City of Talent

Planning Commission

Public Meeting

Thursday, September 25, 2014 – 6:30 PM

Talent Community Center, 206 East Main Street

AGENDA

The Planning Commission of the City of Talent will meet on Thursday, September 25, 2014 at 6:30 P.M. in the Talent Community Center, 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 Planning Commission 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.

I. Call to Order/Roll Call;

II. Brief Announcements;

III. Consideration of minutes from the August 28, 2014 Planning Commission meetings;

IV. Public Comments on Non-Agenda Items;

Action Item(s):

V. **Public Hearing (Appeal)** (quasi-judicial) **Appeal of an Administrative Decision for a Site Development Plan** allowing *the construction of a new fitness building located at 5921 S. Pacific Hwy, Talent, Oregon and legally described as Township 38 South, Range 1 West, Section 23B, Tax Lot 1800.* ***File: SPR 2014-002****. Decisions are based on the approval criteria found in Zoning Ordinance 8-3L.1. The property is zoned CBH (Central Business District Highway).* ***Applicant: Tom Bradley.***

Background.....Administratively approved on August 5, 2014.
Attachments.....Staff report and related materials submitted by applicant
Action .....Vote to approve, approve with conditions, or deny
Suggested Time: 30 minutes

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.

The City of Talent is an Equal Opportunity Provider

VI. **Public Hearing** (Legislative) **DCA 2014-001**. Consideration of amendments to the Talent Zoning Code, Title 8, Chapter 3, Division D & F and Title 8, Chapter 3, Division L, Article 2, whereas the Planning Commission will review and make recommendations to the Talent City Council.
Applicant: City of Talent

Other Items:

VII. Next Meeting; October 23, 2014;

VIII. Adjournment

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.

The City of Talent is an Equal Opportunity Provider

TALENT PLANNING COMMISSION
REGULAR COMMISSION MEETING MINUTES
TALENT COMMUNITY CENTER
August 28, 2014

Study Session and Regular Commission meetings are being digitally recorded and will be available on the City website: www.cityoftalent.org

The Planning Commission of the City of Talent will meet on Thursday, August 28, 2014 in a regular session at 6:30 P.M. in the Talent Community Center, 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 Planning Commission 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 COMMISSION MEETING- 6:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the Minute Taker. 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 Planning Commission.

I. Call to Order/Roll Call 6:30 P.M.

Members Present:
Chair Wise
Commissioner Abshire
Commissioner Hazel
Commissioner Schweitzer

Members Absent
Commissioner Heesacker

Also Present:
Don Steyskal, City Councilor
Zac Moody, Community Development Director
Betsy Manuel, Minute-Taker

II. Brief Announcements

There were none.

III. Consideration of Minutes from June 26, 2014 Commission Meeting.

Motion : *Commissioner Abshire moved to approve the Minutes of June, 26, 2014 as presented. Commissioner Hazel seconded and the motion carried*.

IV. Public Comments on Non-Agenda Items.

There were none.

V. Planning Commission Work Session

Moody noted that the work session was a continuation of a review of proposed code amendments. He stated that the work session would be followed on September 25, 2014 by a Public Hearing. Moody explained that he sent notices to all pertinent commercial and industrial properties, as the law requires. He reiterated that the City Council would hold its own Public Hearing on the code amendments on the 15th of October. Once approved, implementation would be completed by year end.

Moody highlighted organizational changes to the Code, noting improved efficiencies. Moody highlighted landscaping requirements as an example, stating that changes to landscaping requirements would be implemented in one section rather than under each zone, as it is currently.

Moody summarized the changes – noting that sections would re-organized and re-numbered, and new uses would be added. He also noted changes to the Site Plan Review process and Conditional Use process.

Wise noted that even with the proposed changes, there would still be areas of the code that contain remnants of the old complicated number and letter system. He asked whether further simplification would be feasible. Moody replied that future code amendments would continue the streamlining process.

Moody introduced changes to the Neighborhood Commercial Zone, (NC) noting that retail stores were permitted, but that medical or recreational marijuana establishments would be excluded. He stated that the close proximity of residential areas precluded such establishments. He noted that medical laboratories would also be excluded from this zone.

There followed a brief discussion about the function of laboratories. Wise differentiated between functions where research and analysis was the end goal, versus a doctor's clinic who run tests onsite for a quick diagnosis. He stated that the definition of a laboratory was a facility that performed experimental work.

Moody reviewed the addition of breweries, distilleries, and wineries to the CBD, explaining that the Code contained conflicting language that might or might not permit such establishments. He stated that manufacturing of any kind was prohibited in the zone. He suggested criteria to limit the size of such establishments (6000 square ft. or smaller), and require that a tasting room or a pub would serve as the primary purpose. Moody noted that approval for such establishments would entail a conditional use process. Wise stated that in his opinion eating and drinking should be the primary purpose – not the manufacturing of product. Moody clarified that eating and drinking establishments were permitted outright, while breweries, wineries and distilleries would be permitted through a conditional use process.

Moody reviewed the Highway Commercial Zone (HC), stating that marijuana retail outlets were permitted in the zone through the conditional use process. He noted that breweries, wineries and distilleries would be permitted in the zone, but tasting rooms or pubs would be optional.

Moody stated that current rules for the Light Industrial Zone (LI) allows for product manufacture but sales on site are prohibited. He noted that until a new zone is created that would allow the two uses together, the Light Industrial Zone would be a catch-all for manufacturing.

In response to a question by Commissioner Schweitzer, Moody stated that a retail component could be added to the existing LI. Schweitzer advocated for changing the existing zone to

include a retail component as long as the retail activity remained incidental to the use. As an example, she cited Sawyer Paddles and Oars in Talent, stating that the company produces boat paddles, but cannot sell seconds, at the production site. Moody suggested the creation of a Light Industrial Commercial Zone for clarity of purpose, noting that until a new zone had been created and approved, incidental retail uses might be permitted through the conditional use process.

Chair Wise questioned the exclusion of medical or recreational marijuana production in the Light Industrial Zone. Wise also asked about the exclusion of fish and meat production. Moody replied that the existing Code prohibits fish and meat processing, most likely because of noxious fumes. He agreed to look at the language to see if more flexibility could be added so that some products containing meat or fish, such as frozen foods could be processed. It was agreed that compounding of medical or recreational marijuana would be permitted in the LI zone.

Moody confirmed that the amended code would include language that Site Plan Reviews would be mandatory for all amendments to a site that are larger than 1000 square feet or 10%: whichever is less. He stated that Planning Commission oversight for substantial amendments was appropriate.

Moody stated that other changes to the Code were designed to better manage or eliminate paperwork –to move forward with digital archives. The number of required maps to be submitted for a site plan review was reduced and folding instructions have been added. Additional changes included a requirement for a final map detailing the completed project. Lastly, completion of a project was extended to 3 years.

Moody highlighted the Conditional Use Permit standards for Medical and Recreational Marijuana. He noted discussion with the City Council regarding buffer zones between residential properties. It was agreed that the buffers that would work for Talent are 100 ft. from residential areas, 750 ft. from parks, and 1000 ft. from schools. Moody presented a map representing the areas where the facilities could be located, noting that dispensaries would be located in the Highway Commercial Zone. Commissioner Abshire asked about areas of County land along the highway, noting the possibility that additional dispensaries could be located there. Moody responded, stating that the County currently has a moratorium for the use, but Talent's long term plans include annexing the County lands in the Highway Commercial area.

There followed further discussion about the proposed buffer zones and placement along the south side of the highway. Commissioner Schweitzer suggested permitting more facilities rather than less, noting that the tax revenue generated would be advantageous to Talent. Discussion centered on the pros and cons of smaller buffer zones, the limited geography of Talent, and the possibility of market saturation. Commissioner Hazel expressed reservations about creating a "red light" district for marijuana purveyors. Moody noted the potential consequence of creating non-conforming uses given the unproven nature of the laws governing medical (and/or) recreational marijuana use in Oregon.

Other proposed criteria, reviewed by the Commission, included a no-smoking provision, an annual permit renewal, operating hours, background checks, banning minor's from the facilities and other provisions. Wise supported limiting the dispensaries to business hours only to minimize disruption. Schweitzer noted that the location of dispensaries along the Highway 99 corridor, should provide a counterbalance to any disruption. It was agreed that the retail

component should be limited to traditional business hours. Rules for prohibiting felons from owning or selling product were discussed. It was agreed that the conditional use process would assist in controlling possible criminal elements. Commissioner Hazel asked a food handlers permit for those who are bagging product.

Moody proposed a requirement that financial data must be subject to audit. He stated that this provision was an advance directive for recreational marijuana should the business become subject to taxation.

Moody noted that beekeeping would be permitted in lots over 8000 square feet but would further evaluate the use on smaller lots. He stated that Talent was a Bee City and that he would ensure that the code agreed with best practices for beekeeping.

Other topics of discussion included the location of automotive service stations in the Central Business Highway, the distinction between mobile and manufactured homes, and changes to the standards for Bed & Breakfast (B & B) establishments. Commissioner Abshire noted that restrictions in the Code limits B & B's to 4 bedrooms only. He stated that B & B establishments were not economically viable unless the threshold was 6 rooms or more. Moody noted that B & B's were not a permitted use in the residential zones. He detailed hurdles that restrict the use in residential zones, such as parking constraints. It was agreed that the limitation of 4 rooms only would be stricken from the Code. The requirement that the establishment be owner occupied was discussed. Finally, there was consensus that all types of "guest lodging" should be type 3 conditional uses in the Central Business District and the Highway Commercial Business zone. Moody cautioned that a distinction should be made between motels and hotels that are subject to site plan review (type 2) only, instead of conditional use (type 3). He agreed to review and adjust the language in the Code accordingly.

VI. Next Meeting

Moody noted that the next regularly scheduled meeting on 25 September, would be a Public Hearing. He stated that any issues with the code amendments could be discussed prior to that date.

VII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:15 PM**.**

Submitted by: _____ Date:_____

Attest:

_____ _____

Zac Moody, Community Development Director Chair Wise

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City of Talent

Community Development Department - Planning

STAFF REPORT and **PROPOSED FINAL ORDER**

Type-4 Land Use Application — Legislative Review — Planning Commission

Meeting date: September 25, 2014
File no: DCA 2014-001
Prepared by: Zac Moody, Community Development Director
Item: Adoptions of regulations relating to Conditional Uses and Use Zones.

GENERAL INFORMATION

Petitioner ..... City of Talent

Requested Action ..... Amendments to the City of Talent's Zoning Code, Title 8, Chapter 3, Division L, Article 2 allowing the addition of Conditional Use criteria for uses outline as such in Title 8, Chapter 3, Division D & F as well as the amendment of Title 8, Chapter 3, Division D & F adding and removing allowed uses in each zoning district.

Amended Codes ..... Title 8, Chapter 3, Division D, Article 1-4
..... Title 8, Chapter 3, Division F, Article 1
..... Title 8, Chapter 3, Division L, Article 2

PROPOSAL

Staff has been asked by the Council to prepare amendments to the Talent Zoning Code related to the establishment of Medical Marijuana Facilities and the keeping of Bees in residential zones.

AGENCY COMMENTS

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

PUBLIC COMMENTS

Although no written comment was received, staff did receive approximately 15-20 calls inquiring about the Measure 56 notice they received. Most simply wanted to know what amendments were being considered that would affect the value of their property.

BACKGROUND

The last major amendment to the Talent Zoning Code was in 2006. Since that time there have been many requests to interpret whether different uses in the City's commercial zones are allowed. The existing code allows for some interpretation for similar type uses by the Planning Commission, but fails to provide a process for obtaining that interpretation. Staff has reviewed notes from the past two Planning Directors, has added new uses at the direction of the Council and incorporated requests from the public. The following are proposed additions to uses in commercial zones:

- **Neighborhood Commercial:** None. However, medical marijuana facilities have been excluded.
- **Central Business District:** Brewery, distillery, and winery. Medical marijuana facilities have been excluded.
- **Central Business District Highway:** Retail Sales of Medical/Recreational Marijuana (CUP), brewery, distillery, and winery (CUP).
- **Highway Commercial:** Retail Sales of Medical/Recreational Marijuana (CUP), brewery, distillery, winery (CUP).
- **Interchange Commercial:** None
- **Light Industrial:** Brewery, distillery, winery (with or without pub), and compounding of medical marijuana. (both are noticed decisions).

Over the course of the past few months, there have been several requests to open breweries and distilleries. Staff feels that there are zones that this would be allowed, but the use is not specifically listed and creates some question to the validity of the use. By adding the use in an appropriate zone, it eliminates the need for interpretation and there is no longer a need for making a discretionary determination of the use. As stated above, a Conditional Use Permit would be required for breweries, distilleries and wineries and the language in the use section limits the size of these uses to a maximum square footage in the Central Business District.

In March, the City Council enacted a moratorium on the establishment of Medical Marijuana Facilities. This was done to provide Staff the necessary time to prepare language that provides appropriate locations for this type of use as well as a set of standards and criteria these uses must maintain. Over the course of the past two months, Staff has multiple work sessions with both the Planning Commission and City Council to obtain consensus on these standards. Specifically, staff presented maps with various buffer options. After much discussion, both the Planning Commission and Council requested staff prepare language that required buffers for both residential and park areas. With the guidance of both the Planning Commission and Council, staff has included language that excludes medical marijuana facilities, including retail sales and sales by wholesalers, producers or processors within 100 feet of a residential zone or mixed use structure and 750 feet of a public or private park.

During discussions with both the Planning Commission and Council there was a desire to exclude medical marijuana facilities from operation within 100 feet of a mixed use buildings.

This language has also been added to the standards and criteria in the proposed amendments to Conditional Use Review.

Conditional uses are uses that are permitted in the zone, but require additional standards or criteria to ensure the proper integration into the community. The current Conditional Use section of the zoning code has two sections that provide criteria for the Planning Commission to consider. The first set of criteria requires the Planning Commission to make a finding for each of the criteria regardless if it is applicable. The second set of criteria was established to allow the Planning Commission to use some discretion and add necessary conditions of approval. While this is acceptable, it is not the best route for providing consistency.

Considering that, a new proposed section has been added that provides specific conditions for nearly all of the conditional uses. This structure ensures that each time a conditional use is requested, the same standards and criteria are applied. Specific standards and criteria also provide the City with a means of modifying a standard or criteria for a specific use should it decide in the future the standards as proposed do not work in the manner they were intended.

There are some conditional uses in the proposed code amendments that do not have specific standards or criteria. This was done intentionally because some of the uses are either governed by State law or are a less intense use that does not require specific standards. There are also conditional use standards that have been previously approved, but were not in the conditional use section. These include standards for temporary medical hardships and drive-thru facilities which were either in another section of the zoning code or were recently adopted never included in a code update.

The final significant change to the conditional use section is the addition of retail sales of medical and recreation marijuana facilities as well as the keeping of more than two colonies of bees. Much of the language for the retail sales marijuana was developed using language from other jurisdictions, but was tailored to the City of Talent. It should also be noted that some of the language for the retail sales of marijuana was developed to provide standards and criteria for recreational sales should it be legalized. Should it not be legalized, the recreational use of marijuana would be illegal under state law and therefore illegal in the City.

Recently, the City of Talent became a Bee City USA and as such will be encouraging the keeping of bees on residential parcels within the City. To ensure that beekeeping will not become a nuisance to neighboring properties and to ensure the public review process is maintained, new standards and criteria have been proposed for the keeping of more than two colonies of bees (conditional use to keep more than two colonies). Similar to that of the retail sales of marijuana, much of the bee keeping language was developed using language from two other jurisdictions because of the similarities in language.

RECOMMENDATION

Based on the findings for the proposed amendments outlined in the Proposed Final Order, staff recommends approval of the amendments.

ATTACHMENTS

The following information was submitted regarding this application:

- Proposed Final Order – Exhibit A
- Proposed Amendments – Exhibit B
- Proposed Ordinance – Exhibit C

Zac Moody, Community Development Director

September 18, 2014
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 Planning Commission on September 25, 2014 at 6:30 PM at the Community Center.

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 2014-001, AMENDMENTS TO THE TALENT ZONING CODE, TITLE 8, CHAPTER 3 DIVISION D & F AND TITLE 8, CHAPTER 3, DIVISION L, ARTICLE 2, THE CITY OF TALENT PLANNING COMMISSION FINDS THE FOLLOWING:	))))	ORDER

1. The Planning Commission held a properly noticed public hearing on this matter on September 25, 2014;

2. The City properly notified effected property owners that land use regulations were being proposed that may affect the permissible uses of their property and other properties through a Measure 56 notice;

3. The Planning Commission requested that the Community Development Director present a staff report and a proposed final order with code language, findings and recommendations;

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 the Talent Planning Commission recommends approval of the amendments to the Talent Zoning Code, Title 8, Chapter 3, Division D & F and Title 8, Chapter 3, Division L, Article 2 as proposed in Exhibit A and based on the information presented in the staff report and the following findings of fact:

In the following, any text quoted directly from City 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: The proposal does not include changes to the Comprehensive Plan and is therefore not applicable. 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 Department of Land Conservation and Development (DLCD), which has exclusive oversight of code amendments to insure compatibility with State Goals and Statues. At the present time, no responses from either DLCD or any other public agencies have occurred. **The provisions of this section have been met.**

3. Any applicable intergovernmental agreements; and

FINDING: No intergovernmental agreements were found to be applicable to the proposed ordinance amendment. **The provisions of this section have been met.**

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: Considering the scope of the proposed changes are limited to allowed uses in the zone and the establishment of criteria for conditional uses, there is only one applicable Comprehensive Plan policy that needs to be addressed. The policy is listed below followed by findings detailing adherence.

Element E: Economy – Policy 2 Family Wage Jobs

Objective: Increase the number of family wage jobs in the City of Talent

IMPLMENTATION STRATEGIES

2. Encourage business incubators that support people who have been left out of traditional business development loan/access to credit programs.

The addition of breweries, wineries, and distilleries encourages redevelopment of the commercial area and has the potential to serve as a catalyst for the development of a type of business that can grow with the local residents. Small breweries and wineries often times lead to larger future businesses that create a draw from other communities. **The provisions of this section have been met.**

_____

Daniel Wise
Chairperson

ATTEST

_____

Zac Moody
Community Development Director

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. Other uses similar to those listed above, where permitted by the Planning Commission after written application.

G. 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 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. Temporary Medical Hardship, subject to the supplemental provisions of 8-3L.246.

C. Buildings over two and one half (2½) stories or thirty (30) feet in height, whichever is the lesser.

D. 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.162 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.

8-3D.164 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.170 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with 8-3J.3 and may be required in conformance with Section 190, below. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted and in conformance with 8-3J.7.

8-3D.180 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.

8-3D.190 OTHER

For uses specifically not permitted and requirements regarding building or structural height limitations, parking, trees, solar access, street improvements, home occupations, etc., see the General Provisions, Article 8-3J.1, and the other Articles of this Chapter.

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. Other uses similar to those listed above, where permitted by the Planning Commission after written application.

G. 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 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~~Temporary Medical Hardship, subject to the supplemental provisions of 8-3L.~~250~~246.

C. Buildings over two and one half (2½) stories or thirty (30) feet in height, whichever is the lesser.

D. 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.162 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.

8-3D.164 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.170 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with 8-3J.3 and may be required in conformance with Section 190, below. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted and in conformance with 8-3J.7.

8-3D.180 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.

8-3D.190 OTHER

For uses specifically not permitted and requirements regarding building or structural height limitations, parking, trees, solar access, street improvements, home occupations, etc., see the General Provisions, Article 8-3J.1, and the other Articles of this Chapter.

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. 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.

I. Uses and structures customarily incidental to the above uses.

J. 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. 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.

E. Temporary uses.

F. Pump stations and water reservoirs.

G. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBD zone.

8-3D.260 DENSITY AND DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area:

1. None.

B. Minimum Lot Area per Dwelling Unit:

1. 1,200 square feet.

C. Minimum Lot Width:

1. None.

D. Setbacks:

1. Front.
   a. Minimum: Zero (0) feet.
   b. Maximum: 10 feet for no more than 50 percent of the ground-floor width.
   c. Parking lots: 10 feet, which shall be landscaped to provide screening.
2. Side.
   a. Minimum: Zero (0) feet.
   b. Maximum: 10 feet for no more than 50 percent of the ground-floor width on street-facing sides; 10 feet on alley-facing sides.
   c. Parking lots: 10 feet, which shall be landscaped to provide screening.
3. Rear.
   a. Minimum: Zero (0) feet.
4. 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.
5. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be 20 feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
6. 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.

E. Maximum Building Bulk:

1. Height: 30 feet for flat-roofed structures; 35 for pitched-roofs structures.

2. Building Coverage: No restrictions other than setback, landscaping, parking or other requirements.

8-3D.270 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.272 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3, and may be required in conformance with Section 274, below. 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 with Article 8-3J.7.

8-3D.274 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 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 desire. 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 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.

8-3D.280 OTHER

For other specific requirements, refer to the following Articles of the Zoning Code:

Building coverage	8-3J.1	Parking	8-3J.5
Building height	8-3J.1	Solar Access	8-3J.8
Street Access and Improvements	8-3J.6	Landscaping	8-3J.4

[amended by Ordinance No. 776; 19 January 2005]

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. 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.

I. Uses and structures customarily incidental to the above uses.

J. 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).

~~A.~~B. Brewery, Distillery, Winery not exceeding 6,000 square feet (pub or tasting room required).

~~B.~~C. Commercial or trade schools.

~~C.~~D. 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.

~~D.~~E. Temporary uses.

~~E.~~F. Pump stations and water reservoirs.

~~F.~~G. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBD zone.

8-3D.260 DENSITY AND DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area:

1. None.

B. Minimum Lot Area per Dwelling Unit:

1. 1,200 square feet.

