



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING AGENDA
TOWN HALL
June 1, 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, June 1st 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. Community 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 Talent Zoning Code related to trees and landscaping.....Page 3-114

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

6. Public Presentations

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

6.1 None

7. Consent Agenda

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

7.1 Approval of Regular Council Meeting Minutes for May 18, 2016.....Page 115-138

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 Grape Fair Noise Permit.....Page 139

8.2 Liquor License Portal Brewing.....Page 140-143

8.3 Adopt Resolution 16-939-R, a Resolution accepting the transfer of certain fixed assets from the Talent Urban Renewal Agency to the City of Talent (Town Hall Alley Project).....Page 144

8.4 Charter Franchise Extension.....(agenda report pending)

9. Information Items

9.1 Phase 2 Ordinance Prioritization:

- **Ordinance 15-885-O, an Ordinance controlling vehicular and pedestrian traffic and providing penalties.Page 145-161**
- **Ordinance 15-887-O, an Ordinance prescribing general offenses – providing penalties.....Page 162-172**
- **Ordinance 15-888-O, an Ordinance for the disposition and impounding of discarded vehicles.....Page 173-179**
- **Ordinance 15-893-O, an Ordinance requiring all buildings within the limits of the City of Talent, Oregon, to connect with the public sewer lines.....Page 180**
- **Ordinance 15-894-O, an Ordinance establishing rules and regulations for the installation of water meters in mobile home parks; providing a penalty for violation thereof.Page 181**
- **Ordinance 14-873A-O, an Ordinance prohibiting the uncontrolled growth of noxious vegetation causing fire hazards and other public nuisance – providing for abatement thereof and assessment of the cost thereof-prescribing penalties for failure to comply.....Page 182-185**

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 & Councilor 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: June 1, 2016
File no: DCA 2016-001
Prepared by: Zac Moody, Community Development Director
Item: Adoption of regulations relating to tree preservation, landscaping and public trees.

GENERAL INFORMATION

Petitioner City of Talent

Requested Action *Consideration of Text Amendments to the Talent Zoning Code adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping. Other changes related to cross references in the code will also be addressed and include changes to Title 8, Chapter 3, Division C, D, F, G, J and L. New language allows the City to require a tree removal permit for heritage and significant trees and provides quantifiable standards for landscaping. File: DCA2016-001. Applicant: City of Talent.*

PROPOSAL

Staff is proposing changes to the Tree and Landscaping section of the Talent Zoning code to address concerns about the removal of large trees on private property and to provide clearer landscape standards for new commercial, industrial and residential property. Staff is also proposing changes to the section of the code that addresses public trees.

In order to make the necessary changes to the Tree and Landscaping code, Staff began reviewing all sections of the Talent Zoning Code that related to trees or landscaping. After reviewing each section, it became clear to Staff that not only was additional language needed to address deficiencies, but a reorganization of the sections of code was also necessary to make the code more usable to our citizens.

Staff is recommending that the following changes be made to the Talent Zoning Code:

- Remove Fences and Hedges section and consolidate with new Landscaping section (no changes)
- Add Landscaping, Fencing and Hedges as a new section (new code language)
- Add Tree Preservation and Protection section (new code language)
- Add Public Trees section (uses existing language with some changes)

These changes are summarized below:

Tree Preservation and Protection

Staff drafted the tree preservation and protection code based on state model code and other codes used

throughout the State. Considering the different climates that exist in Oregon, using a model codes really only helped to establish a backbone for the code and didn't provide Staff with a lot of support for the type of trees in this region. The proposed language provides staff a clear definition of significant and heritage trees and establishes a quantitative means to determine any mitigation necessary to replace a removed tree. Under the current regulation no mitigation is required unless the removed tree is within a riparian area.

The proposed language establishes four new tree permit types. The idea is to provide staff an opportunity to educate citizens on the importance of trees prior to removal and to educate on some optional mitigation opportunities to encourage preservation and protection of the City's urban canopy and to protect the watershed as a whole.

Landscaping, Fences and Hedges

The proposed landscaping code provides staff with a quantitative methodology to determine the number of trees and shrubs required for any development. These changes provide staff and citizens with clear and objective standards and allow for alternate means of landscaping such as xeriscaping and reduction of landscape requirements to support solar projects.

Staff has recommended new xeriscaping language and updated sections of the code that conflicted with xeriscaping, such as required landscaping materials. Much of the language was taken from the City of Ashland's Lawn Replacement Program which provides cash incentives for removal of "live lawn" or grass. Since the City of Talent is not in the position to provide cash incentives, staff modified the ordinance to provide other incentives, such as the reduction of landscaped area if xeriscaping is used.

Staff proposes retaining the current solar code language for now, as it provides flexibility to reduce the required amount of landscaped area and/or the quantity of landscaping material to accommodate solar installations. Staff feels that this section is sufficient until such time that evaluating energy savings from tree influence on ambient temperature versus energy savings from active and passive solar installations becomes practical.

Public Trees

Changes in this section were minimal, but the section was modified to be more consistent with the proposed landscape and tree preservation codes. Staff provided Public Works the opportunity to review the draft language and made some modifications based on their comments and concerns about location of private trees adjacent to the right of way and notification of public works projects.

Attached to this report are the final drafts of the proposed amendments with all suggested changes by the Planning Commission and Public Works.

AGENCY COMMENTS

As of the date of this staff report both the City Manager as well as the Public Works Director commented. Their concerns related to the Public Trees amendment where the language addresses concerns over the time frame the City has to notify property owners of public tree maintenance.

PUBLIC COMMENTS

As of the date of this staff report, no public comments have been received. Staff did reach out to many individuals and businesses requesting comments and received some verbal comments. Canopy LLC, a local

Arborist and tree trimming company assisted with language that defines heritage and significant trees. Additionally, Rogue Climate Talent was given the documents for review but did not provide any comment.

BACKGROUND

The Planning Commission participated in two workshops to assist staff in preparing the aforementioned code amendments. The first work session was held on January 28, 2016 and proposed the scope of work and presented some preliminary draft language for the Commission to consider. The second work session was held on February 18, 2016 with the goal of reworking the draft amendments to better fit the needs of the community. On April 24, 2016, the Planning Commission held a properly noticed Public Hearing and unanimously recommended approval to the City Council. During these work sessions, the Planning Commission provided valuable suggestions to all of the proposed amendments. These suggestions have been included in the proposed ordinance (EXHIBIT B).

RECOMMENDATION

Based on the findings for the proposed amendments outlined in the Signed Final Order of the Talent Planning Commission, staff recommends City Council approval of the proposed amendments.

RECOMMENDED MOTION

I move to approve Ordinance 16-918-O, an ordinance amending Ordinance 458, Talent Zoning Code, adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges to address Tree Preservation and Protection, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping to address Landscaping, Fencing and Hedges and amending Title 8, Chapter 3, Division C, D, F, G, J and L addressing changes to cross-references related to the aforementioned amendments. New language allows the City to require a tree removal permit for heritage and significant trees and provides quantifiable standards for landscaping.

ATTACHMENTS

The following information was submitted regarding this application:

- Planning Commission Signed Final Order – Exhibit A
- Ordinance 918 – Exhibit B



Zac Moody, Community Development Director

May 23, 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 June 1, 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 2016-)
001, AMENDMENTS TO THE TALENT ZONING ADDING TITLE 8,)
CHAPTER 3, DIVISION J, ARTICLE 10, PUBLIC TREES AND)
AMENDING TITLE 8, CHAPTER 3, DIVISION J, ARTICLE 3, FENCES)
AND HEDGES, AND AMENDING TITLE 8, CHAPTER 3, DIVISION J,) ORDER
ARTICLE 4, TREES AND LANDSCAPING, THE CITY OF TALENT)
PLANNING COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on April 28, 2016;
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.
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 adding Title 8, Chapter 3, Division J, Article 10, Public Trees and amending Title 8, Chapter 3, Division J, Article 3, and Title 8, Chapter 3, Division J, Article 4. As proposed, Title 8, Chapter 3, Division J, Article 3 would be renamed to Tree Preservation and Protection and Title 8, Chapter 3, Division J, Article 4 would be renamed Landscaping, Fencing and Hedges. Planning Commission also recommends that all appropriate cross references changes be incorporated into the final amendments approved by the City Council.

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. DLCD’s Urban Planning Specialist stated that “they (DLCD) were happy to see Talent’s draft tree code standards are clear and objective...” Staff would note that it has reviewed all Federal and State laws associated with urban forestry and contends that not only are these amendments are consistent with all applicable State and local regulations, but they provide an extra level of review and education for the general public. **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.*

FINDING: All applicable Comprehensive Plan policies and provisions of the Talent Zoning Code have been addressed. **The provisions of this section have been met.**

ELEMENT B: PARKS

Goal: To meet the present and future needs of Talent residents for parks, recreation, and open space projects

POLICY 2: Conservation: *It is the policy of the City of Talent to preserve and enhance the quality of its existing parks and recreation resources.*

IMPLEMENTATION STRATEGIES:

4. *Provide incentives and guidance to developers of new subdivisions that encourages conservation of sensitive areas. Providing more open space and parks within development plans can reduce the demand for more parkland. Such incentives may include the use of density trading or forgiveness of system development charges in exchange for dedication of parks and open space. Maintenance of parks and open space in new subdivisions may be part of the codes, covenants, and restrictions (CCRs).*
6. *Utilize the Local Wetland Inventory, the Flood Hazard Mitigation Plan, and Article 12 of the Talent Zoning Ordinance (TZO) – Natural Areas, Parks, and Floodplains to coordinate an open space and wetlands protection program that is consistent with the implementation strategies of the natural hazards element and Element B. A system of riparian buffers and wetlands are a natural defense designed to absorb runoff, protect water quality, as well as provide habitat for fish and wildlife.*

FINDING: The proposed Tree Preservation and Protection ordinance provides City Staff the opportunity to emphasize the importance of trees through a permitting process that encourages a healthy urban forest and watershed.

The Tree Preservation and Protection ordinance includes a permit process for all types of tree removal. As proposed, the City would implement a process that includes four tree permit types. The Type A Permit is for removal of a single tree and gives Staff the opportunity to visually inspect the tree proposed for removal and to provide options to the property owner wishing to remove the tree. The Type A permit is a no cost permit meant solely for education and to introduce mitigation options.

The Type B, C and D permits provide staff the opportunity to evaluate large sites or sites with previously mitigated trees and to address natural hazard concerns such as erosion in areas where large areas of trees have been removed.

Trees in the proposed ordinance are classified as significant or heritage. These distinctions provide the basis for mitigation and for enforcement of unpermitted tree removal. Trees provide riparian buffers and wetlands which protect water quality, as well as provide habitat for fish and wildlife. **The provisions of this section have been met.**

IMPLEMENTATION STRATEGIES:

POLICY 5: Urban Forestry: *It is the policy of the City of Talent to promote healthy trees as fundamental to the quality of life in the City of Talent.*

3. *Draft a tree list and a resource guide for the City and its residents.*
7. *Consider developing an internship program that provides a valuable, educational experience for the participant while cost-effectively implementing the goals of the Urban Forestry program.*

FINDING: The City of Talent contains some old and beautiful trees as well as some newer ones planted recently in the downtown area and some newer residential developments. Although no specific Statewide Planning Goal addresses urban forestry, the Department of Forestry recognizes the importance of trees through an Urban Forestry program. Talent does not have a contract with a certified Arborist to monitor tree preservation and protection and no comprehensive program currently exists in the city to improve and enhance urban forestry on public or private property.

The City recognizes the need for tree preservation and protection and has been taking steps to improve and enhance urban forestry on public and private property since it became a Tree City in April 2000. Since then, the City has conducted tree inventories of all public trees and in 2005 introduced the City's first tree and landscaping code.

In December 2015, the City attempted to obtain its second Tree City USA Growth Award, but was unable to because of all of the previous work completed by City Planners. Our community can achieve another Tree City USA Growth Award because the City has been designated a Tree City for more than two consecutive years.

In order for the City to achieve the Growth Award, the City must surpass the bar set in 2005 and completes activities in eligible categories totaling 10 or more points. Eligible activities fall into one of four categories, and each activity has an associated point value.

- Category A: Education and Public Relations
- Category B: Partnerships
- Category C: Planning and Management
- Category D: Tree Planting and Maintenance

The City can obtain nearly 2/3 of the necessary points for the Growth Award by improving and enhancing its existing ordinance protect the urban forest and to educate citizens on options for tree maintenance rather than removal. The other 1/3 of the necessary points come from education materials that will be produced following the adoption of the revised code.

In the Fall of 2015, Community Development enlisted the help of an intern from Southern Oregon University to aid in the development of the new language. This internship provided a valuable, educational experience for the intern while cost-effectively implementing the goals of the Urban Forestry program. **The provisions of this section have been met.**

ELEMENT C: NATURAL HAZARDS

GOAL 1: The City of Talent will manage land use in a way that prevents loss of live and reduces risks to property in the event of a natural hazard.

POLICY 1.3. It is the policy of the City of Talent to mitigate and reduce landslides in susceptible areas such as hillsides.

IMPLEMENTATION STRATEGIES:

1.3.1 Require erosion control measures such as silt fences and other bank stabilization measures at all building sites, consistent with Department of Environmental Quality (DEQ) standards and cooperate with that agency for effective implementation of the erosion control program. The prescribed standards will prevent runoff and soil erosion, and will be consistent with protecting sensitive fish habitat in the Bear Creek watershed.

FINDING: Many of the trees that will be removed within the City limits will likely be in areas that are relatively flat and that will not pose a major erosion concern. However, there are areas within the City that have steep slopes. The mechanical and hydrogeological benefits which trees and other vegetation provide to maintain slope stability and reduce erosion are well documented. Most of the wooded foothills surrounding Talent are in a delicate equilibrium. For example, natural events such as an unusually intense winter rainstorm or human activities such as a concentration of upland runoff or careless logging or tree removal can reduce stability, even trigger landslides.

The proposed code amendments as mentioned above, provide mitigation for all Type B,C and D permits as well as provisions for protection during construction and enforcement. The addition of the aforementioned criteria provides the City the ability to conduct a more detail review of tree removal and to ensure that removal of more than one tree has been properly reviewed by the City Engineer if erosion is a concern. **The provisions of this section have been met.**

ELEMENT E: ECONOMY

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

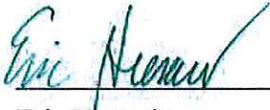
Objective 1: Create a community where people want to spend time beyond the exigencies of daily life.

IMPLEMENTATION STRATEGIES:

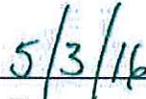
1. Create streetscapes and landscaping that make comfortable and appealing transitions between public and

business areas and nearby neighborhoods.

FINDING: The amendment of the Tree Preservation and Protection and Landscaping ordinances provide the City the opportunity to ensure new landscaping in areas of the City are comfortable and appealing and that all new developments provide sufficient landscaping for aesthetics and watershed health. Newly proposed buffering standards will aid in providing better transitions between public and business area and nearby neighborhoods. Overall, increasing landscape requirements and encouraging tree preservation will help create a community where people want to spend time. **The provisions of this section have been met.**



Eric Heesacker
Chairperson

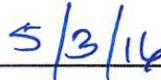


Date

ATTEST



Zac Moody
Community Development Director



Date

ORDINANCE NO. 16-918-O

AN ORDINANCE AMENDING ORDINANCE 458, TALENT ZONING CODE, ADDING TITLE 8, CHAPTER 3, DIVISION J, ARTICLE 10, PUBLIC TREES, AMENDING TITLE 8, CHAPTER 3 DIVISION J, ARTICLE 3, FENCES AND HEDGES TO ADDRESS TREE PRESERVATION AND PROTECTION, AMENDING TITLE 8, CHAPTER 3, DIVISION J, ARTICLE 4, TREES AND LANDSCAPING TO ADDRESS LANDSCAPING, FENCING AND HEDGES, AND AMENDING TITLE 8, CHAPTER 3, DIVISION C, D, F, G, J AND L ADDRESSING CHANGES TO CROSS-REFERENCES RELATED TO THE AFORMENTIONED AMENDMENTS.

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 J, Article 10, Public Trees

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

Division J, Article 3, Fences and Hedges amended to address Tree Preservation and Protection and titled "Tree Preservation and Protection"

Division J, Article 4, Trees and Landscaping amended to address Landscaping, Fences and Hedges and titled "Landscaping, Fences and Hedges"

SECTION 3. That the following sections within Title 8, Chapter 3 have been amended as described in EXHIBIT A attached herein to address changes in section cross-references:

Division C, Article 1, Section 180 and 190

Division C, Article 2, Section 280 and 290

Division C, Article 4, Section 482, 484 and 486

Division D, Article 1, Section 195 and 196

Division D, Article 2, Section 295 and 296

Division D, Article 3, Section 395 and 396

Division D, Article 4, Section 495 and 496

Division D, Article 5, Section 595 and 596

Division F, Article 1, Section 190

Division G, Article 1, Section 180

Division J, Article 1, Section 121

Division L, Article 8, Section 850

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 June 1, 2016 by the following vote:

Ayes: Nays: Abstain: Absent:

Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE 16-918-O

EXHIBIT A

8-3 Division J. Article 3.

TREE PRESERVATION AND PROTECTION

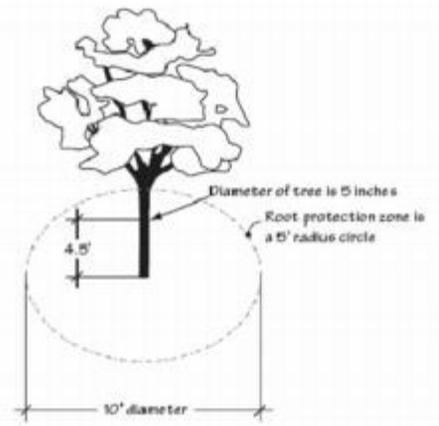
8-3J.300 DESCRIPTION AND PURPOSE

The City recognizes the importance of trees to the character and beauty of Talent. This chapter is intended to preserve and enhance that urban forest within the City of Talent through effective management of private and public trees. The City has therefore determined that reasonable regulation of the removal of certain trees is necessary and that this regulation of trees is based upon the following general guidelines:

- A. Trees benefit the public health, safety, and welfare by protecting air and water quality, preventing erosion and flooding, reducing energy costs, increasing property values, and providing natural beauty and contrast to the built environment which contributes to the physical and mental well-being of residents;
- B. Trees provide both shade and shelter in riparian areas which are essential for aquatic and land-going species;
- C. Trees enhance the local economy and increase property values by providing an attractive and aesthetically pleasing environment;
- D. Undeveloped or development property should be protected from unregulated removal of trees prior to the approval of development plans. Trees on such properties should be preserved so that they may be considered for incorporation into development plans.

8-3J.310 DEFINITIONS

- A. Arborist means a person who has met the criteria for certification from the International Society of Arboriculture or American Society of Consulting Arborists, and maintains his or her accreditation.
- B. “Critical root zone” or “CRZ” means a circular area determined by either of the following methods. The method used shall be indicated on the plans.
 - 1. Method A. A circular area equal to one foot in radius for every inch of tree diameter at breast height measured from the outside trunk of the tree at four and one-half feet above ground level; or
 - 2. Method B. An area determined for an individual tree to be the necessary root area for the tree’s continued normal growth as demonstrated in a written report by a certified arborist and based on documented field investigations. Reasonable alteration of the shape based on factors such as existing infrastructures, tree lean



or steep slopes may be considered.

- C. “Community Development Director” means the City of Talent Community Development Director, or his/her designee.
- D. “Commercial wood lot” means parcels or lots which meet the following criteria on the effective date of the ordinance codified in this chapter:
 1. The site is at least two acres in size.
 2. Trees have been actively managed and maintained on the subject property for the purpose of harvesting.
 3. The owner has supplied the city with proof that the property has been in tax-deferred status under state law provisions such as forest land deferral or small woodlands deferral for a minimum of five consecutive years immediately prior to application.
- E. “Diameter at breast height” or “dbh” means the diameter of the tree measured in inches at four and one-half feet above ground level. For trees with multiple trunks, dbh shall be measured at the narrowest point between ground level and the point where the trunk diverges, or shall be the sum of the diameters of the two largest trunks at breast height, whichever is smaller. All measurements shall be rounded to the nearest inch.
- F. “Dead” means the tree is obviously lifeless without any live leaves, needles or buds.
- G. “Dying” means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees.

- H. “Hazardous tree” means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
- I. “Heritage tree” means any deciduous tree 28” in diameter or larger or any conifer tree 32” or larger which are not hazardous trees as defined above. Exception: Japanese Maple and Dogwood trees with a diameter greater than 8” are considered heritage. Deciduous and Conifer trees may include but are not limited to the following:

Deciduous

- Black, White, Red and Burr Oak
- Beech
- Sycamore or Planetree
- Zelcova
- Maple
- Ash
- Dogwood
- Madrone

Conifer

- Douglas Fir
- Redwood
- Blue Atlas Cedar
- Bald Cypress
- Monterey Cypress
- Ponderosa Pine
- Sequoia
- Deodar Cedar
- Incense Cedar

- K. “Impacted tree” means a significant tree whose critical root zone will be impacted by proposed development. Impacts include, but are not limited to, fill, cuts, soil compaction, paving, placement of structures, stockpiling of soil, utility trenching and other activities that may impact the health and viability of the tree.
- L. “Remove” means:

1. To cut down a tree, or to damage a tree so as to cause the tree to decline and/or die within a three-year period. Types of damage which may constitute removal include but are not limited to topping, damage inflicted upon a root system by application of toxic substances, and girdling. "Removal" does not include normal trimming or pruning of trees as defined by ANSI A300 pruning standards current on the day this definition was adopted.
 2. To perform activities which result in impacts to more than 30 percent of the critical root zone if the CRZ is determined by Method A in subsection (2) of this section.
 3. To perform activities which impact any of the CRZ if determined using Method B in subsection (2) of this section.
- M. "Significant tree" means any deciduous tree 15" in diameter or larger or any conifer tree 18" or larger which are not hazardous trees as defined above. Exception: Japanese Maple and Dogwood trees with a diameter greater than 1" are considered significant. Deciduous and Conifer trees may include but are not limited to the following:

Deciduous

Black, White, Red and Burr Oak
 Beech
 Sycamore or Planetree
 Zelcova
 Maple
 Ash
 Dogwood
 Madrone

Conifer

Douglas Fir
 Redwood
 Blue Atlas Cedar
 Bald Cypress
 Monterey Cypress
 Ponderosa Pine
 Sequoia
 Deodar Cedar
 Incense Cedar

- N. “Public tree” A tree or woody plant with its base located within or adjacent to a public right-of-way or any tree or woody plant within a city park, or other publicly owned property. Public Trees include trees within existing planting strips or sidewalk tree wells. Public Trees typically have a single trunk at least 2 inches in diameter at a point six inches above the mean ground level at the base of the trunk.
- O. “Topping” the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.
- P. “Tree” means any significant tree or tree within a designated wetland or riparian area setback as defined by Section 8-3H.230(C) of the Talent Zoning Code.

8-3J.320 PERMIT EXEMPTIONS

- A. City sanctioned activities that intend to increase overall wellbeing of the environment and the lives of those who live in Talent.
- B. Removal of dead or dying trees.
- C. Activities associated with tree trimming for safety, as mandated by the Oregon Public Utilities Commission. Tree trimming shall be done by a certified arborist, Journeyman Tree Trimmer, or party designated by the Community Development Director.

8-3J.330 APPLICATION FOR TREE REMOVAL PERMIT

- A. A person seeking to remove one or more trees shall apply for a tree removal permit Type A, B, C, or D, depending on the applicable standards as provided in this chapter.
- B. By submission of an application, the applicant shall be deemed to have authorized city employees, representatives, or consultants to have access to applicant’s property after providing 24 hours’ notice as may be necessary to verify the information provided, to observe site conditions, and, if a permit is granted, to verify that terms and conditions of the permit are followed.
- C. Time of Application. Application for a tree removal permit shall be approved before removing or transplanting significant trees except in emergency situations where immediate action must be taken to ensure public safety, or imminent property damage. See section 8-3J.320 for exemptions. Where the site is proposed for development necessitating site plan or tentative plat review, application for a tree removal permit shall be made concurrent with subdivision, partition, site plan review, or other development application as specified in this chapter.

- D. Fees. A person applying for a tree removal permit shall pay an application fee, as established by resolution of the City Council.

8-3J.340 APPLICATION REVIEW PROCEDURE

- A. Reviewing Authority.
 - 1. Type A, B, or D. Where site plan review or tentative plat approval by the Planning Commission is not required by city ordinance, the review of the tree removal permit application shall be the responsibility of the Community Development Director.
 - 2. Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Planning Commission, the tree removal permit shall be reviewed concurrently by the Planning Commission.
- B. Timeline and Notice – Review Period for Complete Applications.
 - 1. Type A and B permit applications shall be approved or denied within 10 calendar days.
 - 2. Type C permit applications shall be reviewed for completeness within 30 calendar days, and final action shall take place within 120 days as required by ORS 227.178. Notice of proposed action shall be given to surrounding property owners according to 8-3M.150. A Type C permit shall follow the hearings procedures required for the accompanying land use application. If the accompanying land use application is denied or is withdrawn or expired, the tree removal permit shall similarly be denied, withdrawn, or expired.
 - 3. Type D permits shall be approved or denied within 45 calendar days.
- C. Conditional Approval. Whenever an application for a tree removal permit is granted, the Community Development Director may attach to the permit any reasonable conditions considered necessary to ensure compliance with applicable standards.
- D. Tree removal permits and tree surveys shall be valid for a period not to exceed three years.

8-3J.350 PERMIT TYPES

Type A permit.

- A. Type A permit applications will be approved when all of the following conditions are met:
 - 1. A completed request for Type A permit has been filed on the forms provided by the city.

2. The request is for removal of a single tree within a single 12-month period.
 3. The trees subject to removal are not heritage trees or public trees.
 4. The trees subject to removal were not retained as part of a previous site development approval or planted as mitigation for a previous tree removal.
 5. The tree removal request is not proposed in conjunction with land development which requires a land use approval including but not limited to site plan review or amendment, subdivision, or partition approval.
- B. Tree removals under a Type A permit do not require mitigation; however, replanting is generally recommended, and recipients of Type A permits who wish to replant may qualify for assistance from the city's tree fund if funds are available.

Type B permit.

- A. An applicant must apply for a Type B permit to remove trees when any of the following conditions are met:
1. The applicant proposes to remove two or more trees within a 12-month period, independent of an application for site development review; or
 2. The applicant proposes to remove a tree or trees which were preserved as part of a previous land use permit or planted as mitigation for previous tree removal; or
 3. The applicant proposes to remove a heritage tree; or
 4. The proposed tree removal is for clearing of a home site on a lot subsequent to land division approval. All trees removed for home sites prior to occupancy shall be mitigated according to the standards of this chapter.
- B. Application for the Type B permit shall contain the following information unless specifically waived by the reviewing authority under subsection (2)(g) of this section:
1. A brief statement explaining why tree removal is being requested, to ensure that another permit type or consolidated application is not more appropriate.
 2. An accurate map, drawn to scale, which shows:
 - a. The shape and dimensions of the property, and the location of any existing and proposed structures, improvements, easements and setbacks.

- b. The location of all impacted trees on the site including critical root zones, species and/or common name, and diameter at breast height (dbh).
 3. Tree Protection. Tree protection measures must be outlined to address protection of the tree trunks, canopy and soils within the critical root zones during and after the tree removal process. Examples of tree protection methods include mulching, irrigation, protective fencing, compaction reduction measures, erosion control, etc.
 4. Field Identification. All trees to be removed shall be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction or application documents.
 5. Mitigation Plan. A description of the proposed tree replacement program with a detailed explanation including the number, species, size within five (5) years, size at maturity and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.
 6. Existing Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas governed by CC&Rs, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.
 7. Waiver of Documentation. The Community Development Director may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to review the application, or alternate forms of information have been provided which provide sufficient detail to allow the Community Development Director to review the application.
- C. Approval Criteria. Tree removal or transplanting pursuant to a Type B permit shall be limited to instances where the applicant has applied for a Type B permit in accordance with subsection (1) of this section and has provided complete and accurate information as required by this chapter.

Type C permit.

- A. Approval to remove two or more trees on a single lot or parcel as part of a site plan review or amendment, subdivision, or partition application may be granted as a Type C permit in conformance with subsection (5) of this section.
- B. Type C permit applications shall be reviewed concurrent with the development review process. If a Type C permit or its associated development application is appealed, no trees shall be removed until the appeal has been resolved.

- C. Submittal Requirements. The applicant must provide 10 copies of a tree maintenance and protection plan completed by a certified arborist that contains a summary of existing conditions and a mitigation plan as follows:
1. Summary of existing conditions including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
 - a. Property Dimensions. The shape and dimensions of the property, and the location of any existing or proposed structures, utility installations, grading, or other improvements.
 - b. Tree Survey.
 - i. The survey must include an accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch equals 100 feet including:
 - A. The location, number of trees, tree size as dbh (see 8-3J.310 (5), and proposed trees for removal.
 - B. The critical root zone of impacted trees, and the extent of likely impacts.
 - C. The common name of impacted trees.
 - D. Heritage trees shall be clearly noted on the survey.
 - ii. Where a stand of 20 or more contiguous trees will be removed, the required tree survey may be simplified to accurately show the location of all heritage trees, and significant trees which are within 50 feet of the edge of the development envelope. Only these trees are required to be field tagged. Interior tree areas shall be depicted with clouds or other similar linework and the dbh, common name, and total number of all interior trees shall be accurately stated on the plans.
 - iii. Neighboring Properties. All impacted trees on neighboring properties shall be shown on the tree survey. If the applicant cannot obtain permission to survey the neighboring properties, the person or persons preparing the survey shall make a note to this effect on the survey and locate the trees and CRZs to the best of

their ability. The survey shall show the percentage of CRZ for these trees which will be impacted by the proposed improvements.

- A. When a proposal includes activities which will result in removal of trees on neighboring properties, the applicant shall include the removal of the neighboring trees in the permit application and mitigate for their removal.
 - c. Arborist Report. The report shall describe the health and condition of all heritage trees including species, common name, dbh, approximate height, and age. The report shall identify hazardous, dead, or dying trees. The report shall identify opportunities for preservation of groves or stands of trees and make recommendations regarding special tree protection and maintenance practices necessary to restore preserved trees to full health.
 - d. Field Identification. Impacted trees shall be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.
 - e. Tree Protection. A statement addressing tree protection during construction. See section 8-3J.380.
2. Mitigation Plan. A plan prepared in accordance with Section 8-3J360 by a certified arborist or landscape architect describing the proposed tree replacement program with a detailed explanation including the number, species, size at five (5) years, size at maturity and planting location of replacement trees, and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.
- D. Waiver of Documentation. The Planning Commission may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to determine conformance with applicable criteria, or alternate forms of information have been provided which provide sufficient detail to allow such a determination.
- E. Approval Standards for Type C Permits. All Type C permits submitted as part of a proposed residential development shall be reviewed under Option A in subsection (5)(a) of this section unless the applicant chooses the alternative design review available in Option B in subsection (5)(b) of this section. All commercial and industrial developments shall comply with the criteria of Option B.
- 1. Option A – Numerical Preservation Standard for Residential Developments. Existing trees must be preserved. The total tree diameter on the site is the total

diameter of all significant trees on the site, minus the diameter of all exempt trees as defined by this chapter. The applicant must choose one of the following options. Calculations shall be in accordance with subsection (5)(c) of this section.

- a. Preserve at least 30 percent of the total significant tree diameter on the site;
 - b. Preserve all heritage trees and at least 30 percent of the significant trees on the site;
 - c. If the site is larger than one acre, preserve at least 25 percent of the total tree canopy area on the site.
2. Option B – Commercial/Industrial and Alternative Residential Design Review. Tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles. Application of the standards of this section shall not result in a reduction of overall building square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height, different design, or alternate location. Tree removal or transplanting pursuant to a Type C permit shall be limited to instances where the applicant has provided complete and accurate information as required by this chapter and where the reviewing authority determines that the following criteria have been met.
- a. The proposal includes provisions for mitigation and tree protection.
 - b. The proposed removal is necessary for the construction of roads, structures, or other site improvements and the applicant has demonstrated that there are no feasible and reasonable location alternatives and/or design options which would better preserve significant trees on the site while providing the same overall level of density and design functionality.
 - c. Other. Where the applicant shows that tree removal or transplanting is reasonable and necessary under the circumstances.
3. Under Option A, when calculating the amount of tree diameter and the number of significant trees on the site, the applicant may choose one of the following methods of measurement:
- a. Tree Inventory. A tree inventory identifies all trees on the site, specifying location, species, and diameter of each tree; or
 - b. Statistical Sampling. Statistical sampling may be used to estimate the total tree diameter and total number of significant trees present. Sampling must be carried out by individuals with demonstrated experience performing

such surveys and shall be based on generally accepted standard methodologies.

- c. Tree Canopy. When calculating the amount of tree canopy on the site, the total canopy area is based on the most recent aerial photograph available. If the most recent aerial photograph available is more than five years old, the applicant must provide a more recent photograph.

Type D permit. The owner or operator of a commercial wood lot shall apply and receive approval for a Type D permit before beginning harvesting operations of more than three trees within any 12-month period. Type D permit applications shall be reviewed by the Community Development Director.

- A. Application for a Type D permit shall include the following:
 1. Proof that the subject property is a “commercial wood lot” as defined by this chapter;
 2. A map of the property including property boundaries;
 3. The size, species and location of all significant trees other than Douglas fir;
 4. The size, species and location of all heritage trees.
- B. Approval Standards for Type D permits. An application for a Type D permit shall be granted when all of the following criteria are met:
 1. The applicant has submitted a complete application as required by subsection (1) of this section;
 2. All heritage trees other than Douglas fir will be protected according to the requirements of this chapter;
 3. All non-fir significant trees in excess of three shall be mitigated.
 4. All applicable standards of the Oregon Forest Practice Rules are met;
 5. The applicant has submitted and obtained approval of an erosion control plan from the city engineer; and
 6. If the tree removal proposed is a final harvest, and no further planting, maintenance, or rotation of trees is proposed, the applicant shall submit a long-term erosion control and revegetation plan for review and approval.

8-3J.360 MITIGATION

A. Requirement Established. Type B or C tree removal permit grantees shall plant one replacement tree for each significant tree removed in excess of the three that could otherwise be removed under a Type A permit. Type D permit grantees shall mitigate nonfir trees as required by Section 8-3J.360(B) below. Mitigation is not required for removal of hazardous, dead, or dying trees.

