans, profiles, and specifications for the street work therein.

Section 3. Investigation:

Upon receiving the application, the Public Works Director and/or duly authorized representative shall make an investigation and survey of the proposed subdivision and shall report his findings to the Community Development Director and Planning Commission, including a recommendation as to the facilities required and the estimated cost of the proposed water system therefore.

Section 4. Subdivisions, Tracts or Housing Projects:

The owner of the subdivision shall be responsible for the installation of the main lines, valves, service connections and the fire hydrants within the subdivision consistent with City standards and requirements set by the City Engineer. Fire hydrants shall be so located that each lot is within a reasonable distance of a hydrant as determined by the Fire District #5 Chief or his/her representative. The City Engineer or the Public Work's Superintendent shall be responsible for inspecting the installation prior to connection to the City's water system and final acceptance by the City.

Section 5. Specifications and Construction:

The size, type, and quality of materials and location of lines shall be specified by the Public Works Department and/or City Engineer in conformance to the City comprehensive plan.

Section 6. Property of City:

All facilities, once installed, shall be the property of the City.

Section 7. Connections:

The sub-divider shall, at their cost, provide all connections to houses constructed by him/her, as herein provided.

Section 8. Surety Bond or Letter of Credit:

The sub-divider shall provide a deposit of cash or surety bonds, or other improvement security satisfactory to the City to guarantee the faithful performance of the installation of water main extension and associated facilities. Said cash deposits, surety bonds, or other improvement security shall be in the sum of the estimated costs of the engineering, inspection, legal, and administrative expenses of the City, and the estimated cost of the installation of the water main extension, and said bond or improvement security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the water system to be installed for a period of one (1) year following completion and acceptance of the work by the City.

ARTICLE 7 - GENERAL USE REGULATIONS

Section 1. Number of Services per Premises:

The applicant may apply for as many services as may be reasonably required for his premises; provided that the pipeline system for each service be independent of the others and that they not be interconnected.

Section 2. Water Waste:

No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, the City may discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice.

If the monthly metered consumption is greater than 150% of the past average consumption due to a water leak on the customer's property and the leak is repaired in a timely manner, the customer may request a leak adjustment once the leak is repaired. The City will adjust one month's high consumption using the minimum rate per 1000 gallons for the excess consumption.

Section 3. Responsibility for Equipment on Customer Premises:

All facilities installed by the City on private property for the purpose of rendering water service shall remain the property of the City, and may be maintained, repaired or replaced by the Public Works Department without consent or interference of the owner or occupant of the property. The property owner/authorized agent shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining said facilities on private property.

Section 4. Damage to Water System Facilities:

The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or other on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The City shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

Section 5. Ground-Wire Attachments:

All individuals or business organizations are forbidden to attach any ground-wire or wires to any plumbing which is, or may be, connected to a service connection or main belonging to the City. The City will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.

Section 6. Control Valve on the Customer Property:

The customer shall provide a valve on their side of the service installation as close to the meter location as practicable to control the flow of water to the piping on their premises. The customer shall not use the service curb stop to turn water on and off for their convenience.

Section 7. Cross Connections:

The customer must comply with state and federal laws governing the separation of dual water systems or installations of back flow protective devices to protect the public water supply from the danger of cross connections. Backflow protective devices must be installed as near the service as possible and shall be open to test and inspection by the Public Works Department. Plans for installation of backflow protective devices must be approved by the Public Works Department prior to installation.

Section 8. Id – Special Cases:

When the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the city may upon a finding that criteria of reasonable safety so require the customer to eliminate specified plumbing or piping connections as an additional precaution and as a protection to the backflow protective devices.

Section 9. Relief Valves:

As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by and at customer's expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

Section 10. Backflow Device:

Whenever back flow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the City's mains entering such premises, buildings, or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply lines.

Section 11. Id – Inspection:

The double check valve or other approved backflow protection devices may be inspected and tested periodically for water tightness by the City. The devices shall be serviced, overhauled, or replaced whenever they are found defective, and all costs of repair and maintenance shall be borne by the customer.

Section 12. Id – Discontinued Service:

The City may discontinue the water service to any premises if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until the customer corrects such defects.