C. Minimum Lot Width:

1. None.

D. Setbacks:

1. Front.
   a. Minimum: Zero (0) feet.
   b. Maximum: 10 feet for no more than 50 percent of the ground-floor width.
   c. Parking lots: 10 feet, which shall be landscaped to provide screening.
2. Side.
   a. Minimum: Zero (0) feet.
   b. Maximum: 10 feet for no more than 50 percent of the ground-floor width on street-facing sides; 10 feet on alley-facing sides.
   c. Parking lots: 10 feet, which shall be landscaped to provide screening.
3. Rear.
   a. Minimum: Zero (0) feet.
4. 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.
5. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be 20 feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
6. 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.

E. Maximum Building Bulk:

1. Height: 30 feet for flat-roofed structures; 35 for pitched-roofs structures.

2. Building Coverage: No restrictions other than setback, landscaping, parking or other requirements.

8-3D.270 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.272 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3, and may be required in conformance with Section 274, below. 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 with Article 8-3J.7.

8-3D.274 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 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 desire. 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 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.

8-3D.280 OTHER

For other specific requirements, refer to the following Articles of the Zoning Code:

Building coverage	8-3J.1	Parking	8-3J.5
Building height	8-3J.1	Solar Access	8-3J.8
Street Access and Improvements	8-3J.6	Landscaping	8-3J.4

[amended by Ordinance No. 776; 19 January 2005]

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 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. Other uses similar to those listed above, where permitted by the City Planner after written application.

H. Uses customarily incidental to the above uses.

I. 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 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. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBH zone.

8-3D.360 DENSITY AND DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area:

1. None.

B. Minimum Lot Area per Dwelling Unit:

1. 1,200 square feet.

C. Minimum Lot Width:

1. None.

D. Setbacks:

1. Front.
   a. Minimum: 10 feet.
   b. Maximum: None.
   c. Parking lots: 10 feet, which shall be landscaped to provide screening.
2. Side.
   a. Minimum: Zero (0) feet; 10 feet on street-facing sides.
   b. Maximum: None.
   c. Parking lots: 10 feet, which shall be landscaped to provide screening.
3. Rear.
   a. Minimum: Zero (0) feet.
4. 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.
5. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be 10 feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
6. 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]

E. Maximum Building Bulk:

1. Height: 30 feet for flat-roofed structures; 35 for pitched-roofs structures.
2. Building Coverage: No restrictions other than setback, landscaping, parking or other requirements.

8-3D.370 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.372 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3, and may be required in conformance with Section 374, below. 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 with Article 8-3J.7.

8-3D.374 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 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 desire. 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 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 CBH zone outweighs the need for buffering.

8-3D.380 OTHER

For other specific requirements, refer to the following Articles of the Zoning Ordinance:

Building coverage	8-3J.1	Parking	8-3J.5
Building height	8-3J.1	Solar Access	8-3J.8
Street Access and Improvements	8-3J.6	Landscaping	8-3J.4

[amended by Ordinance No. 776; 19 January 2005]

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 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. Other uses similar to those listed above, where permitted by the City Planner after written application.

H. Uses customarily incidental to the above uses.

I. 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.

~~C.~~D. Brewery, Distillery, Winery not exceeding 6,000 square feet (pub or tasting room required).

~~D.~~E. Contractor offices and storage yards.

~~E.~~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 ~~and~~ or service and retail sales of medical and recreational marijuana.

~~F.~~G. Guest Lodging.

~~G.~~H. Commercial or trade schools.

~~H.~~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 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.

~~I.~~J. Drive-in, drive-up and drive-through facilities.

~~J.~~K. Temporary uses.

~~K.~~L. Pump stations and water reservoirs.

~~L.~~M. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBH zone.

8-3D.360 DENSITY AND DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area:

1. None.

B. Minimum Lot Area per Dwelling Unit:

1. 1,200 square feet.

C. Minimum Lot Width:

1. None.

D. Setbacks:

1. Front.
   a. Minimum: 10 feet.
   b. Maximum: None.
   c. Parking lots: 10 feet, which shall be landscaped to provide screening.
2. Side.
   a. Minimum: Zero (0) feet; 10 feet on street-facing sides.
   b. Maximum: None.
   c. Parking lots: 10 feet, which shall be landscaped to provide screening.
3. Rear.
   a. Minimum: Zero (0) feet.
4. 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.
5. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be 10 feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
6. 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]

E. Maximum Building Bulk:

1. Height: 30 feet for flat-roofed structures; 35 for pitched-roofs structures.
2. Building Coverage: No restrictions other than setback, landscaping, parking or other requirements.

8-3D.370 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.372 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3, and may be required in conformance with Section 374, below. 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 with Article 8-3J.7.

8-3D.374 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 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 desire. 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 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 CBH zone outweighs the need for buffering.

8-3D.380 OTHER

For other specific requirements, refer to the following Articles of the Zoning Ordinance:

Building coverage	8-3J.1	Parking	8-3J.5
Building height	8-3J.1	Solar Access	8-3J.8
Street Access and Improvements	8-3J.6	Landscaping	8-3J.4

[amended by Ordinance No. 776; 19 January 2005]

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. Other uses similar to those listed above, where permitted by the planning commission after written application.

M. 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 (2 ½) 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 p.c.action.File SUD-83-2)

R. Adult Business as defined in Article 8-3B.1 (Ord. No. 654).

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.462 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.464 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.470 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.475 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3, and may be required in conformance with Section 480, below. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted and in conformance with Article 8-3J.7.

8-3D.480 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 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.

8-3D.490 OTHER

For uses specifically not permitted and requirements regarding building or structural height limitations, parking, trees, solar access, street improvements, home occupations, etc., see the General Provisions, Article 8-3J.1, and Divisions J and L of this Chapter.

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. Other uses similar to those listed above, where permitted by the planning commission after written application.

M. 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).

~~B.~~D. Retail sales of medical or recreational marijuana.

~~C.~~E. Overnight recreation vehicle parks.

~~D.~~F. ~~Single-family dwelling constructed after the effective date of this Chapter, to be occupied as living quarters of the owner or operator of a permitted use which is located on the same lot as the dwelling.~~ Caretaker or watch person dwelling on the premises of a non-residential use.

~~E.~~G. Drive-in theater, golf driving range.

~~F.~~H. Public utility buildings and structures.

~~G.~~I. Automobile wrecking yards.

~~H.~~J. ~~Mobile home for the infirm~~Temporary Medical Hardship, subject to the supplemental provisions of Section 8-3L.~~250~~246.

~~I.~~K. Buildings over two and one-half (2 ½) stories in height or thirty (30) feet in height, whichever is the lesser.

~~J.~~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.

~~K.~~M. Manufacture of electric, electronic or optical instruments or devices, subject to the provisions and requirements of the IL zone.

~~L.~~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.

~~M.~~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.

~~N.~~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.

~~O.~~Q. Mobile Home sales business. (6-2-83 p.c.action.File SUD-83-2)

~~P.~~R. Adult Business as defined in Article 8-3B.1 (Ord. No. 654).

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.462 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.464 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.470 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.475 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3, and may be required in conformance with Section 480, below. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted and in conformance with Article 8-3J.7.

8-3D.480 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 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.

8-3D.490 OTHER

For uses specifically not permitted and requirements regarding building or structural height limitations, parking, trees, solar access, street improvements, home occupations, etc., see the General Provisions, Article 8-3J.1, and Divisions J and L of this Chapter.

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 PERMITTEDSUBJECT 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. Other uses similar to those listed above, where permitted by the Planning commission after written application.

G. 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 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. Other buildings or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the CI zone.

D. 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**

1. No rear 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.

D. **Existing residential uses.** For existing residential structures or uses, setbacks in conformance with the Residential—Single-Family—Medium-Density (RS-7) zone shall apply.

8-3D.562 LOT AREAS AND DIMENSIONS

No requirements.

8-3D.564 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.570 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.575 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3 or any amendment thereto, and may be required in conformance with Section 580 below. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted and in conformance with Article 8-3J.7.

8-3D.580 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 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.

8-3D.590 OTHER

For uses specifically not permitted and requirements regarding building or structural height limitations, parking, trees, solar access, street improvements, home occupations, etc., see the General Provisions, Article 8-3J.1, and Divisions J and L of this Chapter.

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. Other uses similar to those listed above, where permitted by the Planning commission after written application.

G. 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 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. Other buildings or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the CI zone.

D. 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**

1. No rear 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.

D. **Existing residential uses.** For existing residential structures or uses, setbacks in conformance with the Residential—Single-Family—Medium-Density (RS-7) zone shall apply.

8-3D.562 LOT AREAS AND DIMENSIONS

No requirements.

8-3D.564 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.570 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.575 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3 or any amendment thereto, and may be required in conformance with Section 580 below. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted and in conformance with Article 8-3J.7.

8-3D.580 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 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.

8-3D.590 OTHER

For uses specifically not permitted and requirements regarding building or structural height limitations, parking, trees, solar access, street improvements, home occupations, etc., see the General Provisions, Article 8-3J.1, and Divisions J and L of this Chapter.

8-3 Division F. Article 1.

LIGHT INDUSTRIAL ZONE *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 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.

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.140 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.

8-3F.150 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.

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.152 LOT AREA AND DIMENSIONS

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

8-3F.154 LOT COVERAGE RESTRICTIONS

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

8-3F.160 FENCES, WALLS AND SIGNS

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.162 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.

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

8-3F.164 LANDSCAPING AND MAINTENANCE OF GROUNDS

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 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.170 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.172 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.174 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.

8-3F.180 OTHER

For uses specifically not permitted and requirements regarding building or structural height limitations, parking, trees, solar access, street improvements, home occupations, etc., see the General Provisions, Article 8-3J.1, and the other Articles of this Chapter.

8-3 Division F. Article 1.

LIGHT INDUSTRIAL ZONE *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 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, ~~but not including~~ including the compounding of medical or recreational marijuana. Manufacturing of food products does not include the production of fish, meat or fermented foods ~~such as vinegar~~, 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.

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.140 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.

8-3F.150 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.

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.152 LOT AREA AND DIMENSIONS

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

8-3F.154 LOT COVERAGE RESTRICTIONS

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

8-3F.160 FENCES, WALLS AND SIGNS

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.162 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.

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

8-3F.164 LANDSCAPING AND MAINTENANCE OF GROUNDS

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 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.170 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.172 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.174 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.

8-3F.180 OTHER

For uses specifically not permitted and requirements regarding building or structural height limitations, parking, trees, solar access, street improvements, home occupations, etc., see the General Provisions, Article 8-3J.1, and the other Articles of this Chapter.

8-3 Division L. Article 2.

CONDITIONAL USE PERMIT

8-3L.210 DESCRIPTION AND PURPOSE

All uses permitted conditionally are declared to be in possession of such unique and special characteristics as to make questionable or impractical their being included as outright uses in any of the various zones herein defined. The purpose of the conditional use process is to determine the desirability of certain uses and to allow proper integration into the community of uses, which may be suitable only on certain conditions and at appropriate locations. The reasons for requiring special consideration may involve, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems inherent in the operation of the use, and/or the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

8-3L.215 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

A conditional use listed in this Chapter shall be permitted, altered or denied upon authorization of the Planning Commission in accordance with the standards and procedures set forth in this Article and may be subject to Site Plan Review. Relaxation of any of these standards requires a variance in accordance with 8-3L.4.

A. In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.

B. If an application is denied, the action must be based on reasons related to non-compliance with the Comprehensive Plan, incompatibility of the proposed use within the zone or to adjacent land uses, or inappropriate site location or failure to meet all applicable standards listed in this ordinance.

C. In approving a conditional use permit application, the Planning Commission shall impose any conditions which are necessary to insure compliance with the standards of the Talent Land Development Ordinance or other appropriate State, County and City standards, rules, regulations and laws and standards established by any other City resolution.

D. The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond or similar contractual arrangement of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission.

8-3L.220 RESERVED

8-3L.230 ALTERATION OF USE OR STRUCTURE PERMITTED CONDITIONALLY

In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, substantial alteration, a change in use or in lot area or " of any structure or use, which is permitted as a conditional use. "Substantial alteration" shall include, for purposes of this Article, any modification to the structure, use, or premises which will change the use, increase the intensity of operation, increase the floor area or the space devoted to the use, or which is otherwise likely to increase noise, odors, traffic, dust or other sources of potential significant impacts upon abutting properties or their occupants. Alterations, which are not "substantial" as defined herein, will be permitted without applying for a conditional use permit.

8-3L.240 APPLICATION PROCEDURE

A. **Application.** Application for a conditional use permit shall be made in writing to the Planning Commission on a form prescribed by the Commission. Application must be accompanied by a legal description of the property (a copy of the deed, title papers or recorded survey), a copy of a site development plan, and a filing fee.

B. **Site development plan.** The site development plan shall be drawn to scale and shall include all of the information required in 8-3L.140, "Site Development Plan—Required Data."

8-3L.242 PUBLIC HEARING

A public hearing shall be held before the Planning Commission on each application for a conditional use permit. Notice of the public hearing shall be provided as set forth in 8-3M.130. To grant the conditional use permit, the Planning Commission must find that the proposed use meets the conditions listed in 8-3L.244-246 of this Article. No conditional use permit granted by the Planning Commission shall become effective until after the appeal period expires.

8-3L.244 GENERAL CRITERIA FOR APPROVAL

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

A. The proposed use is consistent with the City of Talent Comprehensive Plan.

B. The proposed use is consistent with the purpose of the zoning district.

C. The proposed use and development is found to meet the required findings of 8-3L.150, "Required Findings for Approval of Plan," set forth for approval of a site development plan review.

D. The proposed use will not adversely affect the livability, value, and appropriate development of abutting properties and the surrounding area, compared to the impact of uses that are permitted outright. Testimony of owners of property located

within two hundred and fifty (250) feet of the boundaries of the property in question shall be considered in making this finding.

E. All required public facilities have adequate capacity to serve the proposal. System Development Charges will be assessed at the time a building permit is issued. Additional SDCs will be assessed for change in use that are more intense than a pre-existing use.

F. The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.

G. The City of Talent has adequate firefighting equipment to protect the structure, as verified by the Talent Fire Chief, or arrangements have been or will be made by the developer to insure that adequate equipment will be available before the occupancy of the building for any use.

8-3L.246 SPECIAL STANDARDS GOVERNING CONDITIONAL USES

Certain conditional uses shall meet the following standards:

A. Daycares and Preschools

1. At least 75 square feet of outdoor play and socializing area per child or adult shall be provided, but in no case shall the total area be less than 500 square feet.

2. If planned for children, the outdoor plan shall be adequately fenced in order to provide for their safety.

3. If the day care facility is not a residential use as provided in ORS 657A.440, the day care facility shall not be located in a single-family residence.

4. The facility shall be readily accessible for fire and other emergency vehicles.

5. The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

6. Adequate space must be provided on-site to allow for drop-off of the children or adults, preferably a circular drive. L-shaped drives and alley drop-offs may also be approved.

7. Parking areas and ingress-egress points are designed so as to facilitate traffic, bicycle, and pedestrian safety; to avoid congestion; and to minimize curb cuts on arterial and collector streets.

B. Temporary Medical Hardship

1. The mobile home will be occupied by an infirm person, or by one or more individuals engaged in caring for the infirm person, whose infirmity renders that person incapable of maintaining a residence on separate property.

2. The infirmity must be due to physical or mental impairment verified by a written statement from a medical doctor or other responsible individual or agency, which clearly indicates that the infirm person is not capable of maintaining a residence on separate property. Financial hardship, childcare and other convenience arrangements not relating to physical or mental impairment are not considered infirm conditions for which a permit can be issued.

3. The mobile home shall not be occupied until it is connected to the public sewer system.

4. The location of the mobile home will not violate the minimum yard setbacks required in the zone in which it will be located.

5. The applicant has agreed to vacate the mobile home within forty-five (45) days after the unit has ceased to be used for the purpose for which the permit was issued, and to remove the mobile home within ninety (90) days after the unit has ceased to be used for such purpose. In any event, the mobile home shall be removed from the premises by the day of the expiration of the permit unless the permit has been renewed in conformance with subsection F below.

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

C. Neighborhood Commercial

1. Located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.

2. <u>Permitted Uses.</u> Uses shall be limited to small-scale establishments that serve the neighborhood or the community that do not exceed 2,000 square feet of floor area and are located at the intersection of a designated arterial and/or collector street. Allowable uses include those allowed in the Community and Broadway Commercial Zoning Districts.

3. Outdoor Activities Prohibited. All business operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building.

4. Automobile-Oriented Uses Prohibited. Prohibited automobile-oriented uses include:

   a. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles, boats, construction equipment, and similar vehicles and equipment.
   b. Drive-up, drive-in, and drive-through facilities.

5. Maximum Size. The maximum commercial floor area shall not exceed 2,000 square feet per neighborhood commercial site. There may be up to four neighborhood commercial sites at one intersection (one on each corner).

6. Signs. One sign for each facing street per business or use conducted within the building, not to exceed twenty (20) square feet in area. Signs attached flat against the building shall not project more than twelve (12) inches from the wall nor project above the roof or parapet wall. Freestanding signs shall be located on the property and shall not project beyond the property line.

7. Additional Standards. The Planning Commission may limit the type, extent, and hours of operation of a proposed use and may require additional standards to protect adjacent property owners based upon evidence submitted at the public hearing.

D. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser.

1. Subject to the provisions of Section 5.01(E)(2) of the Talent Zoning Code.

E. The having, keeping or maintaining of any apiary (beehives) of more than two colonies.

1. The number of colonies is limited to two (2) colonies per legal lot with a minimum of 8,000 sq. ft. of lot area, plus one (1) additional colony per each additional 8,000 sq. ft. of lot area, up to a maximum of four (4) colonies regardless of lot size.

2. Colonies shall be located in the side or rear yard, and set back no less than 10 feet from the nearest property line.

3. Hives shall be placed on property so the general flight pattern of bees does not unduly impact neighboring properties or their inhabitants. If any portion of a hive is located within thirty (30) feet of a public or private property line, a flyaway barrier at least six (6) feet in height shall be established and maintained around the hive. The flyaway barrier shall be located along the property boundary or parallel to the property line, and shall consist of a solid wall, solid fencing material, dense vegetation or combination thereof extending at least ten (10) feet beyond the colony in each direction, so that all honey bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the colony.

4. Colonies shall be maintained in movable-frame hives with adequate space and management techniques to prevent overcrowding.

5. Every beekeeper shall maintain a supply of water for the bees located within 10 feet of each hive. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

6. Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed.

7. In any instance in which a colony exhibits unusually aggressive characteristics or a disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen, or the colony will be destroyed.

F. Standards for high impact transportation and recreation facilities such as community centers, fraternal or lodge buildings, sports complexes, bowling alleys, pool halls, stadiums, equestrian arenas, golf courses, swimming pools, heli-ports, heli-stops, and bus or train terminals.

1. Major noise generators shall be located a minimum of 30 feet from residential property lines and shall be screened by a noise attenuating barrier.

2. Transportation facilities must be consistent with or incorporated into the Transportation System Plan (TSP).

3. Major public recreation facilities must be consistent with or incorporated into the Parks, Recreation, and Open Space Plan.

4. A traffic impact and parking study may be required in accordance with the Talent Comprehensive Plan. The development project must include mitigation for any decrease in level of service or operational safety of the transportation system.

G. Standards for automobile service stations, automobile wrecking yards and contractor offices and storage yards.

1. All activities associated with automotive repair and service, with the exception of maintenance activities such as pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odor do not disturb the normal operation or livability of neighboring uses.

2. Storage of vehicles to be repaired shall be screened by a sight-obscuring fence, wall, or hedge.

3. There shall be a minimum of a ten (10) foot front yard setback that is landscaped.

4. There shall be a physical barrier between the driving surfaces and pedestrian areas.

5. All areas of the site where vehicles, vehicle parts or equipment will be stored, repaired, or displayed must be paved.

6. The areas around fuel pumps and over underground storage tanks must be paved with concrete.

7. **PUBLIC RESTROOM FACILITIES MUST BE AVAILABLE WITHIN THE BUILDING.**

8. All stormwater runoff must be pretreated with pollution control devices before entering into the public stormwater system.

H. Drive-in, drive-up and drive-through facilities.

1. Drive-up uses may be approved in areas as identified CBH, CH and CI Zoning Districts only and only in these zoning districts along Valley View Road and east of a line drawn perpendicular to South Pacific Highway and west of Bear Creek (*refer to attached Drive-up Overlay Map*).

2. Drive-up uses in existence at the time of this ordinances adoption or amendments thereof and not within the area identified on the drive up overlay map, are considered legal-conforming uses except for the following circumstances:

   a. If such uses are abandoned or the drive-up window function of the business is abandoned for a period of six months, the drive-up window function would not be permitted to re-open.

b. If such uses are substantially altered (40% of the building's exterior walls are modified, added on to, etc.), at least three of the design standards identified below in Section C.5 shall be incorporated into the final site or building design.

3. Drive-up lines, including menu speaker, service window and stacking area shall be to the side or rear of the building with the intent to minimize the visibility of these elements from the public street and adjacent residential dwellings. Infill of existing parking lots along a street's frontage is encouraged.

4. Drive-up menu speakers and service windows shall be at least 200 feet from the nearest residentially zoned property line. Menu speakers shall not have a noise decibel reading greater than 55 decibels at the property line and shall otherwise comply with Talent Ord. #749 relating to unnecessary noises.

5. Drive-up buildings shall have their primary orientation toward the public street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Where buildings are located on a corner, the building entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. Buildings shall be located as close to the intersection corner as practicable. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple building spaces such as shopping centers where this standard is met by other building storefronts.

6. In addition to the Parking Area Improvements required as part of Article 8-3J.575, parking areas shall be designed to incorporate 5 of the 8 following design elements for visual, aesthetic and environmental relief:

   a. One shade tree per seven parking spaces;

   b. Bio-swale plant and filtration system;

   c. Storm water oil separators;

   d. Decorative landscape walls, max 24" in height;

   e. Porous concrete in "plaza" areas (sidewalks, plaza space, outdoor dining space, etc.);

   f. Mounded earth landscaping;

   g. 15' landscape or hardscape buffer between sidewalk and parking area;

   h. Use light colored paving materials with a high solar reflectance index (SRI) of at least .29 to reduce heat absorption for a minimum of 50% of the parking surface area.