B. Heritage trees shall be mitigated based on the following methodology:

$$\text{Replacement trees} = 1 + (A - Q)$$

Where:

A = Actual dbh of the tree in question.

Q = Minimum dbh for this species to qualify as a heritage tree.

C. Replacement Trees. Trees planted as mitigation must meet all of the following standards:

1. To encourage a diversity of species when four or more trees are required as mitigation, no more than 25 percent of trees planted as mitigation shall be of any one species. Use of native trees where appropriate is encouraged;
2. All replacement trees shall be appropriately chosen for the site conditions (especially soil and hydrology) from an approved tree species list supplied by the city, and shall be state Department of Agriculture and American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade;
3. All replacement trees shall be two-inch caliper. The planning official or planning commission may allow the use of replacement Oregon white oaks and other native trees with the largest available nursery stock if two-inch caliper trees are not available;
4. Replacement trees shall be planted prior to plat for land divisions and prior to issuance of final certificate of occupancy for other applications. Mitigation requirements shall run with the land until all required mitigation has been completed;
5. Replacement trees must be staked, fertilized, mulched, and irrigated as necessary to ensure survival; and

6. Trees planted as mitigation for a Type C permit shall be guaranteed by the permit grantee or the grantee's successors-in-interest for three years after the planting date through an irrevocable development agreement.

D. Alternatives to On-Site Mitigation.

1. Relocation or Replacement Off Site. If in the opinion of a certified arborist or landscape architect there is insufficient available space on the subject property to accommodate the required mitigation plantings, the following alternatives may be used to fulfill mitigation requirements:

- a. Replanting may occur on other property in the applicant's ownership or control within the city, or in a city-owned or dedicated open space or park. If planting on city-owned or dedicated property, the city may specify the species, size, and location of the trees. Nothing in this section shall be construed as an obligation of the city to allow trees to be planted on city-owned or dedicated property.
- b. Payment in Lieu of Planting. The applicant may pay into the tree fund an amount equal to the number of replacement trees required times a per-tree rate as established by resolution of the city council.

- E. Trees preserved or planted as mitigation may be used to fulfill the landscaping requirements as set forth in Section 8-3J.4.

- F. To encourage the retention of established trees which do not yet meet the definition of a significant tree, credit towards mitigation requirements shall be given on a tree-for-tree basis for preservation of the following healthy, structurally sound trees. If such trees are to be used towards meeting the mitigation requirements of this section, required tree preservation and planting plans shall include the size, species, and location of these trees, and these trees shall be given the protections in accordance with Section 8-3J.370 and shall then be considered significant trees. Trees located within the floodplain, parks, and greenway zone (OFPG) may not be counted towards required mitigation.

Big leaf maple 8" dbh or larger

Oregon ash 8" dbh or larger

Madrone 6" dbh or larger

Red alder	6" dbh or larger
Ponderosa pine	6" dbh or larger
Western red cedar	6" dbh or larger
Chinquapin	6" dbh or larger
Pacific dogwood	6" dbh or larger
Douglas fir	6" dbh or larger
Oregon white oak	6" dbh or larger

8-3J.370 TREE PROTECTION DURING CONSTRUCTION

Where trees are to be preserved as part of a development plan, the following standards apply:

- A. All trees to be protected must be clearly differentiated from those being removed by clearly marking trees to be removed in an obvious visible manner such as bright-colored paint, ribbon, etc.
- B. Protective Barrier. Before development, vegetation removal, filling, or any land alteration for which a tree removal permit is required, the developer shall erect and maintain suitable barriers to prevent damage to remaining trees. Barriers shall be erected at the edge of the critical root zone of trees to be preserved. Protective barriers shall not be moved and shall remain in place until the city authorizes their removal or issues a final certificate of occupancy, whichever occurs first. At a minimum, barriers shall consist of 48-inch-high heavy duty, high visibility plastic fencing, or silt fencing, attached to anchored metal or wooden posts.
- C. Prior to commencement of ground-disturbing activities, the applicant shall request and receive an inspection of all tree protection barriers to ensure that the approved tree removal plans are accurately implemented on the ground. All inspection requests shall provide a minimum of 24 hours' notice.
- D. Construction Near Preserved Trees. No person may conduct any construction activity damaging to a tree designated to remain, including, but not limited to, placing solvents,

building material, construction equipment or depositing soils within the tree protection zone, attaching fencing or other items to trees, using trees as anchors, or placing irrigated landscaping within the protective barrier.

- E, Where trees are removed from within the CRZ of a tree to remain, the removal shall be done by cutting the tree near the ground and grinding the stump or leaving it in place. Removal of trees or stumps within the CRZ of a protected tree by pushing trees down or pulling trees and/or stumps out of the ground is prohibited.

8-3J.380 TIMING OF REMOVAL, INSPECTIONS AND EXPIRATION OF APPROVED PERMITS

- A. No tree removal permitted as a Type B, C, or D permit shall take place until the applicant has received a notice to proceed from the city engineer on public improvements. When no public improvements are proposed, tree removal shall not occur until building permits have been issued. The Community Development Director may make exceptions to this requirement when warranted due to extenuating circumstances or when no such permits are necessary.
- B. For applicants seeking a Type B permit to remove trees independent of site improvements, no tree removal shall take place until tree protection measures have been inspected and approved by the Community Development Director.
- C. Inspection and approval of all required tree protection measures by the Community Development Director is required prior to tree removals permitted as Type B, C, and D permits.
- D. Forty-eight hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted.
- E. All required mitigation shall be completed within one (1) year of the removal o

8-3J.390 ENFORCEMENT

- A. Any person found to have removed a significant tree in violation of this chapter shall incur a penalty of not more than \$1,000 nor less than \$250.00 per violation.
- B. Any person found to have removed a heritage tree in violation of this chapter shall incur a penalty of not less than the value of the tree according to Section 8-3J.360(D) plus no less than \$500.00 for each heritage tree removed.
- C. Failure to comply with any condition of the permit issued to the applicant shall constitute a violation of this chapter and shall subject the applicant to a fine of not more than \$1,000,

nor less than \$500.00. Any fines collected by the city under this section shall accrue to the city tree fund.

- D. Each tree removed in violation of this chapter or any permit issued pursuant to this chapter shall constitute a separate violation.
- E. Each tree that the applicant fails to replant or replace as required by the terms of the permit, and each violation of any other condition of a permit, shall constitute a separate violation.
- F. **Retroactive Permit.** A person who removes a tree without obtaining a Type A permit may apply retroactively for a permit. In addition to all application requirements of this chapter, the person must be able to demonstrate compliance with all requirements of this chapter, in addition to paying an additional fee as established by resolution of the City Council. Mitigation requirements of this chapter may apply to all retroactive permits.
- G. **Withholding Permits and Stop-Work Orders.** The building official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this chapter, including any conditions attached to a tree removal permit, have been fully met.
- H. **Revocation of Permit.** The city administrator may revoke any tree removal permit when the planning official or designee thereof has clearly demonstrated that the application was incomplete or inaccurate to such a degree as to invalidate the approval. Such a revocation may be immediately followed by a stop-work order and the applicant required to either:
 - 1. Revise and resubmit the permit for review and approval; or
 - 2. Pay fines for removing trees in violation of the permit under subsections (1) and (2) of this section.
- I. The city shall notify the property owner in writing that a violation has occurred and mitigation is required. Within 30 days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the city. The plan shall provide for replacement of a tree or, at the city's discretion, payment into the tree fund in accordance with Section 8-3J.10.
- K. **Alternative enforcement.** In the event that a person, company, or other operating unit commits more than one violation of this chapter, the following alternative fees may be imposed by the City:
 - 1. A person that has gained money or property through the commission of an offense under this section may be required to pay an amount, fixed by the City, not to exceed double the amount of the gain from the commission of the offense.

2. “Gain” is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the city. “Value” shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.

8-3 Division J. Article 4.

LANDSCAPING, FENCING AND HEDGES

8-3J.410 DESCRIPTION AND PURPOSE

The purpose of this Article is to provide for the regulation of planting, maintenance, and removal of landscaping within the City of Talent. All yards, required buffers or screening areas, and parking areas shall be landscaped in accordance with this chapter.

8-3J.420 MINIMUM LANDSCAPED AREA

- A. The minimum percentage of required landscaping is as follows:
1. Residential Zones. 30 percent of each lot for residential developments.
 2. Central Business District (CBD) and Central Business Highway (CBH) Zones. 20 percent of the site.
 3. Commercial Highway (CH) and Commercial Interchange (CI) Zones. 20 percent of the site.
 4. Industrial Zones (IL). 15 percent of the site.
 5. When the above requirements conflict with landscaping requirements found elsewhere in this ordinance, the standard which maximizes landscaped area shall apply.

8-3J.430 MINIMUM VEGETATION AND GROUND COVER

- A. Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:
1. One tree, minimum 2" caliper.
 2. Four 5-gallon shrubs or accent plants.
- B. Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material as defined in Section 8-3J.430(C) below, shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy unless a xeriscape plan is approved.
- C. Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting. The landscape materials below may be modified as part of an approved xeriscape plan.
1. **Existing Vegetation.** Existing non-invasive vegetation may be used in meeting landscape requirements.
 2. **Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City's water supply.

3. **Plant Establishment.** Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two (2) years to ensure viability.
4. **Soil amendment.** When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.
5. **“Invasive” plants,** shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.
6. **Hardscape features.** May cover up to ten percent (10%) of the required landscape area (unless a xeriscape plan is approved); except in the Downtown Area where publicly accessible hardscape features may cover up to eighty percent (80%) of the required landscape area, subject to approval through Site Development Plan Review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.
7. **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants unless approved as part a xeriscape plan.

8-3J.440 TREES PROHIBITED

No person shall plant on any public property or private property the following trees if the tree’s future critical root zone (CRZ) at maturity (CRZ is defined in Section 8-3J.310) is within the public right-of-way: poplar, willow, cottonwood, fruit tree, or ailanthus, unless part of a City-authorized riparian restoration project. The Recommended Street Tree List should be consulted before any tree is planted within or adjacent to the public right-of-way. No person shall plant any tree anywhere in the City so as to adversely affect public utilities.

8-3J.450 BUFFER AND SCREENING

The Planning Commission shall require a buffer when a development or use proposed in a commercially and industrially zoned area is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone.

- A. **Commercial and Industrial Transition Buffers.** The following standards shall be considered during any land use review that include commercial or industrial uses adjacent to a residential use.
1. The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use.
 2. The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired.
 3. Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography or other features. **In the case that a proposed building is directly adjacent to the required setbacks, a fence or wall is not an appropriate buffer and a Section (b) below shall be required.**
 - a. When a fence or wall is being proposed as a buffer it shall be sight-obscuring. In order to be “sight-obscuring”, fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall.
 - b. Hedges shall be of an evergreen species which will meet and maintain year-round 75 percent opacity. Opacity shall be obtained within three (3) years of planting.
 - c. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis at the discretion of the Community Development Director or Planning Commission.
- B. **Single-family Transition Buffers.** The following buffers may be required during any land use reviews that include single-family development adjacent to a non-residential zone:
1. The Planning Commission may require application of the same buffering standards as are required of commercial development (Section 8-3J.450(A), above).
 2. In addition to the general provisions of Section 8-3J.450(A), the Planning Commission may require one or more of the following types of buffering fences, walls and landscaping:
 - a. A masonry wall (stucco, stone, or similar quality material), coupled with trees planted 30 feet on center planted within six (6) feet of the wall.
 - b. A “see-through” wall (wrought iron or similar quality material), coupled with trees planted 30 feet on center.
 - c. A “living wall” where a combination of trellises and plants provide a 95% opaque vegetative screen to a minimum height of six (feet). The living wall shall be coupled with trees planted 30 feet on center planted within 10 feet of the living wall. A five (5) foot wide planted strip that has continuous landscaping consisting of ground cover(s), shrubs that potential to reach minimum 6-feet in height and be 95% opaque, and trees planted 30-feet on center.
- C. **Agricultural Buffers**
- To implement the Agricultural Buffering Standards of the Greater Bear Creek Valley Regional Plan, buffering provisions in Section 8-8.560 shall be addressed when urban

development on land along the urban growth boundary abutting land zoned Exclusive Farm Use is proposed.

8-3J.460 FENCES AND HEDGES

Fences, walls, hedges, screen plantings and similar regulated objects provide privacy and promote security. Tall fences are appropriate in some locations and for some purposes, but inappropriate where they interfere with public safety and neighborliness. Excessive heights between properties inhibit the enjoyment of light and air and, in residential zones, can create the same confining effect as a building directly against the property line.

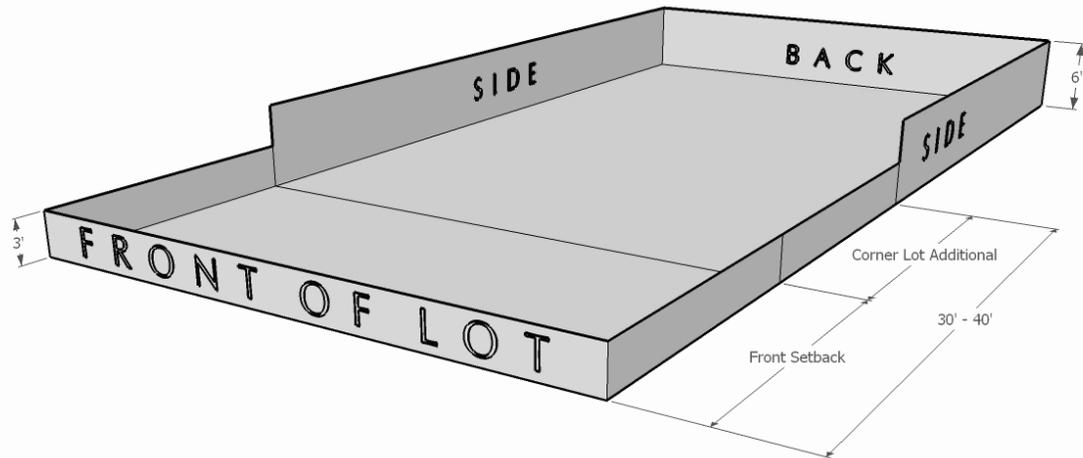
All fences and hedges are subject to the following standards:

- A. **Materials.** No one may construct fences or walls of or containing material(s) that can do bodily harm, such as barbed wire, broken glass, or any other hazardous or dangerous materials. For barbed wire and electric fence exceptions, see Section 4-8.13 of the City Ordinances.
- B. **Placement.** Fences and walls may be erected directly up to common property lines. An exception to this rule may be required when the placement would prevent the use of adjacent property or right-of-way, or prevent the safe use of a driveway or alley. In such cases, the City may require the fence or wall to be set back a minimum distance from the driveway, right-of-way, alley or property line.

Hedges and screen plantings may be planted in locations where their growth does not encroach on public rights-of-way. Encroachment on private property is commonly a private civil matter; the City will not become involved in such disputes unless it deems there is a significant safety concern.

- C. **Height Limitations.** Figure 3-1 illustrates the regulations. See also definitions of “yards” in 8-3B.1.
 - A. Front Yard: 3 feet.
 - B. Side Yard: 6 feet.
 - C. Rear Yard: 6 feet.
 - D. Corner Lot: 3 feet for a distance of 40 feet along the street side yard when that street is a collector or arterial; otherwise 30 feet. This is to provide a clear ‘sight triangle’ of 30’ x 30’ or 30’ x 40’ at intersections.

Figure 3-1



D. Measuring Height.

1. Generally, height is measured from the adjacent ground upward.
2. When fences are built on top of retaining walls, or one lot is markedly higher than an adjacent lot, height shall be measured from the highest adjacent grade, except that a fence or wall may not be higher than eight (8) feet above the lowest adjacent grade.
3. Below-Grade Lots. On lots that are not generally level with the adjacent street, height may be measured from the top of the adjacent curb, or, where curbs are absent, from the crown of the adjacent street. Exercise of this exception shall be at the discretion of the City.
4. Lots on Collector Streets. Because of heavier traffic volumes and greater speeds, the same exception allowed in the preceding subsection may apply to lots on collector streets. Exercise of this exception shall be at the discretion of the City.

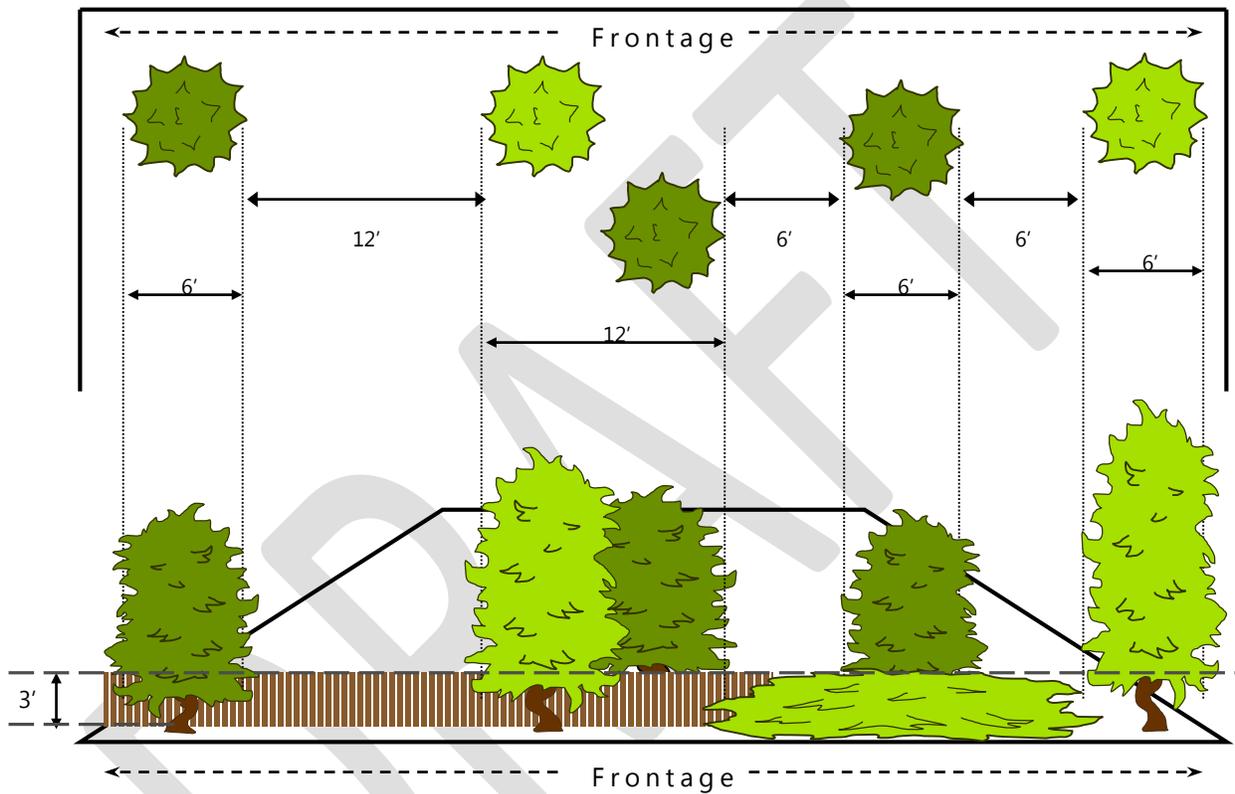
E. Allowances.

1. A hedge or a screen planting is defined as vegetation that has the purpose or effect of obscuring or blocking casual viewing through it and is six (6) feet or more in diameter or width. Non-pyramidal trees are not considered to be such vegetation.

Individual bushes, trees, hedges, and similar vegetation, or groupings of such, that have the effect of substantially inhibiting visibility above the height limitation for the yard in which they are located are permitted if the total blockage of the frontage is 50 percent or less *and* there are six-foot gaps for every 12 feet of grouping (see *Figure 3-2*). This allowance does not extend to the 'sight triangle' area in 350(D).

Figure 3-2. Illustration of Blockage and Gapping (in Plan view and Perspective view).

Note the fence and low hedges in between that do not exceed the 3' height limit.



Blockage = 6 + 12 + 6 + 6 = 30 feet
 = 30 feet blockage on a 60-foot-wide lot
 = 50% blockage: **Allowed**; and the 6-in-12 gapping standard is met.

2. Entryway or gate arbors are permitted in front yards provided they are no more than 8 feet tall, 6 feet wide, 6 feet deep, and are no less than 15 feet from a property corner or driveway, including those on adjacent lots.
3. The City Planner may grant a special allowance for fences, walls, hedges, or screen plantings that exceed the height limits or location requirements of this Article for the circumstances listed below. The process used for granting a special allowance will be administrative and include consultation with the Police Department and/or Public Works Department, and notification of adjoining neighbors, whose interests will be considered.
 - a. Lots with unusual shapes or in unique situations, where it is shown that public safety is not decreased.
 - b. Fences or walls surrounding tennis courts, swimming pools, schools, or other special facilities, not including residences, where it is shown that the normal use or level of protection requires a greater height for safety or other reasons.
4. Security fences may be constructed up to 10 feet high in commercial and industrial areas, provided they are a see-through, chain-link type and set back a distance equal to their height in front yards and street-facing side yards, plus any necessary accommodations for sight distance on corners.

F. **General Safety Provisions.**

1. Recognizing that the best intentions and most careful crafting of regulations do not account for all variables, the City can either disallow or require the elimination or mitigation of fences, walls, hedges, screen plantings, and similar that it finds deleterious to public health or safety, or at odds with the purpose of this Article.
2. Property owners aggrieved by a decision made under this Section may appeal the decision to the Planning Commission, which may reverse, uphold or modify staff's decision based on its evaluation of the evidence presented.

8-3J.470 LANDSCAPE MAINTENANCE

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

A. Residential Areas

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

B. Commercial Areas

In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.420 and 430 above.

8-3J.480 SOLAR CONSIDERATIONS

Solar energy use can be considered as an option to reduce the total number of required trees for a development plan. A clear plan must be created which demonstrates the location of solar panels, intended use of energy from them, and demonstration that the planting of all required trees would pose an obstacle to the development.

8-3J.490 XERISCAPING

Xeriscaping is landscaping that is intentionally designed to conserve water and protect the environment. It is a relevant option for landscaping, and is a potential option to reduce landscaping requirements including a reduction of the total number of trees to be planted, or total landscaped area. To be eligible for reduced landscaping requirements, the following requirements must be met.

A. Eligibility.

1. Must be City of Talent utility customer with potable water (not TID) for irrigation.
2. Project must demonstrate a reduction in water use compared to the necessary water required for standard landscaping.
3. The square footage of the xeriscape area must be at least 50% of the required landscaped area in Section 8-3J.415. Proposed projects meeting this requirement will be allowed to reduce the overall landscaped area by 10% of that required in Section 8-3J.415 above.

B. Submittal Requirements. The following must be included with any xeriscaping project when a reduction of landscape requirements is being requested.

1. Interested parties wishing to xeriscape a portion of a parcel to reduce landscaping requirements shall supply the City with a completed xeriscape application.
 2. Site Description. Applicants are required to submit a simple site design plan including all required landscaping, proposed xeriscaping and irrigation to be installed. The plan shall include the location of plants and type of irrigation for each plant. All xeriscaping shall meet the landscaping requirements below:
 - a. Plants. 90% of the plant material must be drought tolerant or considered low water use plants (based on the Water-Wise Landscaping Website, WUCOLS).
 - b. Plant Coverage. At completion, xeriscape areas must contain enough plants to create at least 50% living plant cover at maturity. Xeriscape areas may NOT include any live lawn (grass) or invasive plant species as defined by the Oregon Department of Agriculture noxious weed list.
 - c. Efficient Irrigation Components. If a watering system is used, all sprinkler heads in the xeriscape areas must be low volume (drip, micro-spray, bubblers, or low precipitation rotating nozzles).
 - d. Prevent Overspray. The xeriscape area shall not be irrigated or oversprayed by other required non-xeriscape areas.
 - e. Permeable Surfaces and Treatments. In residential areas, no concrete, plastic sheeting or other impermeable surfaces shall be used in an identified xeriscape area.
 - f. Mulch. Exposed soil must be completely covered by a layer of mulch. Common mulching materials include wood chips, decomposed granite, river rock, and bark. If weed barrier is used beneath the mulch, it must be manufactured to be permeable to air and water.
 - g. Living Groundcover. Qualifies as mulch provided the plants are installed at a density to assure 100% plant coverage at maturity.
- C. Approval Criteria. After examination of the design plan, City Staff shall approve or approved with conditions if the following requirements have been met:
1. Submittal requirements of Section 8-3J.426(B) have been met;
 2. A pre-inspection of the site has been conducted by City Staff to determine the feasibility of the plan.
- D. Inspection Process. All projects shall have a final inspection to ensure that all proposed xeriscaping has been completed in accordance with the approved plan. Certificate of Occupancy shall be issued once final inspection and approval has been granted.

8-3 Division J. Article 10. PUBLIC TREES

8-3J.1000 DESCRIPTION AND PURPOSE

The purpose of this Article is to provide for the regulation of planting, maintenance, and removal of publicly owned trees, shrubs, and other plants adjacent to public rights-of-way.

8-3J.1010 DEFINITIONS

- A. **Public Tree.** A tree or woody plant with its base located within or adjacent to a public right-of-way or any tree or woody plant within a city park, or other publicly owned property. Public Trees include trees within existing planting strips or sidewalk tree wells. Public Trees typically have a single trunk at least 2 inches in diameter at a point six inches above the mean ground level at the base of the trunk.
- B. **Significant and Heritage Tree.** See Section 8-3J.310 of the Talent Zoning Code.

8-3J.1020 PREMISSION TO PLANT OR REMOVE

The removal of public trees should be compatible with guidelines adopted by the Oregon Department of Forestry. Except for the purposes of removal of dying or hazardous branches, maintenance by city crews, or pruning for purposes of maintaining tree health, no person shall plant, remove, cut above the ground, or disturb any public tree until a permit has been issued by the Community Development Department. A permit for the removal of any public tree shall be in accordance with the Tree Preservation and Protection requirements of Section 8-3J.3 of the Talent Zoning Code and shall also require a Right-of-Way permit. Applicants for a removal permit may be required to mitigate the removal of tree or trees in accordance with the provisions of Section 8-3J.360 Mitigation.

Planting of public trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. When public trees are proposed, their selection and installation shall be according to the following requirements.

- A. **Species selection.** Trees shall be selected from the City's adopted tree list and shall be appropriate for the planting location based on the criteria found therein.
- B. **Caliper Size.** All street trees shall be a minimum of 2 inch caliper at time of planting.
- C. **Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40 foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All public trees shall be placed outside utility easements and clear vision areas.
- D. **Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and

desired color and appearance. The following should guide tree selection by developers and approval by the City:

1. Provide a broad canopy where shade is desired, except where limited by available space.
2. Use low-growing trees for spaces under low utility wires.
3. Select trees which can be “limbed-up” to comply with vision clearance requirements.
4. Use species with similar growth characteristics on the same block for design continuity.
5. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.

E. **Replacement.** Replacement of public trees shall be the responsibility of the developer for a period of 2 years from the time of planting, and shall be guaranteed through a warranty bond prior to final plat.

8-3J.1030 TREE PLANTING NOTIFICATION

The City may plant trees on any public right-of-way, park, or other public property. The City will notify private property owners 24 hours in advance before any tree, shrub, or plant is planted on public property within six (6) feet of any owner’s property.

8-3J.1040 TREES PROHIBITED

No person shall plant on any public property or private property the following trees if the tree’s future critical root zone (CRZ) at maturity (CRZ is defined in Section 8-3J.310) is within the public right-of-way: poplar, willow, cottonwood, fruit tree, or ailanthus, unless part of a City-authorized riparian restoration project. The Recommended Street Tree List should be consulted before any tree is planted within or adjacent to the public right-of-way. No person shall plant any tree anywhere in the City so as to adversely affect public utilities.

8-3J.1050 PUBLIC TREE MAINTENANCE

A. **Tree Maintenance.** The City may require any trees, shrubs, plants, or vegetation in any public right-of-way, park, or other public property to be trimmed or pruned.

1. The City will maintain trees within the public right-of-way along collector and arterial streets.
2. The owners of property abutting streets other than arterial and collector streets in residential zoning districts within the City shall be responsible for the care and maintenance (trimming, pruning and spraying) of trees and shrubs located in the public right-of-way. Property owners shall also be responsible for repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub where the CRZ is within the public right-of-way.
3. All owners of property within the City shall be responsible for the following:

- a. Trimming, pruning and spraying trees on private property that overhang a public right-of-way.
 - b. Trimming, and pruning of vegetation that obstructs motorist or pedestrian view of traffic signals, signs, street lights, street names, or other markings or safety fixtures in the public way. Branches over the street shall be pruned to a height of thirteen feet, six inches (13'6") and eight (8) feet above a sidewalk.
 - c. Repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub on private property.
 - d. Removing trees and shrubs on private property that have been declared a public nuisance or a hazard.
 - e. Debris Removal. The person working on trees on a street, highway, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Community Development Director, or designee. The acceptable standard shall be a broom clean finish or better.
4. If any property owner neglects to perform any duty required by this section and causes injury or damage to any person or property, that owner shall be liable to the person suffering such injury or damage and shall indemnify the City for all damages the City has been compelled to pay in any such case. Such damages may be collected in a civil action against the property owner.

B. Tree Topping. It shall be unlawful as a normal practice for any person, firm, or City department to top any tree in the public right of way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms, or other causes, or certain trees under the utility wires or other obstructions where other pruning practices are impractical may be exempt from this provision.

C. Dangerous Tree – Nuisance – Removal. Any tree or shrub growing in any public property, on private property, or in a planting strip abutting public property, which is a public safety hazard or which may endanger the security or usefulness of any public street, sewer, or sidewalk; is declared to be a public nuisance. The abatement procedure of 4-8.20 through 4-8.25 shall be applied.

D. Trees – Abuse – Mutilation. No person shall abuse, destroy, or mutilate any tree, shrub, or plant in a public planting strip, park, or any other public property. This includes attaching or placing any rope or wire (other than one used to support a young or damaged tree), signs, posters, or handbills to any public tree; or allowing any wire charged with electricity, or any gaseous, liquid, or solid substance which is harmful to the trees, to come in contact with the roots or leaves of any such tree.

8-3J.1060 PUBLIC TREE COMMITTEE

The Tree Committee shall be a subcommittee of the Parks Commission. The responsibilities of the Tree Committee shall include the following:

- A. Making recommendations to the City Council for nominating public trees for Locally Significant or Heritage Tree designation;
- B. Assisting City staff with Arbor Day observance.

8-3J.1070 ARBOR DAY OBSERVANCE

City shall observe Arbor Day once a year. The Tree Committee shall assist City staff with organizing any event to celebrate Arbor Day and the Mayor shall issue a proclamation declaring the observance of Arbor Day.

8-3J.1080 TREE NOMINATIONS – HERITAGE OR SIGNIFICANT

Any community member may go before the Tree Committee to nominate a public tree to be designated as a Locally Significant or Heritage Tree. The Tree Committee will make a recommendation to the City Council. Upon owner approval, City Council may pass a resolution to designate the nominated tree.

Cross Reference Changes

Section 8-3C. 180

Section 8-3C.190

Section 8-3C. 280

Section 8-3C.290

Section 8-3C.482

Section 8-3C.484

Section 8-3C.486

Section 8-3D.195

Section 8-3D.196

Section 8-3D.295

Section 8-3D.296

Section 8-3D.395

Section 8-3D.396

Section 8-3D.495

Section 8-3D.496

Section 8-3D.595

Section 8-3D.596

Section 8-3F.190

Section 8-3G.180

Section 8-3J.121

Section 8-3L.850

8-3 Division C. Article 1

RESIDENTIAL ZONE

SINGLE-FAMILY—LOW-DENSITY (RS-5)

8-3C.110 DESCRIPTION AND PURPOSE

The Low-Density Single-Family Residential (RS-5) zone is intended to provide a stable, healthful and livable residential environment, together with the full range of urban services, for those residents choosing to live in neighborhoods where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur in a manner compatible with a single-family, small town, neighborhood character.

8-3C.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Single-family detached dwellings.
- B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport; however, manufactured homes are prohibited within the Old Town District or other historic districts.
- C. Home occupations, subject to the provisions of 8-3L.6.
- D. *[Reserved]*
- E. Agricultural uses, including field crops, truck gardening, berry crops, orchards, raising of bees, rabbits and poultry, and raising and grazing of horses, cows, sheep and goats. Keeping of animals shall be subject to the following additional restrictions:
 - 1. Swine shall not be permitted.
 - 2. Horses, cows, goats and sheep shall not be permitted on any lot less than 20,000 square feet in area; no more than two head of livestock over six months of age shall be kept per acre of property area; and no livestock shall be kept within one hundred (100) feet of any dwelling other than the one on the same property.
 - 3. Bees may be kept provided there are not more than two colonies on any one lot and that there shall be a minimum of 8,000 square feet of lot size.
 - 4. The number of chickens, fowl and/or rabbits over the age of six months shall not exceed one for each 1,000 square feet of property; the number of young chickens, fowl and/or rabbits (under six months) shall not exceed three times the allowable number of animals over six months.
 - 5. Animals, including chickens or fowl, shall be properly fenced, caged or housed and proper sanitation shall be maintained at all times.
- F. Accessory buildings and structures, including private garages, guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy-conserving device

and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or Commission.

- G. Other uses determined by the Planning Commission to be similar to those listed above.

8-3C.130 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in 8-3L.1.

- A. Two or three main buildings on an individual lot, provided that there shall be a minimum of 8,000 square feet of lot area per dwelling unit.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- C. Other uses determined by the Planning Commission to be similar to those listed above or under Section 120, above.

8-3C.140 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses that are permitted subject to the provisions of 8-3L.1 and 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to how the use may be developed on the proposed site.

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of 20 percent (20%) of the property width but not less than ten feet.
- C. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious institution buildings. Other uses determined by the

Planning Commission to be similar to those listed above, or under Sections 120 or 130, above.

- D. Relocated Structures
- E. Accessory Dwelling Units on individual lots, subject to the provisions of 8-3L.5, "Accessory Dwelling Units."

8-3C.150 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in 8-3L.2. The following uses permitted conditionally in the RS-5 zone meet the description and purpose set forth in 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Community centers, fraternal or lodge buildings.
- F. Neighborhood grocery store 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.
- G. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser. Such buildings must additionally meet the Building Height Transition Standards in 8-3J.123(B).
- H. The having, keeping or maintaining of any apiary of more than two colonies.
- I. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-5 zone.