Section 13. Interruption in Service:

The City shall not be liable for interruption of service or shortage of water where such is not proximately caused by the negligence of the City, its agents or employees.

Section 14. Ingress and Egress:

Representatives from the Public Works Department shall have the right of ingress and egress to the customer's premises, at reasonable hours, for any purpose reasonably connected with the furnishing of water service.

Section 15. Unsafe Apparatus:

Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

Section 16. Fraud or Abuse:

Service may be discontinued if necessary to protect the City against fraud or abuse.

Section 17. Noncompliance with Regulations:

Service may be discontinued for noncompliance with this or any other resolution or regulation relating to the water service.

Section 18. Upon Vacating Premises:

Customers desiring to discontinue service should so notify the Utility Billing Department two (2) days prior to vacating the premises. Unless discontinuance of service is requested, the customer shall be liable for charges whether or not the water is used.

ARTICLE 8 - METERS

Section 1. Installations:

All water services shall be metered. The sum of money to be determined, as heretofore set forth, shall be paid to the city prior to the installation of the meter. Meters will be installed in the street or sidewalk area and shall be owned by the City and installed and removed at its expense. No rent or other charge will be paid by the City for a meter or other facilities, including connections. The City will seal all meters at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

Section 2. Change in Location of Meters:

Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the City's property will be moved at its expense. If the lateral distance which the customer desires to have the meter moved exceeds eight (8) feet, he/she will be required to pay for new service at the desired location.

Section 3. Meter Tests - Deposits

All meters will be tested prior to installation. Subsequent to installation, if a customer desires to have the meter serving premises tested, customer shall be required to pay all costs related to the testing. A deposit of \$75 shall be paid in advance before the meter is removed for testing. Should the test verify that the meter is operating within acceptable limits as defined in Article 8, Section 4, then the owner shall be responsible for the full cost of testing less the deposit.

Section 4. Adjustment for Meter Errors - Fast Meters

If a meter tested at the request of a customer is found to be more than two percent (2%) fast, the deposit shall be refunded and the billing records will be adjusted. The billing adjustment shall be based on either the excess charges for the time service was rendered to the customer requesting the test, or for a period of six (6) months, whichever shall be the lesser. The overpayment shall appear as a credit on the customer's account, unless the customer requests a full refund.

Section 5. Adjustment for Meter Errors - Slow Meters

If a meter tested at the request of a customer is found to be more than 25 percent (25%) slow in the case of domestic services, or more than 5 percent (5%) slow for other than domestic services, the City may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six (6) months, that the meter was in use. The City shall install a new meter.

Section 6. Non-Registering Meters

If a meter is found to be not registering, the charges for regular service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made based on the previous consumption for a comparable period or by such other method as is determined by the Utility Billing Department and its decision shall be final. The City shall repair or replace the meter at its expense.

Section 7. Damage to Meters

The City reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable, for any damage to the meter due to his negligence or intentional acts or due to the negligence or intentional acts of the consumer’s employees, agents or invitees.

ARTICLE 9 - CREDIT

Section 1. Establishment of Credit

Each applicant for service shall establish credit in the form of a guarantee deposit based on meter size that shall be paid before service may be rendered:

Meter Size	5/8” – 1”	\$75.00
Meter Size	over 1”	\$150.00

At the City’s discretion, the guarantee deposit may be waived if previous credit history with the City has been established.

Section 2. Return of Guarantee Deposit:

A guarantee deposit with the Utility Billing Department shall be retained on the customer’s account for two (2) years. When an account is closed, or at the completion of two years of non-delinquent activity, whichever is first, the deposit will be applied to the customer’s account as a credit. All outstanding utility billing charges will be deducted from the deposit prior to a refund being issued when an account is closed.

ARTICLE 10 - BILLING

Section 1. Billing Period:

The regular billing period will be annually, monthly, or bi-monthly at the option of the City.

Section 2. Meter Reading:

Meters will be read as nearly as possible on the same day of each month. Billing periods containing less than twenty-seven (27) days or more than thirty-three (33) days for bills rendered monthly, or less than fifty-four (54) days and more than sixty-six (66) days for bills rendered bi-monthly, will be prorated.

Section 3. Opening and Closing Bills:

Opening and closing bills for less than the normal billing period shall be prorated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one (1) month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the Utility Billing Department for the final period as an expediency to permit the

customer to pay the closing bill at the time service is discontinued.