7. Drive-up buildings shall incorporate one square foot of "plaza space" for every 10 square feet of gross floor area. The plaza space must incorporate 3 of the 6 following design elements:

a. Seating – 1 seat for each 500 square feet of building area;

b. Shelter or windbreaks for inclement weather;

c. Trees – 1 tree per 500 square feet of plaza space;

d. A mixture of areas that provide both sunlight and shade;

e. Water feature or art (may include decorative surface art);

f. Outdoor eating areas.

8. Drive-up buildings shall have a minimum first floor area ratio of 35% (building footprint area to lot size area). Plaza space may be considered as part of first floor area, but not greater than 30% of the required floor area ratio.

9. Drive-up buildings shall incorporate transparent window glazing and shall be encouraged to use window awnings in order to reduce heat gain.

10. Drive-up lanes shall either be flat or downhill to minimize excessive fuel consumption and exhaust during the wait in line.

11. Drive-up lanes shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.

12. Drive-up lanes shall provide sufficient stacking to ensure that public rights-of-way, including sidewalks, are not obstructed.

13. Drive-up buildings shall be fixed buildings with standard foundations. No temporary structure such as a vending cart, mobile or trailer is permissible.

14. Areas along the street without building frontage, between the street and the parking area or drive-thru lane, shall be landscaped in order to minimize visibility of vehicles and asphalt.

15. Trash and recycle areas shall be screened from the public right-of-way.

I. Retail Sales of Medical & Recreational Marijuana

1. Establishments vending medical or recreation marijuana shall be located at least 100 feet from a residential zone, 100 feet from a mixed use building with a residential unit, at least 750 feet from a public or private park and at least 1,000 feet from an existing public or private elementary, secondary or career school primarily attended by minors. For purposes of determining the distance between the establishment and the aforementioned areas, within the specified distance means a straight line measurement in a radius extending for specified distance or less in every direction from any point on the boundary line of a residential zone, public or private park or from an existing public or private elementary, secondary or career school primarily attended by minors.

2. No extracts, oils, resins or similar products from marijuana shall be produced on site and the use of open flames for the preparation of any products is prohibited.

3. Marijuana and tobacco shall not be used on property where a sale occurs.

4. Establishment shall have air filtering and ventilation systems that confine odors to the premises.

5. Minors are not allowed on the premises unless they are a medical marijuana cardholder and accompanied by a parent or guardian.

6. Owners, operators and employees who have been convicted of manufacturing or delivering drugs once in the past five years or twice in their lifetime may not operate or own a medical or recreational marijuana retail establishment.

7. Prior to operation, background checks for all owners, operators and employees shall be provided to the City. Not providing required background checks for all owners, operators and employees at any time is grounds for revocation of the conditional use permit.

8. Establishments shall keep financial records that are subject to audit. (if tax is implemented)

9. Establishment shall not have security bars and shall not operate a drive-thru facility.

J. Overnight Recreation Vehicle Parks.

1. The park shall consist of a minimum of one (1) acre.

2. There shall be a minimum of a twenty (20) foot landscaped buffer on all property lines.

3. The public transportation system must be able to support large trucks and trailers.

K. Caretaker or watch person dwelling on the premises of a non-residential use.

1. Only one (1) dwelling may be situated upon a particular piece of property unless approved by the Planning Commission.

2. The dwelling shall be separated by at least ten (10) feet from all other buildings on the property.

3. Setbacks of the dwelling from all property lines shall be the same as for the zone in which the dwelling is located or ten (10) feet whichever is greater.

4. If the home is a manufactured dwelling, it shall be constructed to the State of Oregon Manufactured Dwelling Standards enacted on June 15, 1976 or any subsequent amendments thereto and have the Oregon Insignia of

Compliance. It shall be a minimum of twelve (12) feet in width and 40 feet in length. It shall be provided with a kitchen having a sink with hot and cold running water and at least one bathroom equipped with a water closet, lavatory and bathtub and/or shower. A building permit must be submitted and approved by the building inspector to ensure that the manufactured dwelling has been properly placed on and securely anchored to state approved foundation and stabilizing devices.

5. All plumbing fixtures shall be connected to a public water supply system and to a public sewerage disposal system and be equipped with running water. All water and sewer lines connecting the dwelling with public water and sewer lines shall comply with the standards of the City and Rogue Valley Sewer.

6. If a manufactured dwelling is used, the wheels and tongue or hitch shall be removed within 60 days unless a temporary use permit provides for an extended date.

7. Unless placed upon a continuous permanent foundation, the manufactured dwelling shall be completely enclosed with a continuous concrete wall or skirting which shall consist of non-decaying, non-corroding material extending to the ground or to an impervious surface.

8. Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:

    a. The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet for each 25 linear feet of exterior wall.

    b. Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh.

    c. All foundation areas shall be provided with a 16x24 inch access way and shall be secured against entry.

9. No additional or accessory buildings shall be permitted in conjunction with a dwelling except as follows:

    a. One carport or garage not to exceed 500 square feet in area.

    b. One covered or uncovered patio not to exceed 300 square feet in area.

    c. One storage building not to exceed 100 square feet in area and which shall be attached to and made a part of a carport or garage and which

shall be included as a part of the maximum area provided for the carport or garage.

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

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

8-3L.247 CONDITIONS AND RESTRICTIONS

Conditional uses, including those not listed in 8-3L.246 above may be subject to additional standards. In permitting a new conditional use or the substantial alteration of an existing conditional use, the Planning Commission may impose conditions and require the installation of improvements which it considers necessary to conform to the provisions of this Chapter and to protect the best interests of the surrounding area or the City as a whole, and may require guarantees and evidence that such conditions are being or will be complied with. These conditions and improvements may include, but are not limited to, the following:

A. Limiting the hours, days, place and or manner of operation; Duration of use;

B. Conditions, requirements, and improvements required by the Talent Zoning Code;

C. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, air pollution, water pollution, glare, odor and to minimize effects of and on known natural hazards;

D. Increasing the required setbacks, lot size and/or lot depth or width;

E. Limiting the building height, size, lot coverage or location on the site;

F. Designing the project to complement the visual context. Utilizing techniques such as architectural design, site design, use of native landscaping, and choice of colors and building materials in such a manner that facilities are screened from of site observers and blend with the natural visual character of the area;

G. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved to City standards;

H. Increasing or reducing the number of required off-street parking and/or loading spaces; designating the size, number, location and nature of vehicle and access points;

I. Requiring installation of needed public facilities and services to serve the use or in such sizes as may be needed to serve other properties in the future; or requiring the establishment of a local improvement district, or other appropriate mechanism to accomplish the same;

J. Requiring berms, screening, landscaping or other measures to protect adjacent or nearby property and designating standards for their installation and maintenance including, but not limited to a recorded development agreement approved by the City Attorney;

K. Requiring landscaping, screening, drainage, water quality facilities, and/or improvements of parking and loading areas;

L. Designating the size, number, location and/or design of vehicle access points or parking areas;

M. Protecting public safety, especially from vandalism and trespass;

N. Timing construction to minimize disturbances;

O. Requiring and designating the size, height, location and/or materials for fences;

P. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting and illuminated signs;

Q. Requiring the protection and preserving existing trees, vegetation, water resources, wildlife habitat, historic resources, or other significant natural or cultural resources;

R. Designating special areas of concern such as the Greenway, wetlands, or other significant features on final development plans and on site prior to commencement of excavation, grading, or construction;

S. Requiring special easements, access and restrictive covenants;

T. Any other reasonable conditions, restrictions and safeguards that would uphold the purpose and intent of this Chapter and any adopted City plan and mitigate any adverse effect upon the adjoining properties that may result by reason of the conditional use being allowed.

8-3L.260 USE PERMIT PREREQUISITE TO BUILDING

No building permit shall be issued to any case where any conditional use permit is required by the terms of this Chapter unless and until such land use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit granted. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use. Building permits involving an approved conditional use shall not be issued until the appeal period as specified within 8-3M.150 has passed.

8-3L.270 TIME LIMIT ON A CONDITIONAL USE PERMIT

Authorization of a conditional use shall be void after one (1) from the date of final decision unless substantial construction or development in conformance with the plan has occurred. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year, upon request. Within 90 days of the affirmative decision by the approval authority, a complete final site development plan map shall be prepared and filed with Community Development, including all required modifications and conditions. Approved conditional use permits that do not have a complete final site development plan map submitted within 90 days of the original approval shall be void.

8-3L.280 TERMINATION OF A CONDITIONAL USE

A conditional use may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

A. Approval of the conditional use was obtained by fraud or misrepresentation.

B. The use for which approval was granted has ceased to exist.

C. The use does not meet the conditions specifically established for it at the time of the approval of the application.

D. The use is in violation of any provision of this ordinance or of any other applicable statute, ordinance or regulation.

8-3L.290 LIMITATION

No request for a conditional use shall be considered by the Planning Commission within the one year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

8-3L.300 TRANSFERRING A CONDITIONAL USE PERMIT

A Conditional Use Permit may not be transferred from one parcel to another parcel. Conditional Use Permits may be transferred from one owner to a new owner for the same parcel and the same use when the new owner submits an affidavit to the City of Talent certifying that the new owner understands the conditions of the Conditional Use Permit and that the continued use shall comply wholly with the conditions stated in the permit as well as all applicable laws, rules and regulations.

8-3 Division L. Article 2.

CONDITIONAL USE PERMIT

8-3L.210 DESCRIPTION AND PURPOSE

All uses permitted conditionally are declared to be in possession of such unique and special characteristics as to make questionable or impractical their being included as outright uses in any of the various zones herein defined. The purpose of the conditional use process is to determine the desirability of certain uses and to allow proper integration into the community of uses, which may be suitable only on certain conditions and at appropriate locations. The reasons for requiring special consideration may involve, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems inherent in the operation of the use, and/or the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

8-3L.215 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

A conditional use listed in this Chapter shall be permitted, altered or denied upon authorization of the Planning Commission in accordance with the standards and procedures ~~of this~~set forth in this Article and may be subject to Site Plan Review. ~~Approval of a conditional use shall not constitute a change of zoning classification and shall be granted by the Planning Commission for the specific use authorized, subject to such conditions and restrictions as may be determined to be necessary by the Planning Commission or as specifically provided herein~~Relaxation of any of these standards requires a variance in accordance with ~~Article~~ 8-3L.4.

Commented [ZM1]: Simplified Language

A. In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.

B. If an application is denied, the action must be based on reasons related to non-compliance with the Comprehensive Plan, incompatibility of the proposed use within the zone or to adjacent land uses, or inappropriate site location or failure to meet all applicable standards listed in this ordinance.

C. In approving a conditional use permit application, the Planning Commission shall impose any conditions which are necessary to insure compliance with the standards of the Talent Land Development Ordinance or other appropriate State, County and City standards, rules, regulations and laws and standards established by any other City resolution.

D. The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond or similar contractual arrangement of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission.

8-3L.220 ~~PRIOR EXISTING USE~~RESERVED

~~In the case of a use existing prior to the effective date of this Chapter and classified in this Chapter as a conditional use, any change in the use or in lot area or an alteration of a structure shall conform with the requirements of this Article.~~

Commented [ZM2]: Moved to 8-3L.230 below

8-3L.230 ALTERATION OF USE OR STRUCTURE PERMITTED CONDITIONALLY

In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, substantial alteration, a change in use or in lot area or ~~A conditional use permit shall be required, pursuant to the provisions of this Article, for the "substantial alteration~~" of any structure or use, which is permitted as a conditional use. "Substantial alteration" shall include, for purposes of this Article, any modification to the structure, use, or premises which will change the use, increase the intensity of operation, increase the floor area or the space devoted to the use, or which is otherwise likely to increase noise, odors, traffic, dust or other sources of potential significant impacts upon abutting properties or their occupants. Alterations, which are not "substantial" as defined herein, will be permitted without applying for a conditional use permit.

8-3L.240 APPLICATION ~~PROCEDURe~~PROCEDURE

A. Application. Application for a conditional use permit shall be made in writing to the Planning Commission on a form prescribed by the Commission. Application must be accompanied by a legal description of the property (a copy of the deed, title papers or recorded survey), a copy of a site development plan, and a filing fee.

~~**B. Fee.** The application for a conditional use permit shall be accompanied by a nonrefundable filing fee. The amount of the fee shall be established, and may be changed, by a general resolution or ordinance of the City Council. In addition, the applicant shall be liable for the costs to the City for engineering and legal services rendered by the City Engineer and City Attorney in the reviewing of documents and plans, conducting inspections and other services necessary to fulfill the requirements and conditions provided for in this Article.~~

Commented [ZM3]: This language is not necessary in the ZO, but rather on the application forms provided by the City. Similar language has been added to the land use application form.

~~C.~~**B. Site development plan.** The site development plan shall be drawn to scale and shall include all of the information required in 8-3L.140, "Site Development Plan—Required Data."

8-3L.242 PUBLIC HEARING

A public hearing shall be held before the Planning Commission on each application for a conditional use permit. Notice of the public hearing shall be provided as set forth in 8-3M.130. To grant the conditional use permit, the Planning Commission must find that the proposed use meets the conditions listed in 8-3L.~~Section~~ 244-246 of this Article. No conditional use permit granted by the Planning Commission shall become effective until after ~~ten (10) days have elapsed from the date of the action of the Commission~~the appeal period expires.

8-3L.244 ~~CRITERIA TO BE MET FOR THE APPROVAL OF A CONDITIONAL USE PERMIT~~~~General standards of approval~~GENERAL CRITERIA FOR APPROVAL

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

A. The proposed use is consistent with the City of Talent Comprehensive Plan.

B. The proposed use is consistent with the purpose of the zoning district.

~~A.~~**C.** The proposed use and development is found to meet the required findings of 8-3L.150, "Required Findings for Approval of Plan," set forth for approval of a site development plan review.

D. The proposed use will not adversely affect the livability, value, and appropriate development of abutting properties and the surrounding area, compared to the impact of uses that are permitted outright. Testimony of owners of property located within two hundred and fifty (250) feet of the boundaries of the property in question shall be considered in making this finding.

E. All required public facilities have adequate capacity to serve the proposal. System Development Charges will be assessed at the time a building permit is issued. Additional SDCs will be assessed for change in use that are more intense than a pre-existing use.

~~1.~~ The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; -environmental quality impacts; and health, safety or general welfare concerns.

F.

~~B. The development of the surrounding area will not adversely affect the proposed use.~~

~~C. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.~~

~~D. The applicant has a bona fide intent and capability to develop and use the land as proposed.~~

~~E. For a building over two-and-one-half (2½) stories or thirty (30) feet:~~

~~1.~~ The City of Talent has adequate ~~fire fighting~~firefighting equipment to protect the structure, as verified by the Talent Fire Chief, or arrangements have been or will be made by the developer to insure that adequate equipment will be available before the occupancy of the building for any use.~~; and~~

~~2.~~**G.** ~~The building will not adversely impact the solar access of neighboring properties as determined by standards set forth in 8-3J.8.~~

Commented [ZM4]: This language is not necessary. It could be assumed that if an applicant is proposing a project, that the surrounding area will not adversely affect the proposed use.

Commented [ZM5]: Addressed above in 8-3L.244

Commented [ZM6]: This criterion is next to impossible to address. A person submitting an application can be assumed to have a "bona fide intent" to development the land.

Commented [ZM7]: Addressed in General Provisions Section under building height.

Commented [ZM8]: This criterion is addressed in General Provisions section and is not necessary to duplicate.

8-3L.246 SPECIAL STANDARDS GOVERNING CONDITIONAL USES

~~3.~~

Certain conditional uses shall meet the following standards:

~~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).~~

~~Public and private kindergartens, elementary, junior high and high schools or , colleges.~~

A. Daycares ~~nurseries~~ and ~~p~~Preschools

1. At least 75 square feet of outdoor play and socializing area per child or adult shall be provided, but in no case shall the total area be less than 500 square feet.

2. If planned for children, the outdoor plan shall be adequately fenced in order to provide for their safety.

3. If the day care facility is not a residential use as provided in ORS 657A.440, the day care facility shall not be located in a single-family residence.

4. The facility shall be readily accessible for fire and other emergency vehicles.

5. The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

6. Adequate space must be provided on-site to allow for drop-off of the children or adults, preferably a circular drive. L-shaped drives and alley drop-offs may also be approved.

7. Parking areas and ingress-egress points are designed so as to facilitate traffic, bicycle, and pedestrian safety; to avoid congestion; and to minimize curb cuts on arterial and collector streets.

B. Temporary ~~m~~Medical ~~h~~Hardship

1. The mobile home will be occupied by an infirm person, or by one or more individuals engaged in caring for the infirm person, whose infirmity renders that person incapable of maintaining a residence on separate property.

2. The infirmity must be due to physical or mental impairment verified by a written statement from a medical doctor or other responsible individual or agency, which clearly indicates that the infirm person is not capable of maintaining a residence on separate property. Financial hardship, childcare and other convenience

Commented [ZM9]: Some conditional uses do not need specific criteria, but simply need to address the general CUP standards and be subjected to CUP conditions and restrictions as shown in 8-3L.247

Commented [WU10]: Search code for day nurseries and change all to daycare.

arrangements not relating to physical or mental impairment are not considered infirm conditions for which a permit can be issued.

3. The mobile home shall not be occupied until it is connected to the public sewer system.

4. The location of the mobile home will not violate the minimum yard setbacks required in the zone in which it will be located.

5. The applicant has agreed to vacate the mobile home within forty-five (45) days after the unit has ceased to be used for the purpose for which the permit was issued, and to remove the mobile home within ninety (90) days after the unit has ceased to be used for such purpose. In any event, the mobile home shall be removed from the premises by the day of the expiration of the permit unless the permit has been renewed in conformance with subsection F below.

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

C. Neighborhood ~~grocery store~~Commercial

1. Located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.

2. Permitted Uses. Uses shall be limited to small-scale establishments that serve the neighborhood or the community that do not exceed 2,000 square feet of floor area and are located at the intersection of a designated arterial and/or collector street. Allowable uses include those allowed in the Community and Broadway Commercial Zoning Districts.

3. Outdoor Activities Prohibited. All business operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building.

4. Automobile-Oriented Uses Prohibited. Prohibited automobile-oriented uses include:

   a. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles, boats, construction equipment, and similar vehicles and equipment.
   b. Drive-up, drive-in, and drive-through facilities.

Commented [ZM11]: This is NOT new criterion, simply moved from Section 8-3L.250 SUPPLEMENTAL PROVISIONS FOR TEMPORARY MOBILE HOME RELATING CARE FOR INFIRM PERSONS

Commented [ZM12]: Terminology needs to be changed in residential use section.

Commented [ZM13]: Many jurisdictions have this zone and allow all types of small scale commercial and do not limit uses to only grocery stores. New criteria is proposed to protect the neighboring residential uses.

5. Maximum Size. The maximum commercial floor area shall not exceed 2,000 square feet per neighborhood commercial site. There may be up to four neighborhood commercial sites at one intersection (one on each corner).

6. Signs. One sign for each facing street per business or use conducted within the building, not to exceed twenty (20) square feet in area. Signs attached flat against the building shall not project more than twelve (12) inches from the wall nor project above the roof or parapet wall. Freestanding signs shall be located on the property and shall not project beyond the property line.

7. Additional Standards. The Planning Commission may limit the type, extent, and hours of operation of a proposed use and may require additional standards to protect adjacent property owners based upon evidence submitted at the public hearing.

D. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser.

1. Subject to the provisions of Section 5.01(E)(2) of the Talent Zoning Code.

E. The having, keeping or maintaining of any apiary (beehives) of more than two colonies.

1. The number of colonies is limited to two (2) colonies per legal lot with a minimum of 8,000 sq. ft. of lot area, plus one (1) additional colony per each additional 8,000 sq. ft. of lot area, up to a maximum of four (4) colonies regardless of lot size.

2. Colonies shall be located in the side or rear yard, and set back no less than 10 feet from the nearest property line.

3. Hives shall be placed on property so the general flight pattern of bees does not unduly impact neighboring properties or their inhabitants. If any portion of a hive is located within thirty (30) feet of a public or private property line, a flyaway barrier at least six (6) feet in height shall be established and maintained around the hive. The flyaway barrier shall be located along the property boundary or parallel to the property line, and shall consist of a solid wall, solid fencing material, dense vegetation or combination thereof extending at least ten (10) feet beyond the colony in each direction, so that all honey bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the colony.

4. Colonies shall be maintained in movable-frame hives with adequate space and

management techniques to prevent overcrowding.

5. Every beekeeper shall maintain a supply of water for the bees located within 10 feet of each hive. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

6. Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed.

7. In any instance in which a colony exhibits unusually aggressive characteristics or a disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen, or the colony will be destroyed.

~~Cemeteries.~~

~~Professional offices or studios, business, technical, art or music schools.~~

F. Standards for high impact transportation and recreation facilities such as community centers, fraternal or lodge buildings, sports complexes, bowling alleys, pool halls, stadiums, equestrian arenas, golf courses, swimming pools, heli-ports, heli-stops, and bus or train terminals.

1. Major noise generators shall be located a minimum of 30 feet from residential property lines and shall be screened by a noise attenuating barrier.

2. Transportation facilities must be consistent with or incorporated into the Transportation System Plan (TSP).

3. Major public recreation facilities must be consistent with or incorporated into the Parks, Recreation, and Open Space Plan.

4. A traffic impact and parking study may be required in accordance with the Talent Comprehensive Plan. The development project must include mitigation for any decrease in level of service or operational safety of the transportation system.