8-3C.160 YARD REGULATIONS

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
 - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height. The following additional provisions shall also apply to side setbacks:
 - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; Fifteen (15) feet when side street is a collector or arterial; Twenty (20) feet for garage and carport entrances.
 - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages; and Twenty (20) feet for double-frontage lots.

8-3C.170 LOT AREA AND DIMENSIONS

In the RS-5 zone, the minimum lot area shall be as follows:

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
 - 1. 8,000 square feet.
 - 2. Corner lots: 9,000 square feet.
- B. Minimum Lot Area per Dwelling Unit:
 - 1. 8,000 square feet.
- C. Minimum Lot Width:
 - 1. 65 feet; reducible to 50 feet to permit flag lot partitioning.
- D. Maximum Building Bulk:
 - 1. Height: 30 feet.
 - 2. Building Coverage: 35 percent.
- E. Non-conforming Lots of Record:
 - 1. A lot having an area of less than 8,000 square feet of record at the time of the passage of this ordinance (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with.

8-3C.180 LANDSCAPING, FENCES, WALLS AND SIGNS

In the RS-5 zone, all ~~required areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be properly maintained. landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4.~~ Signs shall be permitted in ~~conformance~~ accordance with Section 8-3J.7.

8-3C.190 SINGLE-FAMILY TRANSITIONS

Single-family development that is adjacent to non-residential zones may be required to provide a transitional buffer ~~consistent in accordance~~ with 8-3J.460450(CB).

8-3 Division C. Article 2

RESIDENTIAL ZONE

SINGLE-FAMILY— MEDIUM-DENSITY (RS-7)

8-3C.210 DESCRIPTION AND PURPOSE

The Medium-Density Single-Family Residential (RS-7) zone is intended to provide a stable, healthful and livable residential environment, together with the full range of urban services, for those residents choosing to live in neighborhoods where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur in a manner compatible with a single-family, small town, neighborhood character.

8-3C.220 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Single-family detached dwellings.
- B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport; however, manufactured homes are prohibited within the Old Town District or other historic districts.
- C. Home occupations, subject to the provisions of 8-3L.6.
- D. [*Reserved*]
- E. Agricultural uses, including field crops, truck gardening, berry crops, orchards, raising of bees, rabbits and poultry, and raising and grazing of horses, cows, sheep and goats. Keeping of animals shall be subject to the following additional restrictions:
 - 1. Swine shall not be permitted.
 - 2. Horses, cows, goats and sheep shall not be permitted on any lot less than 20,000 square feet in area; no more than two head of livestock over six months of age shall be kept per acre of property area; and no livestock shall be kept within one hundred (100) feet of any dwelling other than the one on the same property.
 - 3. Bees may be kept provided there are not more than two colonies on any one lot and that there shall be a minimum of 8,000 square feet of lot size.
 - 4. The number of chickens, fowl and/or rabbits over the age of six months shall not exceed one for each 1,000 square feet of property; the number of young chickens, fowl or rabbits (under six months) shall not exceed three times the allowable number of animals over six months.
 - 5. Animals, including chickens or fowl, shall be properly fenced, caged or housed and proper sanitation shall be maintained at all times.
- F. Accessory buildings and structures, including private garages, guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy-conserving device

and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or Commission.

- G. Other uses determined by the Planning Commission to be similar to those listed above.

8-3C.230 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in 8-3L.1.

- A. Two or three main buildings on an individual lot, provided that there shall be a minimum of 6,000 square feet of lot area per dwelling unit.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- C. Other uses determined by the Planning Commission to be similar to those listed above or under Section 220, where permitted by the Planning Commission after written application.

8-3C.240 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses, which are, permitted subject to the provisions of 8-3L.1 and 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to how the use may be developed on the proposed site.

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of 20 percent (20%) of the property width but not less than ten feet.
- C. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.
- D. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 220 or 230.
- E. Relocated Structures
- F. Accessory Dwelling Units on individual lots, subject to the provisions of 8-3L.5, "Accessory Dwelling Units"

8-3C.250 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in 8-3L.2. The following uses permitted conditionally in the RS-7 zone meet the description and purpose set forth in 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Community centers, fraternal or lodge buildings.
- F. Neighborhood grocery store 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.
- G. Buildings over two and a half (2½) stories or thirty (30) feet in height, whichever is the lesser. Such buildings must meet the Building Height Transition Standards in 8-3J.123(B).
- H. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-7 zone.

8-3C.260 YARD REGULATIONS

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
 - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height. The following additional provisions shall also apply to side setbacks:
 - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
 - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages; and twenty (20) feet for double-frontage lots.

8-3C.270 LOT AREA AND DIMENSIONS

In the RS-7 zone, the minimum lot area shall be as follows:

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
 - 1. 6,000 square feet.
 - 2. Corner lots: 7,000 square feet.
- B. Minimum Lot Area per Dwelling Unit:
 - 1. 6,000 square feet.
- C. Minimum Lot Width:
 - 1. 50 feet; reducible to 40 feet to permit flag lot partitioning.

D. Maximum Building Bulk:

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

E. Non-conforming Lots of Record:

1. A lot having an area of less than 6,000 square feet of record at the time of the passage of this ordinance (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with.

8-3C.280 LANDSCAPING, FENCES, WALLS, AND SIGNS

In the RS-7 zone, all ~~areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be properly maintained, required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4.~~ Signs shall be permitted in ~~conformance~~ accordance with Section 8-3J.7.

8-3C.290 SINGLE-FAMILY TRANSITIONS

Single-family development that is adjacent to non-residential zones may be required to provide a transitional buffer ~~consistent in accordance~~ with 8-3J.460450(CB).

8-3 Division C. Article 3.

RESIDENTIAL ZONE

SINGLE-FAMILY—MANUFACTURED HOME (*RS-MH*)

8-3C.310 DESCRIPTION AND PURPOSE

The Manufactured Home Zone is intended to provide a stable, healthful and livable environment, together with the full range of urban services, for those choosing to reside in manufactured homes on a permanent basis or in a neighborhood with a variety of housing types, including both manufactured homes and single-family dwellings. Small economic enterprises, such as home occupations and neighborhood commercial activity, may occur indistinguishably or compatibly with the residential character. This zone should provide residents with neighborhoods comparable in quality with Low-density Residential areas.

8-3C.320 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Manufactured home or single-family dwelling on an individual lot.
- B. Manufactured home park, subject to the supplementary provisions of Article 8-3L.8, and including common use recreation and laundry facilities.
- C. Home occupation, subject to the provisions of Article 8-3L.6.
- D. [*Reserved*]
- E. Other uses similar to those listed above where permitted by the Planning Commission after written application.
- F. Accessory buildings and structures, including private garages, accessory living quarters and guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy conserving devices and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or Commission. Accessory structures that are not separated from a manufactured home are subject to the additional restrictions of Section 395(F) or Section 8-3L.850(U), as applicable.

8-3C.330 BUILDING AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in 8-3L.1.

- A. Two or three main buildings on a single-family or manufactured home lot, provided that there shall be 6,000 square feet of lot area per single-family or manufactured dwelling.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- C. Other uses similar to those listed above or under Section 320, where permitted by the Planning Commission after written application.

8-3C.340 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses which are permitted subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, as to the best methods to perform or develop the use.

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of twenty percent (20%) of the property width but not less than ten feet.
- C. Churches, except rescue missions and temporary revivals held outside of church buildings.
- D. Rental apartments within existing dwellings that contain at least 2,000 square feet of floor space, including garages, where off-street parking space is provided as set forth in Article 8-3J.5 and where the exterior of the building visible from the street is not changed.
- E. A second detached single-family dwelling, provided all setbacks, parking, buffering and lot coverage requirements are met and no dwelling contains less than 6,000 square feet of floor area.
- F. Travel trailer or recreation vehicle accommodations in a manufactured home park.
- G. Grocery stores, drug stores, restaurants, beauty and barber shops, and other compatible uses to provide services in a manufactured home park to the occupants of the park.
- H. Bins or containers along streets used for temporary storage of garbage or material for recycling.
- I. Other uses similar to those listed above, or under Section 320 or 330, where permitted by the Planning Commission after written application.
- J. Accessory Dwelling Units on single-family lots, subject to the provisions of Article 8-3L.5.

8-3C.350 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant or deny a conditional use permit in accordance with the procedures set forth in Article 8-3L.2. The following uses permitted conditionally in the RS-MH zone meet the description and purpose set forth in Article 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Manufactured home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Golf courses, country clubs, tennis clubs and community swimming pools.
- F. Community centers, fraternal or lodge buildings.
- G. Cemeteries.
- H. Neighborhood grocery store 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 residences on adjacent properties.
- I. Buildings over two and one-half (2½) stories or thirty (30) feet in height, whichever is the lesser.
- J. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-MH zone.

8-3C.360 MANUFACTURED HOME PARK REGULATIONS GENERALLY

Additional regulations pertaining to manufactured home parks are contained in Article 8-3L.8. The following regulations apply to manufactured homes located on individual lots in the RS-MH zone.

8-3C.370 YARD REGULATIONS

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
 - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height. The following additional provisions shall also apply to side setbacks:
 - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
 - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages; and twenty (20) feet for double-frontage lots.

8-3C.380 LOT AREA AND DIMENSIONS

In the RS-MH zone, the minimum lot area shall be as follows:

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
 - 1. 6,000 square feet.
 - 2. Corner lots: 7,000 square feet.
- B. Minimum Lot Area per Dwelling Unit:
 - 1. 6,000 square feet.
- C. Minimum Lot Width:
 - 1. 50 feet; reducible to 40 feet to permit flag lot partitioning.
- D. Maximum Building Bulk:
 - 1. Height: 30 feet.
 - 2. Building Coverage: 35 percent.
- E. Non-conforming Lots of Record:
 - 1. A lot having an area of less than 6,000 square feet of record at the time of the passage of this ordinance (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with.

8-3C.390 LANDSCAPING, FENCES, WALLS AND SIGNS

In the RS-MH zone, all ~~areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be properly maintained.~~ required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in ~~conformance~~ accordance with Section 8-3J.7.

8-3C.395 ADDITIONAL STANDARDS FOR MANUFACTURED HOME INSTALLATION AND OCCUPANCY IN THE RS-MH ZONE

(See also Article 8-3J.2). Installation and occupancy of manufactured homes on individual lots will be subject to the following additional requirements.

- A. The manufactured home shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.
- B. No manufactured home shall be occupied until it is connected with the public water and sewer systems.
- C. The manufactured home shall have its wheels removed and be placed on a concrete, concrete block, or similar foundation and, unless the foundation is continuous, shall have continuous skirting (conforming to state standards) installed within sixty (60) days of occupancy.

- D. Installation of a manufactured home on a lot shall be limited to a lot owned by the owner of the manufactured home.
- E. If the manufactured home is removed from its foundation and not replaced with another manufactured home, the owner shall remove the foundation and permanently disconnect the sewer, water and other utilities. If the owner fails to accomplish this work within forty-five (45) days from the date the manufactured home is removed from its foundation, the City may perform the work and place a lien against the property for the cost of the work.
- F. Any manufactured home accessory building or structure that is not visually separated from a manufactured home shall be constructed with material and appearance compatible with the manufactured home. This does not apply to patios, porches and decks, or out-buildings that are separated from the manufactured home.
- G. The manufactured home shall be in a condition that conforms to one of the following construction standards:
 - 1. A manufactured home constructed after April 1972 shall bear the Oregon insigne of compliance to standards in effect in Oregon at the time of construction.
 - 2. A manufactured home constructed prior to April 1972 shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after April 1972, as determined by the building official.
- H. The manufactured home shall have a minimum area of six hundred (600) square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a manufactured home accessory structure shall not be included in the computation of minimum area. [amended 15 October 2008; Ord. No. 847]

8-3 Division C. Article 4.

RESIDENTIAL ZONE

MULTIPLE-FAMILY—HIGH-DENSITY (RM-22)

8-3C.410 DESCRIPTION AND PURPOSE

The Residential—Multiple-Family—High-Density (RM-22) zone is intended to provide a healthful and livable residential environment, together with the full range of urban services, for housing units at densities higher than provided for in other residential zones. This zone is also intended to accommodate housing alternatives to conventional housing and an area where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur indistinguishably or compatibly with the residential character. It is generally intended that high-density residential zones will be situated in close proximity to activity centers and major streets.

8-3C.420 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Detached Single-family dwellings on individual lots.
- B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport. Manufactured homes are prohibited within the Old Town or other historic district.
- C. Use of existing structures for the permitted uses listed in Sections 430 and 440 of this Article below, where all the provisions of this Chapter and any amendment thereto are met.
- D. Home occupations, subject to the provisions of Article 8-3L.6
- E. *[Reserved]*
- F. Other uses determined by the Planning Commission to be similar to those listed above.
- G. Accessory buildings and structures, not including additional or accessory dwellings.

8-3C.430 BUILDING AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site plan review process in Article 8-3L.1.

- A. Up to four dwelling units, either duplexes, multiple-family dwellings, condominiums, row houses and townhouses (attached single-family dwellings), but not including the conversion of multiple-family dwellings to unit ownership. Attached single-family dwellings (row houses or townhouses) are permitted only if vehicular access is provided via alleyway(s).
- B. Boarding and rooming houses not exceeding accommodations for five (5) residents.

- C. Conversion of existing single-family dwellings to multi-family units, up to four dwelling units, provided each unit shall have no less than 450 square feet of living area and 250 square feet of open space in compliance with the provision of Section 470, below.
- D. More than one single-family dwelling (detached or attached and not exceeding four dwelling units) on an individual lot that is with or without existing dwelling units.
- E. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- F. Other uses determined by the Planning Commission to be similar to those listed above or under Section 420.

8-3C.440 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses, which are permitted subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to whether and how the use can be located on the designated site.

- A. Any use in Section 430, above, that exceeds the size thresholds listed.
- B. Parks and playgrounds.
- C. Public and semi-public buildings essential to the physical welfare of the area; such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of twenty percent (20%) of the property width but no less than ten (10) feet.
- D. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.
- E. Kindergartens, day nurseries and pre-schools.
- F. Relocated Structures.
- G. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 420 or 430.

8-3C.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in Article 8-3L.2. The following uses permitted conditionally in the RM-22 zone meet the description and purpose set forth in Article 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).

- B. Public and private elementary, junior high, and high schools and colleges.
- C. Community centers, fraternal or lodge buildings.
- D. Business, technical, art or music schools.
- E. Professional offices for accountants, attorneys, engineers, architects, landscape architects, surveyors, designers, planners and similar professionals.
- F. Studios for interior decorators, photographers, artists and draftsmen.
- G. Antique stores.
- H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area.
- I. Mobile home for the infirm, subject to the supplemental provisions of Section 8-3L.250.
- J. Building over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is less. Such buildings must also meet the Building Height Transition Standards in Section 8-3J.123(A).
- K. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RM-22 zone.

8-3C.460 YARD REGULATIONS

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
 - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height; zero (0) feet for attached single-family dwellings. The following additional provisions shall also apply to side setbacks:
 - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
 - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages.

8-3C.470 LOT AREA AND DIMENSIONS

In the RM-22 zone, the minimum lot area shall be as follows:

- A. Minimum lot size by dwelling type:
 - 1. Single-Family Residence (SFR)
 - (detached): 5,000 square feet.

Note: Lots (or groups of lots forming a development) greater than two (2) acres in size may not be used for SFR developments; such lots shall be preserved for higher-density development. In developments larger than two acres, half of the area—but only up to two acres total—may be designed to contain SFRs.

2. Duplex: 6,000 square feet.
3. SFR (attached): 1,800 square feet.

Attached or zero lot line townhouses or row houses may be on individual pad lots smaller than 1,800 square feet so long as the density per net acre does not exceed 16 dwellings and for each dwelling there is at least 250 square feet of recreation area, as described in Section 480, below.

4. Apartment building containing three dwellings: 6,000 square feet. For each additional dwelling unit on the same lot, the lot size shall be 1,800 square feet larger.
5. Additional regulations:
 - a. Corner lots for all the above: increase minimum lot size by 1,000 square feet.
 - b. Double-frontage lots for all the above: increase minimum lot size by 1,000 square feet.

B. Maximum number of dwellings by type per net acre (see definition below):

1. SFR (detached) 6
2. Duplex 12 (i.e., six separate buildings)
3. SFR (attached) 16
4. Apartment 22

Net Acre: For the purposes of this Section, a *net acre* is the total development acreage net of undevelopable lands (as defined in Article 8-3B.1) and a 24-percent reduction allowing for infrastructure. Development projects less than 1.5 acres in size do not need to subtract infrastructure allowance. Development proposals 1.5 acres or larger may not exempt 1.5 acres from calculating infrastructure allowance.

C. Maximum Building Coverage

1. SFR (detached): 40 percent
2. Duplex: 40 percent
3. SFR (attached): 40 percent, as averaged over the entire development area minus streets.
4. Apartment: 40 percent

D. Minimum Lot Width

1. SFR (detached): 40 feet
2. Duplex: 50 feet
3. SFR (attached): None
4. Apartment: 50 feet

E. Maximum Building Bulk:

1. Height: 30 feet.
2. Building Coverage: 40 percent.

F. Non-conforming Lots of Record:

1. A lot having an area of less than 5,000 square feet of record at the time of the passage of this ordinance may be occupied by one single-family dwelling or one duplex dwelling if all other dimensional requirements of the zone are complied with. [Section 6 amended by Ord. 793; 11/02/2005]

8-3C.480 RECREATION AREA FOR MULTI-FAMILY DWELLINGS

In addition to the required landscaped open space (see Section 476, below), a minimum of 250 square feet of useable recreation area shall be provided for each multi-family dwelling unit. The recreation area may be in one or more locations, and may include recreation buildings, but no area with any minimum dimension of less than fifteen (15) feet—except for bicycle paths—shall be counted toward this requirement.

8-3C.482 LANDSCAPING, FENCES, WALLS AND SIGNS

In the RM-22 zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges, and screen plantings shall be permitted in ~~conformance~~ accordance with the requirements of 8-3J.3. ~~All fences, walls, hedges and screen plantings shall be properly maintained. Fences and walls shall be permitted in accordance with Section 8-3J.4.~~ Signs shall be permitted in ~~conformance~~ accordance with Section 8-3J.7.

8-3C.484 BUFFERING

When a development or use is proposed on property in the RM-22 zone, which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450 sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. ~~In many cases, a fence, wall, berm, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, building and window location and orientation, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the Planning Commission, which shall review the buffering for adequacy and appropriateness as part of the site plan review process.~~

~~**8-3C.486 LANDSCAPING**~~

~~Landscaping and screening shall be provided in each multiple family development and shall satisfy the following minimum requirements in addition to those set forth in Article 8-3J.4:~~

- ~~A. All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses, shall be landscaped and maintained.~~
- ~~B. Screen plantings, masonry wall, or fencing shall be provided to screen objectionable views effectively within a reasonable time. Views to be screened include laundry drying yards, garbage trash collection stations, and other similar uses.~~
- ~~C. Other plantings of adequate size, quantity and character shall be planted and maintained to provide an attractive setting, adequate privacy and pleasant outlooks for dwelling units.~~

~~D.A. It shall be the responsibility of the management to see that landscaped areas and yards are well maintained.~~

8-3 Division D. Article 1.

**COMMERCIAL ZONE
NEIGHBORHOOD (CN)**

8-3D.110 DESCRIPTION AND PURPOSE

The Neighborhood Commercial Zone (CN) is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs for goods and services in convenient locations. This commercial zone is typically appropriate to small shopping clusters or integrated shopping centers in developments of one-third to one acre within residential neighborhoods. Facilities should be oriented to serve residents' commercial service needs, to strengthen neighborhood interaction and a rural character, to minimize the need for automobile trips and to make commercial services more readily available to senior citizens, families with only one car, and others who could walk or ride a bicycle to these facilities. These areas should be located adjacent to collector or arterial streets.

8-3D.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following uses, none of which shall include "drive-in," "drive-up" or "drive-through" facilities:

- A. Existing residential uses, without any increase in density.
- B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this Article.
- C. Use of existing structures for the permitted uses listed in Sections 130 and 140 of this Article below, where all the provisions of this Chapter and any amendment thereto, are met.
- D. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.

8-3D.130 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include "drive-in," "drive-up" or "drive-through" facilities. Further, the following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets), shops and offices supplying commodities or performing services for residents of the surrounding community, such as food stores, bakeries (retail), drug or variety stores, and hardware stores.
- B. Repair and maintenance service of the types of goods to be found in the above- mentioned retailed trade establishments, provided such service is performed wholly within an enclosed building.
- C. Professional, financial and business offices, and personal service establishments such as beauty and barber shops, Laundromats, cleaning agencies (provided the equipment used for cleaning shall be

a type of unit using non-flammable cleaning solvent), shoe repair shops, and tailor or dress-making shops.

- D. Restaurants, cafes and soda fountains.
- E. Medical or dental clinics or medical laboratories.
- F. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- G. Other uses similar to those listed above, where permitted by the Planning Commission after written application.
- H. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.

8-3D.140 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged, or structurally altered; neither shall any land be developed except for the following uses and buildings which are permitted, none of which shall include “drive-in,” “drive-up” or “drive-through” facilities. Further, the following uses are subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, as to the best methods to perform or develop the use.

- A. Community meeting buildings, fraternal and social organizations.
- B. Utility substations.
- C. Churches.
- D. Bins or containers along streets used for temporary storage of garbage or material for recycling.
- E. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of 20% of the property width but no less than ten (10) feet.
- F. Other buildings or uses similar to those listed above, or under Section 120 or 130, where permitted by the planning commission after written application.

8-3D.150 BUILDING AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2. The following uses permitted conditionally in the CN zone meet the description and purpose set forth in Article 8-3L.2.

- A. Passenger terminals (bus or rail).
- B. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.

- C. Buildings over two and one half (2½) stories or thirty (30) feet in height, whichever is the lesser.
- D. Wireless communication towers.
- E. Other buildings or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the CN zone.

8-3D.160 YARDS REGULATIONS

- A. Front yard. The front yard shall have a depth of not less than ten (10) feet, including a parking setback of not less than a parking setback of not less than ten (10) feet; except when abutting a lot in a residential zone, and then the front yard and parking setback shall conform to the front yard requirement of the residential zone.
- B. Side yard.
 - 1. No side yard is required between commercially zoned properties.
 - 2. When abutting a lot in a residential zone, there shall be a minimum side yard of ten (10) feet.
 - 3. A side yard abutting a street and/or alley shall have a depth of not less than ten (10) feet.
- C. Rear yard. No rear yard is required between commercially zoned properties; when abutting a lot in a residential zone, there shall be a rear yard of not less than ten (10) feet.
- D. Existing residential uses. For existing residential structures or uses, setbacks in conformance with the Medium-Density, Single-Family Residential (RS-5) zone shall apply.

8-3D.170 LOT AREA AND DIMENSIONS

For existing residential uses, the minimum lot sizes of the High Density Residential Zone shall apply. For dwelling units above the ground floor of a business, there shall be a minimum of 1200 square feet of total lot area for each dwelling unit. For all other permitted uses, there shall be no minimum lot size or lot width.

8-3D.180 LOT COVERAGE RESTRICTIONS

In the CN zone there shall be no lot coverage restrictions except as provided in the yard setback and off street parking regulations.

8-3D.190 PARKING AND LOADING REQUIREMENTS

- A. Off-street loading spaces shall be provided as prescribed in Article 8-3J.5. Off-street parking spaces adequate to serve commercial establishments shall be made available, but may be provided on a district-wide or joint use basis rather than adjacent to each commercial use. If adequate public or commercial parking areas are not available, the individual business shall be responsible for providing adequate off-street parking in conformance with the requirements of Article 8-3J.5.
- B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages. Access to parking lots shall be from alleys wherever possible.

8-3D.195 LANDSCAPING, FENCES, WALLS AND SIGNS

All required landscaped areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be landscaped and maintained installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in ~~conformance~~ accordance with section 8-3J.3. ~~All fences, walls, hedges and screen plantings shall be properly maintained.~~ Signs shall be permitted and in conformance with 8-3J.7.

8-3D.196 BUFFERING

When a development or use is proposed on property within the CN zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the Planning Commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.~~

~~When the Planning Commission determines that buffering is required to promote compatibility between a CN property or use and an adjacent use (in any zone), buffering may be required in accordance with Section 8-3J.460(B). Similarly, the Planning Commission may waive buffering that would otherwise be required by Section 8-3J.460(B) if it finds that the need to fulfill the intent of the CN zone outweighs the need for buffering in accordance with Section 8-3J.450.~~

8-3 Division D. Article 2.

**COMMERCIAL ZONE
CENTRAL BUSINESS DISTRICT (CBD)**

8-3D.210 DESCRIPTION AND INTENT

The Central Business District (CBD) Zone shall serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBD shall be pedestrian oriented and shall highlight and incorporate historic places and structures, parks and public transit facilities and opportunities.

8-3D.220 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following uses, none of which shall include drive-in, drive-up, or drive-through facilities:

- A. Existing residential uses, without any increase in density, or any expansion of use, floor area or improvements.
- B. Dwelling units, provided the units are above non-residential uses and the ground floor is devoted entirely to a commercial use or uses permitted in this Article. One dwelling unit is allowed at ground level behind a non-residential use, and cannot exceed 50 percent of the total ground floor space of buildings on the parcel.
- C. Use of existing structures for the permitted uses listed in Sections 230 and 240 of this Article, where all the provisions of the Zoning Ordinance and any amendment thereto are met.
- D. Uses and structures customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low- and medium-density residential zones.
- E. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of Article 8-3J.5. If a question arises as to conformance with said provisions, the City Planner shall subject the project to a site plan review without a public hearing.

8-3D.230 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Department.

- A. Any use permitted subject to site plan review without a required public hearing in the Neighborhood Commercial Zone (CN).
- B. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services, not including automotive repair. Such uses may not exceed 6,000 square feet. Automotive parts and sales are permitted provided that the activity happens fully within enclosed buildings.

- C. Eating and drinking establishments (which may include entertainment) not exceeding 6,000 square feet.
- D. Churches and other religious institutions not exceeding 6,000 square feet.
- E. Guest lodging, not exceeding 10 rooms.
- F. Performing arts theaters and motion picture theaters (not including drive-ins), not exceeding 6,000 square feet.
- G. Public and commercial off-street parking lots or structures, not exceeding 200 parking spaces.
- H. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- I. Other uses similar to those listed above, where permitted by the City Planner after written application. Where there is question as to similarity, the Planner shall refer the matter to the Planning Commission for a determination.
- J. Uses and structures customarily incidental to the above uses.
- K. Live-work units.

8-3D.240 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Commission in a public hearing. Although permitted, the following uses have characteristics that may negatively impact nearby properties.

- A. Any use permitted subject to site plan review with a required public hearing in the Neighborhood Commercial Zone (CN), excluding utility substations.
- B. Any use listed in Section 230, above, that exceeds the listed size/capacity threshold.
- C. Craft Manufactory & Retail, provided the structure housing the manufactory is sound and suitable for the intended use (refer to definition in Article 8-3B.1 for further information).
- D. Public parks, playgrounds and other similar publicly owned recreational areas.
- E. Passenger terminals for bus or rail.
- F. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, and government offices. Such uses, which may be developed in campus-like settings, are exempt from the dimensional requirements of the zone, except for parking lot setbacks.
- G. Other uses similar to those listed above, or under Sections 220 or 230, where permitted by the planning commission after written application.
- H. Uses and structures customarily incidental to the above uses.

8-3D.250 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The planning commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2.

- A. Any uses permitted conditionally in the Neighborhood Commercial Zone (CN).
- B. Brewery, Distillery, Winery not exceeding 6,000 square feet (pub or tasting room required).
- C. Commercial or trade schools.
- D. Wireless communication towers.
- E. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser. Buildings more than 30 feet in height are permitted only if they include residential uses.
 - 1. The maximum height allowed through conditional use review is forty (40) feet. The proposed building must include site design and architectural elements such that it is compatible with the small town character of Talent. Building elements to be considered include, but are not limited to, size, proportion, massing, articulation, detailing and location. Landscaping, buffering, fencing and similar elements may also be considered, but not as the only method of ensuring compatibility.
- F. Temporary uses.
- G. Pump stations and water reservoirs.
- H. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBD zone.

8-3D.260 YARDS REGULATIONS

- A. Front yard.
 - 1. Minimum: Zero (0) feet.
 - 2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width.
 - 3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- B. Side yard.
 - 1. Minimum: Zero (0) feet.
 - 2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width on street-facing sides; ten (10) feet on alley-facing sides.
 - 3. Parking lots: 10 feet, which shall be landscaped to provide screening.
- C. Rear yard. No rear yard is required between commercially zoned properties.

- D. General provision applying to all setbacks: Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.
- E. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be twenty (20) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
- F. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

8-3D.270 LOT AREA AND DIMENSIONS

For dwelling units above the ground floor of a business, there shall be a minimum of 1,200 square feet of total lot area for each dwelling unit. For all other permitted uses, there shall be no minimum lot size or lot width.

8-3D.280 LOT COVERAGE RESTRICTIONS

In the CBD zone there shall be no lot coverage restrictions except as provided in the yard setback and off street parking regulations.

8-3D.290 PARKING AND LOADING REQUIREMENTS

- A. Off-street loading spaces shall be provided as prescribed in Article 8-3J.5. Off-street parking spaces adequate to serve commercial establishments shall be made available, but may be provided on a district-wide or joint use basis rather than adjacent to each commercial use. If adequate public or commercial parking areas are not available, the individual business shall be responsible for providing adequate off-street parking in conformance with the requirements of Article 8-3J.5.
- B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages. Access to parking lots shall be from alleys wherever possible.

8-3D.295 LANDSCAPING, FENCES, WALLS AND SIGNS

All required landscaped areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be landscaped and maintained ~~installed in accordance with Section 8-3J.4~~. Fences, walls, hedges and screen plantings shall be permitted in conformance ~~accordance~~ with Article-Section 8-3J.34. In all cases, and at all times, they shall not exceed four (4) feet in height within front and street-side yards. ~~All fences, walls, hedges and screen plantings shall be properly maintained.~~ Signs shall be permitted and in conformance ~~accordance~~ with Article-Section 8-3J.7.

8-3D.296 BUFFERING

When a development or use is proposed on property within the CBD zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the planning commission, who shall review the buffering for adequacy and appropriateness as part of the site plan review.~~

~~When the Planning Commission determines that buffering is required to promote compatibility between a CBD property or use and an adjacent use (in any zone), buffering may be required in accordance with Section 8-3J.460(B). Similarly, the~~The Planning Commission may waive buffering that would otherwise be required by Section 8-3J.460(B) if it finds that the need to fulfill the intent of the CBD zone outweighs the need for buffering.

8-3 Division D. Article 3.

COMMERCIAL ZONE

HIGHWAY CENTRAL BUSINESS DISTRICT (CBH)

8-3D.310 DESCRIPTION AND INTENT

Akin to the CBD zone, the Highway Central Business District (CBH) Zone shall serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBH zone shall be developed with full accommodation for all travel modes, but will tend to be more automobile oriented than the CBD zone.

8-3D.320 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following uses, none of which shall include drive-in, drive-up, or drive-through facilities:

- A. Existing residential uses, without any increase in density, or any expansion of use, floor area or improvements.
- B. Use of existing structures for the permitted uses listed in Sections 330 and 340 of this Article, where all the provisions of the Zoning Ordinance and any amendment thereto, are met.
- C. Uses customarily incidental to the above uses.
- D. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of Article 8-3J.5. If a question arises as to conformance with said provisions, the City Planner shall subject the project to a site plan review without a public hearing.

8-3D.330 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Department.

- A. Any use permitted subject to site plan review without a required public hearing in the Neighborhood Commercial Zone (CN) and Central Business District (CBD).
- B. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services.
- C. Eating and drinking establishments (which may include entertainment).
- D. Churches and other religious institutions.

- E. Performing arts theaters and motion picture theaters (not including drive-ins).
- F. Public and commercial off-street parking lots or structures.
- G. Wireless communication antennae subject to the provisions of Section 8-3G.910.
- H. Other uses similar to those listed above, where permitted by the City Planner after written application.
- I. Uses customarily incidental to the above uses.
- J. Live-work units.

8-3D.340 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Commission in a public hearing. Although permitted, the following uses have characteristics that may negatively impact nearby properties.

- A. Any use permitted subject to site plan review with a required public hearing in the Neighborhood Commercial Zone (CN) and CBD zone, except that utility substations are not permitted in the CBH zone.
- B. Public parks, playgrounds and other similar publicly owned recreational areas.
- C. Craft Manufactory & Retail, provided the structure housing the manufactory is sound and suitable for the intended use (refer to definition in Article 8-3B.1 for further information).
- D. Passenger terminals for bus or rail.
- E. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries.
- F. Other uses similar to those listed above, or under Sections 320 or 330, where permitted by the planning commission after written application.
- G. Uses customarily incidental to the above uses.
- H. Civic center buildings and other buildings of a public service nature.
- I. Multi-family housing. In the CBH zone, multi-family housing is allowed on both the ground level and upper levels, provided total ground level area in housing is less than 50 percent of the parcel's gross area and commercial storefronts are provided along the street frontage.

8-3D.350 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The planning commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2.

- A. Automobile service stations.
- B. Commercial amusement establishments, including bowling alleys, pool halls, or similar amusements.
- C. Craft Manufactory & Retail uses with more than 15 employees at any one time.
- D. Brewery, Distillery, Winery not exceeding 6,000 square feet (pub or tasting room required).
- E. Contractor offices and storage yards.
- F. Retail and wholesale business and service establishments providing home furnishings, drapery and floor coverings; nursery supplies; retail lumber, paint and wallpaper; plumbing, heating and electrical sales or service and retail sales of medical and recreational marijuana.
- G. Guest Lodging.
- H. Commercial or trade schools.
- I. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser. Only residential units are permitted above thirty (30) feet in height.
 - 1. The maximum height allowed through conditional use review is forty (40) feet. The proposed building must include site design and architectural elements such that it is compatible with the small town character of Talent. Building elements to be considered include, but are not limited to, size, proportion, massing, articulation, detailing and location. Landscaping, buffering, fencing and similar elements may also be considered, but not as the only method of ensuring compatibility.
- J. Drive-in, drive-up and drive-through facilities.
- K. Temporary uses.
- L. Pump stations and water reservoirs.
- M. Wireless communication towers.
- N. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBH zone.

8-3D.360 YARDS REGULATIONS

- A. Front yard.
 - 1. Minimum: Zero (0) feet.

2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width.
3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.

B. Side yard.

1. Minimum: Zero (0) feet.
2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width on street-facing sides; ten (10) feet on alley-facing sides.
3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.