Section 4. Water Charges:

All water charges become due and payable no later than the last day of the month. The bill shall state the amount and type of charges included and the date when the bill is considered as delinquent.

Section 5. Payment of Bills:

Bills for metered water service shall be rendered at the end of each billing period. Flat rate service, if any, shall be billed in advance. Bills shall be deemed delinquent if payment is not received by the due date on bill and may be subject to a late payment penalty. If the water is subject to turn-off for nonpayment of the bill, additional reconnection charges and penalties will apply. The account must be brought current prior to renewing service following a disconnect.

Section 6. Billing of Separate Meters Not Combined:

Separate bills will be rendered for each meter installation except where the water department has, for its own convenience, installed two (2) or more meters in place of one (1) meter. Where such installations are made, the meter readings will be combined for billing purposes.

Section 7. Consumer's Guarantee:

The water service charges begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the City for any purpose whatsoever, the property owner/authorized agent must sign an application form in which he/she guarantees payment of future water bills for the service and pays the required application deposit. The person signing the guarantee form or meter set form will be held liable for water used until the City is notified in writing to discontinue service, or to transfer the account to another property owner/authorized agent.

Section 8. Water Used Without Required Application:

A person taking possession of premises and using water from an active service connection, without having made application to the City for water service, shall be held liable for the water delivered from the date of the last recorded meter reading; and, if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the City, and if accumulated bills for service are not paid immediately, the service may be discontinued by the City without further notice.

Section 9. Damages Through Leaking Pipes and Fixtures:

When a request has been made to turn on the water at a premise or property that is vacant, the City requires an adult 18 years of age or older be present at the service address to verify and sign acknowledgement of service activation. If no one is present at the time of service activation, the water will not be turned on at the curb cock on the inlet side of the meter.. The City's jurisdiction and responsibility ends at the property line, and the City will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property

line.

Section 10. Billing Procedures for Rental Properties

When a rental property tenant has notified the City of his departure as of a specific date, then the name on the billing record shall be changed to the name of the property owner/authorized agent as of that date. The billing record shall continue in the property owner's/authorized agent's name and the owner shall be responsible for all water usage until such time as the City receives an application and deposit from a new tenant. In the interim period the property owner/ authorized agent shall become responsible for at least a minimum billing each month, if not more, depending on actual usage.

Should the property owner/authorized agent not wish to have the billing placed in their name then they can make arrangements with the City to have the water shut off by notifying the City of a date of shut off during business hours and agreeing to pay a service call for this service of \$25. Prior to shutting off the water the meter reading shall be noted and recorded on the City billing record for the particular property.

Section 10. Billing Procedures for Rental Properties (cont'd)

If the water is shut off it will not be turned on again until such time as the City receives a new tenant application, or a written request from the property owner/authorized agent acknowledging responsibility and assuming all billing fees. During the shut-off period no billing shall be generated for the property.

ARTICLE 11 - ALTERNATE METHODS OF PAYMENT

Based on the circumstances of individual customers the City may make available the following alternatives for the payment of water bills.

Section 1. Equal Payments:

Customers can elect to enter into an agreement with the City for an "Equal Payment Plan". In order to qualify for this program the customer will be required to:

- a. The Account must be in good standing;
- b. Complete and sign an Equal Payment Plan agreement; and
- c. Pay the calculated monthly payment each month.

The equal payment amount will be determined by evaluating the total consumption for the previous twelve-month period. An equal payment amount sufficient to cover seasonal consumption will be established. Equal payment amounts will be reviewed every six (6) months to determine if the established monthly payment is sufficient to cover the cost of actual usage during the twelve-month period. Adjustments shall be made to the equal payment amount where appropriate. If monthly payments are not being made this may be grounds for terminating the equal payment agreement. In order to withdraw from the program the customer shall notify the City and be required to pay all outstanding balances owing and make the account current.