~~Commercial or trade schools.~~

G. Standards for automobile service stations, automobile wrecking yards and contractor offices and storage yards.

1. All activities associated with automotive repair and service, with the exception of maintenance activities such as pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odor do not disturb the normal operation or livability of neighboring uses.

Commented [ZM14]: Considering that Talent is now a Bee City USA, it is important to provide specific criteria for those that want to have more than two colonies. These standards are similar to other local cities that allow the same use and generally fit the standards for Bee City USA

Commented [ZM15]: No specific criteria necessary…Cemeteries are governed by State Law. Professional office or studios in specific zones require more detailed review, but it is not necessary to have site specific criteria as their intensity generally should not require addition buffering. Section 8.09 gives PC some latitude in applying necessary conditions.

Commented [WU16]: Add language that makes this consistent with the Comprehensive Plan.

2. Storage of vehicles to be repaired shall be screened by a sight-obscuring fence, wall, or hedge.

3. There shall be a minimum of a ten (10) foot front yard setback that is landscaped.

4. There shall be a physical barrier between the driving surfaces and pedestrian areas.

5. All areas of the site where vehicles, vehicle parts or equipment will be stored, repaired, or displayed must be paved.

6. The areas around fuel pumps and over underground storage tanks must be paved with concrete.

~~1.~~ Public restroom facilities must be available within the building.

7.

~~B.~~ **8.**

~~C.~~ All stormwater runoff must be pretreated with pollution control devices before entering into the public stormwater system.

H. Drive-in, drive-up and drive-through facilities.

1. Drive-up uses may be approved in areas as identified CBH, CH and CI Zoning Districts only and only in these zoning districts along Valley View Road and east of a line drawn perpendicular to South Pacific Highway and west of Bear Creek (*refer to attached Drive-up Overlay Map*).

2. Drive-up uses in existence at the time of this ordinances adoption or amendments thereof and not within the area identified on the ~~areas noted in 8-3L.245(O)(1)~~drive up overlay map, are considered legal-conforming uses except for the following circumstances:

   a. If such uses are abandoned or the drive-up window function of the business is abandoned for a period of six months, the drive-up window function would not be permitted to re-open.

   b. If such uses are substantially altered (40% of the building's exterior walls are modified, added on to, etc.), at least three of the design standards identified below in Section C.5 shall be incorporated into the final site or building design.

3. Drive-up lines, including menu speaker, service window and stacking area shall be to the side or rear of the building with the intent to minimize the visibility of these elements from the public street and adjacent residential dwellings. Infill of existing parking lots along a street's frontage is encouraged.

Commented [WU17]: Verify setback are consistent with other sections of the ordinance.

Commented [ZM18]: There are many setback and special setback standards, this is proposed to be removed to reduce the likelihood for conflicts in the code.

4. Drive-up menu speakers and service windows shall be at least 200 feet from the nearest residentially zoned property line. Menu speakers shall not have a noise decibel reading greater than 55 decibels at the property line and shall otherwise comply with Talent Ord. #749 relating to unnecessary noises.

5. Drive-up buildings shall have their primary orientation toward the public street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Where buildings are located on a corner, the building entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. Buildings shall be located as close to the intersection corner as practicable. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple building spaces such as shopping centers where this standard is met by other building storefronts.

6. In addition to the Parking Area Improvements required as part of Article 8-3J.575, parking areas shall be designed to incorporate 5 of the 8 following design elements for visual, aesthetic and environmental relief:

   a. One shade tree per seven parking spaces;
   b. Bio-swale plant and filtration system;
   c. Storm water oil separators;
   d. Decorative landscape walls, max 24" in height;
   e. Porous concrete in "plaza" areas (sidewalks, plaza space, outdoor dining space, etc.);
   f. Mounded earth landscaping;
   g. 15' landscape or hardscape buffer between sidewalk and parking area;
   h. Use light colored paving materials with a high solar reflectance index (SRI) of at least .29 to reduce heat absorption for a minimum of 50% of the parking surface area.

7. Drive-up buildings shall incorporate one square foot of "plaza space" for every 10 square feet of gross floor area. The plaza space must incorporate 3 of the 6 following design elements:

   a. Seating – 1 seat for each 500 square feet of building area;
   b. Shelter or windbreaks for inclement weather;
   c. Trees – 1 tree per 500 square feet of plaza space;
   d. A mixture of areas that provide both sunlight and shade;
   e. Water feature or art (may include decorative surface art);
   f. Outdoor eating areas.

8. Drive-up buildings shall have a minimum first floor area ratio of 35% (building footprint area to lot size area). Plaza space may be considered as part of first floor area, but not greater than 30% of the required floor area ratio.

9. Drive-up buildings shall incorporate transparent window glazing and shall be encouraged to use window awnings in order to reduce heat gain.

10. Drive-up lanes shall either be flat or downhill to minimize excessive fuel consumption and exhaust during the wait in line.

11. Drive-up lanes shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.

12. Drive-up lanes shall provide sufficient stacking to ensure that public rights-of-way, including sidewalks, are not obstructed.

13. Drive-up buildings shall be fixed buildings with standard foundations. No temporary structure such as a vending cart, mobile or trailer is permissible.

14. Areas along the street without building frontage, between the street and the parking area or drive-thru lane, shall be landscaped in order to minimize visibility of vehicles and asphalt.

15. Trash and recycle areas shall be screened from the public right-of-way.

Commented [ZM19]: Not new language…Adopted on 9/19/12 ORD 12-866-O. Because these criteria only applied to Condition Use Permits, it has been added here

I. Retail Sales of Medical & Recreational Marijuana

1. Establishments vending medical or recreation marijuana shall be located at least 100 feet from a residential zone, 100 feet from a mixed use building with a residential unit, at least 750 feet from a public or private park and at least 1,000 feet from an existing public or private elementary, secondary or career school primarily attended by minors. For purposes of determining the distance between the establishment and the aforementioned areas, within the specified distance means a straight line measurement in a radius extending for specified distance or less in every direction from any point on the boundary line of a residential zone, public or private park or from an existing public or private elementary, secondary or career school primarily attended by minors.

2. No extracts, oils, resins or similar products from marijuana shall be produced on site and the use of open flames for the preparation of any products is prohibited.

3. Marijuana and tobacco shall not be used on property where a sale occurs.

4. Establishment shall have air filtering and ventilation systems that confine odors to the premises.

5. Minors are not allowed on the premises unless they are a medical marijuana cardholder and accompanied by a parent or guardian.

6. Owners, operators and employees who have been convicted of manufacturing or delivering drugs once in the past five years or twice in their lifetime may not operate or own a medical or recreational marijuana retail establishment.

7. Prior to operation, background checks for all owners, operators and employees shall be provided to the City. Not providing required background checks for all owners, operators and employees at any time is grounds for revocation of the conditional use permit.

8. Establishments shall keep financial records that are subject to audit. (if tax is implemented)

9. Establishment shall not have security bars and shall not operate a drive-thru facility.

Commented [ZM20]: New language added at the direction of the City Council. This language is consistent with other areas, such as the City of Ashland.

This language has also been proposed with language addressing the potential for recreational marijuana sales. Adding it as an allowed use does not make it a legal use until approved by State or Federal law.

J. Overnight ~~r~~Recreation ~~v~~Vehicle ~~p~~Parks.

1. The park shall consist of a minimum of one (1) acre.

2. There shall be a minimum of a twenty (20) foot landscaped buffer on all property lines.

3. The public transportation system must be able to support large trucks and trailers.

K. ~~Single-family dwelling constructed after the effective date of this Chapter, to be occupied as living quarters of the owner or operator of a permitted use which is located on the same lot as the dwelling.~~ Caretaker or watch person dwelling on the premises of a non-residential use.

1. Only one (1) dwelling may be situated upon a particular piece of property unless approved by the Planning Commission.

2. The dwelling shall be separated by at least ten (10) feet from all other buildings on the property.

3. Setbacks of the dwelling from all property lines shall be the same as for the zone in which the dwelling is located or ten (10) feet whichever is greater.

4. If the home is a manufactured dwelling, it shall be constructed to the State of Oregon Manufactured Dwelling Standards enacted on June 15, 1976 or any subsequent amendments thereto and have the Oregon Insignia of Compliance. It shall be a minimum of twelve (12) feet in width and 40 feet in length. It shall be provided with a kitchen having a sink with hot and cold running water and at least one bathroom equipped with a water closet, lavatory and bathtub and/or shower. A building permit must be submitted and approved by the building inspector to ensure that the manufactured dwelling has been properly placed on and securely anchored to state approved foundation and stabilizing devices.

5. All plumbing fixtures shall be connected to a public water supply system and to a public sewerage disposal system and be equipped with running water. All water and sewer lines connecting the dwelling with public water and sewer lines shall comply with the standards of the City and Rogue Valley Sewer.

6. If a manufactured dwelling is used, the wheels and tongue or hitch shall be removed within 60 days unless a temporary use permit provides for an extended date.

7. Unless placed upon a continuous permanent foundation, the manufactured dwelling shall be completely enclosed with a continuous concrete wall or skirting which shall consist of non-decaying, non-corroding material extending to the ground or to an impervious surface.

8. Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:

   a. The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet for each 25 linear feet of exterior wall.

   b. Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh.

   c. All foundation areas shall be provided with a 16x24 inch access way and shall be secured against entry.

9. No additional or accessory buildings shall be permitted in conjunction with a dwelling except as follows:

   a. One carport or garage not to exceed 500 square feet in area.

   b. One covered or uncovered patio not to exceed 300 square feet in area.

   c. One storage building not to exceed 100 square feet in area and which shall be attached to and made a part of a carport or garage and which shall be included as a part of the maximum area provided for the carport or garage.

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

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

~~Drive-in theater, golf driving range.~~

~~Public utility buildings and structures including pump stations and water reservoirs.~~

8-3L.~~246~~247 CONDITIONS AND RESTRICTIONS

Conditional uses, including those not listed in 8-3L.246 above may be subject to additional standards. In permitting a new conditional use or the substantial alteration of an existing conditional use, the Planning Commission may impose conditions and require the installation of improvements which it considers necessary to conform to the provisions of this Chapter and to protect the best interests of the surrounding area or the City as a whole, and may require guarantees and evidence that such conditions are being or will be complied with. These conditions and improvements may include, but are not limited to, the following:

~~A.~~ Limiting the hours, days, place and or manner of operation; ~~Time period within which the proposed use shall be developed.~~

~~B.~~A. Duration of use;~~.~~

~~C.~~B. Conditions, requirements, and improvements required by the Talent Zoning Code;~~.~~

~~D.~~C. ~~Restraints or improvements to~~Requiring site or architectural design features ~~minimize~~which minimize ~~such~~ environmental ~~effects~~ impacts such as noise, vibration, air pollution, water pollution, glare, odor and to minimize effects of and on known natural hazards;~~.~~

~~E.~~D. Increasing the required setbacks, lot size and/or ~~yard dimension~~lot depth or width;~~.~~

E. Limiting ~~or altering~~ the building height, size, lot coverage or location ~~of a building or other structure~~on the site;~~.~~

F. Designing the project to complement the visual context. Utilizing techniques such as architectural design, site design, use of native landscaping, and choice of colors and building materials in such a manner that facilities are screened from of site observers and blend with the natural visual character of the area;

G. Requiring ~~Increasing the amount of~~ street right-of-way to be ~~dedication~~dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved to City standards;

~~G.~~H. ~~, roadway width, improvements within the street right-of way; I~~increasing or reducing the number of required off-street parking and/or loading spaces; designating the size, number, location and nature of vehicle and access points;~~.~~

Commented [ZM21]: This is now addressed in a separate section...8-3L.270. Time period for development is now the same for all CUPs.

Commented [WU22]: This will aid in providing new constructions that is designed more consistently around the existing development.

~~H.~~I. Requiring installation of needed public facilities and services to serve the use or in such sizes as may be needed to serve other properties in the future; or requiring the establishment of a local improvement district, or other appropriate mechanism to accomplish the same;~~.~~

J. Requiring ~~diking~~berms, screening, landscaping or other measures to protect adjacent or nearby property and designating standards for ~~its~~ their installation and maintenance including, but not limited to a recorded development agreement approved by the City Attorney;~~.~~

K. Requiring landscaping, screening, drainage, water quality facilities, and/or improvements of parking and loading areas;

L. Designating the size, number, location and/or design of vehicle access points or parking areas;

M. Protecting public safety, especially from vandalism and trespass;

N. Timing construction to minimize disturbances;

O. Requiring and designating the size, height, location and/or materials for fences;

~~I.~~P. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting and illuminated signs;

Q. Requiring the ~~Protecting~~ protection and preserving existing trees, vegetation, water resources, wildlife habitat, historic resources, or other significant natural or cultural resources;~~.~~

~~J. Designating special areas of concern such as the Greenway, wetlands, or other significant features on final development plans and on site prior to commencement of excavation, grading, or construction;~~

R.

~~K. Requiring conformance with the standards and improvements of the Subdivision Code (8-2).~~

Commented [WU23]: This is covered with the modification of several of the above listed conditions.

~~L.~~S. Requiring special easements, access and restrictive covenants;~~.~~

Any other reasonable conditions, restrictions and safeguards that would uphold the purpose and intent of this Chapter and any adopted City plan and mitigate any adverse effect upon the adjoining properties that may result by reason of the conditional use being allowed.

~~M.~~T.

~~8-3L.250 SUPPLEMENTAL PROVISIONS FOR TEMPORARY MOBILE HOME RELATING CARE FOR INFIRM PERSONS~~

~~A conditional use permit may be issued for the temporary placement of a mobile home or single family dwelling when the following conditions are met in addition to the other requirements of this Article:~~

~~1. THE MOBILE HOME WILL BE OCCUPIED BY AN INFIRM PERSON, OR BY ONE OR MORE INDIVIDUALS ENGAGED IN CARING FOR THE INFIRM PERSON, WHOSE INFIRMITY RENDERS THAT PERSON INCAPABLE OF MAINTAINING A RESIDENCE ON SEPARATE PROPERTY.~~

~~2. THE INFIRMITY MUST BE DUE TO PHYSICAL OR MENTAL IMPAIRMENT VERIFIED BY A WRITTEN STATEMENT FROM A MEDICAL DOCTOR OR OTHER RESPONSIBLE INDIVIDUAL OR AGENCY, WHICH CLEARLY INDICATES THAT THE INFIRM PERSON IS NOT CAPABLE OF MAINTAINING A RESIDENCE ON SEPARATE PROPERTY. FINANCIAL HARDSHIP, CHILDCARE AND OTHER CONVENIENCE ARRANGEMENTS NOT RELATING TO PHYSICAL OR MENTAL IMPAIRMENT ARE NOT CONSIDERED INFIRM CONDITIONS FOR WHICH A PERMIT CAN BE ISSUED.~~

~~3. THE MOBILE HOME SHALL NOT BE OCCUPIED UNTIL IT IS CONNECTED TO THE PUBLIC SEWER SYSTEM.~~

~~4. THE LOCATION OF THE MOBILE HOME WILL NOT VIOLATE THE MINIMUM YARD SETBACKS REQUIRED IN THE ZONE IN WHICH IT WILL BE LOCATED.~~

~~5. THE APPLICANT HAS AGREED TO VACATE THE MOBILE HOME WITHIN FORTY-FIVE (45) DAYS AFTER THE UNIT HAS CEASED TO BE USED FOR THE PURPOSE FOR WHICH THE PERMIT WAS ISSUED, AND TO REMOVE THE MOBILE HOME WITHIN NINETY (90) DAYS AFTER THE UNIT HAS CEASED TO BE USED FOR SUCH PURPOSE. IN ANY EVENT, THE MOBILE HOME SHALL BE REMOVED FROM THE PREMISES BY THE DAY OF THE EXPIRATION OF THE PERMIT UNLESS THE PERMIT HAS BEEN RENEWED IN CONFORMANCE WITH SUBSECTION F BELOW.~~

~~6. A CONDITIONAL USE PERMIT FOR A TEMPORARY MOBILE HOME WILL BE VALID FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE AND MUST BE RENEWED ON AN ANNUAL BASIS, UNLESS A SHORTER TIME LIMIT IS PLACED UPON THE PERMIT BY THE PLANNING COMMISSION. THE APPLICANT SHALL BE RESPONSIBLE FOR APPLYING TO THE PLANNING~~

~~COMMISSION FOR RENEWAL AT LEAST THIRTY (30) DAYS BEFORE THE EXPIRATION DATE OF THE PERMIT.~~

Commented [WU24]: Relocated to SPECIAL STANDARDS GOVERNING CONDITIONAL USES above.

8-3L.260 USE PERMIT PREREQUISITE TO BUILDING

No building permit shall be issued to any case where any conditional use permit is required by the terms of this Chapter unless and until such land use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit granted. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use. Building permits involving an approved conditional use shall not be issued until the appeal period as specified ~~under~~within ~~Section 2.07 has~~8-3M.150 has passed.~~.~~

8-3L.270 TIME LIMIT ON A CONDITIONAL USE PERMIT

Authorization of a conditional use shall be void after one (1) ~~year or such lesser time as the authorization may specify~~from the date of final decision unless substantial construction or development in conformance with the plan has occurred. ~~, unless a building permit has been issued, substantial compliance and construction pursuant thereto has have taken place or the authorized use has commenced.~~ However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year, upon request. Within 90 days of the affirmative decision by the approval authority, a complete final site development plan map shall be prepared and filed with Community Development, including all required modifications and conditions. Approved conditional use permits that do not have a complete final site development plan map submitted within 90 days of the original approval shall be void. ~~Within one (1) year from the final decision, a final map shall be prepared and filed with Community Development, including all required modifications and conditions. Approved conditional use permits that do not have a final map submitted within one (1) year shall be void.~~

8-3L.280 TERMINATION OF A CONDITIONAL USE

A conditional use may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

A. Approval of the conditional use was obtained by fraud or misrepresentation.

B. The use for which approval was granted has ceased to exist.

C. The use does not meet the conditions specifically established for it at the time of the approval of the application.

D. The use is in violation of any provision of this ordinance or of any other applicable statute, ordinance or regulation.

~~8-3L.280 COMPLIANCE~~

~~Compliance with the provisions of this Article is the same as set forth in 8-3L.170.~~

Commented [WU25]: This section was expanded on, clarifying many questions planning receives about Conditional Uses. See 8-3L.270, 280, 290, 300.

8-3L.290 LIMITATION

No request for a conditional use shall be considered by the Planning Commission within the one year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

8-3L.300 TRANSFERRING A CONDITIONAL USE PERMIT

A Conditional Use Permit may not be transferred from one parcel to another parcel.

Conditional Use Permits may be transferred from one owner to a new owner for the same parcel and the same use when the new owner submits an affidavit to the City of Talent certifying that the new owner understands the conditions of the Conditional Use Permit and that the continued use shall comply wholly with the conditions stated in the permit as well as all applicable laws, rules and regulations.

ORDINANCE NO. 14-876-O

AN ORDINANCE AMENDING THE TALENT ZONING ORDINANCE, NO. 458, TITLE 8, CHAPTER 3, DIVISION D & F AND REPEALING AND REPLACING TITLE 8, CHAPTER 3, DIVISION L, ARTICLE 2 REGARDING ALLOWED USES IN THE COMMERICAL AND INDUSTRIAL ZONE AND CONDITIONAL USE PERMITS

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.

Article 8-3D.130(A) BUILDINGS AND USES SUBJECT TO Type-2 SITE DEVELOPMENT PLAN REVIEW is hereby amended to read as follows:

A. Retail stores (excluding sales of medical or recreational marijuana), 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.

Article 8-3D.150(B) BUILDING AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW is hereby amended to read as follows:

B. Temporary Medical Hardship, subject to the supplemental provisions of 8-3L.246.

Article 8-3D.230(B) BUILDINGS AND USES SUBJECT TO Type-2 SITE DEVELOPMENT PLAN REVIEW is hereby amended to read as follows:

B. Retail stores (excluding sales of medical or recreational marijuana) 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.

Article 8-3D.250 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW is hereby amended to read as follows:

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. 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.

E. Temporary uses.

F. Pump stations and water reservoirs.

G. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBD zone.

ARTICLE 8-3D.330(B) BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW is hereby amended to read as follows:

B. Retail stores (excluding sales of medical or recreational marijuana) and offices; personal, business and repair services.

ARTICLE 8-3D.350 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW is hereby amended to read as follows:

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 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. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBH zone.

ARTICLE 8-3D.430 (F) BUILDINGS AND USES SUBJECT TO type-2 SITE DEVELOPMENT PLAN REVIEW is hereby amended to read as follows:

F. Retail (excluding retail sales of medical or recreational marijuana) 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.

ARTICLE 8-3D.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW is hereby amended to read as follows:

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 (2 ½) 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 p.c.action.File SUD-83-2)

R. Adult Business as defined in Article 8-3B.1 (Ord. No. 654).

ARTICLE 8-3D.530(G)(1) BUILDINGS AND USES SUBJECT TO type-2 SITE DEVELOPMENT PLAN REVIEW is hereby amended to read as follows:

G. 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 the retail sales of medical or recreational marijuana).*

ARTILCE 8-3F.130(C) BUILDING AND USES SUBJECT TO type-3 SITE DEVELOPMENT PLAN REVIEW is hereby amended to read as follows:

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.

Article 8-3L2 CONDITIONAL USE PERMIT is hereby repealed and replaced with the following text:

8-3L.210 DESCRIPTION AND PURPOSE

All uses permitted conditionally are declared to be in possession of such unique and special characteristics as to make questionable or impractical their being included as outright uses in any of the various zones herein defined. The purpose of the conditional

use process is to determine the desirability of certain uses and to allow proper integration into the community of uses, which may be suitable only on certain conditions and at appropriate locations. The reasons for requiring special consideration may involve, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems inherent in the operation of the use, and/or the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

8-3L.215 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

A conditional use listed in this Chapter shall be permitted, altered or denied upon authorization of the Planning Commission in accordance with the standards and procedures set forth in this Article and may be subject to Site Plan Review. Relaxation of any of these standards requires a variance in accordance with 8-3L.4.