C. Rear yard. No rear yard is required between commercially zoned properties.

D. General provision applying to all setbacks: Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.

E. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be twenty (20) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.

F. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

8-3D.370 LOT AREA AND DIMENSIONS

For dwelling units above the ground floor of a business, there shall be a minimum of 1,200 square feet of total lot area for each dwelling unit. For all other permitted uses, there shall be no minimum lot size or lot width.

8-3D.380 LOT COVERAGE RESTRICTIONS

In the CBH zone there shall be no lot coverage restrictions except as provided in the yard setback and off street parking regulations.

8-3D.390 PARKING AND LOADING REQUIREMENTS

- A. Off-street parking and loading spaces shall be provided as prescribed in Article 8-3J.5 without exception and despite the exclusion provision found in Section 530 of that Article.
- B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages.

8-3D.395 LANDSCAPING, FENCES, WALLS AND SIGNS

All ~~required landscaped~~ areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be installed in accordance with Section 8-3J.4. landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.~~34~~. In all cases, and at all times, they shall not exceed 4 feet in height within front and street-side yards. ~~All fences, walls, hedges and screen plantings shall be properly maintained.~~ Signs shall be permitted ~~and in conformance~~ in accordance with ~~Article Section~~ Article Section 8-3J.7.

8-3D.396 BUFFERING

When a development or use is proposed on property within the CBH zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the planning commission, who shall review the buffering for adequacy and appropriateness as part of the site plan review.~~

~~When the Planning Commission determines that buffering is required to promote compatibility between a CBH property or use and an adjacent use (in any zone), buffering may be required in accordance with Section 8-3J.460(B). Similarly, the~~The Planning Commission may waive buffering that would otherwise be required by Section 8-3J.~~460~~450(B) if it finds that the need to fulfill the intent of the CBH zone outweighs the need for buffering.

8-3 Division D. Article 4.
**COMMERCIAL ZONE
HIGHWAY (CH)**

8-3D.410 DESCRIPTION AND PURPOSE

The Highway Commercial Zone (CH) (*formerly Retail-Wholesale Commercial, C3*) is intended to accommodate businesses and trade oriented toward automobile and truck usage. Tourist trade and heavy commercial or light industrial uses can also be accommodated in this zone. The zone is best located along arterial streets, and due to its exposure, high appearance standards are important. Uses permitted in this zone are frequently incompatible with pedestrian-oriented areas such as the Central Business District Zones CBD and CBH.

8-3D.420 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following uses none of which shall include “drive-in,” “drive-up” or “drive-through” facilities:

- A. Existing residential uses, without any increase in density.
- B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this Article.
- C. Use of existing structures for the permitted uses listed in Sections 430 and 440 of this Article below, where all the provisions of this Chapter and any amendment thereto, are met.
- D. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low-density residential zones.
- E. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of this Chapter. If a question arises as to conformance with the provisions of this Chapter, the staff advisor shall subject the project to a site development plan review without a public hearing.

8-3D.430 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include “drive-in,” “drive-up” or “drive-through” facilities. Further, the following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Any use permitted subject to site development plan review without a required public hearing in the Highway Central Business District Zone (CBH), except civic center buildings or other buildings of a public service nature.
- B. Automobile parts sales, automobile repair and servicing, tire sales and service.

- C. Automobile, boat, trailer and motorcycle sales.
- D. Equipment sales, service, rental and repair.
- E. Commercial recreation facilities such as bowling alleys, skating rinks and dance halls.
- F. Retail (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and wholesale business and service establishments providing home furnishings; nursery supplies; retail lumber, paint and wall paper; plumbing, heating and electrical sales and service; drapery, floor covering and tile sales.
- G. Veterinary clinics and hospitals operated entirely within an enclosed building.
- H. Places for public assembly such as churches, meeting halls, auditoriums, lodges, clubs, fraternal organizations and mortuaries.
- I. Feed and fuel stores.
- J. Automobile service stations.
- K. Storage buildings for household goods and private vehicles.
- L. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- M. Other uses similar to those listed above, where permitted by the planning commission after written application.
- N. Uses customarily incidental to the above uses, including the usual accessory buildings.

8-3D.440 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged, or structurally altered; neither shall any land be developed except for the following uses or buildings which are permitted, none of which shall include “drive-in,” “drive-up” or “drive-through” facilities. Further, the following uses subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, as to the best methods to perform or develop the use.

- A. Any use permitted subject to site development plan review with a required public hearing in the CBH zone.
- B. Commercial or trade schools.
- C. Motels.
- D. Tanks for storage or redistribution of fuel or recyclable material.
- E. Other uses similar to those listed above, or under Sections 420 or 430, above, where permitted by the planning commission after written application.

- F. Uses customarily incidental to the above uses, including the usual accessory buildings and structures including the usual accessory buildings and structures provided for in the low-density residential zones.

8-3D.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The planning commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2. The following uses permitted conditionally in the CH zone meet the description and purpose set forth in Article 8-3L.2.

- A. “Drive-in,” “drive-up” or “drive-through” facilities.
- B. Wholesale establishments other than those listed above.
- C. Brewery, Distillery, Winery (with or without pub or tasting room).
- D. Retail sales of medical or recreational marijuana.
- E. Overnight recreation vehicle parks.
- F. Caretaker or watch person dwelling on the premises of a non-residential use.
- G. Drive-in theater, golf driving range.
- H. Public utility buildings and structures.
- I. Automobile wrecking yards.
- J. Temporary Medical Hardship, subject to the supplemental provisions of Section 8-3L.246.
- K. Buildings over two and one-half (2½) stories in height or thirty (30) feet in height, whichever is the lesser.
- L. Light manufacturing, assembly, fabricating or packaging of products from materials such as cloth, plastic, paper, fiberglass, leather, precious or semi-precious metals or stones, subject to the provisions and requirements of the IL zone.
- M. Manufacture of electric, electronic or optical instruments or devices, subject to the provisions and requirements of the IL zone.
- N. Manufacture of food products, pharmaceuticals, and the like, but not including the production of fish, meat or fermented foods such as vinegar, or the rendering of fats and oils, subject to the provisions and requirements of the IL zone.
- O. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research, subject to the provisions and requirements of the IL zone.
- P. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, stone monuments, upholstery, welding, auto body and auto and truck repair, subject to the provisions and requirements of the IL zone.

- Q. Mobile Home sales business. (6-2-83 PC Action - File SUD-83-2)
- R. Adult Business as defined in Article 8-3B.1 (Ord. 654).
- S. Wireless communication towers.

8-3D.460 YARD REGULATIONS

- A. Front yard. The front yard shall have a depth of not less than ten (10) feet, including parking lots and internal access drives.[amended by Ord. 782; 7/6/2005]
- B. Side yard.
 - 1) No side yard is required between commercially zoned properties.
 - 2) When abutting a lot in a residential zone, there shall be minimum side yard of ten (10) feet.
 - 3) A side yard abutting a street and/or alley shall have a depth of not less than ten (10) feet.
- C. Rear yard. No rear yard is required between commercially zoned properties; when abutting a lot in a residential zone, there shall be a rear yard of not less than ten (10) feet. No structural improvements except road surfacing shall be allowed within ten (10) feet of the centerline of an alley.
- D. Existing residential uses. For existing residential uses or structures, setbacks in conformance with the RS-7 residential zone shall apply.
- E. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions. [amended by Ord. 782; 7/6/2005]

8-3D.470 LOT AREA AND DIMENSIONS

In the CH zone, the minimum lot area shall be six thousand (6,000) square feet. The minimum lot width shall be sixty (60) feet and the minimum lot depth shall be one hundred (100) feet.

8-3D.480 LOT COVERAGE RESTRICTION

In the CH zone there shall be no lot coverage restrictions except as provided in the yard setback and off-street parking regulations.

8-3D.490 PARKING AND ACCESS REQUIREMENTS

Off-street parking and loading spaces and access shall be provided as prescribed in Articles 8-3J.5 and 8-3J.6.

8-3D.495 LANDSCAPING, FENCES, WALLS AND SIGNS

All required landscaped areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be landscaped and maintained installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in ~~conformance~~ accordance with ~~Article~~ Section 8-3J.34. ~~All fences, walls, hedges and screen plantings shall be properly maintained.~~ Signs

shall be permitted and in conformance with Article 8-3J.7.

8-3D.496 BUFFERING

When a development or use is proposed on property within the CH zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the planning commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.~~

Planning Commission may waive buffering that would otherwise be required by Section 8-3J.450 if it finds that the need to fulfill the intent of the CBH zone outweighs the need for buffering.

8-3 Division D. Article 5.

**COMMERCIAL ZONE
INTERCHANGE (CI)**

8-3D.510 DESCRIPTION AND PURPOSE

The Interchange Commercial Zone (CI) is intended to provide a location for freeway user and tourist-oriented commercial development to serve the traveling public at or near freeway interchanges. Due to the area's exposure to the traveling public and location as a major entrance into Talent, high appearance standards are important.

8-3D.520 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following uses, none of which shall include "drive-in", "drive-up", or "drive-through" facilities:

- A. Existing residential uses, without any increase in density.
- B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this Article.
- C. Use of existing structures for the permitted uses listed in Sections 530 and 540 of this Article below, where all provisions of this Chapter, and any amendment thereto, are met.
- D. Use customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.
- E. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of this Chapter. If a question arises as to conformance with the provisions of this Chapter, the staff advisor shall subject the project to site development plan review without a public hearing.

8-3D.530 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include "drive-in", "drive-up" or "drive-through" facilities. Further, the following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Automobile service station.
- B. Hotel or motel.
- C. Eating and drinking establishments.
- D. Gift shops.

- E. Public parks.
- F. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- G. Other uses similar to those listed above, where permitted by the Planning commission after written application.
- H. Uses customarily incidental to the above uses, including:
 1. Necessary or customarily incidental services maintained as a convenience to the traveling public, such as barber shop, beauty shop and dress shop, when carried on in the same building or on the same lot as the service station, gift shop, restaurant, bar, hotel or motel to which they are accessory (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets).
 2. Any use, building or structure customarily appurtenant to a permitted use, such as incidental storage facilities.

8-3D.540 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be erected, enlarged, or structurally altered; neither shall any land be developed except for the following uses and buildings which are permitted, none of which shall include “drive-in”, “drive-up” or “drive-through” facilities. Further, the following uses are subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, as to the best methods to perform or develop the use.

- A. Overnight recreational vehicle park.
- B. Truck stop facilities and repair shops.
- C. Buildings and uses of a public works, public service or public utility nature, but not including equipment storage or repair yards, warehouses or related activities.
- D. Bins or containers along streets used for temporary storage of garbage or materials for recycling.
- E. Other uses similar to those listed above, or under Sections 520 or 530, above, where permitted by the Planning Commission after written application.
- F. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.

8-3D.550 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2.

- A. Buildings over two-and-a-half (2½) stories or thirty feet in height, whichever is the lesser.

- B. “Drive-in”, “drive-up” or “drive-through” facilities.
- C. Wireless communication towers.
- D. Other buildings or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the CI zone.
- E. Recreational vehicle sales as an incidental use in an R.V. park. (3-24-83 p.c. file #58 SUD 83-1)

8-3D.560 YARD REGULATIONS

The minimum yard regulations may be increased substantially by the Planning Commission when necessary to comply with buffering requirements.

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet. All parking spaces on the front of the property shall be set back no less than twenty (20) feet. Front yards shall be landscaped and maintained.
- B. Side yard
 1. No side yard is required between commercially zoned properties.
 2. When abutting a lot in a residential zone, there shall be a minimum side yard of ten (10) feet.
 3. When abutting property in an agricultural zone, there shall be a minimum side yard of twenty (20) feet.
 4. A side yard abutting a street and/or alley shall have a depth of not less than ten (10) feet.
- C. Rear yard. No rear yard is required between commercially zoned properties; when abutting a lot in a residential zone, there shall be a rear yard of not less than ten (10) feet. No structural improvements except road surfacing shall be allowed within ten (10) feet of the centerline of an alley. When abutting property in an agricultural zone, there shall be a minimum side yard of twenty (20) feet.
- D. Existing residential uses. For existing residential uses or structures, setbacks in conformance with the RS-7 residential zone shall apply.
- E. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

8-3D.570 LOT AREAS AND DIMENSIONS

There shall be no minimum lot area, lot width or lot depth in the Commercial Interchange zone.

8-3D.580 LOT COVERAGE RESTRICTIONS

In the CI zone there shall be no lot coverage restrictions except as provided in the yard setback and off-street parking regulations.

8-3D.590 PARKING AND ACCESS REQUIREMENTS

Off-street parking and loading spaces and access shall be provided as prescribed in Articles 8-3J.5 and 8-3J.6.

8-3D.595 LANDSCAPING, FENCES, WALLS AND SIGNS

All required landscaped areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be landscaped and maintained~~installed in accordance with Section 8-3J.4~~. Fences, walls, hedges and screen plantings shall be permitted in conformance~~accordance~~ with Article-Section 8-3J.34. ~~All fences, walls, hedges and screen plantings shall be properly maintained.~~ Signs shall be permitted and in conformance with Article 8-3J.7.

8-3D.596 BUFFERING

When a development or use is proposed on property within the CI zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450. ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the Planning Commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.~~

Planning Commission may waive buffering that would otherwise be required by Section 8-3J.450 if it finds that the need to fulfill the intent of the CBH zone outweighs the need for buffering.

8-3 Division F. Article 1.

**INDUSTRIAL ZONE
LIGHT (IL)**

8-3F.110 DESCRIPTION AND PURPOSE

The Light Industrial Zone is intended to provide an opportunity for research or development of materials, methods or products, light manufacture, and compatible service-oriented heavy commercial activities that are employment-intensive, when possible employing from Talent's labor pool, environmentally sound and aesthetically appropriate to locate in Talent.

**8-3F.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT
REVIEW**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following uses, none of which shall include "drive-in", "drive-up" or "drive-through" facilities:

- A. Existing residential uses, without any increase in density.
- B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this Article.
- C. Use of existing structures for the permitted uses listed in Section 130 and 140 of this Article below, where all the provisions of this Chapter and any amendment thereto are met.
- D. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low-density residential zones.
- E. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of this Chapter. If a question arises as to conformance with the provisions of this Chapter, the staff advisor shall subject the project to a site development plan review without a public hearing.

8-3F.130 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include “drive-in”, “drive-up” or “drive-through” facilities. Further, the following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Wireless communication antennae subject to the provisions of Section 8-3J.910.

8-3F.140 BUILDING AND USES SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses, which are subject to the provisions of a site development plan review as set forth in Article 8-3L.1. The Planning Commission may, at its discretion, conduct a public hearing subject to the provisions of Section 8-3M.130. The purpose of the hearing is to obtain input on best methods to perform or develop the use, not to determine whether to grant or deny, or to determine the desirability of the use.

- A. Light manufacturing, assembly, fabricating or packaging of products from materials such as cloth, plastic, paper, fiberglass, leather, precious or semi-precious metals or stones.
- B. Manufacture of electric, electronic or optical instruments or devices.
- C. Manufacture of food products, pharmaceuticals, and the like, including the compounding of medical or recreational marijuana. Manufacturing of food products does not include the production of fish, meat or fermented foods, or the rendering of fats and oils.
- D. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
- E. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, stone monuments, upholstery, welding, auto body, and auto and truck repair.
- F. Bin or containers along streets used for temporary storage of garbage or materials for recycling.
- G. Offices appurtenant to and serving permitted uses.
- H. Public utility buildings and yards.
- I. Parks.

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- J. Other uses similar to those listed above, which are consistent with the purpose of Light Industrial Zone and will not have a detrimental effect upon neighboring uses, where permitted by the Planning Commission after written application.
 - K. Uses customarily incidental to the above uses, including the usual accessory buildings, such as incidental storage facilities and the like, provided they meet all requirements contained herein.
 - L. Truck brokerage. (5-17-82 p.c. action File # SUD-82-1)

8-3F.150 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2 for the following uses:

- A. Warehouse and distribution uses which the Planning Commission finds to be consistent with the intent of the Light Industrial Zone.
- B. Cold storage, fruit packing, meat processing and packing, or similar uses, which the Planning Commission finds will not have a detrimental effect upon the neighboring areas or permitted uses and which are consistent with the intent of the Light Industrial Zone.
- C. Processing uses such as bottling plants, creameries, carpet and rug cleaning.
- D. Buildings over thirty-five (35) feet in height.
- E. Buildings not meeting required yard setbacks.
- F. Wireless communication towers.

8-3F.160 YARD REGULATIONS

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet.
- B. Side yard. There shall be a side yard on each side of the building of not less than ten (10) feet.
- C. Rear yard. The rear yard shall have a depth of not less than ten (10) feet.
- D. Side and rear lot requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinating vehicular access and parking development and party wall or adjoining building walls meet fire separation requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. The joint development agreement must be approved by the City of Talent attorney as to form and content, recorded in the Office of the County Recorder and copies thereof filed with the City Recorder.
- E. Street Yard. Any yard adjacent to a street other than an alley shall have a depth of not less than twenty (20) feet; except that a yard adjacent to an arterial street shall have a depth of not less than twenty-five (25) feet.
- F. Any yard adjacent to residentially or agriculturally zoned property shall have a depth of not less than thirty-five (35) feet.
- G. Lot requirements for parking, loading and access ways shall not be considered as part of a required yard.

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- H. No setback or yard shall be required where a property abuts a railroad spur if the spur will be utilized by the permitted use.

8-3F.170 LOT AREA AND DIMENSIONS

There shall be no minimum lot area, lot width or lot depth in the Light Industrial zone.

8-3F.180 LOT COVERAGE RESTRICTIONS

There shall be no maximum lot coverage except as provided in the yard setback and off- street parking regulations.

8-3F.190 LANDSCAPING, FENCES, WALLS AND SIGNS

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in conformance with Article 8-3J.7.

~~Fences, walls, hedges and plantings shall be permitted in conformance with the requirements of Article 8-3J.3, and may be required in conformance with Sections 162 and 164, below. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted and in conformance with Article 8-3J.7.~~

8-3F.195 CONDITIONS REQUIRED OF ALL USES IN THE LIGHT INDUSTRIAL ZONE

- A. Any use or portion thereof must demonstrate, by noise prediction methods, that it shall not exceed State Department of Environmental Quality standards set forth in Oregon Administrative Rules, Chapter 340, Division 35; Oregon State noise Control Regulations for Industry and Commerce.
- B. Any use or portion thereof producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard to any property adjacent to the Light Industrial Zone.
- C. There shall be no emissions of odorous, toxic or noxious matter, or dust, in such quantities as to be readily detectable from any point outside the Light Industrial Zone as to produce a public nuisance, hazard, or violation of state environmental quality rules and standards.
- D. All off-street parking or loading spaces shall be surfaced with a dust-free material and shall be maintained.
- E. All materials, including wastes, shall be stored, and all grounds maintained, in a manner which will not attract or aid the propagation of insects or rodents, ore create a health hazard.
- F. All business, service, repair, processing, storage or merchandise display abutting or facing a lot in a residential zone shall be conducted wholly within an enclosed building, unless screened from the residential zone by a site-obscuring hedge or fence permanently maintained and at least six (6) feet in height.
- G. No fences or hedges shall be located in any required yard area.
- H. Access points from a public street to properties in the Light Industrial Zone shall be so located as to minimize traffic congestion on arterials and to avoid directing traffic onto local access streets of a primary residential nature, and will conform with the requirements and provisions of Article 8-3J.6.

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- I. As every light industrial development contains circumstance peculiar to its given situation, other conditions may be required to protect the best interest of the surrounding property, neighborhood, or the city as a whole, and to maintain consistency with the intent of the Light Industrial zone.

8-3F.196 ~~LANDSCAPING AND MAINTENANCE OF GROUNDS~~

- A. Properties abutting residentially zoned properties shall provide and maintain a ~~dense evergreen landscape buffer, which attains a mature in accordance with Section 8-3J.450 height of at least six (6) feet, or such other screening methods~~ or with measures as prescribed by ~~the provisions of Article 8-3J.4 and by~~ the Planning Commission during the site development plan review process.
- B. Yards adjacent to streets and those abutting residentially zoned properties shall be continuously maintained in lawn or live ground cover, with trees or shrubs, in a manner providing a park-like character.
- C. Other yards and unused property shall be maintained in lawn or other suitable live ground cover.

8-3F.197 PROCEDURES AND REQUIREMENTS

Any industrial development shall be subject to the following procedures and requirements set forth in the Subdivision Code (8-2), including any amendments that may be made to these section:

- A. Article 8-2.3, where a land division is involved.
- B. Applicable sections of Article 8-2.2.
- C. Article 8-2.250, when applicable to the land parcel.

8-3F.198 SITE DEVELOPMENT PLAN

Before any building permit shall be issued for development in the Light Industrial Zone, a site development plan for the total parcel or development shall be submitted by the developer or his or her agent in conformance with the requirements of Article 8-3L.1. In addition, the following information shall be submitted as part of the site development plan review by the Planning Commission.

- A. A written description of the operation proposed, in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, toxic or noxious matter, vibration, odors, heat, glare, air pollution, wastes and other potentially objectionable conditions.
- B. Engineering or architectural plans for the treatment of and disposal of all wastes, noise, air pollution, dust, fire hazards and safety hazards.
- C. Designation of types of energy to be used; estimates of the quantities of energy and water to be used.
- D. The proposed maximum and minimum number of employees anticipated and the number of shifts to be worked.
- E. A detailed description of all landscaping, buffers, yard setbacks, and the aesthetic characteristics of the proposed building or buildings.

8-3F.199 ADMINISTRATION AND ENFORCEMENT

- A. As a condition for the granting of a building permit in the Light Industrial Zone, the user shall agree that upon request by the City, information sufficient to determine the degree of compliance with the standards stated herein shall be furnished by the industry. Such requests may include a requirement for continuous records of operations likely to violate the standards, or for special surveys in the event a question arises as to compliance.
- B. When a use is determined to be in violation of this Article, it shall be declared a public nuisance and shall be dealt with as prescribed in Chapter 4-8 of the General Ordinances.

8-3 Division G. Article 1.

PUBLIC LANDS & FACILITIES (PLF)

8-3G.110 DESCRIPTION AND PURPOSE

The Public Land & Facilities (PLF) District is designated for uses that promote and sustain the health, safety, and welfare of the citizens of Talent. It is appropriate for government offices; public facilities, utilities and services, police and fire stations; parks, open space, recreation facilities, and trails; and public schools and libraries.

The PLF District identifies public uses of land on the zoning map and protects them from inappropriate uses. Land owned or otherwise controlled by the Federal government, the State, the County, the City, the Fire District, or the Phoenix-Talent School District, shall be designated PLF on the Map. This designation serves notice to those owning or buying land in proximity to publicly owned land that it shall contain public uses.

8-3G.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following uses:

- A. Basic utility.
- B. Parks and open space (identified in a Specific Area Plan or approved subdivision).
- C. Accessory uses and structures subordinate to the primary use.

8-3G.130 BUILDING AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures. The following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Commercial parking lots.
- B. General office up to 4,000 sq. ft. (operated by a government, sub-unit thereof, or a utility).
- C. Parks and open space (changes to existing parks).
- D. Wireless communication antenna subject to the provisions of Section 8-3J.910.

8-3G.140 BUILDING AND USES SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Commission in a public hearing. Although permitted, the following uses have characteristics that may negatively impact nearby properties.

- A. Community service facilities.
- B. Public Works building & yard.
- C. Parks and open space (new park establishment)
- D. General office more than 4,000 sq. ft. (operated by a government, sub-unit thereof, or a utility).

8-3G.150 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW

The Planning Commission may grant a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2 for the following uses:

- A. Water quality or detention facility.
- B. Educational facility (publicly owned).
- C. Wireless communication towers.

8-3G.160 YARDS REGULATIONS

- A. Front yard.
 - 1. Minimum: Ten (10) feet.
- B. Side yard.
 - 1. Minimum: Ten (10) feet.
 - 2. Minimum: Ten (10) feet on street-facing sides.
 - 3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- C. Rear yard.
 - 1. Minimum: Ten (10) feet.
- D. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be ten (10) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
- E. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

8-3G.170 LOT AREA AND DIMENSIONS

There shall be a minimum of 4,000 square feet of total lot area. There shall be a minimum lot width of forty (40) feet.

8-3G.180 ~~SCREENING, BUFFERING AND LANDSCAPING, FENCES, WALLS AND SIGNS~~

~~All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in conformance with Article 8-3J.7.~~

~~A. Properties abutting residentially zoned properties shall provide and maintain a dense evergreen landscape buffer, which attains a mature height of at least six (6) feet, or such other screening methods or with measures as prescribed by the provisions of Article 8-3J.4 and by the Planning Commission during the site development plan review process.~~

~~B. Yards adjacent to streets and those abutting residentially zoned properties shall be continuously maintained in lawn or live ground cover, with trees or shrubs, in a manner providing a park-like character.~~

~~C. Other yards and unused property shall be maintained in lawn or other suitable live ground cover.~~

~~A. Landscaping of Parking Area Setbacks. The area of the parking setback shall be landscaped with shrubs and trees that shall effectively screen views of parked cars, buffer pedestrians on adjacent sidewalks, and provide shade. A nearly continual hedge, fence, or combination of the two along the frontage is preferred, with occasional gaps for trees and pedestrian entrances. The height limit for hedges or fences are described in Article 8-3J.3.~~

~~B. Landscaping and Shading of Parking Areas. Refer to Article 8-3J.5.~~

~~C. Site Landscaping. Refer to Article 8-3J.4.~~

~~D. Site Buffering (other than required in subsection (A), above). Refer to Article 8-3J.4.~~

8-3G.190 CONVEYANCE AND REZONING PROVISIONS

A. If any land zoned PLF is sold, conveyed or transferred to anyone other than the government of the United States, the State or a political subdivision thereof, the buyer or transferee must submit an application requesting the City to rezone the land in accordance with 8-3M.160.

B. Land acquired by the government of the United States, the State or a political subdivision thereof shall retain its existing zoning designation until such time as the Zoning Map is amended to designate such land as PLF pursuant to 8-3M.160.

C. Before a leasehold interest in any land zoned PLF is conveyed to anyone for a use other than permitted in the PLF zone and to anyone other than the government of the United States, the State or a political subdivision thereof, rezoning to an appropriate zone in which the use is allowed shall be obtained. The use shall be subject to all requirements of the new zone. Further, the zone shall be established as an overlay zone with the underlying zone retaining its original PLF designation.

8-3 Divison J. Article 1.

GENERAL PROVISIONS

8-3J.110 FOREGOING REGULATIONS SUBJECT TO THIS ARTICLE

Divisions A–H are subject to the provisions of this Article.

8-3J.120 MAINTENANCE OF MINIMUM REQUIREMENTS

No lot area, setback or other open space, or required off-street parking or loading area existing on or after the effective date of this Chapter shall be reduced in area, dimension, or size below the minimum required herein; nor shall any lot area, setback or other open space, or off-street parking or loading area which is required by this Chapter for one use be used as the lot area, setback or other open space, or off-street parking or loading area requirement for any other use, except as specifically provided in this Chapter.

8-3J.121 SETBACK REQUIREMENTS

Except as provided in this Section, every required setback shall be open and unobstructed.

- A. **Setback Measurements.** All setback measurements shall be made from the property line to the building or nearest projection thereof and shall be unobstructed from the ground upward, except as specifically provided herein.
- B. **Projections Into Required Setbacks and Exceptions to Setback Requirements.** Every part of a required setback shall be open and unobstructed from the ground upward, except for the following:
1. Ordinary building projections such as cornices, eaves, belt courses, sills, buttresses, bay windows or other similar architectural features extending not more than twelve (12) inches into any required setback.
 2. Apparatus needed for the operation of active and passive solar energy systems, including but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors and piping.
 3. Open uncovered fire escapes projecting not more than four (4) feet into any required setback.
 4. Chimneys projecting not more than two (2) feet into any required setback.
 5. Open, unenclosed porch or paved terrace or platform, not covered by roof or canopy, projecting not more than eight (8) feet into a required front setback or four (4) feet into a required side or rear setback.
 6. An unenclosed, covered front porch may extend into the required front setback area by eight (8) feet, provided it is not closer than 15 feet from the adjacent curb of a local street or closer than 20 feet to the adjacent curb of a collector or arterial street, and provided it:
 - a. Remains unenclosed by walls or glass;
 - b. Is no less than five (5) feet deep (front-to-back dimension) to promote usable porches;
 - c. Has a floor no more than 30 inches above adjacent grade and the porch is overall no more than 16 feet high; and

d. Is consistent with the architectural character of the house.

[Paragraph 6 added by Ord. No. 794; 11/16/2005]

7. Planting boxes or masonry planters, not exceeding three-and-a-half (3½) feet in height, and window boxes extending not more than twelve (12) inches into any required setback.
8. Landscaping, and fences or walls conforming to the regulations of Article 8-3J.34.

C. Storage Yards.

1. The storage of building materials other than for immediate use in the construction of buildings on the premises, or wood or fuel outside a building other than for use on the premises, is prohibited in residential zones (RS-5, RS-7, RS-MH, RM-22).
2. The open storage of materials and equipment is permitted in commercial and industrial zones under the following conditions:
 - a) The stored material or equipment is not visible from property in another adjacent zone, and
 - b) The stored material or equipment is not visible from a public street.

D. Setback Requirements for Property Abutting Future Street Right of Way.

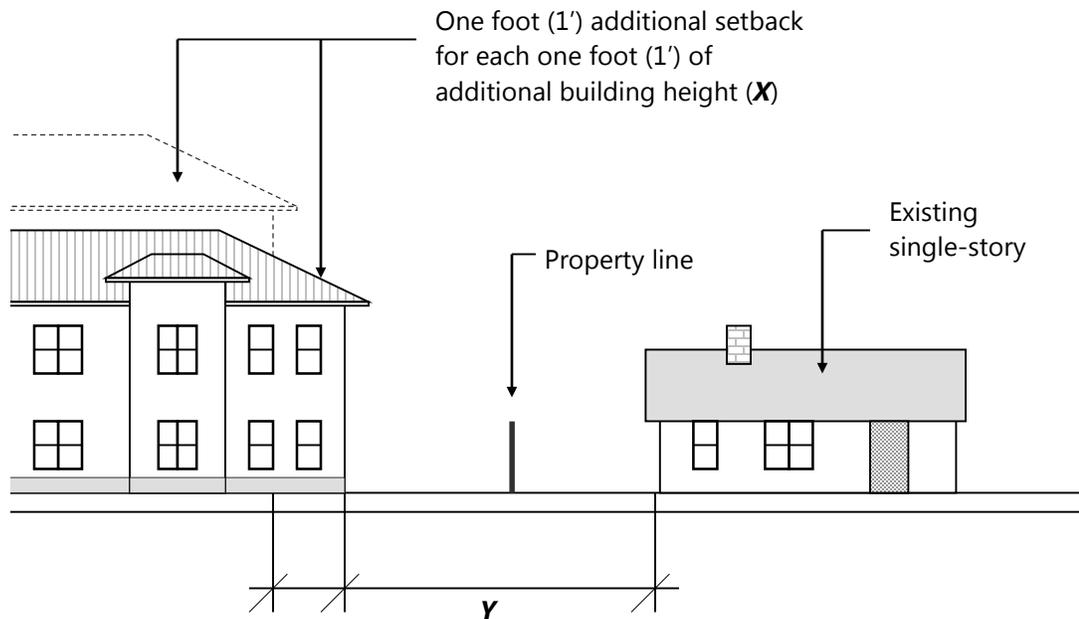
1. A building or structure shall not be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the setbacks provided and maintained in connection with such building or structure have a width and/or depth of that portion of the lot needed to complete the road width plus the width and/or depth of the setbacks required on the lot by this Chapter. This applies to all zones.
2. Where a precise plan adopted pursuant to law includes the plans for the widening of existing streets, the connecting of existing streets, or the establishment of new streets, the placement of buildings and the maintenance of setbacks, where required by this Chapter, shall relate to the future street boundaries as determined by said precise plans.

8-3J.122 BUILDING COVERAGE

Maximum permitted building coverage shall include the aggregated building coverage of the lot with the following exceptions: unroofed and unenclosed patios and decks; up to 100 square feet of unenclosed front porches; swimming pools not structurally covered; and any solar collection device or related apparatus covering less than five percent (5%) of the total lot area.

8-3J.123 BUILDING HEIGHT

- A. **Limitations and General Exceptions.** The maximum height of any structure shall be two-and-a-half (2½) stories or thirty (30) feet, whichever is less. Taller structures shall be permitted only as a conditional use in each zone. Height limitations shall not apply to chimneys, spires, aerials, flagpoles, solar energy collectors and necessary mounting or operational equipment, utility poles, or other similar objects not used for human occupancy. Barns and silos are permitted subject to written approval by the City or District Fire Chief. Buildings and other objects cited in this Section should not be permitted to significantly impair solar access of buildings or solar collectors.
- B. **Building Height Transition.** To provide compatible building scale and privacy between developments, buildings that exceed thirty (30) feet shall “step-down” to create a building height transition to adjacent single-story building(s) in residential zones.



1. This standards applies to new and vertically expanded buildings located within 30 feet (as measured horizontally) of an existing building with a height of thirty (30) feet or less, as shown above.
2. The building height transition standard is met when the height of the taller building (X) does not exceed one (1) foot of height for every one (1) foot separating the two buildings (Y), as shown above.

8-3J.124 ACCESSORY BUILDINGS, STRUCTURES OR USES

A building, structure or use that is considered necessary to the operation or enjoyment of a lawful permitted use or conditional use, and which is appropriate, incidental, and subordinate to any such building, structure

or use—including garages, accessory storage structures, solar energy collectors or other energy-conserving device and equipment used for the mounting or operation of such devices, and other uses which are customarily incidental to permitted uses—shall be considered accessory when located on the same lot. A use which involves an increase in the number of dwelling units in a building or on a lot beyond that which is permitted in the zone, or which constitutes, in effect, the conversion of a use to one not permitted in the zone, shall not be considered an accessory use. This provision shall not apply to guesthouses, which are clearly subordinate to the main dwelling on the lot.

8-3J.125 DISTANCE BETWEEN BUILDINGS

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

8-3J.126 MINIMUM FRONTAGE REQUIREMENT

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

8-3J.130 ADEQUACY OF PUBLIC FACILITIES AND SERVICES

No building permit will be issued unless or until public facilities and services are adequate in condition and capacity to accommodate the development; or until appropriate arrangements, such as cash or bond deposits, or public improvement districts, have been made with the City to install needed public facilities and services.