Section 2. Deferred Payment Program:

Under special circumstances the City shall make available to its customers a “Deferred Payment Program”. The customer may participate in a deferred payment program only once in each calendar year. Either for reasons of personal hardship or due to a water leak, a customer may make a request to participate in such a program by entering into a written agreement with the City that is signed by the customer and approved by the City Manager/Designee. Deferred Payment agreements are at the City’s discretion to reasonably protect the City from unreasonable risk of incurring uncollectible obligations. Failure to comply with the terms of the agreement shall result in termination of service subject to Article 12, Section 3.c.

a. **Deferred Payment Agreement:**

Customer enters into an agreement with the City to make full payment within one month of the date the service is scheduled to be shut off due to non-payment.

b. **Time Payment Agreement:**

Customer enters into an agreement with the City to pay off the past due accumulated balance within a period not to exceed 6 months while continuing to make full payment of their monthly bills. Time payments must be made by the due date stated on the current utility bill to avoid shut off.

ARTICLE 12

DELINQUENCIES AND DISCONTINUANCE OF SERVICE

Section 1. Disconnection for Nonpayment:

Service shall be discontinued for nonpayment of bill, when the customer’s account is sixty (60) days past due.

Section 2. Delinquent Charges:

Utility charges not paid by the date specified on the bill shall be considered delinquent. Rates and charges, which are not paid on or before the day of delinquency may be subject to a penalty of \$10.00.

Section 3. Delinquent Collection Procedures:

Bills not paid by the billing due date - shall be considered delinquent and subject to the following collection procedures.

a. Reminder Notice:

As required under ORS 91.255(3), Rental Property customers who have not paid by the 45th day after the mailing of the bill shall be sent a reminder notice. The notice shall state the amount of charges past due and the date by which such charges must be paid to avoid shut off procedures. The notice shall be mailed in sufficient time to allow the customer 14 days between the date of notice and actual date of shut off. In those instances where the name on the account is different than that of the property owner/authorized agent, a copy of the notice shall also be sent to the property owner/authorized agent within 30 days from the time the payment is due on the account..

b. Shut Off Notice:

A shut off notice shall be delivered to the service address no less than 48 hours prior to the scheduled shut off. The City shall maintain a list of all shut off notices delivered, indicating the time and location the notice was placed and by whom. The shut off notice shall state the amount of charges past due and the date and time such charges must be paid to avoid actual shut off of services.

c. Shut Off Procedure:

All accounts determined to be unpaid after date and time noted on shut off notice will be scheduled for shut off. The disconnection penalty will be assessed on the account and the Public Works Department will then shut off and lock those meters scheduled for shut off.

d. Collection Agency Assignment:

All final billed accounts determined to be unpaid by the due date on the final billing will be sent a final statement of account. Accounts not paid in 30 days of mailing of final statement will be assigned to a collection agency for collection. Additional collection agency fees will be applied to the account upon assignment to the collection agency.

Section 4. Reconnection:

Failure to receive a bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the City; and any person, firm, or corporation failing,

neglecting, or refusing to pay said indebtedness, shall be liable to an action in the name of the City in any court of competent jurisdiction for the amount thereof. Payment of the delinquent balance and penalties must be received by the City prior to renewing service following a discontinuance. The City requires an adult 18 years of age or older must be present to at the service address to verify and sign acknowledgement of service reconnection.

Section 5. Reconnection After Hours:

A reconnection charge of \$75.00 will be assessed if the reconnection is scheduled after regular hours of operation for the Public Works Department., Reconnections cannot be made on holidays and weekends since accounts have to be paid in full before a reconnection can be authorized. Public Works employees are not authorized to accept payments.

ARTICLE 13 - COLLECTION BY SUIT

Section 1. Suit:

All unpaid rates and charges and penalties, herein provided, may be collected by suit, including reasonable attorney's fees.

Section 2. Costs:

Consistent with state law the costs and disbursements shall be allowed to the prevailing party.

ARTICLE 14 - PUBLIC FIRE PROTECTION

Section 1. Use of Fire Hydrants:

Fire hydrants are for use by the City or by organized fire protection agencies pursuant to contract with the City. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the water department prior to use and shall operate the hydrant in accordance with instructions issued by the water department. Unauthorized use of hydrants will be prosecuted according to law.

Section 2. Hydrant Rental:

A charge, to be determined by contract between the City and organized fire protection agencies, will be imposed for hydrant maintenance and water used for public fire protection.