A. In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.

B. If an application is denied, the action must be based on reasons related to non-compliance with the Comprehensive Plan, incompatibility of the proposed use within the zone or to adjacent land uses, or inappropriate site location or failure to meet all applicable standards listed in this ordinance.

C. In approving a conditional use permit application, the Planning Commission shall impose any conditions which are necessary to insure compliance with the standards of the Talent Land Development Ordinance or other appropriate State, County and City standards, rules, regulations and laws and standards established by any other City resolution.

D. The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond or similar contractual arrangement of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission.

8-3L.220 RESERVED

8-3L.230 ALTERATION OF USE OR STRUCTURE PERMITTED CONDITIONALLY

In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, substantial alteration, a change in use or in lot area or " of any structure or use, which is permitted as a conditional use. "Substantial alteration" shall include, for purposes of this Article, any modification to the structure, use, or premises which will change the use, increase the intensity of operation, increase the floor area or the space devoted to the use, or which is otherwise likely to increase noise, odors, traffic, dust or other sources of potential significant impacts upon abutting properties or their occupants. Alterations, which are not "substantial" as defined herein, will be permitted without applying for a conditional use permit.

8-3L.240 APPLICATION PROCEDURE

A. *Application. Application for a conditional use permit shall be made in writing to the Planning Commission on a form prescribed by the Commission. Application must be accompanied by a legal description of the property (a copy of the deed, title papers or recorded survey), a copy of a site development plan, and a filing fee.*

B. *Site development plan. The site development plan shall be drawn to scale and shall include all of the information required in 8-3L.140, "Site Development Plan—Required Data."*

8-3L.242 PUBLIC HEARING

A public hearing shall be held before the Planning Commission on each application for a conditional use permit. Notice of the public hearing shall be provided as set forth in 8-3M.130. To grant the conditional use permit, the Planning Commission must find that the proposed use meets the conditions listed in 8-3L.244-246 of this Article. No conditional use permit granted by the Planning Commission shall become effective until after the appeal period expires.

8-3L.244 GENERAL CRITERIA FOR APPROVAL

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

A. *The proposed use is consistent with the City of Talent Comprehensive Plan.*

B. *The proposed use is consistent with the purpose of the zoning district.*

C. *The proposed use and development is found to meet the required findings of 8-3L.150, "Required Findings for Approval of Plan," set forth for approval of a site development plan review.*

D. *The proposed use will not adversely affect the livability, value, and appropriate development of abutting properties and the surrounding area, compared to the impact of uses that are permitted outright. Testimony of owners of property located within two hundred and fifty (250) feet of the boundaries of the property in question shall be considered in making this finding.*

E. *All required public facilities have adequate capacity to serve the proposal. System Development Charges will be assessed at the time a building permit is issued. Additional SDCs will be assessed for change in use that are more intense than a pre-existing use.*

F. *The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.*

G. *The City of Talent has adequate firefighting equipment to protect the structure, as verified by the Talent Fire Chief, or arrangements have been or will be made by the developer to insure that adequate equipment will be available before the occupancy of the building for any use.*

8-3L.246 SPECIAL STANDARDS GOVERNING CONDITIONAL USES

Certain conditional uses shall meet the following standards:

A. Daycares and Preschools

1. At least 75 square feet of outdoor play and socializing area per child or adult shall be provided, but in no case shall the total area be less than 500 square feet.

2. If planned for children, the outdoor plan shall be adequately fenced in order to provide for their safety.

3. If the day care facility is not a residential use as provided in ORS 657A.440, the day care facility shall not be located in a single-family

residence.

4. *The facility shall be readily accessible for fire and other emergency vehicles.*

5. *The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.*

6. *Adequate space must be provided on-site to allow for drop-off of the children or adults, preferably a circular drive. L-shaped drives and alley drop-offs may also be approved.*

7. *Parking areas and ingress-egress points are designed so as to facilitate traffic, bicycle, and pedestrian safety; to avoid congestion; and to minimize curb cuts on arterial and collector streets.*

B. *Temporary Medical Hardship*

1. *The mobile home will be occupied by an infirm person, or by one or more individuals engaged in caring for the infirm person, whose infirmity renders that person incapable of maintaining a residence on separate property.*

2. *The infirmity must be due to physical or mental impairment verified by a written statement from a medical doctor or other responsible individual or agency, which clearly indicates that the infirm person is not capable of maintaining a residence on separate property. Financial hardship, childcare and other convenience arrangements not relating to physical or mental impairment are not considered infirm conditions for which a permit can be issued.*

3. *The mobile home shall not be occupied until it is connected to the public sewer system.*

4. *The location of the mobile home will not violate the minimum yard setbacks required in the zone in which it will be located.*

5. *The applicant has agreed to vacate the mobile home within forty-five (45) days after the unit has ceased to be used for the purpose for which the permit was issued, and to remove the mobile home within*

ninety (90) days after the unit has ceased to be used for such purpose. In any event, the mobile home shall be removed from the premises by the day of the expiration of the permit unless the permit has been renewed in conformance with subsection F below.

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

C. *Neighborhood Commercial*

1. *Located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.*

2. *Permitted Uses. Uses shall be limited to small-scale establishments that serve the neighborhood or the community that do not exceed 2,000 square feet of floor area and are located at the intersection of a designated arterial and/or collector street. Allowable uses include those allowed in the Community and Broadway Commercial Zoning Districts.*

3. *Outdoor Activities Prohibited. All business operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building.*

4. *Automobile-Oriented Uses Prohibited. Prohibited automobile-oriented uses include:*

    a. *Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles, boats, construction equipment, and similar vehicles and equipment.*
    b. *Drive-up, drive-in, and drive-through facilities.*

5. *Maximum Size. The maximum commercial floor area shall not exceed 2,000 square feet per neighborhood commercial site. There*

may be up to four neighborhood commercial sites at one intersection (one on each corner).

6. *Signs. One sign for each facing street per business or use conducted within the building, not to exceed twenty (20) square feet in area. Signs attached flat against the building shall not project more than twelve (12) inches from the wall nor project above the roof or parapet wall. Freestanding signs shall be located on the property and shall not project beyond the property line.*

7. *Additional Standards. The Planning Commission may limit the type, extent, and hours of operation of a proposed use and may require additional standards to protect adjacent property owners based upon evidence submitted at the public hearing.*

D. *Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser.*

1. *Subject to the provisions of Section 5.01(E)(2) of the Talent Zoning Code.*

E. *The having, keeping or maintaining of any apiary (beehives) of more than two colonies.*

1. *The number of colonies is limited to two (2) colonies per legal lot with a minimum of 8,000 sq. ft. of lot area, plus one (1) additional colony per each additional 8,000 sq. ft. of lot area, up to a maximum of four (4) colonies regardless of lot size.*

2. *Colonies shall be located in the side or rear yard, and set back no less than 10 feet from the nearest property line.*

3. *Hives shall be placed on property so the general flight pattern of bees does not unduly impact neighboring properties or their inhabitants. If any portion of a hive is located within thirty (30) feet of a public or private property line, a flyaway barrier at least six (6) feet in height shall be established and maintained around the hive. The flyaway barrier shall be located along the property boundary or parallel to the property line, and shall consist of a solid wall, solid*

fencing material, dense vegetation or combination thereof extending at least ten (10) feet beyond the colony in each direction, so that all honey bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the colony.

4. *Colonies shall be maintained in movable-frame hives with adequate space and management techniques to prevent overcrowding.*

5. *Every beekeeper shall maintain a supply of water for the bees located within 10 feet of each hive. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.*

6. *Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed.*

7. *In any instance in which a colony exhibits unusually aggressive characteristics or a disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen, or the colony will be destroyed.*

F. *Standards for high impact transportation and recreation facilities such as community centers, fraternal or lodge buildings, sports complexes, bowling alleys, pool halls, stadiums, equestrian arenas, golf courses, swimming pools, heli-ports, heli-stops, and bus or train terminals.*

1. *Major noise generators shall be located a minimum of 30 feet from residential property lines and shall be screened by a noise attenuating barrier.*

2. *Transportation facilities must be consistent with or incorporated into the Transportation System Plan (TSP).*

3. *Major public recreation facilities must be consistent with or incorporated into the Parks, Recreation, and Open Space Plan.*

4. *A traffic impact and parking study may be required in accordance with the Talent Comprehensive Plan. The development project must*

include mitigation for any decrease in level of service or operational safety of the transportation system.

G. Standards for automobile service stations, automobile wrecking yards and contractor offices and storage yards.

1. All activities associated with automotive repair and service, with the exception of maintenance activities such as pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odor do not disturb the normal operation or livability of neighboring uses.

2. Storage of vehicles to be repaired shall be screened by a sight-obscuring fence, wall, or hedge.

3. There shall be a minimum of a ten (10) foot front yard setback that is landscaped.

4. There shall be a physical barrier between the driving surfaces and pedestrian areas.

5. All areas of the site where vehicles, vehicle parts or equipment will be stored, repaired, or displayed must be paved.

6. The areas around fuel pumps and over underground storage tanks must be paved with concrete.

7. Public restroom facilities must be available within the building.

All stormwater runoff must be pretreated with pollution control devices before entering into the public stormwater system.

H. Drive-in, drive-up and drive-through facilities.

1. Drive-up uses may be approved in areas as identified CBH, CH and CI Zoning Districts only and only in these zoning districts along Valley View Road and east of a line drawn perpendicular to South Pacific Highway and west of Bear Creek (refer to attached Drive-up Overlay Map).

2. *Drive-up uses in existence at the time of this ordinances adoption or amendments thereof and not within the area identified on the drive up overlay map, are considered legal-conforming uses except for the following circumstances:*

   a. *If such uses are abandoned or the drive-up window function of the business is abandoned for a period of six months, the drive-up window function would not be permitted to re-open.*

   b. *If such uses are substantially altered (40% of the building's exterior walls are modified, added on to, etc.), at least three of the design standards identified below in Section C.5 shall be incorporated into the final site or building design.*

3. *Drive-up lines, including menu speaker, service window and stacking area shall be to the side or rear of the building with the intent to minimize the visibility of these elements from the public street and adjacent residential dwellings. Infill of existing parking lots along a street's frontage is encouraged.*

4. *Drive-up menu speakers and service windows shall be at least 200 feet from the nearest residentially zoned property line. Menu speakers shall not have a noise decibel reading greater than 55 decibels at the property line and shall otherwise comply with Talent Ord. #749 relating to unnecessary noises.*

5. *Drive-up buildings shall have their primary orientation toward the public street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Where buildings are located on a corner, the building entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. Buildings shall be located as close to the intersection corner as practicable. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple building spaces such as shopping centers where this standard is met by other building storefronts.*

6. *In addition to the Parking Area Improvements required as part of Article 8-3J.575, parking areas shall be designed to incorporate 5 of the 8 following design elements for visual, aesthetic and environmental relief:*

   a. *One shade tree per seven parking spaces;*

   b. *Bio-swale plant and filtration system;*

   c. *Storm water oil separators;*

   d. *Decorative landscape walls, max 24" in height;*

   e. *Porous concrete in "plaza" areas (sidewalks, plaza space, outdoor dining space, etc.);*

   f. *Mounded earth landscaping;*

   g. *15' landscape or hardscape buffer between sidewalk and parking area;*

   h. *Use light colored paving materials with a high solar reflectance index (SRI) of at least .29 to reduce heat absorption for a minimum of 50% of the parking surface area.*

7. *Drive-up buildings shall incorporate one square foot of "plaza space" for every 10 square feet of gross floor area. The plaza space must incorporate 3 of the 6 following design elements:*

   a. *Seating – 1 seat for each 500 square feet of building area;*

   b. *Shelter or windbreaks for inclement weather;*

   c. *Trees – 1 tree per 500 square feet of plaza space;*

   d. *A mixture of areas that provide both sunlight and shade;*

   e. *Water feature or art (may include decorative surface art);*

   f. *Outdoor eating areas.*

8. *Drive-up buildings shall have a minimum first floor area ratio of 35% (building footprint area to lot size area). Plaza space may be*

considered as part of first floor area, but not greater than 30% of the required floor area ratio.

9. *Drive-up buildings shall incorporate transparent window glazing and shall be encouraged to use window awnings in order to reduce heat gain.*

10. *Drive-up lanes shall either be flat or downhill to minimize excessive fuel consumption and exhaust during the wait in line.*

11. *Drive-up lanes shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.*

12. *Drive-up lanes shall provide sufficient stacking to ensure that public rights-of-way, including sidewalks, are not obstructed.*

13. *Drive-up buildings shall be fixed buildings with standard foundations. No temporary structure such as a vending cart, mobile or trailer is permissible.*

14. *Areas along the street without building frontage, between the street and the parking area or drive-thru lane, shall be landscaped in order to minimize visibility of vehicles and asphalt.*

15. *Trash and recycle areas shall be screened from the public right-of-way.*

I. *Retail Sales of Medical & Recreational Marijuana*

1. *Establishments vending medical or recreation marijuana shall be located at least 100 feet from a residential zone, 100 feet from a mixed use building with a residential unit, at least 750 feet from a public or private park and at least 1,000 feet from an existing public or private elementary, secondary or career school primarily attended by minors. For purposes of determining the distance between the establishment and the aforementioned areas, within the specified distance means a straight line measurement in a radius extending for specified distance or less in every direction from any point on the boundary line of a residential zone, public or private park or from an*

existing public or private elementary, secondary or career school primarily attended by minors.

2. *Establishments vending medical or recreational marijuana shall obtain a conditional use permit from the city of Talent on an annual basis. A laps in the renewal of a conditional use permit subsequently leading to no approved conditional use permit shall be grounds for denial of the renewal or a new conditional use permit.*

3. *No extracts, oils, resins or similar products from marijuana shall be produced on site and the use of open flames for the preparation of any products is prohibited.*

4. *Marijuana and tobacco shall not be used at onsite.*

5. *Establishment shall have air filtering and ventilation systems that confine odors to the premises.*

6. *Minors are not allowed on the premises unless they are a medical marijuana cardholder and accompanied by a parent or guardian.*

7. *Owners, operators and employees who have been convicted of manufacturing or delivering drugs once in the past five years or twice in their lifetime may not operate or own a medical or recreational marijuana retail establishment.*

8. *Prior to operation, background checks for all owners, operators and employees shall be provided to the City. Not providing required background checks for all owners, operators and employees at any time is grounds for revocation of the conditional use permit.*

9. *Establishments shall keep financial records that are subject to audit. (if tax is implemented)*

10. *Establishment shall not have security bars and shall not operate a drive-thru facility.*

J. *Overnight Recreation Vehicle Parks.*

1. *The park shall consist of a minimum of one (1) acre.*

2. *There shall be a minimum of a twenty (20) foot landscaped buffer on all property lines.*

3. *The public transportation system must be able to support large trucks and trailers.*

K. *Caretaker or watch person dwelling on the premises of a non-residential use.*

1. *Only one (1) dwelling may be situated upon a particular piece of property unless approved by the Planning Commission.*

2. *The dwelling shall be separated by at least ten (10) feet from all other buildings on the property.*

3. *Setbacks of the dwelling from all property lines shall be the same as for the zone in which the dwelling is located or ten (10) feet whichever is greater.*

4. *If the home is a manufactured dwelling, it shall be constructed to the State of Oregon Manufactured Dwelling Standards enacted on June 15, 1976 or any subsequent amendments thereto and have the Oregon Insignia of Compliance. It shall be a minimum of twelve (12) feet in width and 40 feet in length. It shall be provided with a kitchen having a sink with hot and cold running water and at least one bathroom equipped with a water closet, lavatory and bathtub and/or shower. A building permit must be submitted and approved by the building inspector to ensure that the manufactured dwelling has been properly placed on and securely anchored to state approved foundation and stabilizing devices.*

5. *All plumbing fixtures shall be connected to a public water supply system and to a public sewerage disposal system and be equipped with running water. All water and sewer lines connecting the dwelling with public water and sewer lines shall comply with the standards of the City and Rogue Valley Sewer.*

6. *If a manufactured dwelling is used, the wheels and tongue or hitch shall be removed within 60 days unless a temporary use permit*

provides for an extended date.

7. *Unless placed upon a continuous permanent foundation, the manufactured dwelling shall be completely enclosed with a continuous concrete wall or skirting which shall consist of non-decaying, non-corroding material extending to the ground or to an impervious surface.*

8. *Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:*

    a. *The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet for each 25 linear feet of exterior wall.*

    b. *Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh.*

    c. *All foundation areas shall be provided with a 16x24 inch access way and shall be secured against entry.*

9. *No additional or accessory buildings shall be permitted in conjunction with a dwelling except as follows:*

    a. *One carport or garage not to exceed 500 square feet in area.*

    b. *One covered or uncovered patio not to exceed 300 square feet in area.*

    c. *One storage building not to exceed 100 square feet in area and which shall be attached to and made a part of a carport or garage and which shall be included as a part of the maximum area provided for the carport or garage.*

10. *A caretaker residence may be accessory to an existing commercial or industrial use that is in need of protection. The duration of the conditional use may be for the life of the commercial or industrial use and temporary vacancy periods for up to two (2) years. If at the end of the conditional use, the manufactured dwelling is removed*

from its permanent foundation, the owner of the property shall sign and record a development agreement approved by the City Attorney to remove the foundation and all additions to the manufactured dwelling and permanently disconnect and secure all utilities. The development agreement authorizes the City to perform the work and place a lien against the property for the cost within 30 days from the date on which the manufactured dwelling is moved from its foundation. This condition shall not apply in the event that another approved manufactured dwelling is placed within 30 days of the original unit's removal.

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

8-3L.247 CONDITIONS AND RESTRICTIONS

Conditional uses, including those not listed in 8-3L.246 above may be subject to additional standards. In permitting a new conditional use or the substantial alteration of an existing conditional use, the Planning Commission may impose conditions and require the installation of improvements which it considers necessary to conform to the provisions of this Chapter and to protect the best interests of the surrounding area or the City as a whole, and may require guarantees and evidence that such conditions are being or will be complied with. These conditions and improvements may include, but are not limited to, the following:

A. *Limiting the hours, days, place and or manner of operation; Duration of use;*

B. *Conditions, requirements, and improvements required by the Talent Zoning Code;*

C. *Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, air pollution, water pollution, glare, odor and to minimize effects of and on known natural hazards;*

D. *Increasing the required setbacks, lot size and/or lot depth or width;*

E. *Limiting the building height, size, lot coverage or location on the site;*

F. *Designing the project to complement the visual context. Utilizing techniques such as architectural design, site design, use of native landscaping, and choice of colors and building materials in such a manner that facilities are*

screened from of site observers and blend with the natural visual character of the area;

G. *Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved to City standards;*

H. *Increasing or reducing the number of required off-street parking and/or loading spaces; designating the size, number, location and nature of vehicle and access points;*

I. *Requiring installation of needed public facilities and services to serve the use or in such sizes as may be needed to serve other properties in the future; or requiring the establishment of a local improvement district, or other appropriate mechanism to accomplish the same;*

J. *Requiring berms, screening, landscaping or other measures to protect adjacent or nearby property and designating standards for their installation and maintenance including, but not limited to a recorded development agreement approved by the City Attorney;*

K. *Requiring landscaping, screening, drainage, water quality facilities, and/or improvements of parking and loading areas;*

L. *Designating the size, number, location and/or design of vehicle access points or parking areas;*

M. *Protecting public safety, especially from vandalism and trespass;*

N. *Timing construction to minimize disturbances;*

O. *Requiring and designating the size, height, location and/or materials for fences;*

P. *Limiting or setting standards for the location, design, and/or intensity of outdoor lighting and illuminated signs;*

Q. *Requiring the protection and preserving existing trees, vegetation, water resources, wildlife habitat, historic resources, or other significant natural or cultural resources;*

R. *Designating special areas of concern such as the Greenway, wetlands, or other significant features on final development plans and on site prior to commencement of excavation, grading, or construction;*

S. *Requiring special easements, access and restrictive covenants;*

T. *Any other reasonable conditions, restrictions and safeguards that would uphold the purpose and intent of this Chapter and any adopted City plan and mitigate any adverse effect upon the adjoining properties that may result by reason of the conditional use being allowed.*

8-3L.260 USE PERMIT PREREQUISITE TO BUILDING

No building permit shall be issued to any case where any conditional use permit is required by the terms of this Chapter unless and until such land use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit granted. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use. Building permits involving an approved conditional use shall not be issued until the appeal period as specified in 8-3M.150 has passed.

8-3L.270 TIME LIMIT ON A CONDITIONAL USE PERMIT

Authorization of a conditional use shall be void after one (1) from the date of final decision unless substantial construction or development in conformance with the plan has occurred. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year, upon request. Within 90 days of the affirmative decision by the approval authority, a complete final site development plan map shall be prepared and filed with Community Development, including all required modifications and conditions. Approved conditional use permits that do not have a complete final site development plan map submitted within 90 days of the original approval shall be void.

8-3L.280 TERMINATION OF A CONDITIONAL USE

A conditional use may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

A. Approval of the conditional use was obtained by fraud or misrepresentation.

B. The use for which approval was granted has ceased to exist.

C. The use does not meet the conditions specifically established for it at the time of the approval of the application.

D. The use is in violation of any provision of this ordinance or of any other applicable statute, ordinance or regulation.

8-3L.290 LIMITATION

No request for a conditional use shall be considered by the Planning Commission within the one year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

8-3L.300 TRANSFERRING A CONDITIONAL USE PERMIT

A Conditional Use Permit may not be transferred from one parcel to another parcel. Conditional Use Permits may be transferred from one owner to a new owner for the same parcel and the same use when the new owner submits an affidavit to the City of Talent certifying that the new owner understands the conditions of the Conditional Use Permit and that the continued use shall comply wholly with the conditions stated in the permit as well as all applicable laws, rules and regulations.