8-3J.135 INSTALLATION, STANDARDS AND SPECIFICATIONS OF PUBLIC FACILITY AND SERVICE IMPROVEMENTS

- A. **Standards and Specifications.** Public facility and service improvements (hereinafter called “improvements”) required as a condition of development under this Chapter will be at least the equivalent of the standards and improvements set forth in Sections 220 and 420 of the Subdivision Code, except as otherwise provided by the Zoning Chapter. In the absence of adopted improvement specifications, the City shall determine the specifications of improvements to be installed for each development, but the specifications to be at least equal to the most recent Oregon A.P.W.A. Standard Specifications of Public Works Construction. If the improvements are to be constructed within the right-of-way under the jurisdiction of an entity other than the City of Talent, that entity shall have the right to determine the standards and design to be imposed. If the entity having jurisdiction within the right-of-way determines that it will not set standards and specifications, the City will do so.
- B. **Review Process.** The applicant shall submit a copy of the plans and specifications for improvements to the City and shall submit to the entity the necessary permits to construct the improvements. Plans prepared in accordance with the standards and specifications set by the City shall be submitted to the engineer of the City’s choice for approval or comment, at applicant’s expense. Thereafter, the plans, if they are for improvements within a public right-of-way and are to become the City’s responsibility, shall be submitted to the City Council for its approval or rejection.
- C. **Inspections.** Whenever the City is to accept responsibility for or jurisdiction of the required improvements and the entity having jurisdiction of the right-of-way will not conduct inspection of the construction work, an engineer engaged by the City will do the inspections at applicant’s expense. However, if the City Council determines that the nature and size of the improvements justify it, the applicant, in lieu of utilizing the City’s engineer for inspections, may employ his own

engineer who shall make inspection in accordance with a list of construction tests to be met at specified events in the course of the construction process; and, in such event, the list shall be approved by an engineer engaged by the City but need not be prepared by him.

- D. **Acceptance by the City.** Before the City will accept responsibility for or jurisdiction of the improvements, the applicant shall deliver to the City in approved form the following:
1. A signed statement from a professional engineer registered in the State of Oregon that the improvements have been constructed in accordance with the approved plans and specifications, and if the engineer was employed by the applicant, that the required construction tests set forth in Subsection C, above, have been conducted and have yielded positive results;
 2. A one-year guarantee that the improvements have been constructed in a workmanlike manner and are free from defects in work and materials, the guarantee to be secured by a surety bond issued by a bonding company licensed by the State of Oregon;
 3. One set of “as-built” improvement plans; and
 4. If the improvements are constructed upon private property, a recordable easement in a form approved by the City attorney that permits use by the public and maintenance by the City of the improvement.
- E. **Miscellaneous Tasks of the City Engineer.** The City, with advice of an engineer engaged by it, shall establish bonding amounts, and the City may in any event engage an engineer to conduct inspections necessary to protect the interests of the City.
- F. **Reimbursement for Engineering and Attorney Services.** The applicant shall reimburse the City for any work prescribed herein, and conducted by the City’s engineer and attorney.

8-3J.140 BUILDING PERMITS

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

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

6. The location and size of all proposed parking spaces and street access points. More information may be required with a building permit application as required in various articles of this Chapter.

8-3J.150 BUSINESS LICENSES

No business license shall be issued for a business that is not a permitted use in the zone in which it is located. No business license shall be issued for a home occupation until the home occupation has been approved by the staff advisor to the Planning Commission or the Planning Commission, per the provisions of Article 8-3L.6. No business license shall be issued unless or until the City building official is satisfied of substantial compliance with the provisions of this Chapter or any approved development plans with any required conditions thereof and/or has granted a certificate of use of occupancy.

8-3J.160 INSPECTION AND RIGHT OF ENTRY

Whenever they shall have cause to suspect a violation of any provision of the zoning regulations, or when necessary to investigate an application for or revocation of any zoning approval under any of the procedures prescribed in this Chapter, officials responsible for enforcement or administration of this Chapter, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant. No owner or occupant, or agent thereof, shall, after reasonable notice and opportunity to comply, refuse to permit such entry.

8-3J.161 ABATEMENT

Any use which is established, operated, erected, moved, altered, enlarged or maintained contrary to the zoning regulations and approved development plans shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such.

8-3J.162 PENALTIES

Any person, firm or corporation, whether as a principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not more than \$350.00. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which the violation continues. [Ord. 530 (2-20-91)]

8-3J.163 ENFORCEMENT

- A. **Building Inspector.** The building inspector for the City shall have the authority to enter any building or upon any premises for the purpose of investigation and inspection; provided, however, that no dwelling shall be so entered without consent of the occupant unless a twenty-four (24) hour notice of intention to enter shall have been served upon such occupant.
- B. **City Attorney.** The City attorney, upon request of the City Council, shall institute any necessary legal proceedings to enforce the provisions of this Chapter.
- C. **Chief of Police.** The Chief of Police and his authorized representatives shall have the authority, upon request of the City Council, to assist in the enforcement of the provisions of this Chapter.

8-3J.170 INTERPRETATION

Where the conditions imposed by a provision of this Chapter are less restrictive than comparable conditions imposed by any other provisions of this Chapter or any other city ordinance, resolution or regulation, the provisions that are more restrictive shall govern.

8-3J.171 SEVERABILITY

The provisions of this Chapter are severable. If any section, sentence, clause or phrase is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective, such decision shall not affect the validity of the remaining portions of this ordinance.

8-3J.173 USES NOT PERMITTED IN ALL ZONES

Any use that causes or could cause a violation of State environmental quality rules and standards will not be permitted in any zone in the City. When a use is proposed for which it is unclear whether or not it will cause such a violation, the planning staff advisor or the Planning Commission may require a letter from the

State Department of Environmental Quality certifying whether or not the proposed use meets said rules and standards.

8-3J.180 BUFFERING

Where buffering is required between adjacent uses or zones, the type of buffering shall be appropriate to its purpose. Where the purpose is primarily the screening of objectionable views, a fence, wall or screen planting of six feet in height—or of such greater or lesser height as will be adequate to obscure the objectionable view—shall be required. Fences or walls shall either be of a material so as to provide an aesthetically pleasing or shall be landscaped so as to provide an aesthetically pleasing buffer for adjacent properties. Other appropriate means of buffering, including but not limited to spatial separations, landscaping, natural topography and other barriers shall be utilized to minimize other types of incompatibility between land uses.

8-3J.190 RESIDENTIAL DEVELOPMENT REQUIREMENTS

- A. The design and development of any manufactured home park or the expansion, improvement, or other modification of an existing manufactured home park within the City of Talent shall be in accordance with the minimum standards contained in OAR, Chapter 814, Division 28, and with the provisions contained in Article 8-3L.8.

- B. All residential development, including both new and modifications to existing development, other than within a mobile home park, shall conform to the requirements and development guidelines contained in Article 8-3J.2.

[amended by Ord. No. 772; 11/03/2004]

8-3 Division L. Article 8.

**MANUFACTURED HOME PARK
Development Standards and Procedures**

8-3L.810 STATE AND LOCAL LAW

A manufactured home (MH) park shall be built to all state standards in effect at the time of construction and shall comply with the additional provisions of this Section. The following statutes, as they now read or are hereafter amended to read, are hereby adopted by reference and made a part of this Article: ORS 446.003 through ORS 446.145. Construction and maintenance of a new MH park and expansion or reconstruction of existing MH park shall be in conformance with the standards established by this Section. (As amended by Ord. 530)

8-3L.820 SITE AND DEVELOPMENT PLAN AND FEE

No land within the City of Talent shall be developed for use as a MH park, and no plan for a MH park shall be filed or recorded, until submitted to and approved by the Planning Commission. All applications submitted for approval of a MH park shall consist of eight (8) copies of a development plan and a nonrefundable filing fee. The amount of the fee shall be established, and may be changed, by general resolution or ordinance of the City Council. In addition to the nonrefundable fee, the applicant shall be liable for the expense of engineering services provided by the City Engineer in reviewing the plans and for any other reasonable services rendered. The plan shall be submitted at least fifteen (15) days before the Planning Commission meeting at which consideration is requested, and shall contain at least the following information:

- A. Name of person who prepared the plan.
- B. Name(s) and address(es) of person(s) owning and/or controlling the land proposed for a MH park.
- C. Name of MH park and address.
- D. Date, scale and north point of the plan.
- E. Boundaries and dimensions of the MH park.
- F. Vicinity map showing relationship of MH park to adjacent properties and surrounding zoning.
- G. Location and dimensions of each MH site, with each site designated by number, letter or name.
- H. Location and dimensions of each existing and proposed building.
- I. Location and width of MH park streets, bicycle ways and pedestrian ways.
- J. Location of each lighting fixture for lighting the park.
- K. Location of recreational areas and buildings and common areas.

- L. Location and type of trees, landscaping, fences, walls or combination of any of these, or other methods of screening or buffering proposed.
- M. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
- N. Location of existing and proposed fire hydrants.
- O. A drainage plan.
- P. Topography of the park site with contour intervals of not more than five (5) feet.
- Q. The plan shall indicate positions of the MHs on the MH sites, so that the Commission may determine adequacy of entrances, setbacks, solar orientation and access, etc.
- R. Enlarged plot plan of a typical MH space, showing location of the stand, storage space, parking, sidewalk, utility connections and landscaping.
- S. Natural features, including all trees with a circumference of fourteen (14) inches or greater, measured at a point three (3) feet above grade at the base of the tree.
- T. Location and types of natural hazards occurring on the site, including, but not limited to, flood plains and floodways; soils and areas with erosion, shrink-swell, high runoff, mass movement and high ground water characteristics; with a description of how any hazards will be mitigated.
- U. Names, location, mature heights, crown diameters, growth rates, shadow patterns between the hours beginning at 9:00 AM and ending at 3:00 PM Pacific Standard Time on November 21, and maintenance facilities of and for existing and proposed street and shade trees.
- V. Any other data as may be required to permit the Planning Commission to make the necessary findings for approval.

8-3L.830 PLANNING COMMISSION REVIEW OF SITE AND DEVELOPMENT PLAN

- A. Following receipt of the site and development plan, the staff advisor to the Planning Commission shall prepare a report including information on compliance with ordinance requirements, the City Comprehensive Plan, any other adopted City plan and any other data as appears pertinent to the Planning Commission's review of the plan.
- B. Planning Commission shall hold a public hearing on the proposed MH park. Notice of the public hearing shall be provided as set forth in Section 8-3M.130.
- C. The Planning Commission shall take action to approve, disapprove or conditionally approve the plan within sixty (60) days from the first regular Planning Commission meeting following submission of the site and development plan, unless an extension of such time limit is mutually agreed upon by an extension of such time limit is mutually agreed upon by the applicant and the Commission. The plan shall be approved if it contains all of the information required in subsection B, above, and the proposed MH park conforms with the provisions of law and the standards set forth in this Article. Approval of the site and development plan shall indicate approval of the final

plan provided there is no change from the approved plan and there is full compliance with all requirements of this Article.

8-3L.840 FINAL APPROVAL

Planning Commission will grant final approval of MH park plans when all of the following conditions are met:

- A. A site and development plan has been approved.
- B. Detailed plans for the construction of roadways, pedestrian walkways, bicycle paths, parking areas, MH stands, sewer and water facilities, and drainage systems have been approved by the City Engineer as being in compliance with the standards of this Section, the plans approved by the Planning Commission, and other applicable Articles of this Chapter. Applicant shall be liable to the City for the expense of plan review and inspection of improvements by the City Engineer.
- C. A detailed tree planting landscaping and buffering plan is submitted and approved by the Planning Commission, showing information about landscape and fencing or wall materials to be used, spacing, size and botanical names of plants, and maintenance systems for landscaped areas.
- D. If final approval is not granted within one (1) year of site and development plan approval or conditional approval, the site and development plan must be resubmitted to the Planning Commission and reviewed following the procedure prescribed in Subsection c) above.
- E. Final approval granted by the Planning Commission pursuant to this section shall expire in one (1) year from the date of such approval unless the plan is substantially implemented.
- F. Any final approval of MH park plans granted by the Planning Commission prior to the effective date of this Chapter shall expire in one (1) year from the effective date of the Chapter unless substantially implemented.

8-3L.850 STANDARDS AND IMPROVEMENTS

The following standards and improvement requirements shall be required for the development of a MH park or the expansion or reconstruction of an existing MH park. In the case of an expansion of an existing park, the requirements shall apply to the expanded portion only, unless the improvements within the existing part of the park are less than the standards in effect when the park was originally approved. In that case, the improvements shall be brought into compliance with those standards, in the pre-existing portion of the park, within one (1) year of the Planning Commission's approval of the park expansion.

- A. Certificate of sanitation. A MH park shall have a certificate of sanitation issued by the State Department of Commerce, and must comply with all state requirements for MH parks.
- B. Area. A MH park shall not be less than two (2) acres nor more than thirty (30) acres in area. MH parks which would accommodate housing for residents numbering more than five percent (5%) of

Talent's population (based on 2.5 people per MH) shall be staged or phased so that the population increase that would be created in any one year by the MH park will amount to less than five percent (5%) of the City's population.

- C. Permitted uses in a MH park. Uses permitted outright and uses permitted subject to site development plan review and conditional use processes in a MH park are listed in Sections 8-3C.320, 330, 340, and 350.
- D. MH park access.
 - 1. All MH parks shall have at least two hundred (200) feet of frontage on a public street. All parks over ten (10) acres in size shall be located so as to have principal access on a street designated by the City as a collector or arterial street.
 - 2. At least two (2) pedestrian exits and one vehicular exit shall be provided in every MH park, and shall be located no closer than one hundred and fifty (150) feet from any other exit.
- E. Density of MHs. No more than eight (8) MH units shall be located per net acre (net acreage includes MH spaces and common open space and recreational uses, but does not include roads, parking areas or commercial uses).
- F. Parking. Two (2) off-street parking spaces shall be provided at each MH site. Additional parking space shall be provided in parking lots distributed around the park to accommodate at least one (1) space per eight (8) MHs, but not more than one (1) additional space per MH. In addition, sufficient off-street parking shall be provided for MH park employees. Parking facilities shall conform to the requirements of Article 8-3J.5.
- G. Streets and accessways.
 - 1. Each MH park site shall have an accessway of at least thirty-six (36) feet in width which connects to an existing public street.
 - 2. The first fifty (50) feet of an accessway, measured from the public street, shall be surfaced to a width of at least twenty-eight (28) feet, with no on-street parking permitted. Where a MH park street intersects an existing public street, the MH park developer shall improve the park street to the center line of the existing City street.
 - 3. Exterior streets abutting the MH park which are not improved to subdivision standards shall be improved as set forth in 8-2.260(B).
 - 4. For MH park accessways, beyond the first fifty (50) feet, the minimum surfaced width of the roadway within the park shall be ten (10) feet for each travel lane and eight (8) feet for each parking lane.
 - 5. All roadways shall be paved with crushed rock base and asphalt concrete surfacing according to structural specifications prescribed by the City (Refer to *City of Talent Standard Details*).
 - 6. Streets shall be oriented in a manner that permits MH pads and spaces to provide maximum solar access to MHs.

- H. Pedestrian ways. Pedestrian walkways shall be separated from vehicular ways and shall be developed and maintained to provide safe and convenient movement to all parts of the park walkways leading to destinations outside the park. Pedestrian walkways shall be surfaced with concrete at least three inches thick, to a width of at least three (3) feet.
- I. Bicycle Ways. Bicycle paths shall be provided, where determined appropriate by the Planning Commission for the public convenience, to provide safe and convenient movement to locations in the park and to connect to bicycle routes or streets which can be utilized safely by bicyclists outside of the park. Bicycle ways shall be improved to standards approved by the City.
- J. MH park perimeter setbacks. All MHs, MH park buildings, and required parking areas shall be located at least twenty-five (25) feet from the property line abutting upon a public street or highway and at least fifteen (15) feet from other MH park boundary lines.
- K. Utilities.
1. Undergrounding of Utilities. All utilities shall be installed underground, according to the provisions of the Talent Subdivision Code (8-2).
 2. Water and Sewer. Each MH site shall be connected to the public water and sewer system, and each occupied MH shall be connected to same.
 3. Electricity. Each MH site shall have an electrical connection with service adequate for electric cooking and other household appliances.
 4. Fire Hydrants. Each MH shall be located within two hundred and fifty (250) feet of an accessible fire hydrant. Determination of accessibility shall be made by the Fire Chief.
 5. Telephone Service. Public telephone service shall be available in every MH park.
 6. Safety Lighting. Vehicular and pedestrian accessways shall be adequately lighted by a safety lighting plan utilizing underground wiring.
- L. Drainage. The MH park shall be well-drained and provisions for drainage shall be made according to plans approved by the City Engineer. The condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.
- M. Recreation Area. In a MH park, not less than six percent (6%) of the net park area shall be developed for recreation use. The recreation area may be in one or more locations, none of which shall be less than 2,500 square feet in area or less than twenty-five (25) feet in width, with the exception of bicycle paths which may be counted toward the recreation area requirement. Recreation areas shall be developed and maintained as usable open space, playgrounds, playfields, swimming pools, bicycle paths, community gardens and/or joint use recreation buildings, or other approved recreation uses for the common use of MH park residents. Required parking areas and pedestrian walkways may not be counted as part of the recreation area requirement.
- N. Storage of Unoccupied MHs, Recreation Vehicles and Boats. Unoccupied MHs, recreation vehicles and boats may be stored only in areas designated and suitable for such purposes. They shall not be stored in accessways, required parking spaces, or areas designated for another purpose.

- O. Orientation of MH Pads and Spaces. MH pads and spaces shall be oriented to provide as many mobiles a major south wall of uninterrupted solar access as possible.
- P. MH Location and Setbacks. Occupied MHs shall be parked only on MH stands, shall be set back at least ten (10) feet from any park roadways, at least fifteen (15) feet from any other MH or park building, at least ten (10) feet from any separate accessory structure, and at least twenty-five (25) feet from any public street. No MH space within a MH park shall be located in such a manner that a public street must be used to place a MH in the space.
- Q. Buffering. Buffering beyond the perimeter requirements set forth in this section shall be required when necessary to conform to the buffering standard set forth in the Subdivision Code (8-2).
- R. Improvements Required for Each MH Space or Site. Each MH space or site shall have the following improvements:
1. A MH foundation stand, which shall be improved to provide adequate support for the placement and tie-down of the MH. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and shall be constructed so that it will not heave, shift or settle unevenly under the weight of the MH due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Each stand design shall be approved by the Building Inspector. The stand must be at least as large as the MH placed on it.
 2. A patio or combination of patios of concrete, asphalt, flagstone, wood or other equivalent material with an area of not less than 150 square feet and no dimension less than seven (7) feet.
 3. Two (2) paved parking spaces and at least fourteen (14) feet of direct access to a park street.
 4. A deciduous tree shall be planted on the south side of each MH site where active solar collectors will not be utilized.
- S. MHs Permitted. Only MHs meeting the following requirements will be permitted as an outright use:
1. Every occupied MH shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.
 2. The MH shall be in a condition that conforms to one of the following construction standards:
 - a. A MH constructed after April 1972 shall bear the Oregon insigne of compliance to standards in effect in Oregon at the time of construction.
 - b. A MH constructed prior to April 1972 shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after April 1972, as determined by the Building Inspector.
 3. The MH shall have a minimum area of four hundred (400) square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a MH accessory structure shall not be included in the computation of minimum area.
- T. MH Placement and Exterior Finishing.

1. Each occupied MH shall be located on a MH stand and shall be adequately secured against uplift, sliding, rotation and overturning.
2. All MHs shall have compatible skirting of a non-combustible material or fire-retardant wood, which must be installed within sixty (60) days of MH occupancy and which shall be maintained.
3. All awnings, carports, cabanas, etc., shall be of materials, size, color, and pattern so as to be compatible with the MH.

U. Accessory Buildings and Structures.

1. Any MH accessory structure that is not visually separated from a MH shall be constructed with materials and appearance compatible with the MH. This does not apply to patios, porches and decks, or out-buildings that are separated from the MH.
2. Except for automobile and wood to be used on the site, storage outside a MH shall be in a totally enclosed structure.

V. Fences, Walls, Hedges and Screen Plantings and Signs. All fences, walls, hedges and screen plantings shall conform to the requirements of 8-3J.34, except as may be permitted in [Paragraph Section 8-3L850\(A\)\(23\)](#), below, and be properly maintained. Signs shall be permitted and in conformance with 8-3J.7.

W. Landscaping and Screening.

1. Perimeter Landscaping and Buffering. The outer perimeter of the MH park shall be improved with:
 - a. A sight-obscuring fence or wall at least six (6) feet in height, set back at least fifteen (15) feet from the front property line; and at least five (5) feet from the side and rear property lines if it exceeds six feet in height; or
 - b. Maintained evergreen landscaping that is at least ten (10) feet in depth and which will reach at least six (6) feet in height within a period of five (5) years, set back at least fifteen (15) feet from the front property line, and at least five (5) feet from side and rear property lines if over six feet in height; or
 - c. A combination of a. and b. above.
 - d. Where perimeter landscaping is set back from the property boundary line, a yard containing lawn or other suitable ground cover, flowers, and shrubs and/or trees shall be established and maintained between the boundary lines and the chosen screening.
2. Landscaping Within the MH Park. All open areas and recreation areas within the park not otherwise used shall be suitably landscaped and maintained. Prominent aspects such as rock outcroppings, trees with circumferences of fourteen (14) inches or greater (measured at a point three feet above grade at the base of the tree), and other natural landscaping features are encouraged to be worked into the landscaping plan. The maintenance of open spaces is necessary to the continued renewals of the MH park license.

X. Licensing of MH Parks.

1. License Required. No use or occupancy of any MH park, or building or facility in connection therewith, shall be permitted within the City of Talent until a MH park license is issued.
2. Application for License.
 - a. New MH Parks. An application for a license to operate a new MH park shall be submitted to the City Council after final approval of the development plans by the Planning Commission. An enlargement of a MH park or an increase in the number of MH spaces in an existing park shall be subject to the provisions of this Section regulating new parks.
 - b. Existing Parks. Application for the renewal of a business license for an existing MH park shall be made to the City and will be granted as long as the park conforms to all applicable state laws and any conditions set forth at the time the MH park was approved, and provided the condition set forth in Subsection 26, below, is met.
3. License Fee. The annual license fee for a MH park shall be the same as prescribed by the City of Talent for business licenses.
4. Term of License. MH park licenses shall be valid for a period not to exceed one (1) year, unless a longer time is noted and approved by the Planning Commission on the signed copies of the development plan, and such time period is approved by the City Council.

Y. Upgrading of Pre-Existing MH Parks for Fire Protection. Within three (3) years of the date of enactment of this ordinance, every pre-existing MH park shall either install fire hydrants or provide adequate access to fire hydrants, so that every MH is located within two hundred fifty (250) feet of an accessible fire hydrant. Conformance with this requirement will be determined by the Talent Fire Chief. Any MH park that does not meet this requirement will be ineligible for renewal of the MH park license.

Z. Building Permits. No building permit shall be issued for the development of a new MH park until the development plans have received final approval by the Planning Commission.

AA. MH Set-Up Permits. No MH shall be moved onto a MH space or lot until a MH set-up permit has been issued.

8-3L.860 ADDENDUM: NEW MH PARK RULES
Design and Land Use (814-28-060(1))

A. Space Utilization. Building separation in a MH park for each MH and its accessory structures shall be in accordance with the following:

1. The distance between MHs shall in no case be less than ten (10) feet end to end or side to side. All HUD-approved MHs may be ten (10) feet from adjacent MHs on both sides.
2. The distance between non-HUD-approved MHs placed parallel to each other may be ten (10) feet on one side but must be at least fourteen (14) feet on the other.

B. Exceptions.

1. Non-HUD-approved MHs may be placed ten (10) feet apart in MH parks that comply with the Fire Safety Standards listed in Appendix “A”.
2. Parallel non-HUD approved MHs with less than half their lengths side by side may be ten (10) feet apart on both sides.
 - a. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD-approved MHs may be ten (10) feet apart on both sides but must be at least fourteen (14) feet apart for half their length.
 - b. Adjacent MHs in all parks must be placed at least fourteen (14) feet apart where a flammable or combustible fuel storage vessel is located on or between units.
 - c. A MH may not be closer than ten (10) feet to a park building within the MH park, or closer than five (5) feet to a park property line. The area occupied by the MH, accessory buildings, and structures on a MH lot shall not exceed seventy-five (75%) of the lot area.

[Amended by Ord. No. 772; 11/03/2004]



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING DRAFT MINUTES
TOWN HALL
May 18, 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, May 18th 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

- Mayor Stricker**
- Councilor McManus**
- Councilor Cooke**
- Councilor Abshire**
- Councilor Pederson**
- Councilor Wise**
- Councilor Collins**

Members Absent

2. Pledge of Allegiance

3. Mayor Announcements

- **Grape Fair June 5th. Available on the website.**
- **National Pollinator Week begins June 20th. Proclamation on June 15th Council Meeting. Celebration will be on June 25th from 1PM-3PM.**

Mayor Stricker suggested that this title in the agenda gets changed to Community Announcements. She spoke that Council can bring any Community announcements at this time. Council gave unanimous consensus for the title change.

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 None

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

None

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 RVCOG – Michael Cavallaro

Michael Cavallaro presented the RVCOG Annual Report (see attached).

Council thanked Mr. Cavallaro.

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 May 4, 2016

Councilor Collins moved to approve Council Meeting Minutes for May 4th, 2016. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

- 7.2 Acknowledge receipt of Together for Talent Minutes for April 5, 2016**
- 7.3 Acknowledge receipt of Parks Commission Minutes for April 13, 2016**
- 7.4 Acknowledge receipt of Accounts Payable**

Council acknowledged items 7.2, 7.3 and 7.4

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 Noise Permit for Talent Artisans and Growers

City Manager, Tom Corrigan gave a brief staff report and recommended approval.

Councilor Pederson moved to approve the noise permit for Talent Artisans and Growers. Councilor Collins seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.2 Grant for Solar Development at the Community Center

Mr. Corrigan gave a staff report. He went over the grant criteria. He spoke that he would like direction from Council to proceed with completing and sending out the grant prior to the next meeting. Council gave unanimous consensus to complete and send out the Grant Application.

8.3 CIP Project Reallocation of Parks Land Acquisition

Mr. Corrigan gave a staff report.

Councilor Wise moved to reallocate the Park Land Acquisition Funds to the park infrastructure projects within the Capital Improvement Fund for Chuck Robert's Park improvements in the amount of \$28,215. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.4 CIP Project Reallocation of Talent Avenue Sidewalk Funding

Mr. Corrigan gave a staff report.

Councilor Pederson moved to approve the reallocation in the amount of \$12,362.50 from Talent Avenue Sidewalk to 2nd and Schoolhouse Sidewalk. Councilor Cooke seconded. Mayor Stricker 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.

Mr. Corrigan gave Department and City reports:

- Tennis Courts are open!
- There will be a soft opening of the Splash Pad on May 30th. Splash Pad re-grand opening is on June 4th at 12 PM. The Boys and Girls Club will be trying out the Splash Pad on June 3rd. There will be drone competition on June 4th beginning at 2 PM.
- A new tree was put up at the Plaza
- We received the 16 OLCC permits for the Grape Fair.
- The Tree Ordinance will be on the Council Agenda on June 1st.
- June 15th will be acceptance of the budget and discretionary fund disbursement.
- The CDBG Grant for the Community Center has been closed out.
- The Ordinance regarding open burning will be brought to Council on a future Agenda.
- There will be a RARE interview meeting tomorrow.
- There will be a Talent Elementary School visit tomorrow.
- There was a flag ceremony at Talent Middle School.

11. Other Business

11.1 City Manager evaluation

The evaluation sheet was handed out (*see attached*).

Mayor Stricker spoke regarding Community Relations.

Council discussed options on how to receive Community input and whether or not to keep it on the form.

It was decided that that Community Relations would be kept as is for this year's evaluation. Council decided to look at different forms before next year's evaluation.

Council Wise discussed having a suggestion box at City Hall. Mr. Corrigan spoke that the City can do that.

It was decided to distribute the evaluation forms to Staff and to have an Executive Session for the City Managers Evaluation July 6th and to discuss example evaluation forms for City Manager and City Staff at the July 20th meeting.

Councilor Pederson spoke that he would like a discussion of potential connection from HWY 99 near Creel on upcoming agenda in June. He also suggested to contact ODOT on cleaning up the tree at the interstate exit.

Councilor McManus spoke that he would like a quarterly or bi-annual Operations Report from the Police Department. Council gave consensus to move forward with a quarterly report.

Councilor Abshire spoke about weed height in the City. Mr. Corrigan spoke that there is a list of Ordinances that need to be reviewed. Staff will bring the list to Council and include the Code Enforcement Ordinance regarding weeds to the list.

Councilor Collins questioned the process for volunteers to weed. Mr. Corrigan suggested bringing the City's insurance Agent to a Council meeting to discuss insurance issues for volunteers.

Councilor Wise suggested getting Budget Committee training sooner.

12. Mayor and Councilor - Committee Reports and Councilor Comments

Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)

Together for Talent Committee – Councilor Collins

Metropolitan Planning Organization – Mayor Stricker & Councilor Cooke (alternate)

Planning Commission – Councilor Wise & Councilor Abshire (alternate)

Public Art Advisory Committee – Councilor McManus

Parks Commission – Mayor Stricker

Traffic Safety & Transportation Commission – Councilor Cooke

Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)

Talent Historical Society – Councilor Abshire

Harvest Festival Committee – Councilor McManus

Economic Development - Councilor Pederson & Councilor McManus

Chamber – Councilor Pederson

Talent Charter Review – Councilor Cooke

Councilor McManus, Councilor Collins, Councilor Abshire, Councilor Wise and Councilor Cooke had no announcements.

Councilor Pederson announced the Chamber meeting is tomorrow and the Economic Development Meeting is on May 25th.

Mayor Stricker announced:

- MPO Meeting was cancelled.
- RVTD passed last night.
- Attended the interagency safety meeting.
- Attended a student government meeting at the High School. They discussed their main concerns: lack of day care, safety issues on bike path, hunger and quality of school lunches. Mayor Stricker would work on responses to their concerns and respond to them at their next meeting.

13. Adjournment

The Council Meeting adjourned at 8:35 PM

Respectfully submitted by:

City Recorder, Melissa Huhtala

Attest:

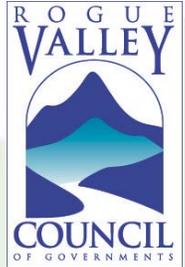
City Manager, Tom Corrigan

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.

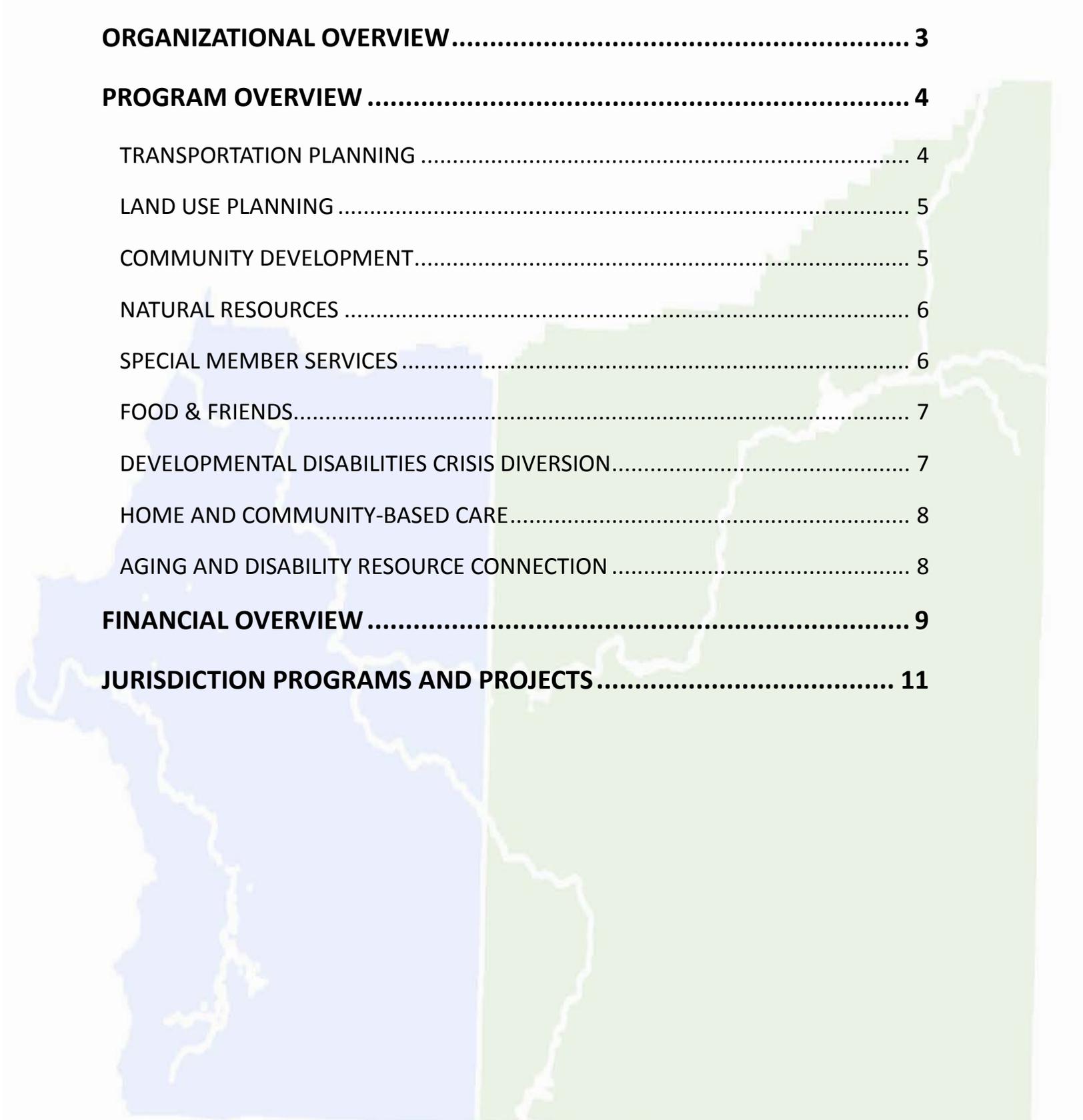
ROGUE VALLEY COUNCIL OF GOVERNMENTS



We shall act as a catalyst to promote quality of life, effective and efficient services, and leadership in regional communication, cooperation, planning, and action in Southern Oregon.