Section 3. Moving Fire Hydrants:

When a fire hydrant has been installed in the location specified by the proper authority, the City has fulfilled its obligation. If a property owner/authorized agent or other party desires a change in the size, type, or location of the hydrant, he/she shall bear all costs of such changes without refund. The proper City authority shall approve any change in the location of a fire hydrant.

ARTICLE 15 - SPECIAL PROVISIONS

Section 1. Pools and Tanks:

When a quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the City prior to taking such water. Permission to take water in quantities will be given only if it can be safely delivered through the City's facilities and if other consumers are not inconvenienced thereby. Should it be requested that the pool be filled by the Fire Department the water shall be billed at the out of City rate.

Section 2. Bulk Water Purchases:

Bulk water purchases must be paid for in advance at City Hall. Procedures for the assessment of these fees shall be established by the City Manager.

Section 3. Public Athletic Fields:

Owners or agents of public athletic fields shall be billed at the wholesale rate charged by the Medford Water Commission and, depending on usage, shall be billed for the seasonal usage only.

ARTICLE 16 - WATER SERVICE OUTSIDE THE CITY

Section 1. [Annexing into the City]:

By agreement with the City of Medford Water Commission the City does not allow extensions of water service outside of City limits unless the property requesting

service is within its urban growth boundary and has signed an irrevocable consent to annex to the City.

Section 2. [Main Extension Costs]:

All applications for water service within the City's urban growth boundary but outside the City limits, shall be reviewed by the City Council for approval. Should approval be granted, all costs related to the extension shall be at the expense of the applicant.

Section 3. [New Services Outside City Limits]:

The City shall continue to serve all customers located outside the City limits and the urban growth boundary who had been receiving water service from the City prior to January 2002. However, neither new services nor expansions of existing services shall occur unless approved by the City Council and the Medford Water Commission.

Section 4. Water Service Outside the UGB:

The City's agreement with the Medford Water Commission (MWC) precludes the extension of water service outside the City Limits or the UGB. Exceptions have been made for both the Fire District #5 and the School District with the consent of the MWC. The City Council, as well as the Medford Water Commission, is required to approve such exception and they shall be limited to governmental agencies only. Any such extensions shall be at the full expense of the requesting agency and not at the expense of City Water Users.

ARTICLE 17 - MANDATORY HOOKUP

Section 1. Hookup Required:

The owner of any building occupied by humans situated within the City and abutting on any street in which there is now, or may in the future be, located a City water main, is hereby required at his/her expense to connect said building directly with the proper City water main in accordance with the provisions of this ordinance within ninety (90) days after date of notice by the City to do so; provided that said water main is within 200 feet of the nearest point of the building.

Section 2. Commercial, Industrial, and Public Buildings:

Commercial, industrial, and public buildings shall be required to connect to the City water system upon notice as herein provided.

Section 3. Charges to Those in the City Who Have Not Hooked up to the Water System:

Charges shall be made monthly to those residents who live in the City, but who have not hooked up to the water system. The minimum monthly fee charged all water users should be assessed to property owners not hooked up to the water system.

ARTICLE 18 - WATER RATES

Section 1. Definitions:

For the purposes hereof, the following definitions shall apply:

- (a) Single Family Residence: Any separately metered single-family dwelling unit, whether situated in a single-residential structure, duplex, or apartment house.
- (b) Multiple Family Residential: Shall mean and include duplexes, apartment houses, trailer courts, motels, hotels, boarding and lodging houses, lodges and like uses, hospitals, sanitariums, nursing homes, or medical centers; except single-family dwelling units separately metered.
- (c) Commercial Accounts: All users not included in the definition of single-family residences or multiple-family residences.
- (d) Outside User: Any premises served by the Talent Water System where any of the outlets for said water on said premises is situated outside the City limits, or where any of the water served to the said premises is utilized on a portion thereof outside the City limits.

Section 2. Rate for Water Users:

The water rates for the City of Talent shall be established by ~~Ordinance~~ **Resolution** adopted by the City Council. Said ordinance shall be kept on file with the City Recorder, and may be amended from time to time as the Council deems appropriate.

Section 3. Revenue Bond Surcharge:

When the City has incurred revenue bonds for capital improvements to the water system and the lender requires that a reserve amount be set aside equal to one (1) year's payment, a surcharge may be added to the water rate in order to comply with this

requirement. If, and to the extent that, the rates produce revenue sufficient to meet this obligation then a surcharge may not be required.