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

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

SECTION 4. Under the provisions of the Talent Charter of July 1998, Chapter VIII, Section 33, the provisions of this ordinance shall take effect 30 days after adoption.

Duly enacted by the City Council in open session on October 15, 2014 by the following vote:

Ayes: Nays: Abstain: Absent:

_____

Melissa Huhtala, City Recorder and Custodian of City records

City of Talent

Community Development Department - Planning

STAFF REPORT

Type III - Appeal of an Administrative Land Use Decision

Date: September 8, 2014
Item: SPR 2014-002, Tom Bradley (Fit Station)
APL 2014-001, Jack Strauss (Appellant)

Site: 5921 S. Pacific Hwy.

Applicant:	Tom Bradley 612 Iowa St. Ashland, Oregon 97520 Ph. (541) 621-2136
Property Owner:	Tom Bradley 612 Iowa St. Ashland, Oregon 97520 Ph. (541) 621-2136
Appellant:	Jack Strauss 249 Wintersage Cir. Talent, Oregon 97540
Requested Action:	Denial of a Site Development Plan approved administratively to build a commercial building that will house a local fitness club.
Assessor's Map Number:	38-1W-23B, Tax Lot 1800
Site Location:	5921 S. Pacific Hwy.
Zoning:	CBH – Highway Central Business
Deemed Complete:	June 26, 2014 (Original Date)
Notice Mailed:	June 27, 2014 (Original Date) September 4, 2014 (Appeal Notice)
120-Day Limit:	October 24, 2014

BACKGROUND

On August 5, 2014 Staff administratively approved an application to construct a commercial building suitable for one or two retail/personal service/office tenants with the more immediately use as the new location of the SNAP Fitness 24 hour facility.

An appeal of the administrative decision was received on August 18, 2014 by a local resident outside of the notice area. An appeal can be made by anyone with legal standing, including the applicant, any person who was mailed written notice of the Type II administrative decision, any person who participated in the proceeding submitting written comments or any person adversely affected or aggrieved by the decision.

In this case the appellant is a property owner outside of the notice area, but one who provided written comment during the initial notice period. The appellant, Mr. Strauss, lives within the Clearview residential development and expressed concerns that adequate parking was not being provided and that lack of sufficient parking would lead to increased parking along a narrow Suncrest Road causing safety related issues for pedestrians and vehicles alike **(Exhibit G)**. These concerns were originally addressed in the findings for 8-3J.540 on page 6 of the original land use approval **(Exhibit A)**. It should be noted that Section 8-3J.540(F) actually encourages on-street parking and give a credit on a one-to-one basis for developments that are near or adjacent to on-street parking.

The appellant is also contesting the approval criteria found in Section 8-3J.550, Parking Requirements for Uses Not Listed which states the following:

"Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining the requirements for said other uses."

In the appellant's findings, they state the proposed use is not specifically listed in Table 540-1 as required and that the decision for unlisted parking standards falls to the Planning Commission and that as proposed the application should be denied.

PROPERTY OWNER COMMENTS

Although staff received multiple calls in support of the development, only one property owner provided written comment. The written comment **(Exhibit B)** provides some further details about parking within the Clearview development as well as some indication of where and how some of the members are arriving at the facility.

ANALYSIS

Considering the context of Section 8-3J.550, the actual determination of parking does "technically" rest on the Planning Commission although many other jurisdictions defer these types of determinations to the Planning Director. To provide the Planning Commission further guidance on making a calculated determination, staff has prepared more detailed findings directly related to the parking standards. The revised findings are addressed below.

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

A. The number of off-street parking spaces required shall be not less than as set forth in (the following) Table 540-1, except as otherwise provided in this Article.

Use	*Standard*
Commercial Uses	
Banks, office buildings, business and professional offices, including medical and dental	*Medical and Dental offices - 1 space per 350 sf of gross floor area (GFA); General Offices- 1 space per 450 sf GFA*
Skating rinks, dance & pool halls, bowling alleys, arcades	*1 space for each 100 sf of GFA*
Retail establishments, except as otherwise provided herein	*1 space for each 400 sf of GFA*

FINDING: As noted in the administrative decision, the proposed use does not perfectly match any of the uses in Table 540-1. The use falls somewhat between a retail establishments (5,990/400=15 spaces) and skating rinks, dance... (5,990/100 = 60 spaces) which is somewhat an assembly type use. Simply taking an average of these two types of uses yielded a requirement of about 22 spaces.

In the case of an unlisted use where Planning Commission is required to make a determination, there are three (two very solid) approaches that many jurisdictions use. First is the use of the ITE (Institute of Transportation Engineers) Manual which requires more than five (5) stalls per 1,000 square feet of gross floor area. Using this standard would require in excess of 30 parking stalls. This approach is the broadest in terms of making a determination simply because of the data is based on very few studies using data from more populated areas.

The second is the use of other local jurisdictions codes and ordinances. Staff's original decision was based on a survey of parking standards from other jurisdictions in the Valley. As noted previously, staff used Ashland's AMC 18.92.030, Automobile Parking Spaces Required which suggests 1 space per 350 square feet area for business, general retail, personal services (which in broad terms a fitness facility with a group fitness meets that standard). Ashland has a variety of these types of use including a recently opened SNAP Fitness which uses these standards. Other jurisdictions such as the City of Medford provide multiple options for commercial uses, but without as much specificity. For example, the City of Medford has the option to calculate parking for commercial uses based on a matrix of square footages including, Commercial Use: less than 25,000 square feet, which requires 4.0 spaces per 1,000 square feet of gross floor area for uses in the Central Business District. Using this standard yields the need for approximately 24 spaces. The City of Medford also has a standard for recreational uses which is equal to 1.0 spaces per 4.8 patrons at maximum occupancy. Using this standard would yield the need for approximate 22 spaces based on a maximum occupancy of 106 patrons which is not likely to be met considering the facility is open 24 hours a day.

The third approach is the use of applicant data. Since the determination of required parking stalls is the responsibility of the Planning Commission (or Planning Staff in other

jurisdictions), other data must be used to provide the decision maker with a reasonable basis for a requirement. For that purpose, many jurisdictions have a provision in their ordinance that provides City staff the opportunity to make a determination of unlisted uses to conclude that a parking requirement has been met. The City of Medford for example, places the determination of parking spaces for unlisted uses in the hands of the Planning Director or other Planning staff and they provide for an exception to the number of required off-street parking spaces if the applicant can provide a detailed determination that the number of parking spaces is less than the minimum required or more than the maximum allowed based on the proposed use. The exceptions generally have to meet some criteria in order to be accepted. In the case of the City of Medford, the applicant must either provide an explanation why the characteristics of the proposed use require a different off-street parking standard or provide an analysis providing parking data for the same business or similar use within the city that demonstrates a need for a different parking standard.

In the case of this application, the applicant has provided compelling information that would indicate that the number of parking stalls necessary for the intended use is sufficient and possibly even in excess of the requirements. The applicant has provided hourly card swipe information from the other SNAP Fitness gyms in the area and with that information provided a matrix and graph of card swipes **(Exhibit C)**. The applicant also provided information from the SNAP Corporate Office detailing the average length of stay in the facility **(Exhibit C)**.

The data is broken down by card swipes per hour and then divided by the square footage of the facility in which the information was derived to give an accounting of swipes/hr/1,000 square feet of gross floor area. This information is then multiplied by six (6) to provide an estimate of potential card swipes for the new Talent facility which is nearly 6,000 square feet. Finally, that data is rounded up to the nearest whole number, providing an estimated count of members using the facility each hour. The applicant went one step further and factored in two (2) employees (SNAP is a 24 hour gym that does not have a full-time staff so this number is generous).

Considering that each card swipe can be an assumed trip (or entrance to the building) and that each member's length of stay is between 30-45 minutes the numbers can easily translate into parking spaces needed. This information also assumes that every card swipe was generated by a member driving their vehicle to the gym, which is not likely the case. Based on information provided by the applicant, even the busiest gym located in Medford would only need 22 parking spaces at the facility's peak usage. Below is the breakdown by similar facilities based on 6,000 square feet of gross floor area outlined in Exhibit C (both with group fitness and without):

	Ashland Downtown – 11 parking spaces
Adjusted for 6,000 sq.ft. Building	**Medford – 22 parking spaces**
	Ashland (near YMCA) – 11 spaces
	Talent – 18 spaces

Based on staff's previous assumptions and the detailed analysis provided by the applicant, the proposed facility which provides 21 parking spaces nearly meets or exceeds that of the other

SNAP facilities in the area and can meet the anticipated demand of the Talent facility. **The provisions of this section have been met.**

8-3J.550 PARKING REQUIREMENTS FOR USES NOT LISTED

Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining the requirements for said other uses.

FINDING: As noted by the appellant, Section 8-3J.550 does in fact require that Planning Commission determine parking for uses not specifically listed in Table 540-1 and used the above list a guide for determining the requirement for said other uses. The findings in the original staff report used the above list as a guide, but went a step further and reviewed other jurisdiction's requirements to confirm that the determination made by staff was consistent with other similar uses in other local jurisdictions. In light of the concerns by the appellant, the applicant provided a detailed parking analysis for the Planning Commission to consider. The findings in that analysis indicate that staff's original decision was appropriate. Considering that the Planning Commission is now reviewing this application, this standard has been met. **The provisions of this section have been met.**

DISCUSSION

Overall, staff is very supportive of proposed site development plan because of its attractive nature and its ability to meet overall intent and the requirements of the Highway Central Business District.

RECOMMENDATION

Staff recommends the Planning Commission approve the Site Development Plan application as proposed subject to the conditions within the original approval:

GENERAL CONDITIONS

1. That all submittals of the applicant shall be conditions of approval unless modified herein.

PRIOR TO ISSUANCE OF PERMITS

2. The applicant shall provide the City with a stormwater plan approved by Rogue Valley Sewer (RVS).
3. Applicant must obtain a sewer permit from RVS for the extension of the sewer line to the proposed building.
4. Applicant must provide RVS with a detailed plumbing fixture plan for the determination of SDC fees due to RVS.
5. The applicant shall revise the landscape plan to include a statement from a licensed landscape architect or arborist stating 40% of the outdoor parking area can feasibly be shaded by trees within fifteen (15) years of planting.
6. The applicant shall revise the landscape plan to include a statement from a licensed landscape architect or arborist stating that a minimum of seven percent (7%) of the area devoted to outdoor parking facilities is planted with vegetation.

7. The applicant shall revise the landscape plan to include a statement from a licensed landscape architect stating that irrigation facilities and other provisions for continuing care of the vegetation will continue to occur.
8. The applicant shall revise the site plan to include a standard drawing detailing the style of the proposed lights and any measures necessary to shield the light.

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PRIOR TO CERTIFICATE OF OCCUPANCY

9. The applicant shall landscape the site in its entirety, consistent with the proposed landscape plan.
10. The applicant shall install six (6) bicycle storage spaces as detailed on the proposed site plan.
11. The applicant shall complete the construction of the parking area surface using asphaltic concrete.
12. The applicant shall permanently and clearly mark the newly constructed parking area.
13. Install wheel stops in the parking stalls that abut the proposed building.
14. The applicant shall install sidewalk along Hwy. 99 to city standards and shall install all proposed pedestrian paths from Hwy. 99 and Suncrest Rd.

ATTACHMENTS

Exhibit A – Original Staff Report & Administrative Approval
Exhibit B – Public Comment
Exhibit C - Applicant's Supplemental Information
Exhibit D – Proposed Final Order
Exhibit E – Proposed Site Development Plan
Exhibit F – Applicant's Statement (Original)
Exhibit G – Appellant's Statement & Original Comment

Zac Moody
Community Development Director

September 17, 2014
Date

Exhibit A

City of Talent

Community Development Department - Planning

STAFF REPORT

Type II Land Use Application — Administrative Review

Date: July 31, 2014
Item: SPR 2014-002, Tom Bradley (Fit Station)
Site: 5921 S. Pacific Hwy.

Applicant:	Tom Bradley 612 Iowa St. Ashland, Oregon 97520 Ph. (541) 621-2136
Property Owner:	Tom Bradley 612 Iowa St. Ashland, Oregon 97520 Ph. (541) 621-2136
Requested Action:	Approval of a Site Development Plan to build a commercial building that will house a local fitness club.
Assessor's Map Number:	38-1W-23B, Tax Lot 1800
Site Location:	5921 S. Pacific Hwy.
Zoning:	CBH – Highway Central Business
Deemed Complete:	June 26, 2014
Notice Mailed:	June 27, 2014
120-Day Limit:	October 24, 2014

PROPOSAL

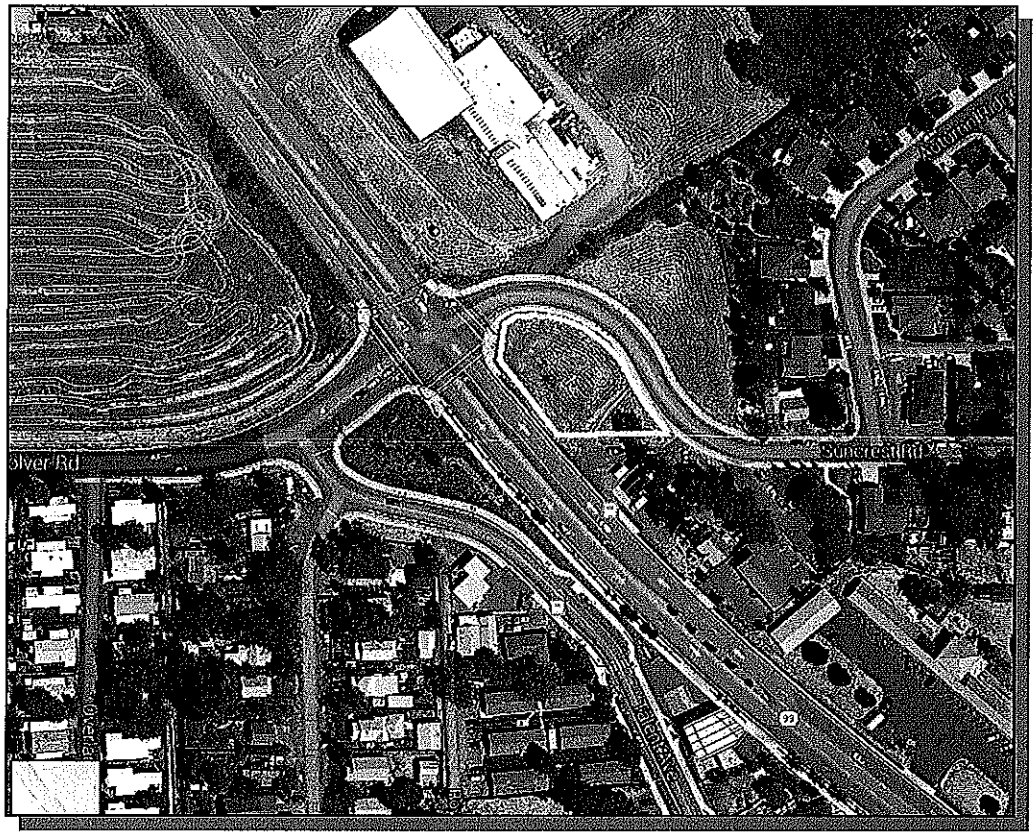
The applicant is proposing to construct a commercial building suitable for one or two retail/personal service/office tenants. More immediately, the applicant has contracted with SNAP Fitness operators to lease the proposed development for ten (10) years after completion.

APPROVAL CRITERIA

Talent Zoning Code, 8-3D.3, 8-3J.4-6 and 8-3L.1

PROPERTY CHARACTERISTS

The subject property is located near the intersection of S. Pacific Hwy. (Hwy. 99) and Suncrest Rd. adjacent to a signalized intersection. The property is relatively flat and slopes towards Suncrest Road. Once part of a larger tract that included Tax Lot 1801 located across Suncrest Road to the east, the subject property has been vacant since 2008 when the Oregon Department of Transportation (ODOT) reconfigured the intersection. There is one access to the property along Suncrest Road.



AGENCY COMMENTS

Rogue Valley Sewer Service commented with the following suggested conditions of approval:

- Applicant must obtain a sewer permit from RVS for the extension of the sewer line to the proposed building.
- Applicant must provide RVS with a detailed plumbing fixture plan for the determination of SDC fees due to RVS.

- All sewer line construction to be in accordance with RVS and Oregon Plumbing Specialty Code standards.
- Applicant must submit a stormwater drainage plan in compliance with the RVS Stormwater Design Manual for review and approval from RVS.

Rogue Valley Transit District commented, stating that no transit stop is necessary at this location, but stated that they have spoken with the applicant about the possibility of one at this location in the future.

The City Engineer commented as well, stating that an exit on to Hwy. 99 was not recommended as it would create a short cut to avoid the signalized intersection. It was also noted that sewer and water connections are available at the site and that there were no immediate issues with the proposal.

Fire District #5 also commented, stating that they had no immediate concerns with the proposed development provided that the building was accessible to emergency vehicles.

PROPERTY OWNER COMMENTS

One property owner commented in support of the application, but expressed concerns that adequate parking was not being provided and that lack of sufficient parking would lead to increased parking along a narrow Suncrest Road. These concerns are addressed in the findings for 8-3J.540 below.

ANALYSIS

Tentative administrative approval is subject to compliance with the approval criteria above, and the underlying zoning district (8-3D.3, Highway Central Business District). Text from the code appears in *italics.*

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

B. Retail stores 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.

FINDING: The subject parcel is zoned Highway Central Business District (CBH) and allows retail/office type uses subject to a Type-II Site Development Plan review. The proposed use is fitness club which plans to relocate from a commercial development to the south. **The provisions of this section have been met.**

8-3D.360 DENSITY AND DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area

1. None

B. Minimum Lot Area per Dwelling Unit

1. 1,200 square feet

C. Minimum Lot Width

1. None

D. Setbacks

1. Front

a.	*Minimum:*	*10 feet*
b.	*Max*	*None*
c.	*Parking lots*	*10 feet which shall be landscaped to provide screening*

2. Side

a.	*Minimum:*	*Zero feet; 10 feet on street-facing sides*
b.	*Maximum:*	*None*
	Parking lots:	*10 feet, which shall be landscaped to provide screening*

3. Rear *Minimum:* *Zero (0) feet.*

4. 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

5. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be 10 feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition

6. 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.

E. Maximum Building Bulk

1. Height: 30 feet for flat-roofed structures; 35 for pitched-roofs structures.

2. Building Coverage: No restrictions other than setback, landscaping, parking or other requirements.

FINDING: The site, which is along Suncrest Road and Hwy. 99 has frontage on a public street and an unimproved ROW which makes it difficult to differentiate "front," "side," and "rear" yards. Its frontage along Hwy. 99 most closely resembles the definition of "Front Lot Line", so most of the site's Suncrest frontage defaults to "Rear Yard," and the southerly ROW frontage becomes a "Side Yard." As required by the zoning code, the applicant measured setbacks from the property line adjacent to ODOT's slope easement. The proposed building height is less than 35 feet and meets the maximum building height. **The provisions of this section have been met.**

8-3D.370 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.

FINDING: The proposed development provides parking in accordance with the provisions of Section 8-3J.5 which are addressed the findings below. **The provisions of this section have been met subject to conditions of approval.**

8-3D.372 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3, and may be required in conformance with Section 374, below. 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 with Article 8-3J.7.

FINDING: The proposed development provides landscaping in accordance with the provisions of Section 8-3J.3, 8-3J.450 and 8-3J.575 which are addressed in the findings below. **The provisions of this section have been met subject to conditions of approval.**

8-3D.374 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 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 desire. 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 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 CBH zone outweighs the need for buffering.

FINDING: The proposed development is not adjacent to a conflicting use. Properties to the south and west are commercial and the property to the north and east is currently vacant. The property to the north and east is currently zoned high density residential, so no future conflicts are expected. **The provisions of this section have been met.**

8-3J.450 DEVELOPMENT STANDARDS—LANDSCAPING PLANNING

New subdivision or Site Development Plan Review applications subject to review by the Planning Commission shall include a plan for Street Trees along arterial, collector, and local streets and a general landscaping plan for all undeveloped areas on the property. The general landscape plan should consider the use of native and drought resistant species, erosion control, and water quality mitigation.

FINDING: The proposed landscape plan includes the use of drought resistant vegetation that is also appropriate for the use in bio-swales. Further, the proposed landscaping considers the location of above ground utility lines as well as the vision clearance at the intersection of Hwy. 99 and Suncrest Road. Prior to Certificate of Occupancy, the applicant shall landscape the site in its entirety, consistent with the proposed landscape plan. **The provisions of this section have been met subject to conditions of approval.**

8-3J.520 OFF-STREET LOADING

Every hospital, institution, hotel, commercial or industrial building hereafter erected or established, and every existing structure enlarged or changed for these uses within any zone of the City, having a gross floor area of 10,000 square feet or more, shall provide and maintain at least one (1) off-street loading space....

FINDING: The proposal includes a building that is approximately 5,990 square feet which does not exceed the threshold of 10,000 square feet to require off-street loading. **The provisions of this section are not applicable.**

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

A. The number of off-street parking spaces required shall be not less than as set forth in (the following) Table 540-1, except as otherwise provided in this Article.

Use	*Standard*
Commercial Uses	
Banks, office buildings, business and professional offices, including medical and dental	*Medical and Dental offices - 1 space per 350 sf of gross floor area (GFA); General Offices- 1 space per 450 sf GFA*
Skating rinks, dance & pool halls, bowling alleys, arcades	*1 space for each 100 sf of GFA*
Retail establishments, except as otherwise provided herein	*1 space for each 400 sf of GFA*

B. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

The following parking shall be provided for disabled persons, in conformance with the Americans with Disabilities Act (Table 540-2). Disabled parking is in addition to the minimum number of required parking spaces in 8-3J.540(A). Handicapped parking spaces shall be located in a safe location in close proximity to a building entrance.