**Program and
Financial Update
January 2016**

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What is a COG?

A Council of Governments (COG) is a voluntary association of cities, counties, and special purpose districts within a distinct region, serving as planning, coordination, program development, and service delivery organizations. They promote regional cooperation and provide services and resources that might not otherwise be affordable or available to local governments. While COGs differ in their mix of programs from one region to another, they always share a fundamental purpose – to work with the expressed consent and support of their members to facilitate outcomes that improve the local and regional quality of life.

Of the 39,000 general purpose governments in the U.S., more than 35,000 are served by COGs

What is RVCOG?

In 1968, under the provisions of Chapter 190 of the Oregon Revised Statutes, the Rogue Valley Council of Governments (RVCOG) was established by the member governments to operate in Jackson and Josephine counties. Currently, RVCOG has 23 members: 15 local governments and 8 other entities (special districts and higher education). Elected and appointed representatives from each of the members serve on RVCOG's Board of Directors, which governs the organization at the policy level. In addition to the Board, RVCOG's moving parts comprise an Executive Committee, professional staff, and a variety of permanent and temporary advisory committees of stakeholders, members of the public, and technical experts. In terms of funding, the vast majority comes through grants and contracts with federal, state, and local governments, with additional monies collected from donations and membership dues.

Unlike its member governments, RVCOG has no legislative, taxing, or enforcement authority

How Does RVCOG Provide Services?

We have the long-term responsibility for implementing certain state and federal programs.

For example, we are the home of the Rogue Valley Metropolitan Planning Organization (RVMPO) for the Greater Bear Creek Valley and the Middle Rogue MPO (MRMPO) for the Greater Grants Pass area.

We collaborate with our members to obtain funding and cooperation from state, federal, and non-governmental entities.

For example, we managed the Regional Problem Solving (RPS) process, a collaborative process that established future growth patterns for multiple jurisdictions in the Rogue Valley.

We directly contract with our members for specific services.

Grant Administration is a good example of this, as is our ability to provide a staff member to serve as a contract land use planner for several of our jurisdictions.

Although the specifics of RVCOG's programs have evolved over the years as a response to new needs of members and changing funding sources, it has always maintained its fundamental role as a regional resource for technical expertise and project management, as well as a collective voice for the region when working with the state or federal government.

TRANSPORTATION PLANNING

RVCOG's transportation planning services are primarily focused on the Rogue Valley Metropolitan Planning Organization (RVMPO) and Middle Rogue Metropolitan Planning Organization (MRMPO). Federal transportation law requires that transportation planning activities in urbanized areas with a population in excess of 50,000 be coordinated through Metropolitan Planning Organizations, which were created to ensure that existing and future expenditures of governmental funds for transportation projects and programs are based on a continuing, cooperative, and comprehensive (3-C) planning process.

MAJOR HIGHLIGHTS of FY 14/15

RVMPO

- Managed the region's \$2.6 million Congestion Mitigation Air Quality (CMAQ) program.
- Adopted the 2015-2018 Metropolitan Transportation Improvement Program, an estimated \$259 million in transportation projects.
- Adopted an Air Quality Conformity Determination showing the region's consistency with federal requirements for regional air quality.
- Updated and maintained data for the regional travel demand model.
- Approved amendments to the 2013-2038 Regional Transportation Plan (RTP)
- With the Oregon Department of Environmental Quality (DEQ) and a consultant, developed a Carbon Monoxide (CO) Limited Maintenance Plan (LMP) for the Medford CO Maintenance Area.
- Conducted an Alternative Measures benchmark analysis to show reduction in vehicle miles traveled.
- Updated the Public Involvement Plan and Title 6/Environmental Justice Plan.

MRMPO

- With DEQ and a consultant, developed PM10 & CO Limited Maintenance Plans for the Grants Pass Air Quality Maintenance Area.
- Adopted the Title 6/Environmental Justice Plan.
- Approved the 2015-2018 Transportation Improvement Plan project list.
- Regional travel demand model update in process.
- Regional Transportation Plan (RTP) work tasks in process.

OTHER

- Produced GIS map updates for the cities of Eagle Point, Shady Cove, Rogue River, Gold Hill, Cave Junction, and Jacksonville.
- Staffed Rogue Valley Area Commission on Transportation (RVACT) meetings.
- Participated in Medford's Transportation System Plan update.

Staff Contact Dan Moore
Planning Program Manager
541-423-1361 dmoore@rvcog.org



The RVMPO was established in 1982, and includes Jackson County and the cities of Eagle Point, Medford, Central Point, Jacksonville, Phoenix, Talent, and Ashland, as well as ODOT and RVTD.



The MRMPO was established in 2013, and includes Jackson and Josephine Counties and the cities of Grants Pass, Rogue River, and Gold Hill.

LAND USE PLANNING

RVCOG's Planning Department offers land use planning services to member jurisdictions. These services are available on a short- or long-term contract basis, for both current and long-range planning. Ordinance development and updates, Comprehensive Plan updates, Periodic Review, and collaborative planning processes are among the services available. RVCOG's ability to provide contract planner services to jurisdictions is an excellent example of the benefits of RVCOG membership. Our member jurisdictions are able to purchase only the services they need when they need them, without incurring the costs of a full- or part-time employee.

MAJOR HIGHLIGHTS of FY 14/15

- Provided current planning assistance to the cities of Jacksonville, Shady Cove, Gold Hill, and Cave Junction; performed expedited application review for Jackson County.
- Managed Regional Problem Solving (RPS) Implementation grants for Phoenix (PH-5 and PH-10) and Talent (TA-4 and TA-5).
- Facilitated the monthly regional planners' meeting, providing a forum for discussing subjects of common interest such as RPS implementation, affordable housing, and land use issues regarding recreational and medical marijuana.

Staff Contact Dick Converse
Principal Land Use Planner
541-423-1373 dconverse@rvcog.org

COMMUNITY DEVELOPMENT

Community Development can provide public outreach, emergency planning, ordinance development, opinion surveys, grant writing, grant management, RFP/RFQ preparation, and labor standards compliance. Increasingly, RVCOG's grant/loan management services have been the most requested offering under Community Development. RVCOG can provide our members with expertise in even the most complicated and burdensome federal and state grant and loan programs—*Community Development Block Grants, Water/Wastewater Financing Program, State Energy Program Grants, Energy Efficiency and Conservation Block Grants, Seismic Rehabilitation Grant Program, Safe Drinking Water Revolving Loan Fund, Special Public Works Fund, Water and Wastewater Revolving Loan Fund Grants, and Rural Development Loan Assistance*. Depending on the grant program, RVCOG's services can be free of cost to the jurisdiction.

MAJOR HIGHLIGHTS of FY 14/15

- Assisted with labor standard compliance and related requirements on the Josephine County Food Bank project.
- Provided CDBG grant administration, environmental review, and labor standards compliance for the Talent Community Center design and build project.
- Ensured that the City of Ashland met all conditions of Infrastructure Finance Authority (IFA) contract for the continued work necessary to make the TAP intertie (Medford Water Commission water) operational

Staff Contact Pat Foley
Community Development Specialist
541-423-1372 pfoley@rvcog.org

NATURAL RESOURCES

The Natural Resources program is directed at improving the health and vitality of our watersheds, natural systems, and recreational assets by providing RVCOG members and other partner organizations with specialized technical assistance and regionalized coordination and implementation. Staff works with numerous partners, including cities and counties; federal, state, and local agencies; conservation organizations; public and private schools; special interest groups; and members of the public.

MAJOR HIGHLIGHTS of FY 14/15

- Coordinated the development of a Clean Air Campaign for the RVMPO, which included a campaign logo, website (<http://www.roguevalleycleanair.org>), and a bus wrap on an RVTD interactive bus.
- Monitored water quality in Bear Creek and tributaries to comply with Clean Water Act Total Maximum Daily Load requirements. This cooperative program is unique in Oregon.
- Responsible for the preparation of the Environmental Considerations section of the MRMPO's RTP.
- Provided Stormwater Management assistance, education/outreach, and public involvement.
- Conducted popular salmon watch classes for upwards of 600 children with cooperation of Jackson Soil and Water Conservation District, Bear Creek Watershed, OSU Extension, and several local schools.
- Performed monitoring and assessment of swale and detention basin performance for the Housing Authority at US Cellular Community Park and Ashland's Snowberry Brook development.
- Assisted the Medford Water Commission and Jackson County in issues of vernal pool conservation.
- Worked with Gold Hill Irrigation District and others to improve fish passage in the Rogue River by modifying the District's water diversion.
- Developed proposals for, and continued or began implementation of, various Bear Creek riparian restoration projects in partnership with the City of Medford, ODOT, Oregon Stewardship, and others.

Greg Stabach

Staff Contact Natural Resources Program Coordinator
541-423-1370 gstabach@rvcog.org

SPECIAL MEMBER SERVICES

RVCOG's Administration Department offers a range of services to its members, such as computer network design, accounting services, human resources, technical writing, procurement, customer satisfaction surveys, executive recruitment, and special projects. RVCOG also provides staff support and assistance to a variety of regional meetings to promote the dialog among local units of government and state agencies.

MAJOR HIGHLIGHTS of FY 14/15

- Provided information technology services to Shady Cove and Rogue River (City and Police).
- Provided full accounting services (accounts payable, bank reconciliations, payroll, financial reporting, and audit preparation) for SOREDI and the Jackson County Library District (beginning July 2015). Also provided reporting and billing services for the TAP Intertie project (Talent, Ashland, and Phoenix).
- Provided the Jackson County Library District with its only administrative staff (one half-time employee).
- Continued staffing the Rogue Valley Public Service Academy (RVPSA), a collaborative regional effort to provide local, high quality, affordable training to public sector employees and community leaders.

Ann Marie Alfrey

Staff Contact HR Manager/Asst. to the Exec. Director
541- 423-1334 amalfrey@rvcog.org

FOOD & FRIENDS

RVCOG's Meals on Wheels and Senior Meals Program has been serving Jackson and Josephine Counties since 2001. The program provides balanced nutrition and frequent social contact, key to maintaining good health and vitality for those who wish to continue living as independently as possible. The program, appropriately called **Food & Friends**, provides more than 237,000 meals a year in the two-county area. Each month, nearly 400 dedicated volunteers deliver approximately 16,500 meals to individuals living independently at home whose health prevents them from preparing their own meals. In many cases volunteers are the only people our seniors see on any given day, and often the meal that is delivered is a client's main or even sole source of nutrition. In addition to home delivery, approximately 3,200 meals a month are served at 12 congregate meal sites located throughout the two-county area.

Since Federal and State funding only contribute 2/3 of what Food & Friends needs to provide its meals and its critical safety net, fund raising activities are an essential part of staff's responsibilities. The program relies on foundations, cities, counties, service organizations, businesses, churches, and clients to help close the financial gap, and to maintain the program's unbroken history of never having to resort to waiting lists.

MAJOR HIGHLIGHTS of FY 14/15

- In Jackson County, provided 127,741 meals to homebound seniors and 19,980 to seniors at 7 congregate sites, for a total of 147,721 meals.
- In Josephine County, provided 67,893 meals to homebound seniors and 18,378 meals to seniors at 5 congregate sites, for a total of 86,271 meals.



Evelyn Kinsella

Staff Contact Nutrition Program Manager
541- 734-9505 X3 ekinsella@rvco.org

DEVELOPMENTAL DISABILITIES CRISIS DIVERSION

RVCOG contracts with the Oregon Department of Human Services to provide crisis intervention services to Jackson and Josephine County Developmental Disability programs, as well as four other county programs in Southern Oregon. These County DD programs make referrals to RVCOG staff so they may assist with the coordination of crisis services on sensitive cases involving intellectually and developmentally disabled clients of all ages. RVCOG staff also helps prevent or mitigate future crises by offering training and behavioral consultation services to County programs, contracted providers, and families.

MAJOR HIGHLIGHTS of FY 14/15

- Assisted in stabilizing more than 2,000 adults and children in crisis across the program's six counties.
- Offered comprehensive trainings on autism spectrum disorder, dementia in the DD population, the responsibilities of the Health Care Representative, and the Oregon Intervention System.
- Assisted the State and Jackson County in completing more than 200 support needs assessments in order to meet federal guidelines.

Treven Whitney

Staff Contact Crisis Diversion Services Manager
541- 955-9076 twhitney@rvco-ddrv.org

HOME AND COMMUNITY-BASED CARE

Oregon offers one of the nation's best combinations of services to allow individuals to continue living in their home as they age or face a disability. In southern Oregon, RVCOG provides administrative oversight to the region's Medicaid program, the Oregon Health Plan, and SNAP (food stamps), directly implements Oregon Project Independence (OPI), and provides workshops in several evidence-based trainings that address such topics as how to care for a family member with dementia, or how to deal with chronic physical conditions or depression. As a result of these and other related programs, 50% of Long Term Care clients receiving services are able to continue to live in their homes, and nearly 90% of seniors and people with disabilities residing in Jackson and Josephine County receiving assistance for their long term care needs are able to avoid being placed in a nursing home, and are instead living in their own homes, an adult foster home, residential care, or an assisted living facility.

MAJOR HIGHLIGHTS of FY 14/15

- 20,030 individuals assisted by the Medicaid program in southern Oregon.
- 266 participants attended 30 workshops in the region designed to assist people to cope with chronic conditions, chronic pain, and diabetes.
- 400 seniors were assisted through Oregon Project Independence (OPI), and another 50 younger disabled were served through a new state OPI pilot.
- RVCOG continued to maintain the Disaster Registry for vulnerable populations (seniors, people with disabilities, and others) who would require special attention by emergency services in the case of a disaster. 425 individuals, 418 long-term care facilities, and 304 child care facilities are currently listed.
- RVCOG continued to promote its trademarked Lifelong Housing certification program that recognizes and certifies housing built (or retrofitted) with accessibility features that facilitate aging in place.

Berta Varble

Staff Contact Interim SDS Manager/Operations Manager
541- 423-1384 bvarble@rvcog.org

AGING AND DISABILITY RESOURCE CONNECTION

Before Oregon's implementation of the Aging and Disability Resource Connection (ADRC) program, locating accurate and unbiased information about services to help seniors or adults with disabilities maintain their independence and health was a frustrating and time-consuming process. With ADRC now statewide, that situation has been significantly improved. Although the ADRCs are operated on a local basis, they can be accessed through a single phone number (855-ORE-ADRC) or a single website (www.ADRCofofOregon.org). The ADRC phone lines are open during business hours five days a week with trained staff ready to help the consumer. Services can range from responding to a simple request for information all the way up to a comprehensive session of options counseling in a home setting to ensure that clients and family members are given the range of choices they need in order to make an informed decision about available options.

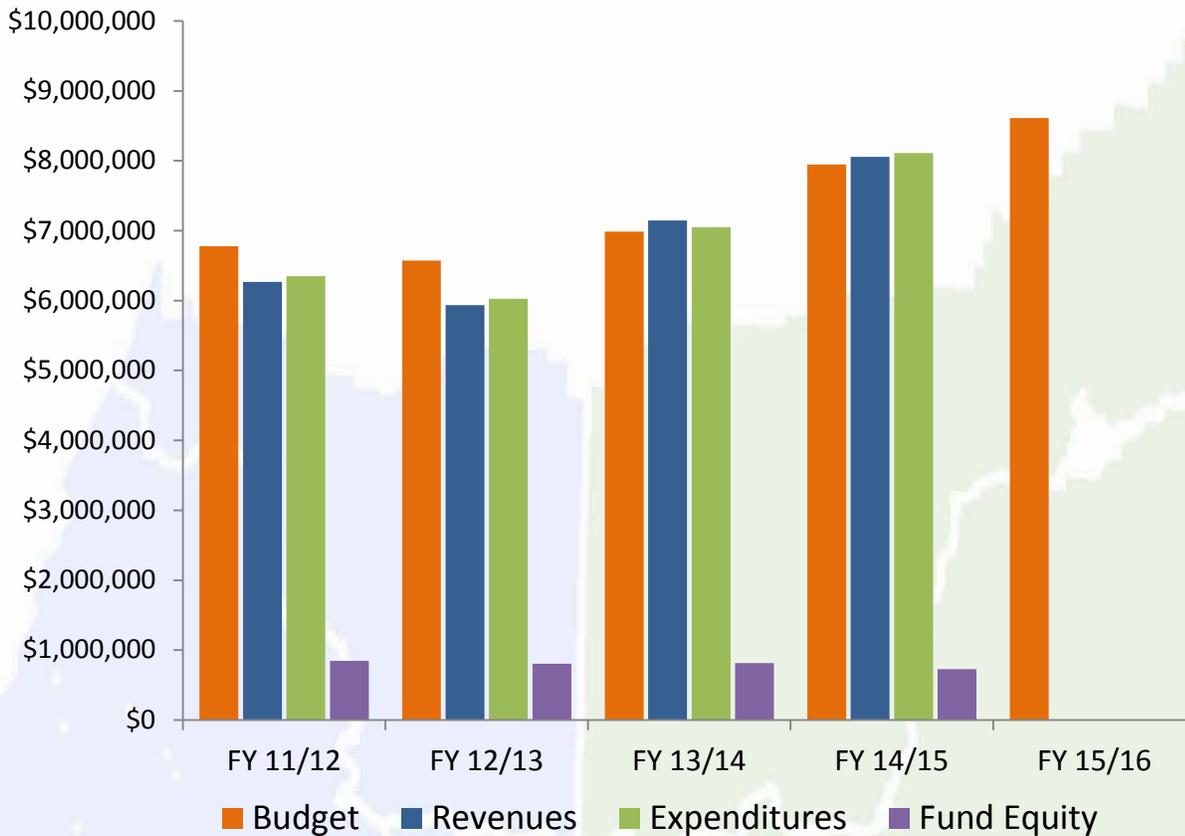
MAJOR HIGHLIGHTS of FY 14/15

- In Jackson and Josephine counties, staff received and answered 3,244 information and assistance calls and held 545 in-depth options counseling sessions.

Carol Terry

Staff Contact Community Living Program Manager
541- 471-2863 Carol.A.Terry@state.or.us

5 Year Financial History



Budget and Revenue

Over the last decade, the COG was in a period of relative stability, with funding consistently remaining between \$6 and \$7 million. Now, with an improving economy, and some local, State, and Federal funding increases (especially in DHS), RVCOG’s budget has entered a next tier of funding (\$8.61 million). Due to the real possibility that some of this increased funding may be reduced or eliminated in the near future, the COG has been careful to avoid hiring too many additional long-term employees. We will reevaluate this position once we have a better idea of future funding.

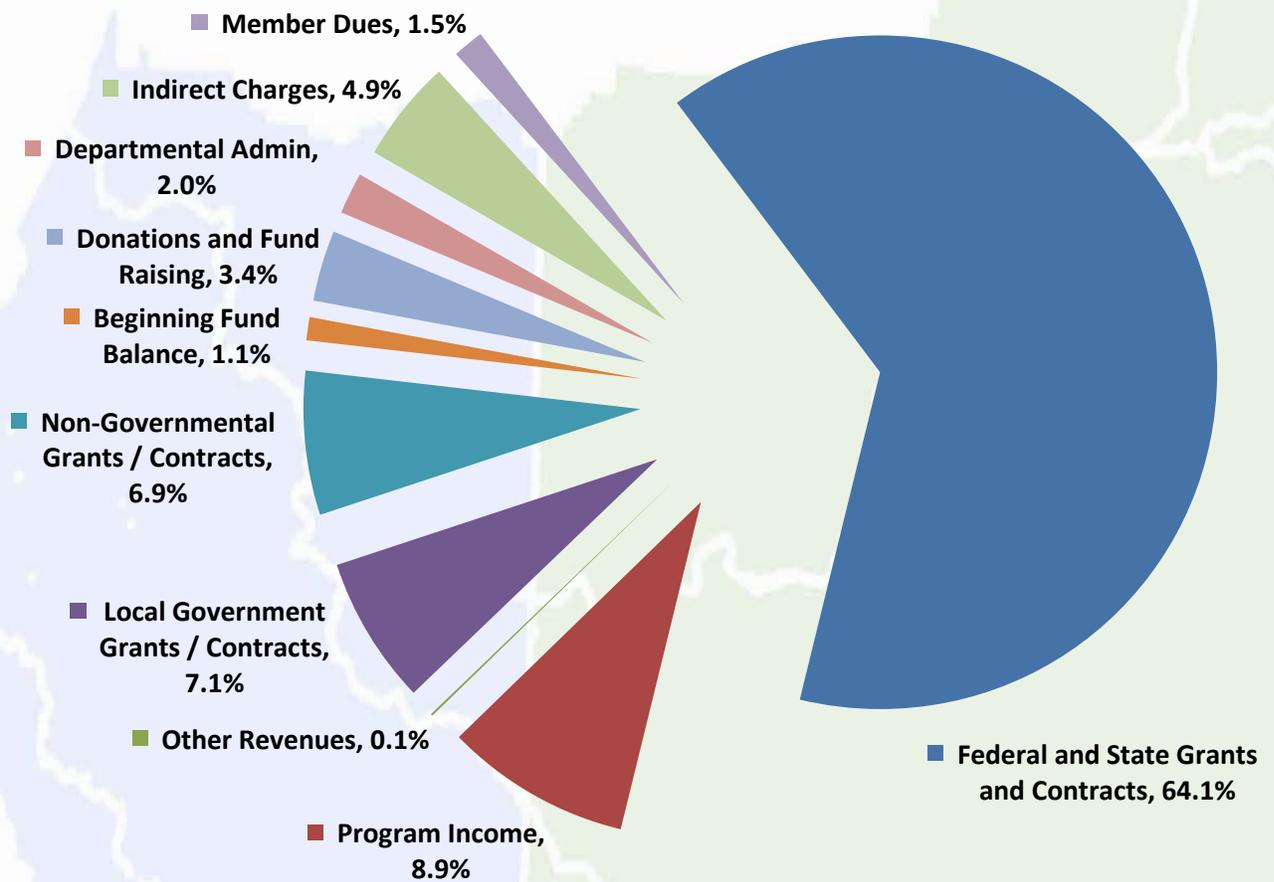
Expenditures

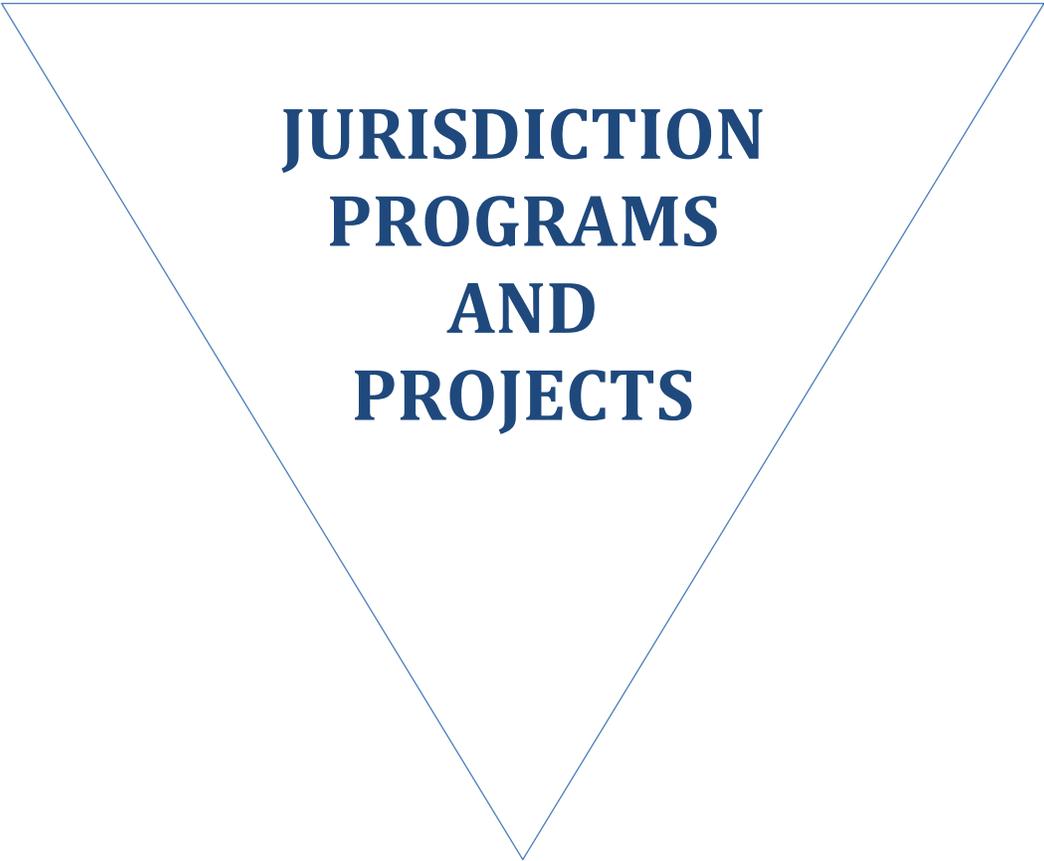
As for the core considerations of the cost of RVCOG’s services, we continue to hold expenditures as low as we possibly can for our jurisdictions and funders. Not only are dues the lowest they have ever been, but the COG continues to be aggressive in keeping the billable rates of its employees as low as possible to minimize cost increases to our members and funders, while still managing to attract and maintain a highly professional staff.

Fund Equity

While the equity recorded in July 2015 shows a decrease in the total fund equity (from \$813,045 to \$727,056), the reduction is due entirely to a change in how RVCOG records and expenses its sick leave liability. Without this change, the total fund equity would have increased \$232,000, for a total fund equity of almost \$960,000.

Revenue Sources FY 14/15





**JURISDICTION
PROGRAMS
AND
PROJECTS**

CITY OF TALENT

Activities	Contractual Information	Member Cost and Role
Planning (Land Use, Transportation, and Community Development)		
Regional Problem Solving Implementation RVCOG provided assistance to the City to prepare concept plans for TA-4 and TA-5. This project was completed in FY 2015-16	DLCD awarded RVCOG a \$69,900 grant to provide technical assistance to Eagle Point, Phoenix, and Talent.	Cost -- \$0 Role -- Client
CDBG for Design and Construction of a Community Center Providing CDBG grant administration, environmental review, and labor standards compliance for the project.	IGA between Talent and RVCOG Total funding \$1,500,000	Cost -- \$0 Role -- Client
Rogue Valley Metropolitan Planning Organization Staffed the Rogue Valley Metropolitan Planning Organization (RVMPO), including the following activities: <ul style="list-style-type: none"> • Managed region’s \$2.6 million annual Congestion Mitigation Air Quality (CMAQ) program • Approved amendments to the 2015-2018 Metropolitan Transportation Improvement Program, an estimated \$259 million in transportation projects • Adopted 2015-2018 Metropolitan Transportation Improvement Program, an estimated \$259 million in trans. funding. • Adopted Air Quality Conformity Determination showing region’s consistency with federal requirements for regional air quality • Updated and maintained data for the regional travel demand model • Approved amendments to the 2013-2038 Regional Transportation Plan (RTP) • Worked with Oregon DEQ and Sierra Research (consulting firm) to develop a Carbon Monoxide (CO) Limited Maintenance Plan (LMP) for the Medford CO Maintenance Area. • Conducted an Alternative Measures benchmark analysis for compliance with Oregon’s Transportation Planning Rule (TPR) for MPOs to show reduction in vehicle miles traveled. • Worked with ODOT & DLCD to look at how local plans can contribute to reducing greenhouse gas emissions. • Updated the RVMPO Public Involvement Plan and Title 6/EJ Plan. 	RVCOG designated as the RVMPO by order of Oregon Governor in 1982, annual state and federal funding agreements Total FY 2014-15 MPO discretionary funding \$ 4.9 million (STP, CMAQ, Planning)	Cost -- \$997 (MPO dues) Role – Partner, partial funder through dues

CITY OF TALENT

Activities	Contractual Information	Member Cost and Role
RVACT Staff Support Staffed the activities of the Rogue Valley Area Commission on Transportation.	ODOT IGA with RVCOG FY 14/15 budget \$25,000	Cost -- \$0 Role -- Stakeholder
Special Member Services		
Rogue Valley Public Service Academy Working with human resource professionals from a number of member jurisdictions, RVCOG staffed the Rogue Valley Public Service Academy. RVPSA is a cooperative effort to provide local, high-quality, affordable training to public servants and other community leaders in southern Oregon. Some of the trainings for this fiscal year were Local Government Leadership for the Next Decade, Understanding Different Personalities in the Workplace, and Performance Management in a Union Environment.	Local collaboration	Cost -- Depending on the training, attending employees pay between \$0 and \$125 Role -- Stakeholder and client (individual employees are recipients of training)
Accounting Services to SOREDI Continued providing SOREDI with full accounting services (accounts payable, bank reconciliations, payroll, financial reporting, and audit preparation).	Contractual agreement with SOREDI FY 14/15 = \$35,000	Cost -- \$0 Role -- Stakeholder and indirect client (benefit to Talent citizens)
Accounting Services to Jackson County Library District Began providing the Jackson County Library District with accounting services (accounts payable, bank reconciliations, financial reporting, and audit preparation).	Contractual agreement with Jackson County Library District FY 14/15 = \$8,477	Cost -- \$0 Role -- Indirect client (benefit to Talent citizens)
Admin Staff to Jackson County Library District Began providing the Jackson County Library District with its sole administrative staff (one half-time employee).	Contractual agreement with Jackson County Library District FY 14/15 = \$27,617	Cost -- \$0 Role -- Indirect client (benefit to Talent citizens)
Natural Resources		
Water-Related Planning Assistance Provided TMDL planning and implementation, and Stormwater Management Program assistance, education/outreach and public involvement.	Rogue Valley Sewer Services contracts annually with RVCOG on behalf of Talent for Stormwater Phase 2 public outreach, education, and involvement. Total funding = \$12,800	Cost -- \$0 Role -- Stakeholder, partner
Rogue Basin Restoration Plan and Rogue Basin Partnership Development Worked with the Bonneville Environmental Foundation, the Rogue Restoration Group, Watershed Councils, Soil and Water Conservation Districts, and others to develop an action plan for the basin focusing on priority restoration projects and in bringing in outside funding.	Grant from the Laird Norton Family Foundation (\$100,000) to RVCOG and partner conservation organizations (\$10,000 RVCOG annual share). Total funding = \$100,000	Cost -- \$0 Role -- Stakeholder

CITY OF TALENT

Activities	Contractual Information	Member Cost and Role
<p>Bear Creek TMDL Implementation Assistance Provided TMDL planning and implementation assistance. Worked with City and other partners to develop grant applications for Restoration and Program Implementation.</p>	<p>Talent contracts annually with RVCOG for TMDL Implementation. Total funding = \$30,000</p>	<p>Cost -- \$3,987.06 Role -- Client, partner, partial funder</p>
<p>Salmon Watch Conducted Salmon Watch classes in the fall of 2014 and spring 2015 with the Bear Creek Watershed Education Partners, OSU Extension, and local schools. Classes were conducted at streams with students from Ashland, Talent, Central Point, and Ashland. An additional class was conducted at the Jackson Soil and Water Conservation Districts Summer Field Camp. The program reached approximately 600 children.</p>	<p>SWCD Grant and supported by Stormwater Programs from RVSS, Medford, and Ashland plus match from Partners. Total Funding = \$22,000.00</p>	<p>Cost -- \$860.00 from Stormwater Program Role -- Partial funder</p>
<p>CMAQ Air Quality Funding Coordinated a project to develop a Clean Air Campaign for the RVMPO. The campaign is working with a steering committee to develop program materials. Key elements include a campaign logo, website, and a bus wrap on an RVTD interactive bus. The project website can be viewed at http://www.roguevalleycleanair.org/.</p>	<p>IGA between ODOT and RVCOG.</p>	<p>Cost -- \$0 Role -- Stakeholder</p>
Senior and Disability Services		
<p>Senior Meals Program Provided 6,105 meals to homebound seniors and served 2,490 meals at the City's congregate site, for a total of 8,595 meals.</p>	<p>Federal contract with RVCOG for both counties under the Older Americans Act FY 14/15 funding: Federal = \$1,134,336 State (OPI) = \$68,760 Local = \$518,595</p>	<p>Cost -- \$0 (as in-kind, Talent provides the Senior Center site at no cost to the program) Role -- Indirect client (benefit to Talent citizens)</p>
<p>Lifelong Housing Certification Project Continued work on certification program for accessible/adaptable housing in both counties. Received and implemented State Innovation Grant for a pilot project that will demonstrate that incorporating the design features of the Lifelong Housing certification program into new and existing homes is a economically viable option for public funders, public housing developers, home builders and consumers.</p>	<p>AARP Memorandum of Understanding, State of Oregon Innovation Grant FY 14/15 funding = \$31,714</p>	<p>Cost -- \$0 Role -- Indirect client (benefit to Talent citizens)</p>
<p>Rogue Valley Aging and Disability Resource Connection (ADRC) Received 3,244 information and assistance calls and worked on 545 Options Counseling cases throughout the two-county area. As of 1/21/16, there are 457 active listings in the ADRC Resource Database.</p>	<p>Federal and state contract with RVCOG for both counties. FY 14/15 funding = \$361,231</p>	<p>Cost -- \$0 Role -- Indirect client (benefit to Talent citizens)</p>

CITY OF TALENT

Activities	Contractual Information	Member Cost and Role
<p>Medicaid Administration RVCOG administered the Medicaid Program and Services for low income seniors and adults with disabilities, including determination of financial benefits and service eligibility. Benefits and services include Oregon Health Plan (medical coverage); SNAP (food stamps); and Case Management for long term care services (in-home care, adult foster care, assisted living, residential care, and nursing facilities). A total of 12,600 individuals served in Jackson County.</p>	<p>Federal and state contract with RVCOG for both counties</p> <p>FY 14/15 pass-through to Medicaid Services = \$80.1 million</p> <p>FY 14/15 funding to RVCOG = \$90,272</p>	<p>Cost -- \$0</p> <p>Role -- Indirect client (benefit to Talent citizens)</p>
<p>Go-Stay Kit Responsible for the creation of this emergency preparedness tool to assist seniors and people with disabilities in the event of a disaster.</p>	<p>Initially federal and state contract with RVCOG, now self-supporting with book sales with private sector partner.</p>	<p>Cost -- \$0</p> <p>Role -- Indirect client (benefit to Talent citizens)</p>
<p>Developmental Disabilities Intervention and Training Assisted in stabilizing more than 2,001 adults and children in crisis; provided trainings on autism spectrum disorder, dementia in the DD population, the responsibilities of the Health Care Representative, and the Oregon Intervention System; assisted Jackson and Josephine counties in completing more than 200 support needs assessments in order to meet federal guidelines.</p>	<p>State contract with RVCOG (Developmental Disabilities Crisis Intervention, Region V)</p> <p>FY 14/15 funding to RVCOG = \$670,784</p>	<p>Cost -- \$0</p> <p>Role -- Indirect client (benefit to Talent citizens)</p>
<p>Adult Protective Services and Adult Foster Home Licensing Managed Adult Protective Services and Adult Foster Home licensing for all seniors and adults with physical disabilities. A total of 3,165 contacts made to Adult Protective Services; 168 foster homes licensed.</p>	<p>Federal and state contract with RVCOG</p> <p>FY 14/15 pass-through funding = \$1.5 million for APS and AFH licensing staff</p>	<p>Cost -- \$0</p> <p>Role -- Indirect client (benefit to Talent citizens)</p>
<p>Oregon Project Independence Provided case management and in-home services under Oregon Project Independence to assist seniors—at risk of institutional placement—who are not eligible for Medicaid long term care services remain in their own homes. 224 individuals were served in Jackson County.</p>	<p>State contract with RVCOG for both counties</p> <p>FY 14/15 funding = \$854,774</p>	<p>Cost -- \$0</p> <p>Role -- Indirect client (benefit to Talent citizens)</p>
<p>Oregon Project Independence – Pilot for Adults with Disabilities (19 – 59) Provided case management and in-home services under Oregon Project Independence to assist adults with physical disabilities —at risk of institutional placement—who are not eligible for Medicaid long term care services remain in their own homes. 30 individuals were served in Jackson County.</p>	<p>State contract with RVCOG for both counties</p> <p>FY 14/15 funding = \$98,271</p>	<p>Cost -- \$0</p> <p>Role -- Indirect client (benefit to Talent citizens)</p>

CITY OF TALENT

Activities	Contractual Information	Member Cost and Role
<p>Family Caregiver Support Provided information and assistance, one-on-one resource specialist support training and Home Repair to family caregivers who are caring for someone over 60 or for people who are over 60 and caring for children age 18 and younger. A total of 32 family caregivers served in Jackson County.</p>	<p>Federal and state contract with RVCOG FY 14/15 = \$22,010</p>	<p>Cost -- \$0 Role -- Indirect client (benefit to Talent citizens)</p>
<p>Disaster Registry Maintained the Disaster Registry for vulnerable seniors and people with disabilities to assist in disaster response and serve as the lead agency for the Vulnerable Population's Branch of the Emergency Operations Center in the event of a disaster. A total of 450 individuals were served in both counties. The Registry also lists 418 long-term care facilities and 304 child care facilities.</p>	<p>Federal and state contract with RVCOG for both counties FY 14/15 funding = \$1,845</p>	<p>Cost -- \$0 Role -- Indirect client (benefit to Talent citizens)</p>
<p>Living Well Provided Living Well workshops to help people with chronic conditions, chronic pain and Diabetes to better manage their conditions. A total of 266 participants attended 30 workshops and 18 leaders were trained in the two-county area. New leaders completed training in Diabetes, Diabetes-Spanish, Pain Cross Training and Update Pain Training as well as one Master Trainer program.</p>	<p>Federal and state contract with RVCOG for both counties FY 14/15 funding = \$95,612</p>	<p>Cost -- \$0 Role -- Indirect client (benefit to Talent citizens)</p>
<p>Guardianship Provided Public Guardianship service to highly vulnerable seniors in Jackson County through a contract with the Center for Non-Profit Legal Services. A total of 10 individuals were served in Jackson County.</p>	<p>Federal and state contract with RVCOG for both counties FY 14/15 funding = \$10,338</p>	<p>Cost -- \$0 Role -- Indirect client (benefit to Talent citizens)</p>

ROGUE VALLEY COUNCIL OF GOVERNMENTS
ESTABLISHED IN 1968

TO SERVE THE COMMUNITIES OF JACKSON AND
JOSEPHINE COUNTIES

JACKSON COUNTY · JOSEPHINE COUNTY · CITY
OF ASHLAND · TOWN OF BUTTE FALLS · CITY OF
CAVE JUNCTION · CITY OF CENTRAL POINT ·
CITY OF EAGLE POINT · CITY OF GOLD HILL ·
CITY OF GRANTS PASS · CITY OF JACKSONVILLE
· CITY OF MEDFORD · CITY OF PHOENIX · CITY
OF ROGUE RIVER · CITY OF SHADY COVE · CITY
OF TALENT · EMERGENCY COMMUNICATIONS
OF SOUTHERN OREGON · JACKSON SOIL AND
WATER CONSERVATION DISTRICT · ROGUE
COMMUNITY COLLEGE · ROGUE VALLEY SEWER
SERVICES · ROGUE VALLEY TRANSPORTATION
DISTRICT · SOUTHERN OREGON REGIONAL
ECONOMIC DEVELOPMENT, INC. · SOUTHERN
OREGON UNIVERSITY · JACKSON COUNTY
LIBRARY DISTRICT

City Manager Performance Evaluation for Tom Corrigan

Ratings Definition as defined in the City Charter and employment contract

EXCEPTIONAL (5): Consistently exceeds expected performance criteria as defined in City Charter and Employment Contract. Provides leadership, fosters teamwork, is highly productive, innovative, responsive and generates top quality work.