NOW, THEREFORE THE CITY OF TALENT ORDAINS AS FOLLOWS:

The Mayor and Council of the City of Talent amend Ordinance 14-878-O, an Ordinance providing the rules and regulations for the conduct and operation of the water system of the City of Talent.

Duly amended by the City Council in open session on February 3, 2016.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Melissa Huhtala, City Recorder and Custodian of City Records

RESOLUTION NO. 16-937-R

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR THE CITY OF TALENT WATER REGULATIONS AND RATES.

WHEREAS, the Medford Water Commission has approved a water rate increase effective January 1, 2016;

WHEREAS, the City Council has determined that the water rates shall be adjusted as recommended in the report to ensure that the City can meet the financial obligations connected to providing an effective operation and maintenance of the municipal water system and making the debt service payments incurred with the Inter-tie Project;

WHEREAS, On March 1st of each year water rates base and consumption will increase by a percentage equal to the increase of the most recent Consumer Price Index CPI-U Portland January-to-January, as determined by the U.S. Bureau of Labor Statistics. Not to be less than 1%;

WHEREAS, labor costs will increase 2, 2.5 and 3 % over a 3 year period per the Council approved union contract;

Therefore the City of Talent resolves as follows:

SECTION 1. Water rates effective March 1, 2016 upon enactment of this Resolution are:

(A) MONTHLY CHARGE:

(1) Inside City Limits: For each month or fraction thereof during which the City furnishes water services, the minimum monthly rate shall be charged as follows and shall include the first 3,000 gallons of water:

<u>Meter Size (inches)</u>	<u>Minimum Billing Rate:</u>
$\frac{3}{4}$ - 5/8	\$16.14
1	35.64
1½	68.14
2	143.00
3	247.00
4	364.00
6	689.00

and,

\$4.04 for each 1,000 gallons, or fraction thereof, for the next 3,000 gallons, and

\$4.44 for each 1,000 gallons, or fraction thereof, for the next 3,000 gallons, and

\$4.84 for each additional 1,000 gallons, or fraction thereof, for all additional gallons.

(2) Deposit for Service: A deposit of \$75.00 for 5/8"-1" meter or \$150.00 for meters over 1" shall be charged for each customer served by the Water Department. In the event a customer's service is disconnected due to

delinquency, and/or the deposit is depleted when applied to the account, a new deposit shall be required prior to service being restored.

(3) Outside City Limits: For existing water service users outside of the City limits, the water rates and deposit amounts shall be charged as twice the amount of the inside city limits rate.

(4) Reconnection Fees: In all instances where water has been turned off because of delinquency, a reconnection fee of If water service is disconnected due to non-payment, a reconnection charge of \$25.00 from 8:30 am to 3:00 pm and an additional \$75.00 from 3:01 pm to 5:00 pm on weekdays in addition to full payment of past due amounts will be assessed and collected prior to renewing service. After hours, weekend and holiday reconnections are not available as accounts must be paid in full prior to reconnect and Public Works employees are not able to accept any payments. An adult 18 years of age or older must be present at the service address to verify and sign that the water has been turned on. If no one is present at the time the City employee arrives to turn water on, it will be left off and you will need to contact City Hall to set up a new date for water service to be activated.

(5) Connection Charge: The basic water service connection charge is set as follows:

<u>Meter Size</u>	<u>New construction with a dry main and no asphalt or curb/gutter</u>	<u>Pre-existing live main with an asphalt road and/or curb/gutter, or improved right-of-way</u>
¾ inch	\$200.00	\$2,000.00
1 inch	300.00	2,150.00
1½ inch	1000.00	2,900.00
2 inch	1250.00	3,250.00

All of these rates apply unless excessive digging is required. Pipe over 40 feet shall be charged extra. For larger meters, the charge shall be determined by the City of Talent.

SECTION 2. All prior Resolutions and Ordinances setting water rate schedules are repealed.

SECTION 3. This Resolution shall be in full force and effective on March 1, 2016.

Duly enacted by the City Council in open session on February 3, 2016 by the following vote:

AYES: NAYS: ABSTAIN: ABSENT:

Melissa Huhtala, City Recorder and Custodian of City Records