Table 540-2. Minimum Number of Accessible Parking Spaces
ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	Column A		
1-25	1	1	0

FINDING: The proposed use does not perfectly match any of the uses in Table 540-1. The use falls somewhat between a retail establishments (5,990/400=15 spaces x 110% = 16.5 spaces max) and Skating rinks, dance... (5,990/100 = 60 spaces x 110% = 66 spaces max). Simply taking an average of these two types of uses yields a requirement of about 22 spaces.

For comparative purposes, Ashland's AMC 18.92.030, Automobile Parking Spaces Required suggests 1 space per 350 square feet area for business, general retail, personal services. Therefore, based on averaging similar uses in the TZC and using Ashland's parking requirements as a guide, staff finds that the proposed 20 spaces of regular parking (1/300 sf) including the ADA parking space is sufficient and reasonable for the type of use. **The provisions of this section have been met.**

8-3J.560 BICYCLE PARKING FACILITIES

Commercial/industrial facilities & multiple-family dwellings shall provide adequate, safe & conveniently located parking facilities for bicycles. All uses subject to Site Design Review shall provide bicycle parking in conformance with the following standards, which are evaluated during Site Design Review:

A. Number of Bicycle Parking Spaces. A minimum of 2 bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:

6. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required unless a bus shelter with an existing bike rack is located adjacent to the proposed site.

C. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided, unless demonstrated otherwise by the applicant. Street furniture includes

benches, streetlights, planters, and other pedestrian amenities. Creative designs are strongly encouraged.

D. *Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage*

E. *Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building*

F. *Lighting. Bicycle parking shall be as well lit as vehicle parking for security, unless otherwise well lit by an existing street light in the public right-of-way*

G. *Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only*

H. *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (8-3J.6)*

FINDING: The proposed site plan provides 20 vehicular parking spaces. A minimum of one (1) bicycle parking space for every 10 motor vehicle parking spaces is required. The proposed site plan provides for six (6) vertical, lockable, bicycle storage spaces in a nine (9) foot wide, sheltered, exterior atrium outside the main entry. The number of spaces and their location, lighting, visibility, and design are consistent with the provisions of this section. Prior to the Certificate of Occupancy the applicant shall install six (6) bicycle storage spaces as detailed on the proposed site plan. **The provisions of this section have been met subject to conditions of approval.**

8-3J.565 LOCATION AND USE OF OFF-STREET PARKING SPACES

C. *Parking, Front Yard. Unless otherwise provided, required parking and loading space shall not be located in a required front yard setback, except in the case of single-family dwellings and mobile homes on individual lots; but such space may be located within a required side or rear yard.*

FINDING: The proposed development does not include parking in the required front yard setbacks. **The provisions of this section have been met.**

8-3J.570 PARKING AREA DESIGN STANDARDS

B. *Groups of three (3) or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required*

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

D. *The Planning Commission may allow thirty-five percent (35%) of the required off-street parking spaces to be reduced to seven feet six inches by fifteen feet (7'6" x 15') to accommodate compact or hybrid electric cars.*

E. *Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standards parking spaces shall conform to the dimensions below (Figure 570-1 and Table 570-1). Disabled parking shall conform o the standards in 8-3J.540(C).*

FINDING: The proposed development conforms to the standards above. There are 20 parking stalls which utilize a single two-way service drive. With the proposed configuration of the parking, no backwards movement into a street or other right-of-way is necessary.

All of the proposed parking stalls meet the current dimensional standards outlined in Figure 570-1 of the TZC. Of the 20 parking stalls proposed, 13 are standard and 7 are compact. With this configuration, 35 percent of the proposed stalls are compact while the other 65 percent are standard. Considering the irregular shape of the parcel and the amount of parking area consumed by the required parking lot setbacks, staff believes that it would be necessary for any retail or office type use on this parcel to provide compact spaces to meet the minimum parking needs. **The provisions of this section have been met.**

8-3J.575 PARKING AREA IMPROVEMENTS

All public and private parking areas, which contain three (3) or more off-street parking spaces, except for single and two-family dwellings and mobile homes on individual lots, shall be improved according to the following:

A. *All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland Cement Concrete, or other materials approved by the City Engineer. The use of pervious asphalt paving in parking areas is encouraged to meet on-site stormwater standards that may significantly reduce the requirement for drainage facilities.*

FINDING: The proposed development includes a parking area that is surfaced with asphaltic concrete. Prior to Certificate of Occupancy the applicant shall complete the construction of the parking area surface using asphaltic concrete. **The provisions of this section have been met subject to conditions of approval.**

B. *All parking areas, aisles, turnarounds, and outdoor vehicle sales areas shall be graded so as not to drain storm water over sidewalks, public rights-of-way, and abutting private property. Storm water runoff generated beyond that which is normal for the site in its natural state shall, as much as possible, be retained on the site. Direct flow in stream channels is to be avoided. Methods to accomplish this provision include exhausting the possibilities of grading and draining parking lots into one or more of the following: percolation wells, trenches or ponds; vegetated or landscaped swales; natural drainage channels other than creek channels; and, for peak rainfall or runoff periods, seldom-used portions of the parking lot itself. It is the responsibility of the property owner to maintain the storm water system on his property in an operational manner so as to maintain the public safety and welfare; failure to*

maintain such a system in good repair may be constituted as a public nuisance in accordance with the provisions of any City ordinance regarding public nuisances. At least, drainage systems shall be conducted to public storm water sewers and ditches. (Please see Stormwater Design Standards)

FINIDNG: The applicant has proposed the use of multiple bio-swale facilities to detain and treat stormwater runoff from the newly created impervious surface. To ensure that the provisions of this section have been met and to meet the standards of Rogue Valley Sewer Service's (RVS) Stormwater Design manual, the applicant shall, prior to issuance of building permits, provide the City with a stormwater plan approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

C. All spaces shall be permanently and clearly marked.

FINDING: The proposed plan identifies each space as being clearly marked. Prior to Certificate of Occupancy, the applicant shall permanently and clearly mark the newly constructed parking area. **The provisions of this section have been met subject to conditions of approval.**

D. Wheel stops and bumper guards shall be provided where appropriate for all spaces abutting property lines or buildings, and where necessary to protect trees or other landscaping; and no vehicle shall overhang a public right-of-way.

FINDING: The proposed site plan does not identify wheel stops for the parking stalls abutting the south exterior of the building. To ensure the safety of pedestrians using the sidewalk adjacent to the building and those within the building, the applicant shall, prior to Certificate of Occupancy, install wheel stops in the parking stalls that abut the proposed building. **The provisions of this section have been met subject to conditions of approval.**

E. Where parking facilities or driveways are located adjacent to residential or agricultural uses, school yards, or similar institutions, a site-obscuring fence, wall or evergreen hedge not less than five (5) feet and not more than six (6) feet in height (except that such wall, fence or screen planting may exceed six feet in height if located beyond the required yard setbacks), and adhering to any vision clearance requirements and the yard requirements of the zone in which it is located, shall be provided on the property line, or between the property line and the parking area or driveway. Screen plantings shall be of such size and number as to provide the required screening at maturity, and shall be planted within twelve (12) months of the issuance of the building permit required in subsection H, below.

FINDING: The proposed development is not located adjacent to a residential or agricultural use, school yard or similar institution, therefore a site-obscuring fence is not required. **The provisions of this section are not applicable.**

F. Trees and Landscaping.

1. A minimum of forty percent (40%) of the outdoor parking area shall be shaded by trees

within fifteen (15) years of planting, and buildings at noon on August 21 Pacific Daylight Time. Noon on August 21 constitutes a 58-degree solar altitude and shadow lengths shall be calculated by multiplying the height of a shadow-casting object by 0.625. Shadow patterns will be cast in a due north direction from the object.

FINDING: The proposed landscaping plan appears to adequately meet this standard. To ensure that shadow patterns are consistent with the standards above, prior to issuance of permits, the applicant shall revise the landscape plan to include a statement from a licensed landscape architect or arborist stating 40% of the outdoor parking area can feasibly be shaded by trees within fifteen (15) years of planting. **The provisions of this section have been met subject to conditions of approval.**

2. *Trees shall be retained and/or planted in landscaped areas, which shall cover not less than seven percent (7%) of the area devoted to outdoor parking facilities. Such landscaping shall be uniformly distributed throughout the parking area and may consist of trees plus shrubs, ground cover or related material. The intent is to break up large expanses of asphalt and thus provide shade in the warmer months and pervious surfaces for stormwater, and aesthetic relief. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for sustainable plant growth, with appropriate timing devices to encourage water conservation.*

FINDING: The proposed landscaping plan includes several different varieties of vegetation, including trees, shrubs and ground cover uniformly distributed around the parking area. Based on the maximum growth height of the proposed trees and the shadow study included in the plan, the intent to provide shade appears to be met. To ensure that landscaping is uniformly distributed throughout the parking area, the applicant shall, prior to issuance of permits, revise the landscape plan to include a statement from a licensed landscape architect or arborist stating that a minimum of seven percent (7%) of the area devoted to outdoor parking facilities is planted with vegetation.

At a minimum, the proposed development shall have five (5) trees to cover the 20 spaces proposed. The proposed plan provides 14 trees adjacent to the parking area, which exceed the requirement. **The provisions of this section have been met subject to conditions of approval.**

3. *Irrigation facilities or other provisions for the continuing care of the vegetation and protective curbs or raised wood headers shall be provided for landscaped areas.*

FINDING: The proposed landscaping plan does not include protective measures provided for the continuing care of the landscaped area. To ensure that irrigation facilities or other provisions for the continued care have been maintained, the applicant shall, prior to issuance of permits, revise the landscape plan to include a statement from a licensed landscape architect

stating that irrigation facilities and other provisions for continuing care of the vegetation will continue to occur. **The provisions of this section have been met subject to conditions of approval.**

4. *Trees shall be of a type and distribution to reduce the reflection of heat by paved surfaces and should have an adequate lifespan, be pollution tolerant and have low maintenance requirements in order to save long-term costs. An approved recommended tree list will be provided to the applicant.*

FINDING: The proposed landscaping plan does not include trees that are on the recommended street tree list. However, none of the proposed trees are within the public right-of-way and are required to be on the list. The trees selected by the applicant are tolerant of standing water which the bio-swales will contain and have limited height at full growth to avoid all overhead utilities. **The provisions of this section have been met.**

5. *Trees shall be planted in a manner that will minimize interference with the solar access of adjacent properties.*

FINDING: The proposed landscaping plan does not place trees in a location that interfere with the solar access of the adjacent properties. **The provisions of this section have been met.**

G. *Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect light away from any abutting or adjacent residential district and limit excessive light pollution.*

FINDING: The proposed site development plan provides minimal details in regards to on-sight lighting. To ensure that light is reflected away from the adjacent residential district to the east, the applicant shall, prior to issuance of building permits, provide to Community Development a revised site plan that includes a standard drawing detailing the style of the proposed lights and any measures necessary to shield the light. **The provisions of this section have been met subject to conditions of approval.**

8-3J.630 STREET ACCESS AND CIRCULATION

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

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

at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other services that affect traffic operation are to be avoided.

2. *Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum width of 10 feet per lane is required). These methods are "options" to the developer/subdivider, unless one method is specifically required by Divisions 8-3C through 8-3H, and Article 8-3J.1.*

   c. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access point. Street access points shall comply with Paragraph 630(A)3.*

3. *Road Approach Standards. Standards for the number and location of road access points are as follows. Variations from these standards shall satisfy and be subject to the requirements of 8-3L.4, Variances.*

   c. *Collector and Local Streets. All uses: road access permit required as set forth in Sec. 630(B), subject to general considerations for safety and transportation mobility; curb cuts and driveways. A minimum of 10 feet for local streets and thirty (30) feet separation for collectors (as measured from the sides of the driveway/street) from street intersections.*

   d. *Special Provisions for All Streets. Access consolidation, shared access, and/or access separation greater than that specified by Sec. 630 may be required by the City, County or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional restrictions (i.e., right in/out, right in only, or right out only) may be required.*

4. *Curb Cut—Driveway Standards.*

   a. *Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts. Driveways shall be designed and constructed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. Curbs, sidewalks, landscaping, signs and/or other improvements shall be utilized to clearly define points of ingress and egress.*

   b. *Curb cuts or driveways widths shall be sized according to the following:*

      3. *Commercial and industrial uses: maximum curb cuts and driveway approaches are the following according to property frontage:*

Property frontage	*One two-way driveway*	*Two or more two-way driveways*
under 30 feet	*60% of frontage*	-------
30-50 feet	*18 feet*	-------
50-80 feet	*29 feet*	-------
80 feet or more	*33 feet*	*28 feet*

Note: One-way driveways can be a maximum of 50% of the two-way maximum driveway standards.

c. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

B. *Road Access Permits.*

6. Permits requested along collector or local streets will be granted in accordance with the standards set forth in Paragraphs 630(A)2 through (A)5, above.

FINDING: The proposed development provides one vehicular access point from Suncrest Road, the adjacent collector street and is safely distanced from the nearest intersection. The site includes a plan to construct a pedestrian path that will provide pedestrian connectivity to both the east and west areas of the development.

The double-frontage property does not have an alley or mid-block lane to provide a secondary access.

The proposed driveway approach & landscaping have been designed to provide drivers with unobstructed views of traffic and pedestrians at the entry of the development by using shrubbery that when fully grown is less than the maximum height allowed. **The provisions of this section have been met.**

8-3J.640 PEDESTRIAN ACCESS AND CIRCULATION

A. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Sections 630 and 640

B. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets...

C. Connections Within Development. For all developments subject to Site Development Plan Review (8-3L.1), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas, and adjacent developments to the site, as applicable.

FINDING: The subject parcel includes a sidewalk along the Suncrest Road right-of-way and an asphalt path adjacent to Hwy. 99. The current asphalt path along the Hwy. 99 frontage is not constructed to current City standards and as such shall be brought into conformance. Once installed, a safe, direct and convenient pathway, built to ADA standards from Hwy. 99 will be possible. Prior to Certificate of Occupancy, the applicant shall install sidewalk along Hwy. 99 to city standards and shall install all proposed pedestrian paths from Hwy. 99 and Suncrest Rd. **The provisions of this section have been met subject to the conditions of approval.**

8-3J.650 STREET IMPROVEMENTS

B. Building on All Other Streets.

2. Before a building permit will be issued for the construction of a new single-family dwelling, or the placement of a mobile home, or the construction of an additional dwelling unit on a lot with an existing unit or units, within property with frontage on a street (other than an arterial), which is not yet improved to city standards, the owner of the property shall either install the improvements required for exterior unimproved streets adjacent to minor land partitions (as set forth in the Subdivision Code) or shall sign a recordable agreement to consent to the improvements when the city forms a local improvement district to improve the street.

FINDING: Both adjacent streets are improved to City/State standards and do not require further improvements. **The provisions of this section are not applicable.**

8-3J.660 STREET DEDICATION AND SETBACKS

If a lot adjoins a street which is designated in the Comprehensive Plan as an arterial or collector street but which has less right-of-way width than required by the plan, then no building permit will be issued for the construction of a main building on that lot until, if on a collector street, there is first dedicated from the lot a sufficient amount of frontage to remedy half the right-of-way deficiency of the street as a collector along the portion adjoining the lot....

FINDING: The street right-of-way adjacent to the proposed development is sufficient for both the City and State needs. No further right-of- way is required. **The provisions of this section are not applicable.**

8-3J.730 ADMINISTRATION

No person shall hereafter install a sign unless the City has issued a valid permit for the sign, and no person shall allow or maintain on premises under his or her control, any sign hereafter installed without such permit. No person shall install a sign in violation of the lawful conditions of a permit, or install or maintain a sign, or allow a sign on premises under his control, in violation of any other requirement imposed by this Article.

FINDING: The proposed development plan did not include the request for a sign. **The provisions of this section are not applicable.**

8-3L.150 REQUIRED FINDINGS FOR APPROVAL OF PLAN

After an examination of the site, the planner shall approve, or approve with conditions the site development plan if all of the following findings are made:

a) All provisions of this Chapter and other applicable City ordinances and agreements are complied with.

FINDING: The CBH zone allows for a retail or office space subject to Site Development Plan review permit, Administrative Review and public notice.

The applicant's proposed site development plan and findings address all provisions of this Chapter and other applicable City ordinances. **The provisions of this section have been met subject to conditions of approval.**

b) The proposed development will be in conformance with the intent and objectives of the zone in which it will be located.

FINDING: According to TZC 8-3D.310 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 use of the property as a retail/personal/office space is consistent with the provisions of this section. **The provisions of this section have been met.**

c) All applicable portions of the City comprehensive plan or other adopted plan are complied with;

FINDING: The proposed site development plan is consistent with the approval criteria addressed in this staff report and meets the overall intent of the commercial Comprehensive Plan designation. **The provisions of this section have been met subject to conditions of approval.**

d) The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area.

FINDING: The proposed building is surrounded by a local street and Hwy. 99. The area to the west of the parcel is highway and the area south is commercial. The only potential area for concern is the area to the north and east. However, the adjacent zoning district to the north and east is zoned for high density development, but it is not anticipated that a buffer will be necessary to screen the proposed use from the surrounding area. The parking standards in Section 8-3J.3 addressed, below address buffering. **The provisions of this section have been met.**

e) That no wastes, other than normal water runoff, will be conducted into City storm and wastewater facilities.

FINDING: The proposal does not specifically address stormwater, however the proposed site is of sufficient size to provide onsite detention and treatment. To ensure that the provisions of this section have been met and to meet the standards of Rogue Valley Sewer Service's (RVS) Stormwater Design manual, the applicant shall, prior to issuance of building permits, provide the City with a stormwater plan approved by RVS. **The provisions of this section have been met subject to conditions of approval.**

f) The following are arranged so that traffic congestion is avoided; pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected; and there will be no adverse effect on surrounding property:

(1) buildings, structures, and improvements;
(2) vehicular and pedestrian ingress and egress, and internal circulation;
(3) parking and loading facilities;
(4) setbacks and views from structures;
(5) walls, fences, landscaping and street and shade trees;
(6) lighting and signs; and
(7) noise generation facilities and trash or garbage depositories.

FINDING: Through the submittal of a detailed site development plan and findings, the applicant has demonstrated that the above criteria have been met or can be met with conditions of approval.

As proposed, the building is situated in such a manner that vision clearance to the State Highway is maintained and that internal circulation and pedestrian safety is adequate. Each of the above criteria have been addressed in the findings above. **The provisions of this section have been met subject to conditions of approval.**

g) The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this Chapter and the applicable portions of the City Subdivision Code, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made.

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

DISCUSSION

Overall, staff is very supportive of proposed site development plan because of its attractive nature and its ability to meet overall intent of the Highway Central Business District.

RECOMMENDATION

Staff tentative approves the Site Development Plan application subject to the following conditions:

GENERAL CONDITIONS

1. That all submittals of the applicant shall be conditions of approval unless modified herein.

PRIOR TO ISSUANCE OF PERMITS

2. The applicant shall provide the City with a stormwater plan approved by RVS.
3. Applicant must obtain a sewer permit from RVS for the extension of the sewer line to the proposed building.
4. Applicant must provide RVS with a detailed plumbing fixture plan for the determination of SDC fees due to RVS.
5. The applicant shall revise the landscape plan to include a statement from a licensed landscape architect or arborist stating 40% of the outdoor parking area can feasibly be shaded by trees within fifteen (15) years of planting.
6. The applicant shall revise the landscape plan to include a statement from a licensed landscape architect or arborist stating that a minimum of seven percent (7%) of the area devoted to outdoor parking facilities is planted with vegetation.
7. The applicant shall revise the landscape plan to include a statement from a licensed landscape architect stating that irrigation facilities and other provisions for continuing care of the vegetation will continue to occur.
8. The applicant shall revise the site plan to include a standard drawing detailing the style of the proposed lights and any measures necessary to shield the light.

PRIOR TO CERTIFICATE OF OCCUPANCY

9. The applicant shall landscape the site in its entirety, consistent with the proposed landscape plan.
10. The applicant shall install six (6) bicycle storage spaces as detailed on the proposed site plan.
11. The applicant shall complete the construction of the parking area surface using asphaltic concrete.
12. The applicant shall permanently and clearly mark the newly constructed parking area.
13. Install wheel stops in the parking stalls that abut the proposed building.
14. The applicant shall install sidewalk along Hwy. 99 to city standards and shall install all proposed pedestrian paths from Hwy. 99 and Suncrest Rd.

Zac Moody
Community Development Director

8/5/14
Date

Exhibit B

NOTICE OF APPEAL & PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Talent County Planning Commission will hold a public hearing on **Thursday, September 25, 2014 at 6:30 p.m.** in the Community Center located at 206 East Main Street, Talent, Oregon. The purpose of the public hearing is for the:

Consideration of an appeal of a Type II Administrative Decision for a Site Development Plan allowing the construction of a new fitness building located at 5921 S. Pacific Hwy, Talent, Oregon and legally described as Township 38 South, Range 1 West, Section 23B, Tax Lot 1800. ***File: SPR 2014-002****. Decisions are based on the approval criteria found in Zoning Ordinance 8-3L.1. The property is zoned CBH (Central Business District Highway). Applicant: Tom Bradley.*

Oregon law and Section 8-3M.150(C)(2) of the Talent Development Regulations (Title 8 of the General Ordinances of the City of Talent) state that testimony, arguments and evidence must be directed toward the approval criteria or other criteria in the Regulations that the person believes apply to the application. Failure to raise an issue at the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals based on that issue. A copy of the rules (8-3M.150(D)) governing conduct of the hearing and submission of evidence and testimony at the hearing may be inspected at the Community Development Department at no cost during department business hours prior to the hearing, and can be provided at minimal cost. They are also available online at www.cityoftalent.org.