EXCEEDS EXPECTATIONS (4): Consistently meets and often exceeds all relevant performance criteria as defined in City Charter and Employment Contract. Shows initiative and versatility, works collaboratively, has strong technical & interpersonal skills or has achieved significant improvement in these areas.

MEETS EXPECTATIONS (3): Meets all relevant performance criteria as defined in City Charter and Employment Contract. Seldom exceeds or falls short of desired results or objectives.

BELOW EXPECTATIONS (2): Sometimes meets the performance criteria as defined in City Charter and Employment Contract. Seldom exceeds and often falls short of desired results. Performance has declined significantly, or employee has not sustained adequate improvement, as required since the last performance review or performance

NEEDS IMPROVEMENT (1): Consistently falls short of performance criteria as defined in City Charter and Employment Contract.

1. ATTENDANCE

2. CONTRACT ADMINISTRATION

3. STAFFING, EMPLOYEE RELATIONS

4. KEEP COUNCIL ADVISED

5. COMMUNITY RELATIONS _____

6. LEADERSHIP _____

7. BUDGET & FINANCING _____

8. ESSENTIAL SERVICES _____

TOTAL SCORE _____

AVERAGE _____

Signed _____

Date _____



CITY OF TALENT • COMMUNITY DEVELOPMENT

PO Box 445, Talent, Oregon 97540
Phone: (541) 535-7401 Fax: (541) 535-7423 www.talentoregon.org

NOISE PERMIT

Pursuant to Ordinance# 523, Section 4, upon application to the Community Development, and approval from the City Council, Community Development may grant permits to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general entertainment as a part of a national, state or City event, public festivals or special events of a noncommercial nature. The decision of the City Council shall be the final decision. The broadcast or amplification shall not be audible for a distance of more than one thousand (1000) feet from the instrument, speaker, or amplifier.

In addition, the applicant must contact residents in the immediate area that may be affected by the noise and advise them in advance of any amplification (a NOTIFICATION TO SURROUNDING RESIDENTS OF INTENTION TO HOLD EVENT WITH AMPLIFIED MUSIC - form is attached for your convenience). If the amplification is too loud, the applicant should be contacted directly by the affected person. In the event the Police Department has to intervene, the permit will be voided at the time of the event and amplification shall not be allowed to continue. Please be considerate of others in your neighborhood.

By signing this application, you are agreeing to the time allotted by the Chief of Police for the amplified music to operate and take responsibility to seeing that the information on this form is followed, including notifying surrounding residents in advance of an upcoming event.

Name of Applicant: Talent Chamber / Bobby Johnson Phone: 541.646.8001

Address or e-mail of Applicant: bobby@organizealcohol.com / info@talentchamber.org

Type of Event: Vendor Fair w/ Live Music

Location of Event: Intersection Talent Ave & E Valley View

Date of Event: Sunday June 5, 2016 Time of Event: 12p - 6p

Number of People Expected: 450 Time of Amplification: From 12p to 6pm

(Amplification: No later than 9:00 p.m. Sun - Thurs and 10:00 p.m. Fri & Sat)

Table with 4 columns: FOR OFFICE USE ONLY, Date Approved By Council, City Manager Review, Talent Police Review (with signature), Noise Permit # SUP 16-003

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

The City of Talent is an Equal Opportunity Provider



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.80)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____ (signature) _____ (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 5/5/16

90-day authority: Yes No

1. Entity or individuals applying for the license: [See SECTION 1 of the Guide]

① Portal Brewing Company, LLC ② _____

2. Trade Name (dba): Portal Brewing Co. Beer Garden & Cafe

3. Business Location: 109 Talent Avenue Talent Jackson Oregon 97540
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 1509 Velia Street Medford OR 97504
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541 941 0240
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Artisan Affections Type of License: Limited Full On Premises

8. Former Business Name: _____

9. Will you have a manager? Yes No Name: Michael D. Dimon
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? City of Talent
(name of city or county)

11. Contact person for this application: Michael D. Dimon 541 941 0240
(name) (phone number(s))
1509 Velia St. Medford 97504 portalbrewing@gmail.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 4/14/16 ③ _____

② [Signature] Date 4/14/16 ④ _____

RECEIVED

Date APR 15 2016
Date _____

12 2016



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY

INITIALS: *AW*

1. Trade Name Portia Brewing Co, LLC 2. City Medford/Talent
 3. Name Delaney-Workman, Theresa Anne
 (Last) (First) (Middle)
 4. Other names used (maiden, other) _____
 5. *SSN _____ Place of Birth _____ JOB _____ 8. Sex M F
 (State or Country) (mm) (dd) (yyyy)

***SOCIAL SECURITY NUMBER DISCLOSURE:** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 658(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-006-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (6 USC§ 552(a). If you consent to these uses, please sign here:

Applicant Signature: *Theresa Delaney-Workman*

9. Driver License or State ID # _____ 10. State OR
 11. Residence Address _____
 (number and street) (city) (state) (zip code)

12. Mailing Address (if different) _____
 (number and street) (city) (state) (zip code)

13. Contact Phone _____ 14. E-Mail address (optional) _____

15. Do you have a spouse or domestic partner? Yes No
 If yes, list his/her full name: Michael D. Dimon

16. If yes to #15, will this person work at or be involved in the operation or management of the business?
 Yes No

17. List all states, other than Oregon, where you have lived during the past ten years:

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?
 Yes No Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.
 If unsure, explain. You may include the information on a separate sheet.

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony? Yes No Unsure
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name Portal Brewing Co., LLC 21. City Medford/Talent

22. Do you have any arrests or citations that have not been resolved? Yes No Unsure
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.) Yes No Unsure
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.) Yes No Unsure
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.
Portal Brewing Co., LLC (100 E. 6th St) Medford OR 97504

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?
 Yes No Unsure If yes, list the date(s), or approximate dates. If unsure; explain. You may include the information on a separate sheet.

Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27. Extension of premises

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol? N/A Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.
Oct 2012 Portal Brewing Co., LLC

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?
 N/A Yes No Unsure If yes or unsure, explain:
Portal Brewing Co., LLC 1509 Velia St. Medford 97501

Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon? N/A Yes No Unsure If yes or unsure, explain:
100 E. 6th St.

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 4/15/2016



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Portal Brewing Company, LLC Phone: 5419410240

Trade Name (dba): Portal Brewing Co. (Biergarten & cafe)

Business Location Address: 109 Talent Ave

City: Talent OR ZIP Code: 97540

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>10</u> to <u>4</u>
Monday	<u>12</u> to <u>8</u>
Tuesday	<u>12</u> to <u>8</u>
Wednesday	<u>12</u> to <u>8</u>
Thursday	<u>12</u> to <u>8</u>
Friday	<u>11</u> to <u>10</u>
Saturday	<u>11</u> to <u>10</u>

Outdoor Area Hours:

Sunday	<u>10</u> to <u>4</u>
Monday	<u>12</u> to <u>8</u>
Tuesday	<u>12</u> to <u>8</u>
Wednesday	<u>12</u> to <u>8</u>
Thursday	<u>12</u> to <u>8</u>
Friday	<u>11</u> to <u>10</u>
Saturday	<u>11</u> to <u>10</u>

The outdoor area is used for:

Food service Hours: 10am to 9pm

Alcohol service Hours: 10am to 1030pm

Enclosed, how fence

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

These hours are just for the two first months b/c we see what best work

Seasonal Variations: Yes No If yes, explain: close earlier in winter

ENTERTAINMENT

- Check all that apply:
- Live Music
 - Recorded Music
 - DJ Music
 - Dancing
 - Nude Entertainers
 - Karaoke
 - Coin-operated Games
 - Video Lottery Machines
 - Social Gaming
 - Pool Tables
 - Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

For first 2 weeks - 2 months then after we see what hours are good

Sunday	<u>10</u> to <u>4</u>
Monday	<u>11</u> to <u>8</u>
Tuesday	<u>12</u> to <u>8</u>
Wednesday	<u>12</u> to <u>8</u>
Thursday	<u>12</u> to <u>8</u>
Friday	<u>11</u> to <u>10</u>
Saturday	<u>11</u> to <u>10</u>

we will cut back to approx 35 hours

Pandora Radio / guitar, mostly end of night

SEATING COUNT

Restaurant: 31 Outdoor: 15-40

Lounge: _____ Other (explain): _____

Banquet: _____ Total Seating: 46 55

OLCC USE ONLY

Investigator Verified Seating: ___(Y)___(N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____ Date: March 31 2016

RESOLUTION NO. 16-939-R

A RESOLUTION ACCEPTING THE TRANSFER OF CERTAIN FIXED ASSETS FROM THE TALENT URBAN RENEWAL AGENCY TO THE CITY OF TALENT.

WHEREAS, the Urban Renewal Agency of the City of Talent (“Agency”) has invested its funds in projects that benefit the City of Talent (“City”), and

WHEREAS, the Agency constructs projects for the City’s benefit but does not maintain improvements other than Agency-installed landscape which is maintained by the Agency for two years after construction to protect the Agency’s capital construction investments (ref. Amendment #2 to the Operating Agreement between the Agency and the City (“Amendment #2”) and,

WHEREAS, the City has agreed to maintain the improvements made by the Agency to the City except as set forth in Amendment #2,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF TALENT RESOLVES AS FOLLOWS:

SECTION 1. The City accepts the entire project total of \$166,865 of which \$83,432 was funded by TURA for projects and improvements, known as the **Infrastructure Improvements to the Town Hall Alley**, which amount has been removed from the financial records of the Agency.

SECTION 2. The City Manager for the City is directed and authorized to add the value of \$166,865 of which \$83,432 was donated by TURA and \$83,433 was funded by the City of Talent for the project known as **Infrastructure Improvements to the Town Hall Alley**, to the City’s financial records.

SECTION 3. The effective date of the transfer of improvements shall be June 30, 2016, upon acceptance by the Talent City Council. For real property that is to be transferred, the effective date of transfer for the real property shall be the date the deed is recorded by the Jackson County Recorder’s office. No real property is included in the assets transferred by this resolution.

SECTION 4. The Agency by its resolution no. 16-18 adopted on June 1, 2016, names the City of Talent as beneficiary to any warranties, and assigns all rights, to the **Infrastructure Improvements to the Town Hall Alley** to the City.

Duly enacted by the City Council in open session this 1st day of June, 2016 by the following vote:

AYES NAYS ABSTAIN ABSENT

City Recorder and Custodian of City Records

ORDINANCE NO. 15-885-O

AN ORDINANCE REPEALING ORDINANCE 91-543 (AS AMENDED BY 92-564, 97-625, 97-627, 99-660, 03-737, 03-741, 03-745, 05-783, 13-870-O), CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC AND PROVIDING PENALTIES.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. Short Title. This ordinance may be cited as the "Talent Uniform Traffic Ordinance."

Section 2. Applicability of State Traffic Laws. Oregon Revised Statutes, chapter 153, and the Oregon Vehicle Code, ORS chapters 801 and 822, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

Section 3. Definitions. In addition to the definitions contained in the Oregon Vehicle Code, the following mean:

Bus Stop - A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

Loading Zone - A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

Person - An individual, firm, partnership, association or corporation.

Street - The terms "highway", "road", and "street" shall be considered synonymous, unless the context precludes such construction. "Street" includes alleys and both public and private streets.

Taxicab Stand - A space on the edge of a roadway designated by sign for use by taxicabs.

Traffic Control Device - Any sign, signal, marking or device placed, operated or erected by order of the Traffic Safety and Transportation Commission for the purpose of guiding directing, warning or regulating traffic.

Traffic Lane - That area of the roadway used for the movement of a single line of traffic.

Traffic Safety and Transportation Commission - Responsible authority designated to review transportation related issues and, when appropriate, determine where traffic safety measures shall be implemented on all highways, roads, streets, pedestrian trails and alleys, other than state and county highways, within the boundaries of the incorporated City limits.

Section 4. Powers of the Council.

A) Subject to state laws, the City Council hereby authorizes the Traffic Safety and Transportation Commission to be the municipal traffic authority for the City and reserves the right to override the Traffic Safety and Transportation Commission on any traffic related matter.

B) The powers of the council include, but are not limited to:

- 1) Designation of through streets.
- 2) Designation of one-way streets.
- 3) Designation of truck routes.
- 4) Designation of parking zones and parking control devices.
- 5) Designation of certain streets as bridle paths and prohibition of horses and animals on other streets.
- 6) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law.
- 7) Initiation of proceedings to change speed zones.
- 8) Revision of speed limits in parks.
- 9) Temporary blocking or closing of streets.
- 10) Establishment of bicycle lanes and paths and traffic controls for such facilities.
- 11) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
- 12) Issuance of oversize or overweight vehicle permits.
- 13) Establishment, removal or alteration of the following classes of traffic controls:
 - (a) Crosswalks, traffic calming devices, safety zone and traffic lanes.

- (b) Intersection channelization and areas where drivers of vehicles shall be prohibited from making right, left or U-turns and the times when the prohibitions apply.
- (c) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
- (d) Loading zones and temporary stops for vehicles.
- (e) Traffic control devices including stop, yield, and other traffic control signs.

C) A Traffic Safety and Transportation Commission shall be designated to act on behalf of the Council in making decisions related to the powers enumerated in Section 4 B above. In executing its responsibilities regarding traffic controls, the Commission shall apply all reasonable conditions and standards designed to enhance public safety. The Traffic Practices Handbook for Local Roads and Streets in Oregon prepared by the Oregon Department of Transportation should be used as a reference to ensure uniformity and consistency throughout the state. In addition, Commission shall be responsible for reviewing traffic safety related programs.

- 1) The Traffic Safety and Transportation Commission shall consist of five (5) voting members and a Chair, including one (1) City Council member, Public Works/City Engineer, Chief of Police, Community Development Director and no less than two (2) nor more than three (3) members from the community at large. A community members selected for an at large position shall reside within or live directly adjacent the Urban Growth Boundary of the City of Talent. The Mayor and City Council may appoint at large members who are non-residents.
- 2) The term of the voting members shall be for three (3) years, expiring on December 31st of each year. Any vacancy shall be filled by appointment by the Mayor, with confirmation by the City Council, for the unexpired portion of the term. Any member absent from four (4) or more meetings in a year shall be considered no longer active and the position vacant.
- 3) The Commission shall issue orders related to actions taken that would address any of the traffic safety issues covered in Section 4, (2) of this ordinance.
- 4) The Community Development Director shall ensure that minutes are taken of all meetings and an index of the orders of the Commission by type and date of adoption is maintained and distributed to all departments to ensure public access to these records.

- 5) The Commission may make rules and regulations for its government and procedures, consistent with the laws of the state and the City Charter and Ordinances.
- 6) In addition to traffic safety regulations the Commission shall be responsible for the following:
 - (a) To develop and coordinate traffic safety programs;
 - (b) To recommend traffic safety priorities and actions for the City;
 - (c) To coordinate common safety concerns with other commissions;
 - (d) To promote public awareness of official City traffic programs, traffic law enforcement, and traffic engineering needs;
 - (e) To promote safety education programs to the public; and
 - (f) To cooperate with the public and private school systems in promoting traffic safety education programs.

Section 5. Implementation of Regulations. The City Manager or his or her designee shall implement the ordinances, of the council, or orders of the commission by installing, maintaining, revolving and altering traffic control devices. The installation shall be based on the standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways."

Section 6. Public Danger. Under conditions constituting a danger to the public, the City Manager or his or her designee may install temporary traffic control devices.

Section 7. Standards. The regulations of the City Manager or his or her designee shall be based on:

- A) Traffic engineering principles and traffic investigations.
- B) Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
- C) Other recognized traffic control standards.

Section 8. Authority of Police and Fire District No. 5.

- A) It is the duty of police officers to enforce the provisions of this ordinance.

- B) In the event of a fire or other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

(Sections 9 and 10 reserved for expansion)

General Regulations

Section 11. Crossing Private Property. No operator of a motor vehicle shall proceed from one street to an intersecting street by crossing private property or premises open to the public. This provision does not apply to the operator of a motor vehicle who stops on the property to procure or provide goods or services.

Section 12. Unlawful Riding.

A) No operator of a motor vehicle shall permit a passenger to, and no passenger shall, ride on a motor vehicle on a street except on a portion of the vehicle designed or intended for the use of the passengers. This provision does not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

B) No person shall board or alight from a motor vehicle while the vehicle is in motion on a street.

Section 13. Skateboards.

A) No person shall ride a skateboard upon a street, nor upon any sidewalk or parking surface in the downtown area defined as:

West of Highway 99 and East of the railroad tracks from Colver Road to Rapp Road.

B) The Chief of Police and those sworn police officers acting under the command of the Chief of Police, upon probable cause that a person is in violation of Section (A) above, shall impound the skateboard, provided, however, that such impounding shall be done only as to persons who have one or more convictions for violation of Section (A) above within the twelve months.

1) First impoundment: The first time property is impounded due to violation under this ordinance, it shall be returned, after conviction of the violator and satisfaction of the terms of the sentence, to the owner, or if the person shall be acquitted of the charge, the impounded personal property shall be forthwith returned to the persons from whom it was taken for impoundment.

2) Second impoundment; additional impoundments: When property is impounded a second time, or multiple times, due to violations of this ordinance, it shall be disposed of according to the order of the court, provided that if the person shall be acquitted of the charge, the impounded personal property shall be forthwith returned to the persons from whom it was taken for impoundment.

C) No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.

Section 14. Damaging Sidewalks and Curbs.

A) The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

B) No unauthorized person shall place dirt, wood, or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C) No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization from the City and posting bond if required. A person who causes damage shall be responsible for the cost of repair.

Section 15. Removing Glass and Debris. A party to a vehicle accident or a person causing broken glass or other debris to be on a street shall remove the glass or other debris from the street.

Section 16. Storage of Motor Vehicles, Trailers, and Personal Property on Streets. No person shall store, or permit to be stored on a street or other public property, without permission of the Council, motor vehicles, recreation vehicles, boat trailers, horse trailers, storage trailers, or other similar devices, and personal property for a period in excess of seventy-two (72) hours. In order to avoid a violation of this ordinance, vehicles, or other similar devices, or personal property shall be moved no less than 1000 feet from the original location in one direction and can only be at this new location for a period not greater than seventy-two (72) hours. Failure to move vehicles, or other similar devices, or personal property shall constitute prima facie evidence of storage of a motor vehicle.

Section 17. Obstructing Streets. No person shall park or leave on a street, including an alley, parking strip, sidewalk or curb, a vehicle part, trailer, box, ware, merchandise of any description, or any other thing that impedes traffic or obstructs the view, except as is allowed by this or other ordinances of the City.

Section 18. Speed Limits in Public Parks. No person shall drive a vehicle on a street in a public park of this city at a speed exceeding 15 miles per hour unless signs erected indicate otherwise.

Section 19. Unnecessary Noise. No person shall operate a motor vehicle in the City in such manner as to create or cause excessive noise. The operation of compression brakes, commonly known as "Jacob" brakes, in a manner that creates unnecessary noise is prohibited.

(Section 20 reserved for expansion)

Parking Regulations

Section 21. Method of Parking.

- A) No person shall stand or park a motor vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.
- B) Where parking spaces are designated on a street, no person shall stand or park a vehicle other than in the indicated direction and, within a single marked space, unless the size or shape of the vehicle makes compliance impossible.
- C) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street has priority to park in that space, and no other vehicle operator shall attempt to interfere.
- D) When the operator of a vehicle discovers that the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

Section 22. Prohibited Parking or Standing. No person shall park or stand:

- A) A vehicle in violation of state motor vehicle laws or in violation of a lawfully erected parking limitation sign or marking.
- B) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 20 consecutive minutes in any two-hour period.

Section 23. Prohibited Parking. No operator shall park and no owner shall allow a vehicle to be parked on a street for the principle purpose of:

- A) Displaying the vehicle for sale.

- B) Repairing or servicing the vehicle, except repairs necessitated by an emergency.
- C) Displaying advertising from the vehicle.
- D) Selling merchandise from the vehicle, except when authorized.

Section 24. Use of Loading Zone. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. When the hours applicable to the loading zone are in effect, the loading and unloading shall not exceed the time limits posted. If no time limits are posted, than the use of the zone shall not exceed 5 minutes for loading or unloading of passengers and personal baggage and 15 minutes for loading or unloading materials.

Section 25. Passenger Loading Zone. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in a place designated as a passenger loading zone when the hours applicable to that zone are in effect.

Section 26. Standing or Parking of Buses and Taxi-cabs. The operator of a bus or taxicab shall not stop, stand, or park the vehicle on a street in a business district other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

Section 27. Restricted Use of Bus and Taxicab Stands. No person shall stop, stand, or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

Section 28. Lights on Parked Vehicles. No lights need to be displayed upon a vehicle that is parked in accordance with this ordinance on a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

Section 29. Extension of Parking Time. Where maximum parking time limits are designated by sign, the movement of a vehicle within a block shall not be interpreted to extend the time limits for parking.

Section 30. Unattended Vehicles. When a police officer finds a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

Section 31. Exemption. The provisions of this ordinance that regulate the parking, stopping, or standing of vehicles do not apply to:

- A) A vehicle of the city, county, state, or a public utility while necessarily in use for construction or repair work on a street.
- B) A vehicle owned by the United States while in use for the collection, transportation, or delivery of mail.
- C) A vehicle of a disabled person who complies with the provisions of ORS 811-610 to 811-630.

(Sections 32 to 35 reserved for expansion)

Bicycles

Section 36. Operating Rules. In addition to observing all other applicable provisions of this ordinance and state law pertaining to bicycles, a person shall:

- A) Not leave bicycles, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway, or building entrance.
- B) Not ride a bicycle on any sidewalk within the city.

Section 37. Impounding of Bicycles.

- A) No person shall leave a bicycle on private property without the consent of the owner or person in charge. Consent is implied on private business property unless bicycle parking is expressly prohibited.
- B) A bicycle left on public property for a period in excess of 24 hours may be impounded by the police department.
- C) In addition to any citation issued, a bicycle parked in violation of this ordinance, that obstructs or impedes the free flow of pedestrian or vehicular traffic or otherwise endangers the public, may be immediately impounded by the police department.
- D) If the owner of a bicycle impounded by this ordinance can be readily determined, the police shall make reasonable efforts to notify the owner.
- E) A bicycle impounded under this ordinance that remains unclaimed shall be disposed of in accordance with City and state laws.

Section 38. Bicycle Licensing Requirements.

- A) **Bicycle License Required.** No person who resides in the City shall operate a bicycle on a street or public right-of-way without a current, valid bicycle license.
- B) **Bicycle License Issuance.** The Police Chief or his authorized designee upon receipt of an application shall issue a bicycle license to a person if he finds:
 - 1) The bicycle has not been reported lost or stolen and not yet recovered; and
 - 2) The applicant provides documentary evidence of ownership of the bicycle.
- C) **Bicycle License Term.** Bicycle licenses shall be valid for as long as an owner keeps a bicycle.

(Sections 39 to 40 reserved for expansion)

Pedestrians

Section 41. Pedestrians Must Use Crosswalks. No person shall cross a street other than within a crosswalk in blocks with marked crosswalks, except where there is no marked crosswalk within 200 feet from the point of crossing.

Section 42. Right Angles. No person shall cross a street other than by a route at right angles to the curb or by the shortest route to the opposite curb, unless crossing within a crosswalk.

(Sections 43 to 45 reserved for expansion)

Parades and Processions

Section 46. Prohibited Activity. No person shall organize or participate in a parade that may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people using the public right-of-way and consisting of 100 or more persons or 10 or more vehicles.

Section 47. Parade Permit.

- A) Application for parade permit shall be made to the City Manager at least seven days prior to the intended date of the parade, unless the time is waived by him or her.
- B) Applications shall include the following information:
 - 1) The name and address of the person responsible for the proposed parade.
 - 2) The date of the proposed parade.
 - 3) The desired route, including assembling points.
 - 4) The number of persons, vehicles, and animals that will be participating in the parade.
 - 5) The proposed starting and ending time.
- C) The application shall be signed by the person designated as chairperson.
- D) The City Manager shall issue a parade permit conditioned on the applicant's written agreement to comply with the terms of the permit unless the City Manager finds that:
 - 1) The time, route, and size of the parade will unreasonably disrupt the movement of other traffic.
 - 2) The parade is of a size or nature that requires the diversion of so great a number of police to properly police the line of movement and contiguous areas that allowing the parade would deny reasonable police protection to the city.
 - 3) The parade will interfere with another parade for which a permit has already been issued.
 - 4) Information contained in the application is found to be false or a material detail is omitted.
 - 5) The applicant refuses to agree to abide by or comply with all conditions of the permit.

E) If one of more of the conditions listed in subsection (4), other than subpart (e), exists, the City Manager may impose reasonable conditions in the permit, including but not limited to:

- 1) Requiring an alternate date.
- 2) Requiring an alternate route.
- 3) Restricting the size of the parade.

F) The City Manager shall notify the applicant of the decision within three days after receipt of the application.

G) If the City Manager proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision of the Council.

Section 48. Appeal to Council.

A) An applicant may appeal the decision of the City Manager to the Council by filing a written request of appeal within 48 hours of the City Manager's decision.

B) The Council shall schedule a hearing date, which shall not be later than three days following the filing of the written appeal, and shall notify the applicant of the date and time that he or she may appear either in person or by a representative.

Section 49. Offenses Against Parade.

A) No person shall unreasonably interfere with a parade or parade participant.

B) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

Section 50. Permit Revocable. The City Manager may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

Section 51. Funeral Procession.

A) No permit is required for a funeral procession.

B) A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.

C) The procession shall be accompanied by adequate escort vehicles for traffic control.

- D) All motor vehicles in the funeral procession shall be operated with their lights on.
- E) No person shall unreasonably interfere with a funeral procession.
- F) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.
- G) Each driver in the procession shall follow the vehicle ahead as closely as is practical and safe.

Section 52. Offenses Against Funeral. No person shall operate a vehicle that is not part of a funeral procession between the vehicles comprising the procession.

(Sections 53 to 55 reserved for expansion)

Parking Citations and Owner Responsibility

Section 56. Citation on Illegally Parked Vehicle. When a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle that may identify its owner, and shall conspicuously affix to the vehicle a parking citation instructing the operator to respond to the charge or pay the penalty imposed within five days at the stated time and location.

Section 57. Failure to Comply With Parking Citation Attached to Parked Vehicle. If the operator does not respond to a parking citation affixed to a vehicle within five working days, the municipal court may send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of 10 days:

- A) The fine will be doubled; and
- B) The vehicle is subject to impoundment and may be sold if not redeemed.

Section 58. Cancellation of Parking Citation. No person shall cancel or solicit the cancellation of a parking citation in any manner, except when approved by the municipal judge.

Section 59. Owner Responsibility. The owner of a vehicle in violation of a parking restriction shall be responsible for the offense, unless the use of the vehicle was secured by the operator without the owner's consent.

Section 60. Registered Owner Presumption. In a proceeding against a vehicle owner charging a violation of a restriction on parking, proof that the vehicle was registered to the

defendant at the time of the violation shall constitute a presumption that the defendant was the owner.

(Section 61 to 65 reserved for expansion)

Impoundment and Penalties

Section 66. Impounding the Vehicle. As provided in this section, a vehicle may be removed by a police officer without prior notice and taken to a garage, parking lot, or other suitable storage place and held until the owner or an authorized agent files an application for redemption. A vehicle may be removed when:

- A) The vehicle is illegally parked on a public street in a traffic lane where parking is prohibited to designated classes of vehicles or periods of time, or at any time when the vehicles interferes with the intended use of such traffic land;
- B) The vehicle was in possession of a person taken into custody by a police officer and no other disposition of the vehicles was available; or
- C) The police officer reasonable believes the vehicle operator does not possess a valid operator's license and/or is driving uninsured, or has been arrested for driving under the influence of intoxicants.

A vehicle impounded pursuant to this section shall be held at the expense of the owner or person entitled to possession of the vehicle. Personnel, equipment, and the facilities of the City or private tow companies may be used for the removal and storage of the vehicle.

Section 67. Post Impoundment Notice. After a vehicle has been impounded pursuant to Section 66 notice shall be provided to the registered owner, if known, indicating:

- A) The location of the vehicle;
- B) That a lien has arisen on the vehicle in favor of the person who towed and is storing the vehicle;
- C) That the vehicle may be sold at public auction to satisfy the lien; and
- D) That a hearing on the validity of the impoundment may be held, if requested within five (5) calendar days of receipt of notice by the owner.

Section 68. Redemption. A vehicle which has been impounded under this ordinance may be released to the registered owner or legal owner, if different, or to the person operating the vehicle at the time of impoundment if:

- A) The owner or driver of the vehicle has paid all of the accrued towing and storage costs, unless otherwise ordered by the hearings officer; and
- B) The owner of the vehicle has paid a \$100.00 administrative fee to the City and has provided proof of insurance for the impounded vehicle and proof of registration in the owner's name if there is a violation of 1C of this Ordinance; and
- C) The police department has released its hold, if any, on the vehicle.

Section 69. Sale.

- A) If the vehicle is not redeemed within thirty (30) days, then it shall be sold in accordance with the applicable provisions relating to the sale of abandoned vehicles; or
- B) If a tow company took the vehicle into custody, it shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be a possessory chattel lien in accordance with ORS 87.142 and shall be foreclosed in the manner provided in ORS 87.152 to 87.212. If the appraised value of the vehicle is \$750.00 or less, it shall be disposed of in the manner provided in ORS 819.220.

Section 70. Hearing.

- A) The registered owner or legal owner, if different, may request a hearing within five (5) calendar days after receipt of the notice described in Section 2. The request must be made in writing to the Chief of Police. Failure to make a timely request for a hearing shall constitute a waiver of the right to a hearing.
- B) Hearing Procedures:
 - 1) When a timely request for a hearing is made, a hearing shall be held before a hearing officer.
 - 2) The hearing shall be set and conducted within seventy-two (72) hours of receipt of the request, excluding holidays, Saturdays, and Sundays. The hearing can be set for a later date if the owner wishes to contest the validity of the impoundment.
 - 3) At the hearing, the owner may contest the validity of the impoundment.
 - 4) The City shall have the burden of providing by preponderance the validity of the impoundment.

- C) Decision of the Hearings Officer. If the hearings officer finds that:
- 1) Impoundment of the vehicle was proper, the hearings officer shall:
 - (a) Enter an order supporting the removal; and
 - (b) Find that the owner of person entitled to possession is liable for any towing and storage charges resulting from the impoundment.
 - 2) Impoundment of the vehicle was improper, the hearings officer shall:
 - (a) Order the vehicle released to the owner or person entitled to possession.
 - (b) Find that the owner or person entitled to possession is not liable for any towing or storage resulting from the impoundment; and
 - (c) Order the City to satisfy the towing and storage lien.
- D) Failure to Appear at the Hearing. If the person requesting the hearing does not appear at the scheduled hearing, the hearings officer may enter an order supporting the impoundment and assessment of towing and storage costs.

Section 71. Classification of the Fee. The fees specified in Section 1 of this ordinance are classified as not subject to the limits of Section 11b of Article XI of the Oregon Constitution (Ballot Measure #5).

Section 72. Severability. The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not effect the remaining sections or subsections.

Section 73. Existing Control Devices and Markings. Parking and traffic control devices and markings installed prior to the adoption of this ordinance are lawfully authorized.

Section 74. Repeal. Ordinance No. 282, adopted September 2, 1972, and Ordinance No. 465, adopted December 18, 1985, are hereby repealed.

Section 75. Saving Clause. The repeal of any ordinance by Section 74 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Section 76. Effective Date. Under the provisions of the Charter of the City of Talent, Chapter VIII, Section 33, this Ordinance shall take effect on the thirtieth day after its enactment.

ORDINANCE NO. 15-887-O

AN ORDINANCE REPEALING ORDINANCE 91-523-O (AS AMENDED BY ORDINANCE 97-618-O & 98-658-O), AN ORDINANCE PRESCRIBING GENERAL OFFENSES - PROVIDING PENALTIES

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. Oregon Criminal Code Adopted:

A) Oregon Revised Statutes, Chapters #161, #162, #163, #164, #165, #166 and #167, except for any provisions classified as a felony under state law, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

B) The provisions of Oregon Revised Statutes, Chapter #161, relating to defenses, burden of proof, general principles of criminal liability, parties and general principles of justification apply to offenses defined and made punishable by this ordinance.

C) Except where the context clearly indicates a different meaning, definitions appearing in the general definitional and other particular sections of chapters adopted by subsection (1) above are applicable throughout this ordinance.

DISORDERLY CONDUCT AND RELATED OFFENSES

Section 2. Disorderly Conduct at Fires:

A) No person at or near a fire shall obstruct or impede fighting of the fire, interfere with fire department personnel or fire department apparatus, behave in a disorderly manner, or refuse to observe promptly an order of a member of the fire or police department.

B) For purposes of this section, members of the fire department are endowed with the same powers of arrest as are conferred on peace officers for violations of city ordinances.

Section 3. Drinking in Public Places:

No person shall drink or consume alcoholic liquor in or on a street, alley, mall, parking lot or structure, motor vehicle, public grounds or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission. Provided, however, consumption of alcohol is permitted in a park when a permit has been obtained from the council.

Section 4. Unnecessary Noise

No person shall create or assist in creating or permit the continuance of unreasonable noise in the city. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises:

- A) Keeping an animal that, by loud and frequent or continued noise, disturbs the comfort and repose of a person in the vicinity.
- B) Using an engine, thing or device, that is so loaded, out of repair or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling or other noise.
- C) Using a mechanical device operated by compressed air, steam or otherwise, unless the noise created by it is effectively muffled.
- D) Construction, excavation, demolition, alteration or repair of a building between the hours of 10:00pm and 7:00am, except by special permit granted by the city.
- E) Using or operating an automatic or electric piano, phonograph, loudspeaker or sound amplifying device so loudly that it disturbs persons in its vicinity, or in a manner that makes it a public nuisance. However, on application to the council, permits may be granted to broadcast music, news, speeches or general entertainment.

Section 5. Threshold Inquiry - Protective Search

A) Temporary Detention.

- 1) A peace officer who reasonably suspects that a person has committed a crime may stop the person and, after informing the person the peace officer is a peace officer, make a reasonable inquiry.
- 2) The detention and inquiry shall be conducted in the vicinity of the stop and for no longer than a reasonable time.

3) The inquiry shall be considered reasonable only if limited to the immediate circumstances that arouse the officer's suspicion.

B) Protective Search.

1) A peace officer may frisk a stopped person for dangerous or deadly weapons if the officer reasonably suspects that the person is armed and presently dangerous to the officer or other persons present.

2) If in the course of a frisk, the peace officer feels an object which the peace officer reasonably suspects is a dangerous or deadly weapon, the peace officer may take such action as is reasonably necessary to take possession of the weapon.

(Section 6 to 15 reserved for expansion)

Section 16. Concealed Weapons.

Except as provided in ORS 166.260 and 166.290, no person shall carry concealed on his or her person or conceal in a vehicle a revolver, pistol or other firearm, a knife other than an ordinary pocket knife; a dirk, dagger, or stiletto; metal knuckles; or any weapon that could be used to inflict injury on a person or the property of another. For the purposes of this section, an ordinary pocket knife is one with a maximum blade length of 3 ½ inches that is not a switchblade or spring-blade knife.

Section 17. Discharge of Weapons.

Except at a firing range approved by the council, no person other than a peace officer shall fire or discharge a gun, including a spring or air-activated pellet gun, air gun, BB gun, or other weapon that propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

Section 18. Fireworks.

The following sections of the Oregon Fireworks Law are adopted by reference and made a part of this ordinance:

ORS 480.110, 480.120, 480.130, 480.140(1), 480.150 and 480.170

(Sections 19 to 35 reserved for expansion)

SEXUAL AND RELATED OFFENSES

Section 36. Public Indecency:

No person shall, while in or in view of a public place, perform:

- A) An act of sexual intercourse.
- B) An act of deviate sexual intercourse.
- C) An act of exposing his genitals with the intent of arousing the sexual desire of himself or another person.
- D) An act of urination or defecation except in toilets provided for that purpose.

(Sections 37 to 40 reserved for expansion)

OFFENSES RELATING TO MINORS

Section 41. Endangering Welfare of Minor:

- A) No person shall employ a person under 18 years of age in or about a cardroom, poolroom, billiard parlor or dance hall, unless the establishment is a "recreational facility" as defined in Section 42-C.
- B) No person shall solicit, aid, or cause a person under 18 years of age to:
 - 1) Violate a law of the United States or a state, or to violate a city or county ordinance.
 - 2) Run away or conceal himself from a person or institution having lawful custody of the minor.

Section 42. Places of Amusement:

- A) No person under 18 years of age shall enter, visit or loiter in or about a public cardroom, poolroom or billiard parlor.
- B) No person operating or assisting in the operation of a public cardroom, poolroom or billiard parlor shall permit a person under 18 years of age to engage

in a game of cards, pool, billiards, dice or games of chance, for amusement or otherwise.

C) This section shall not apply to playing billiards in a recreational facility. As used in this section, "recreational facility" means an area, enclosure or room in which facilities are offered to the public to play billiards or pool for amusement only and;

- 1) Is clean, adequately supervised, adequately lighted and ventilated.
- 2) No alcoholic liquor is sold or consumed.
- 3) Where access does not require passing through a room where alcoholic liquor is sold or consumed.

Section 43. Providing Liquor to Minors:

No person shall sell, give, serve or otherwise make available any alcoholic liquor to a minor except as provided in Section 45 of this ordinance.

Section 44. Purchase or Possession of Liquor by Minor:

A) Except as provided in Section 45 of this ordinance, no minor shall attempt to purchase or acquire, or have in his or her possession alcoholic liquor.

B) For the purposes of this section, possession of alcoholic liquor includes acceptance or consumption of a bottle of such liquor, or any portion of it, or a drink of such liquor. However, this section does not prohibit a person from accepting or consuming sacramental wine as part of religious rite or service.

Section 45. Lawful Consumption of Liquor by Minor:

Nothing in this ordinance shall be construed as prohibiting a parent or other responsible Relative of a minor from giving the minor alcoholic liquor and permitting the minor to consume it within the home of the parent or other responsible relative, or at another private place not in view of the public where the parent or other responsible relative is present.

Section 46. Purchase of Property from Minors:

No person shall purchase any property or article of value from a minor, or have dealings respecting the title of property in the possession of a minor without the written consent of the parent or guardian of the minor.

(Sections 47 to 50 reserved for expansion)

OFFENSES RELATING TO ANIMALS

Section 51. Cruelty to Animals:

A) Except as otherwise authorized by law, no person shall intentionally or recklessly:

- 1) Subject any animal under human custody or control to cruel mistreatment.
- 2) Subject any animal under his or her custody or control to cruel neglect.
- 3) Kill without legal privilege any animal under the custody or control of another, or any wild bird.

B) As used in this section "animal" includes birds.

Section 52. Poisoning Animals:

No person shall put out or place poison where it is liable to be eaten by cattle, sheep, horses, hogs, dogs, or other domestic animals.

(Sections 53 to 57 reserved for expansion)

OBSTRUCTING GOVERNMENTAL ADMINISTRATION

Section 58. Police and Fire Communications:

No person shall operate any generator or electromagnetic wave or cause a disturbance of a magnitude that interferes with the proper functioning of a police or fire department radio communication system. Interference caused by equipment operated in compliance with Federal Communications Commission regulations does not violate this section.

Section 59. Deliveries to Prisoners:

No person shall deliver, by any means, intoxicating liquor, dangerous drugs or narcotic drugs, as defined by state law, to a person confined in the city detention facility or attempt to convey or deliver any article to a prisoner without the consent of the officer in charge.

(Sections 60 to 70 reserved for expansion)

SIDEWALK AND STREET OFFENSES

Section 71. Obstruction of Building Entrances:

No person shall obstruct an entrance to a building.

Section 72. Open Cellar Doors or Grates:

No owner or person in charge of property shall permit a cellar door or grate located in or on a sidewalk or public pathway to remain open unless the entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

Section 73. Obstruction of Fire Hydrants:

No owner of property adjacent to a street upon which a fire hydrant is located shall place or maintain a bush, shrub or tree or other obstruction within eight (8) feet of the fire hydrant.

Section 74. Vending Goods on Streets or Sidewalks:

No person shall use or occupy a portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry unless a license has been obtained.

(Sections 75 to 79 reserved for expansion)

MISCELLANEOUS

Section 80. Gambling:

A) Except as provided in subsection B, no person shall engage in social games or gambling within the City.

B) Gambling does not include bingo or lotto when operated by a charitable, fraternal or religious organization when no person other than the organization or player profits in any manner from the operation of the lottery and when the organization has complied with the provisions of subsection (2) of ORS 465.100.

C) For the purposes of this section "gambling", "social games", and "bingo and lotto" are defined as provided by ORS 167.117.

Section 81. Begging

No person shall accost another in a public place to solicit alms.

Section 82. Lodging

No person shall lodge in a car, outbuilding or other place not intended for that purpose without permission of the owner or person entitled to possession.

Section 83. Selling or Pledging Property of Intoxicated Persons

No person shall purchase property from a person who is in an intoxicated condition or under the influence of a narcotic drug, or advance, loan money to, or have dealings with such person respecting the title to property.

Section 84. Notices and Advertisements

A) No person shall attach or cause to be attached a placard, bill, advertisement or poster upon real or personal property, without first securing permission from the owner or person in control of the property.

B) No person shall attach a placard, bill, advertisement or poster upon any City property, to include light poles, trees, telephone poles or similar structures, at other than designated places, at any time.

C) Any person posting the above descriptive signs in any lawful manner shall be required to remove same within 24 hours after the event for which the notice was posted.

D) This section shall not be construed as an amendment to or a repeal of any City regulation of the use and location of signs.

Section 85. Hauling

No person shall haul sand, gravel, rock, wood or other substance in a vehicle or conveyance that is so constructed or in such condition as to allow the sand, gravel, rock, wood or other substance to fall on and litter public streets.

Section 86. Loitering

A person commits the crime of loitering if he:

A) Loiters in or near a school building or grounds, not having any reason or relationship involving custody or responsibility for a student; or, upon inquiry by a peace officer or school official, not having a specific, legitimate reason for being there; or

B) Loiters or prowls in a public place without apparent reason and under circumstances which warrant justifiable alarm for the safety of persons or property in the vicinity and, upon inquiry by a peace officer, refuses to identify himself and give a reasonably credible account of his presence and purposes.

(Sections 87 to 90 reserved for expansion)

GENERAL

Section 91. Offenses Outside City Limits

This ordinance applies to acts committed on property owned or leased by the City that is outside the corporate limits of the City.

Section 92. Soliciting or Confederating to Violate Ordinances

No person shall solicit, aid, employ or engage another, or confederate with another to violate a provision of any City ordinance.

Section 93. Attempt to Commit Offenses

A person who attempts to commit an offense mentioned in this ordinance or any ordinance of the City but who, for any reason, is prevented from consummating such act is guilty of an offense.

Section 94. Separate Violations

When in any City ordinance, an act is prohibited or is made or declared to be unlawful or an offense, or doing an act is required, or the failure to do an act is declared to be unlawful or an offense, each day a violation continues constitutes a separate offense.

Section 95. Penalties

Violation of a provision of this ordinance is punishable by a fine not to exceed \$500.00. However, if a violation of a provision is identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in state law.

Section 96. Nuisance Abatement

No provision in this ordinance shall preclude abatement of a nuisance as provided in the City's general nuisance ordinance.

Section 97. Severability

Invalidity of a section or part of section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 98. Application of State Statutes

Provisions of the Oregon Criminal Code of 1990, as now constituted, relating to defenses, burden of proof, general principles of criminal liability, parties, and general principles of justification apply to offenses defined and made punishable by this ordinance.

Section 99. Repeal

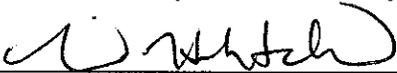
Ordinance #523, passed January 17, 1990, is hereby repealed.

Section 100. Saving Clause

Notwithstanding Section 99, ordinances repealed shall remain in force to authorize the arrest, prosecution, conviction and punishment of a person who violated the ordinances prior to the effective date of this ordinance.

Duly enacted by the City Council in open session on August 12, 2015 by the following vote:

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



Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE NO. 15-888-O

AN ORDINANCE REPEALING ORDINANCE 03-748 (AS AMENDED BY ORDINANCE 07-823 & 07-827), FOR THE DISPOSITION AND IMPOUNDING OF DISCARDED VEHICLES.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. Definitions.

As used in this ordinance, unless the context requires otherwise:

Costs: shall mean the expense of removing, storing or selling a junked vehicle.

Chief of Police: includes any authorized law enforcement officer of the City.

Discarded Vehicle: shall mean any vehicle which does not have lawfully affixed thereto a valid license plate, current registration, or is in one or more of the following conditions:

- (a) Inoperative
- (b) Wrecked
- (c) Dismantled
- (d) Partially Dismantled
- (e) Abandoned
- (f) Junked

Discarded vehicles may be deemed to include major parts thereof, including but not limited to bodies, engines, transmissions or rear ends.

Vehicle Owner: shall mean any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

Person in Charge of Property: shall mean any agent, occupant, lessee, contract purchaser, owner or person having possession, control or title of property where a vehicle is located.

Vehicle: shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Structure: As defined in 8-3B.1 of the Zoning Code

Section 2. Declaration of Public Nuisance

The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety, and general welfare. Therefore, the presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance, which may be abated in accordance with the provisions of this ordinance.

Section 3. Prohibited Action

A) Storage of a discarded vehicle upon any private property within the City of Talent is prohibited unless:

- 1) The vehicle is completely enclosed within a roofed structure or building that meets the setback requirements for its zoning district and the vehicle is not visible from the public right-of-way, or
- 2) It is in connection with a licensed business enterprise dealing in junked vehicles lawfully permitted by the Department of Motor Vehicles and conducted within the city.

Section 4. Investigation - Contents of Notice

A) It shall be the duty of the Chief of Police, whenever a discarded vehicle is found upon private property, to:

- 1) Make an investigation to discover the owner of the vehicle and the person in charge of the property upon which such vehicle is located, and give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this ordinance; and
- 2) If the owner of the vehicle is not found, to place a notice upon the subject property, windshield of the vehicle, or some other part of the vehicle where it can be easily seen.

B) The notice shall state that a certain discarded vehicle is in violation of this ordinance, and that within seven (7) days of the day of the sending or posting of the notice:

- 1) The vehicle must be removed from the city or to the storage yard of a licensed business enterprise dealing in junked vehicles, or
- 2) The vehicle must be completely enclosed within a structure or building. Fences are not acceptable.

C) The notice shall also state that the alternative to compliance with subsection B of this section is to petition the City Manager and request appearance in writing before the City Council within seven (7) days of sending or posting of the notice and show cause why such vehicle should not be immediately abated, as provided in this ordinance.

D) The notice shall also state that failure to comply with this ordinance authorizes the City to remove the vehicle and charge the cost against the property from which it was removed, and to sell the vehicle to satisfy the costs of removal and storage.

Section 5. Entry upon Private Property

A) The Chief of Police, or designee, is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the designated officer shall obtain the consent of an occupant thereof or a warrant of the municipal court authorizing his entry for the purpose of inspection, except when an emergency exists.

B) No search warrant shall be issued under the terms of this ordinance until an affidavit has been filed with the municipal court, showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this ordinance as the basis for such inspection, whether it is an inspection instituted by complaint or other specific or general information concerning the vehicle in question or the property on which it is situated.

C) It is unlawful for any person to interfere with or attempt to prevent the Chief of Police, or designee, from entering upon private premises and inspecting any vehicle when an emergency exists or the Chief exhibits a warrant authorizing entry.

Section 6. Hearing by City Council

Pursuant to a request, the City Council shall fix a time for a hearing to show cause why a vehicle should not be immediately abated. It shall receive the evidence and testimony of the Chief of Police and other interested person concerning the existence, location, and condition of the vehicle. After the hearing, the Council may authorize and order the vehicle removed by the City in accordance with the provisions of this ordinance. The Council shall make its order in the form of a resolution, which declares the vehicle to be a public nuisance. The resolution may order the removal of more than one (1) vehicle, and may consolidate the hearings, and orders relating to more than one vehicle. The persons receiving the notice specified in Section 4 shall be sent copies of the resolution of the Council. In addition, the Council may impose conditions and take such other action as it deems appropriate under the circumstances in order to carry out the purposes of this ordinance. It may delay the time for removal of said vehicle where, in its opinion, the circumstances justify it. It shall refuse to order the removal of the vehicle where the vehicle, in the opinion of the Council, is not subject to the provisions of this ordinance. The Council shall not be bound by the technical rules of evidence in the conduct of the hearing.

Section 7. Abatement by City and Appraisal

A) Seven (7) days after the giving of notice required in Section 4, or seven (7) days after adoption of a resolution declaring a vehicle to be a public nuisance, as set forth in Section 6, the City shall be deemed to have acquired jurisdiction to abate the nuisance and may remove the vehicle by use of City employees or duly authorized independent contractors. It shall be unlawful for any person to interfere with, hinder or refuse to allow such persons to enter upon private property for the purpose of removing a vehicle under the provisions of this ordinance.

B) City staff shall, in performing the appraisal, use available published data and reference material as it deems relevant and appropriate.

Section 8. Low Value Vehicle

A) If the vehicle is appraised at \$750.00 or less, the Chief of Police shall file with the Motor Vehicle Division an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled. The Chief of Police may, without notice and public auction, dispose of the vehicle and execute a certificate for sale.

B) The certificate of sale shall be on a form approved by the City Manager.

Section 9. Public Sale Notice

A) If the vehicle is appraised over \$750.00, the Chief of Police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:

- 1) The sale is of discarded property in possession of the city.
- 2) A description of the vehicle, including the type, make, license number, I.D. number, and any other information, which will aid in accurately identifying the vehicle.
- 3) The terms of the sale.
- 4) The date, time, and place of the sale.

B) The notice of sale shall be published two (2) times. The first publication shall be made not less than ten (10) days prior to the date of the proposed sale, and the second shall be made not less than three (3) days prior to the date of the proposed sale.

Section 10. Public Sale

A) If a vehicle is subject to Section 9, the Chief of Police shall hold a sale at the time and place appointed within the view of the vehicle to be sold.

B) The vehicle shall be sold to the highest and best bidder; providing that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to such costs.

C) At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser and the copy thereof filed with the City Manager of the city.

D) The certificate of sale shall be on a form provided by the City Manager.

Section 11. Redemption Before Sale

A) A vehicle impounded under the provisions of this ordinance may be redeemed by its owner or by the person in charge of the property from which the vehicle is removed before a sale or disposition has taken place by applying to the Chief of Police. The person shall:

- 1) Submit evidence of his ownership or interest in the vehicle to the Chief of Police.

2) Pay the costs due and owing at the time the application to redeem is made.

3) Give evidence that the nuisance character of the vehicle will not be allowed to be resumed.

B) Upon compliance with subsection A of this section, the Chief of Police shall execute a receipt and cause the vehicle to be returned.

Section 12. Assessment of Costs

A) After disposing of the discarded vehicle and deducting any money received from any sale of the vehicle from the costs, the City Manager shall give notice by personal service or by registered or certified mail to the person in charge of the property from which the vehicle was removed:

1) Of the unpaid costs of abatement.

2) That the costs as indicated will be assessed to and become a lien against the real property unless paid within thirty (30) days from the date of the notice.

3) That if the person in charge of the property objects to the cost of the abatement indicated, a written notice of objection may be filed with the City Manager within twenty (20) days from the date of the notice.

B) Within forty (40) days after the date of the notice of objection, objection to the proposed assessments shall be heard and determined by the Council.

C) If the costs of the abatement are not paid within thirty (30) days from the date of the notice, or within ten (10) days of a council determination made under subsection B of this section, assessment of the costs shall be made by resolution of the City Council and shall be entered in the docket of city liens, and upon such entry being made shall constitute a lien upon the real property from which the nuisance was removed or abated.

D) The lien shall be enforced in the same manner a liens for street improvements are enforced and shall bear interest at the rate of six percent (6%) per annum. Such interest shall accrue from the date of the entry of the lien in the lien docket.

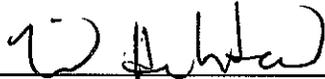
E) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.

Section 13. Effective Date

Under the provisions of the Charter of the City of Talent, Chapter VIII, Section 33, this Ordinance shall take effect on the thirtieth day after its enactment.

Duly enacted by the City Council in open session on August 12, 2015 by the following vote:

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



Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE NO. 15-893-O

AN ORDINANCE REPEALING ORDINANCE 54-103-O (AS AMENDED BY ORDINANCE 91-526-O), AN ORDINANCE REQUIRING ALL BUILDINGS WITHIN THE LIMITS OF THE CITY OF TALENT, OREGON, TO CONNECT WITH THE PUBLIC SEWER LINES.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. That all toilets and privies, within the City of Talent which are not connected either to an approved type of septic tank or to the sewer system of the city, and all cesspools, are hereby declared to be a public nuisance, and the removal of any such existing toilets and privies within a period of six months is hereby ordered.

Section 2. That all toilets within the City of Talent are hereby required to be either connected with the sewer system of the City of Talent, where possible, and if not possible then same are hereby required to be connected to and equipped with a septic tank of sufficient size and capacity to accommodate the sewage to be received by it, said septic tank to be of approved type or design.

Section 3. That it shall be the duty of the owner of any property to provide the facilities for sewage disposal, and no person, firm or corporation shall occupy any premises within the City of Talent, which premises do not have the sewage facilities as provided for in the ordinance. Each and every person, firm or corporation in possession of any such building or structure, or any part thereof, shall be held jointly and severally responsible for occupation in violation thereof.

Section 4. No person shall use or occupy a building within 300 feet of an accessible public sewer unless the building is connected with a public sewer.

Section 5. The provisions of the nuisance ordinance of the city.

Section 6. Any person, firm or corporation violating any provisions of this ordinance shall be deemed guilty of an infraction, and upon conviction, shall be punished by a fine of not to exceed \$100.00. Any such nuisances may be abated by the nuisance ordinance of the city.

Duly enacted by the City Council in open session on September 2, 2015 by the following vote:

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0



Melissa Huhtala, City Recorder and Custodian of City

ORDINANCE NO. 15-894-O

AN ORDINANCE REPEALING ORDINANCE 86-467-O (AS AMENDED BY ORDINANCE 88-485-O), AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE INSTALLATION OF WATER METERS IN MOBILE HOME PARKS; PROVIDING A PENALTY FOR VIOLATION THEREOF.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. A Master Meter shall be installed as the controlling meter, this installation will include a lockable curb stop before the inlet side of this meter.

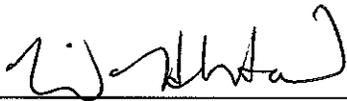
Section 2. Effective January 20, 1988, no mobile home park shall be permitted to install individual meters.

Section 3. Any violation of any term of this Ordinance is an infraction and it should be punished as set forth in the laws of the City of Talent.

Section 4. It is hereby adjudged and declared that the existing conditions are such that this Ordinance is necessary for the immediate preservation of the public health and safety of the people of the City of Talent, and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage by the Council and approval by the Mayor.

Duly enacted by the City Council in open session on September 16, 2015 by the following vote:

Ayes: 5 Nays: 0 Abstain: 0 Absent: 1



Melissa Huhtala, City Recorder and Custodian of City records

Talent Ordinance

ORDINANCE #873 A

AN ORDINANCE PROHIBITING THE UNCONTROLLED GROWTH OF NOXIOUS VEGETATION CAUSING FIRE HAZARDS AND OTHER PUBLIC NUISANCE - PROVIDING FOR ABATEMENT THEREOF AND ASSESSMENT OF THE COST THEREOF - PRESCRIBING PENALTIES FOR FAILURE TO COMPLY.

(Repeals Ordinances #272, #347, #518, #641 and #716)

The City of Talent ordains as follows:

Section 1. [Purpose] The purpose of this chapter is to reduce the risk of damage to property and persons by fire due to weeds, and to reduce hazards to public health, agriculture, recreation, and wildlife by controlling the growth of weeds and noxious vegetation. The City intends to prioritize enforcement and abatement under this chapter based upon the degree of fire risk or other hazard caused by the violation and the availability of resources.

Permitting such noxious vegetation is unreasonable in an urban area and constitutes a public nuisance. Any person who owns or has the right to control real property assumes an obligation to the rest of the community and is therefore chargeable with knowledge of the growth of vegetation on that property and has a duty to remove any nuisance which reasonable inspection would reveal.

Section 2. [Definitions] For purposes of this ordinance, the following definitions shall apply:

- (a) “Owner” shall mean and include any person with an ownership interest or with any leasehold or other possessory interest, of record or otherwise, which gives them, either alone or jointly with others, a right to occupy, possess or control real property. Any person who appears as owner on the records of the county assessor shall be presumed to be one of the owners of the property; but such presumption may be rebutted.
- (b) “Person” means any natural person, partnership or corporation.
- (c) “Occupant” means any person in lawful possession, or with a lawful right to store or keep personal property on any real property; or, in case of corporate ownership, that officer, employee or agent of a corporate owner having the authority or duty to control or operate the property on behalf of the corporation.
- (d) “Noxious Vegetation” includes, at any time:
 - (1) Weeds or Grass more than 10 inches high;
 - (2) Poison oak or Poison ivy;
 - (3) Blackberry bushes that extend into a public thoroughfare or across a property line;

- (4) All other vegetation listed on the noxious weed list promulgated by the Oregon Department of Agriculture's Plant Division;
- (5) Vegetation that is:
 - (i) A health hazard;
 - (ii) A fire hazard, as determined by the chief of the fire department, the director of public works or any other City official;
 - (iii) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
- (e) "Summer Season" is between May 15 and September 30 of any year, or the end of fire season as declared by the Oregon Department of Forestry, whichever is later;
- (f) "Fire hazard" is determined by Jackson County Fire District #5 when quality, condition, and/or location of vegetation creates a risk of fire.

Section 3. [Weeds and Noxious Vegetation Declared Nuisance]

- (a) It shall be unlawful and a public nuisance for any owner(s) or occupant(s) of real property in Talent to allow noxious vegetation over the height of ten inches (10 in.), to remain upon such real property, or within the right-of-way or a public thoroughfare abutting the property during the summer season, or at any other time of the year when deemed a fire, health or traffic hazard.

Section 4. [Exemptions to Nuisance]

- (a) The term "weed" does not include vegetation that constitutes an agricultural crop or decorative residential landscaping, unless that vegetation is a fire, health, or traffic hazard.
- (b) It shall not be a violation of this chapter for property owners to maintain wetland or upland native vegetation in its natural state either on their property or in common areas when required to do so pursuant to the requirements of state law, city ordinance or land use approval. Nothing herein prohibits a property owner from preserving native vegetation in its natural state in excess of the requirements of state law or city ordinance, provided the owner prepares and implements a management plan for maintenance of the natural area and said plan is approved and on file with the community development department.

Section 5. [Responsibility of Owner(s) and/or Occupant(s)]

- (a) The owner(s) and/or occupant(s) of any lot or parcel of land within the limits of the City of Talent shall cut and/or remove weeds growing thereon, and on adjacent and abutting rights-of-way throughout the summer season. It shall be the duty of an owner(s) and/or occupant(s) to continue to cut and remove the weeds throughout the summer season, or any other time of year when deemed a fire, health, or traffic hazard.
- (b) The owner(s) and/or occupant(s) of any lot or parcel of land within the limits of the City of Talent shall not permit noxious vegetation to grow upon their property and on adjacent and abutting rights-of-way. It shall be the duty of an owner(s) and/or

occupant(s) to cut down or to destroy and remove all noxious vegetation as often as needed to prevent it from becoming a fire, health or traffic hazard, from becoming unsightly, or maturing, spreading, and going to seed.

Section 6. [Notice of Violation]

- (a) During the summer season of each year the City may cause to be published in a newspaper of general circulation in the city a notice to all owners and occupants in charge of property of the duty to keep their property free from weeds and noxious vegetation. The notice shall state that it is unlawful and a public nuisance for any owner or occupant of real property in Talent to allow noxious vegetation over the height of ten inches (10 in.), to remain upon such real property, or within the right-of-way or a public thoroughfare abutting the property after summer season, as defined in Section 2. The notice shall also state the following:
 - (1) to comply prior to the beginning of summer season as determined by Section 2 of this chapter. The notice shall further inform the owners and/or occupants that, if the condition is not corrected prior to the summer season, the owner(s) and occupant(s) may be cited for violation in accordance with Section 7; and that the City may, at its discretion, in lieu thereof or in addition thereto, proceed to remove the unlawful condition and thereafter charge the owner(s) with the reasonable cost of such removal in accordance with Section 8.

- (b) In lieu of a published notice, the City Manager or designee may choose to send notice to the owner(s) and/or occupant(s) of the violating property by first class mail, at the address identified in records of the county assessor of Jackson County, Oregon or those of the City of Talent's utility billing system. The notice:
 - (1) shall be directed to the owner(s) and/or occupant(s);
 - (2) shall refer to the premises involved with convenient certainty, the street address(s), if any, and the map and tax lot number;
 - (3) shall notify the owner(s) and/or occupant(s) of the violation of this ordinance; and
 - (4) shall inform the owner(s) and/or occupant(s) that, if the condition is not corrected within ten (10) days from the service thereof, the owner(s) and/or occupant(s) may be prosecuted for violation in accordance with Section 7; and that the City may, at its discretion, in lieu thereof or in addition thereto, proceed to remove the unlawful condition and thereafter charge the owner with the reasonable cost of such removal in accordance with Section 8.

Section 7. [Issuance of Citation and Abatement]

- (a) If the condition is not corrected once summer season begins, the City Manager or designee may proceed as follows:
 - (1) direct the Chief of Police to issue a citation to owner(s) or occupant(s) in accordance with Section 8.

- (2) determine it to be necessary to abate the nuisance by removing the weeds and/or noxious vegetation from the property and assess a fee in accordance with Section 6.

Section 8. [Notice and Recovery of Cost] Notice of abatement shall be served upon such owner(s) and/or occupant(s) in person if found upon said premises or within the City, and in case said owner(s) and/or occupant(s) cannot be found in person within the City after reasonable diligence and inquiry, such notice shall be posted in a conspicuous place upon said premises, and a copy thereof mailed to the last known address of such owner or occupant, and if at the end of ten (10) days from the giving of such notice, such owner(s) and/or occupant(s), has failed and neglected to cut and remove such vegetation, the City Manager shall cause the same to be done and shall prepare an itemized statement of the expenditure, and the City Recorder shall cause notice to be served upon the owner(s) in the manner hereinbefore described. Such statement will be filed with the code enforcement case and a lien declared upon the property involved in the same manner and with the same effect that street improvement liens and sewer liens are entered, and said lien shall have the same force and effect as such street improvement and sewer liens, and shall be certified to the county assessor in the same manner.

An additional administrative fee in the amount of \$100.00 will be added to each abated property. Owners having more than one (1) property in violation will be charged \$100.00 for the first abated property and \$50.00 for each additional property abated thereafter.

Section 9. [Search and Inspection] If it is necessary to go upon property for inspection thereof, hereunder, and if access is specifically denied by the owner(s) or occupant(s) in lawful control of the property, application shall be made by the Talent Chief of Police for a search warrant.

Section 10. [Penalty] A person violating a provision of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed the sum of \$100.00 per property.

Section 11. [Repealing Previous Ordinances] Ordinance #272, #347, #518, #641 and #716 are hereby repealed and this ordinance is enacted in replacement thereof.

This Ordinance shall become effective immediately of its adoption by the City Council.

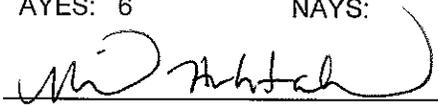
Duly Repealed by the City Council in open session on June 18, 2014.

AYES: 6

NAYS: 0

ABSTAIN: 0

ABSENT: 0



Melissa Huhtala, City Recorder and Custodian of City Records