A SIGN UP SHEET WILL BE PROVIDED AT THE HEARING AND WHEN YOUR NAME IS CALLED YOU MAY GIVE YOUR ORAL TESTIMONY. ORAL TESTIMONY ON THIS HEARING SHALL BE LIMITED TO FIVE MINUTES PER PERSON. ADDITIONAL TESTIMONY (BEYOND THE FIVE MINUTE LIMIT) MAY BE SUBMITTED IN WRITING.

NOTICE TO MORTGAGE, LIENHOLDER, VENDOR, OR SELLER: THE TALENT CITY CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

A copy of the Staff report and all documents and evidence relied upon for the review of the application is available for inspection at least seven days prior to the hearing at no cost and can be provided at reasonable cost, if requested. Additional information is available by contacting Community Development, 110 East Main Street, Talent, Oregon 97540. Additional information is available by contacting Zac Moody, Community Development Director at 541-535-7401 or by email to zmoody@cityoftalent.org.

Alternatively, respondents may comment by using the comment sheet on the reverse side and return it to the Community Development Department in person or via mail to:

City of Talent, Community Development Department
P.O. Box 445,
110 East Main Street
Talent, Oregon 97540

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.

Comment Form

File No. **SPR 2014-002**

- ☐ No comment.
- ☐ We encourage approval of this request.
- ☐ Please address the following concerns should this application be approved:

_____

_____

_____

- ☒ We encourage denial of this request for the following reasons:

No grounds or concrete proof of issue. See Attached

- ☐ Please let us know the results.

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: Sandra Miller

Mailing Address: 121 Autumn Ridge
Talent

Date: 9/16/14

Failure to raise an issue by returning this form, or in person or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals.

Interested parties may review the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards at City Hall at no cost. Interested parties may obtain copies at 25 cents per page; 50 cents for 11" x 17" copies.

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.

September 15, 2014

In response to Mr. Strauss' Appeal –

I too live in close proximity to the proposed fitness center site and in fact, am closer than he and would be more affected by a parking issue. As there is no parking allowed on Suncrest, I stand a larger chance of overflow parking on my residential street than he.

Having said this - I am a current member of the club and have been for over a year now and have used the fitness club at all hours of the day. Since reading Mr. Strauss appeal, I have watched the vehicle usage at various times – I utilize the club around 6am and also 5pm. I also walk my dogs in the park area and have made it a point to count the # of cars. I have seen up to 10 cars parked in the vicinity of the club, but with 3 restaurants, one of which opens at 7am, it's very difficult to know if all those cars are utilizing the club or a restaurant. At 6am, there are never more than 4-5 cars at the club and at least one car is a Subway employee preparing the restaurant for opening. At other times of the day, I believe some of those cars are employees of the other restaurants (Talent Café and Juleks) - Snap only has one employee on site at any given time. I also believe some of the cars may be overflow from the Anjou Apartment complex. Many of my neighbors are members of the club (I see them when I'm there) and I know that they walk, therefore, it stands to reason that others in close proximity of the club are walkers.

Adding an exercise room does not prove that vehicles will increase. If Mr. Strauss wants to get an accurate count of the number of vehicles utilizing the fitness club at any given time to support his appeal, he should produce a spreadsheet report showing the vehicle activity as follows:

# of days reviewed:	minimum 7
Times reviewed:	6am to 7am, 10am to 2pm, 4pm to 7pm (these being the busiest).
# of cars with arrival time noted.	

I believe that the average # of vehicles in the lot utilizing the club at any given time will be approx. 5. Based on this, I agree with the Administrative Review that the parking requirement has been met.

****

My only other comment is that since my backyard (and master bedroom door) face the proposed site, I would like to see a strong requirement that exterior lighting be shielded and cast downward as per Condition #8.

I am in favor of this project and recommend that the Planning Commission deny Mr. Strauss' appeal and allow the original plan to move forward.

Thank you for the opportunity to express my opinion.

Sandra J. Miller
121 Autumn Ridge Drive
Talent
a3doghouse@hotmail.com

Exhibit C

Snap membership card readings translated into necessary parking spaces.

- Raw data derives from the appended, reports from Snap's corporate offices indicating the total number of card swipes per location by hour over 12 months (except Ashland/YMCA which opened in Feb14).

- Leftmost groupings represent 3 gyms with group fitness rooms, & the last grouping represents data from Snap'sTalent location, which lacks a group fitness room

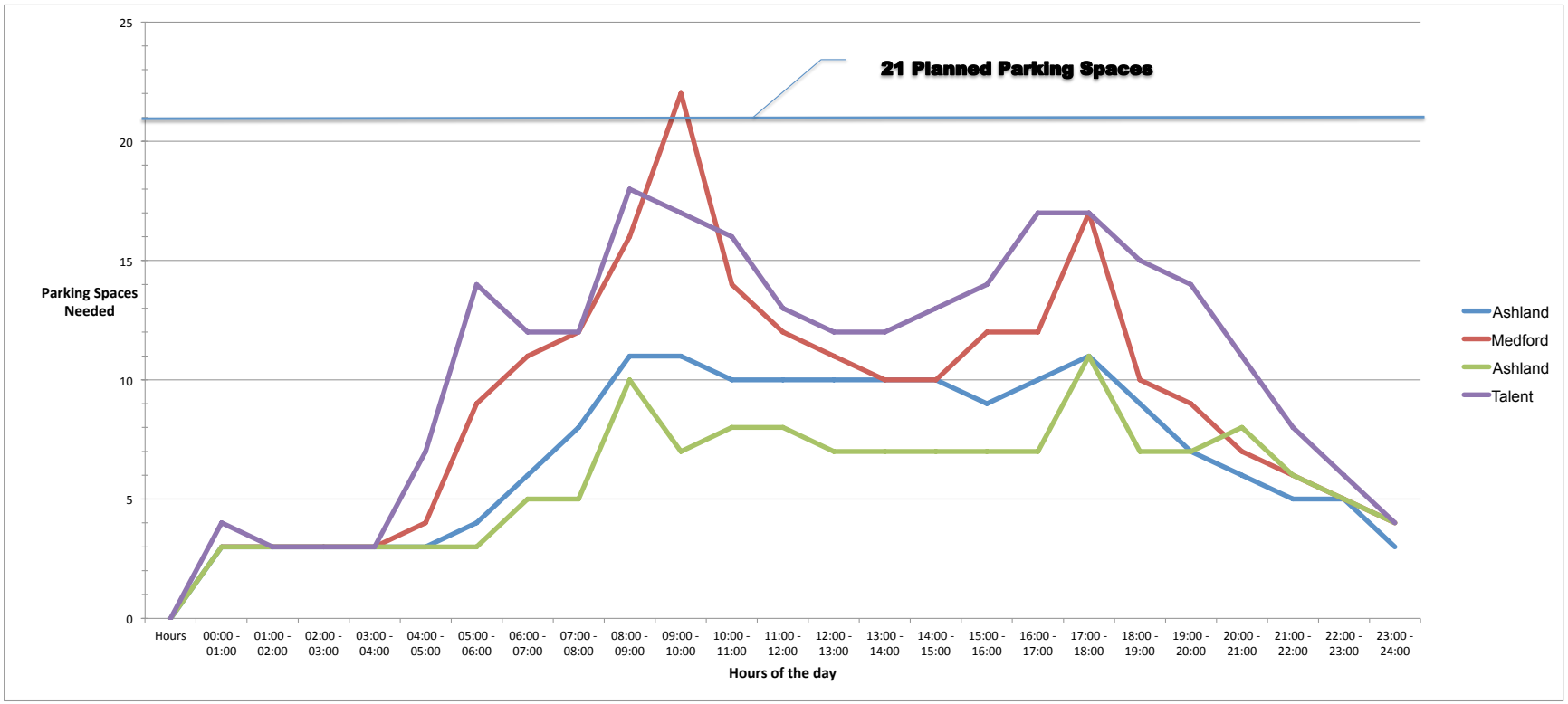
- Franchisees & Snap's Corporate staff estimate that an average visit lasts about 45 minutes

- The analysis divides gross, annual swipes by 365 to obtain average swipes/hr, and then divides Avg/hr by facility size (x 1,000) to obtain swipes per hour per 1,000 sf. Multiply by 6 to predict swipes/hr for a 6K sf gym

- We round up to obtain the needed spaces and add 2 spaces for employees (although employees visit gyms intermittently).

- Medford's 22 space demand from 9-10 represents an anomalous, 15-20 participant, Zumba class that Snap "adopted" when the local Curves folded. Managment does not wish to repeat this crowding again

	Card Swipe Data - Gyms with Group Fitness Rooms																		Card Swipe Data - No Group Fitness Room					
	August 2013 - Juy 2014 (365 Days)												1 February - 8 September 2014 (219 Days)						August 2013 - Juy 2014 (365 Days)					
	Ashland Downtown 5,000 sf with Group Fitness Room						Medford 3,400 sf w Group Fitness Room						Ashland (near YMCA) 4,700 sf with Group Fitness Room						Talent 3,200 sf with NO Group Fitness					
	Swipes				Spaces Req.		Swipes				Spaces Req.		Swipes				Spaces Req.		Swipes				Spaces Req.	
HOURS	365 Days	Avg/hr	per 1K	per 6K	Round	2 Emp	365 Days	Avg/hr	per 1K	per 6K	Round	2 Emp	365 Days	Avg/hr	per 1K	per 6K	Round	2 Emp	365 Days	Avg/hr	per 1K	per 6K	Round	2 Emp
00:00 - 01:00	73	0.20	0.04	0.24	1.0	3.0	170	0.47	0.14	0.82	1.0	3.0	119	0.54	0.12	0.69	1.0	3.0	213	0.58	0.18	1.09	2.0	4.0
01:00 - 02:00	39	0.11	0.02	0.13	1.0	3.0	72	0.20	0.06	0.35	1.0	3.0	67	0.31	0.07	0.39	1.0	3.0	108	0.30	0.09	0.55	1.0	3.0
02:00 - 03:00	21	0.06	0.01	0.07	1.0	3.0	68	0.19	0.05	0.33	1.0	3.0	38	0.17	0.04	0.22	1.0	3.0	108	0.30	0.09	0.55	1.0	3.0
03:00 - 04:00	12	0.03	0.01	0.04	1.0	3.0	110	0.30	0.09	0.53	1.0	3.0	60	0.27	0.06	0.35	1.0	3.0	93	0.25	0.08	0.48	1.0	3.0
04:00 - 05:00	165	0.45	0.09	0.54	1.0	3.0	341	0.93	0.27	1.65	2.0	4.0	150	0.68	0.15	0.87	1.0	3.0	801	2.19	0.69	4.11	5.0	7.0
05:00 - 06:00	497	1.36	0.27	1.63	2.0	4.0	1,283	3.52	1.03	6.20	7.0	9.0	121	0.55	0.12	0.71	1.0	3.0	2219	6.08	1.90	11.40	12.0	14.0
06:00 - 07:00	1,022	2.80	0.56	3.36	4.0	6.0	1,810	4.96	1.46	8.75	9.0	11.0	401	1.83	0.39	2.34	3.0	5.0	1797	4.92	1.54	9.23	10.0	12.0
07:00 - 08:00	1,666	4.56	0.91	5.48	6.0	8.0	2,002	5.48	1.61	9.68	10.0	12.0	504	2.30	0.49	2.94	3.0	5.0	1925	5.27	1.65	9.89	10.0	12.0
08:00 - 09:00	2,689	7.37	1.47	8.84	9.0	11.0	2,794	7.65	2.25	13.51	14.0	16.0	1,334	6.09	1.30	7.78	8.0	10.0	3015	8.26	2.58	15.49	16.0	**18.0**
09:00 - 10:00	2,505	6.86	1.37	8.24	9.0	**11.0**	3,963	10.86	3.19	19.16	20.0	**22.0**	782	3.57	0.76	4.56	5.0	7.0	2854	7.82	2.44	14.66	15.0	17.0
10:00 - 11:00	2,382	6.53	1.31	7.83	8.0	10.0	2,374	6.50	1.91	11.48	12.0	14.0	897	4.10	0.87	5.23	6.0	8.0	2577	7.06	2.21	13.24	14.0	16.0
11:00 - 12:00	2,385	6.53	1.31	7.84	8.0	10.0	1,872	5.13	1.51	9.05	10.0	12.0	862	3.94	0.84	5.02	6.0	8.0	2082	5.70	1.78	10.70	11.0	13.0
12:00 - 13:00	2,374	6.50	1.30	7.80	8.0	10.0	1,780	4.88	1.43	8.61	9.0	11.0	772	3.53	0.75	4.50	5.0	7.0	1768	4.84	1.51	9.08	10.0	12.0
13:00 - 14:00	2,395	6.56	1.31	7.87	8.0	10.0	1,654	4.53	1.33	8.00	8.0	10.0	762	3.48	0.74	4.44	5.0	7.0	1841	5.04	1.58	9.46	10.0	12.0
14:00 - 15:00	2,362	6.47	1.29	7.77	8.0	10.0	1,549	4.24	1.25	7.49	8.0	10.0	801	3.66	0.78	4.67	5.0	7.0	2090	5.73	1.79	10.74	11.0	13.0
15:00 - 16:00	2,021	5.54	1.11	6.64	7.0	9.0	1,903	5.21	1.53	9.20	10.0	12.0	802	3.66	0.78	4.68	5.0	7.0	2207	6.05	1.89	11.34	12.0	14.0
16:00 - 17:00	2,277	6.24	1.25	7.49	8.0	10.0	2,005	5.49	1.62	9.69	10.0	12.0	793	3.62	0.77	4.62	5.0	7.0	2747	7.53	2.35	14.11	15.0	17.0
17:00 - 18:00	2,660	7.29	1.46	8.75	9.0	11.0	2,898	7.94	2.34	14.01	15.0	17.0	1,443	6.59	1.40	8.41	9.0	**11.0**	2749	7.53	2.35	14.12	15.0	17.0
18:00 - 19:00	1,845	5.05	1.01	6.07	7.0	9.0	1,579	4.33	1.27	7.63	8.0	10.0	850	3.88	0.83	4.95	5.0	7.0	2427	6.65	2.08	12.47	13.0	15.0
19:00 - 20:00	1,277	3.50	0.70	4.20	5.0	7.0	1,340	3.67	1.08	6.48	7.0	9.0	740	3.38	0.72	4.31	5.0	7.0	2160	5.92	1.85	11.10	12.0	14.0
20:00 - 21:00	1,115	3.05	0.61	3.67	4.0	6.0	957	2.62	0.77	4.63	5.0	7.0	892	4.07	0.87	5.20	6.0	8.0	1679	4.60	1.44	8.63	9.0	11.0
21:00 - 22:00	815	2.23	0.45	2.68	3.0	5.0	803	2.20	0.65	3.88	4.0	6.0	686	3.13	0.67	4.00	4.0	6.0	999	2.74	0.86	5.13	6.0	8.0
22:00 - 23:00	644	1.76	0.35	2.12	3.0	5.0	543	1.49	0.44	2.63	3.0	5.0	386	1.76	0.38	2.25	3.0	5.0	701	1.92	0.60	3.60	4.0	6.0
23:00 - 24:00	230	0.63	0.13	0.76	1.0	3.0	339	0.93	0.27	1.64	2.0	4.0	212	0.97	0.21	1.24	2.0	4.0	285	0.78	0.24	1.46	2.0	4.0


21 Planned Parking Spaces
Parking Spaces Needed
25
20
15
10
5
0
Hours
00:00 - 01:00
01:00 - 02:00
02:00 - 03:00
03:00 - 04:00
04:00 - 05:00
05:00 - 06:00
06:00 - 07:00
07:00 - 08:00
08:00 - 09:00
09:00 - 10:00
10:00 - 11:00
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16:00 - 17:00
17:00 - 18:00
18:00 - 19:00
19:00 - 20:00
20:00 - 21:00
21:00 - 22:00
22:00 - 23:00
23:00 - 24:00
Hours of the day
Ashland
Medford
Ashland
Talent

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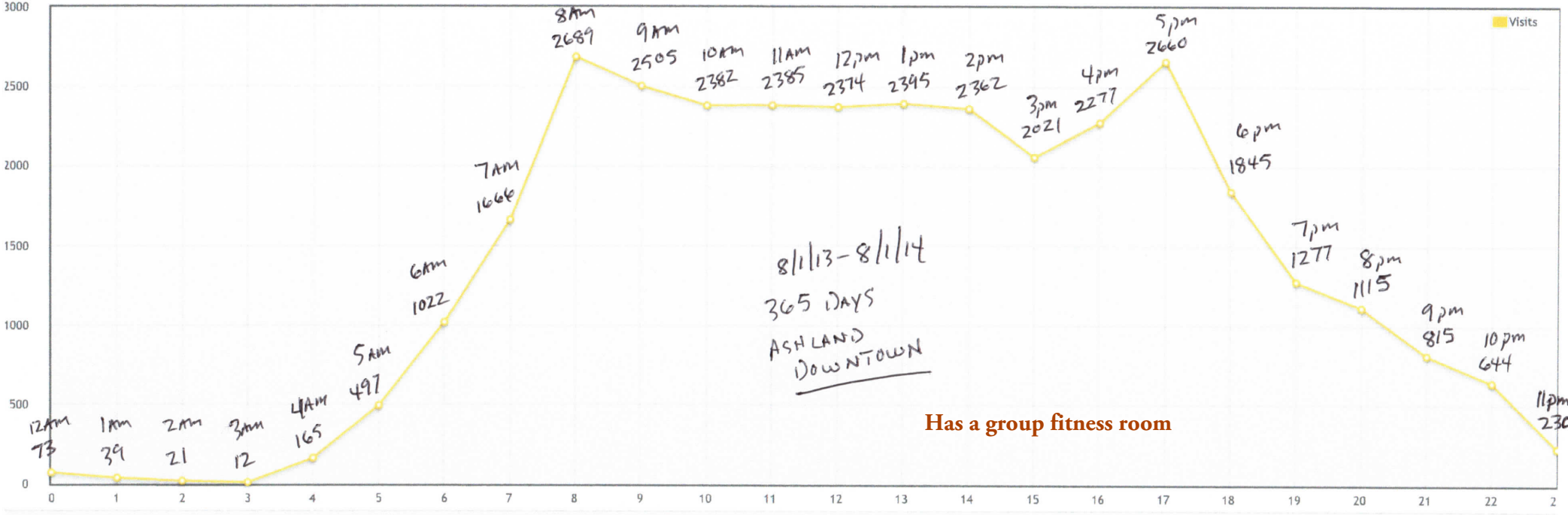
Ashland Downtown (1461)

Door Access Daily Trend

Pull reports on overall door access into your club.

Available date range is between 1 and 365 days. (Results are delayed 1 hour)

Between 08/01/2013 and 08/01/2014 Go



Has a group fitness room

© 2014 Snap Fitness

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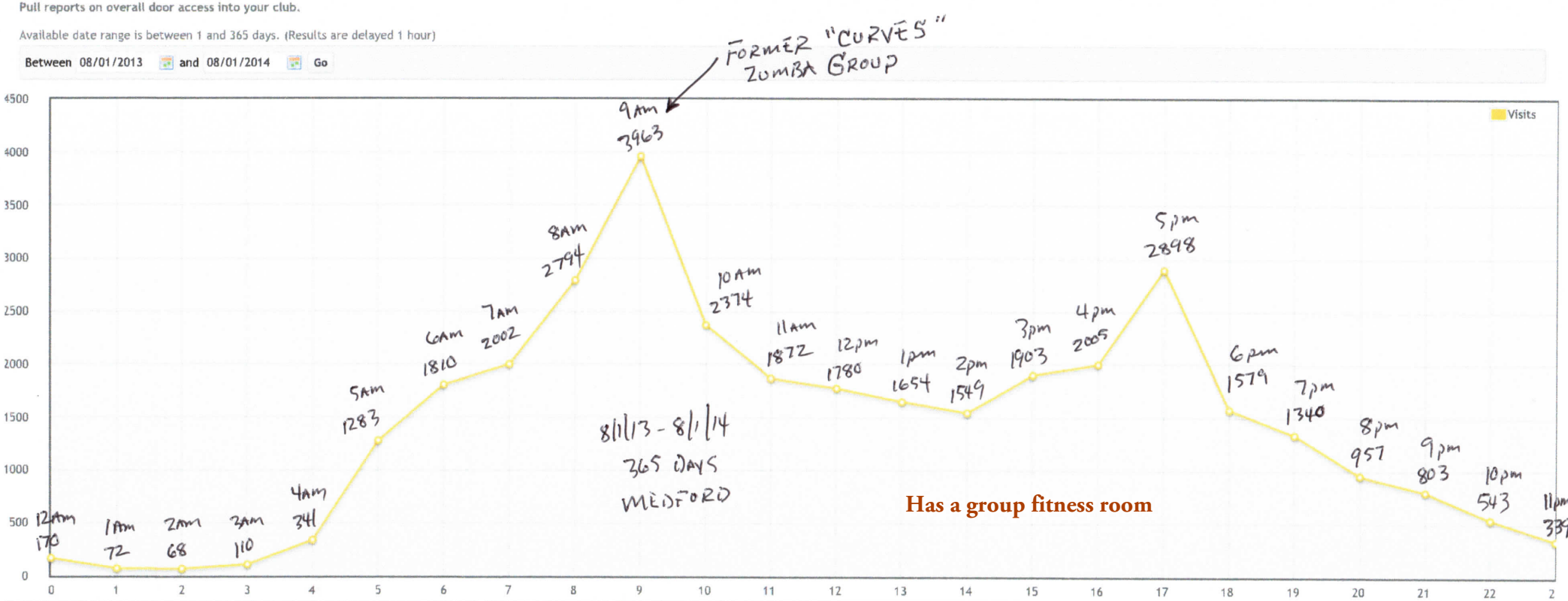
Medford (1354)

Door Access Daily Trend

Pull reports on overall door access into your club.

Available date range is between 1 and 365 days. (Results are delayed 1 hour)

Between 08/01/2013 and 08/01/2014 Go



Has a group fitness room

© 2014 Snap Fitness

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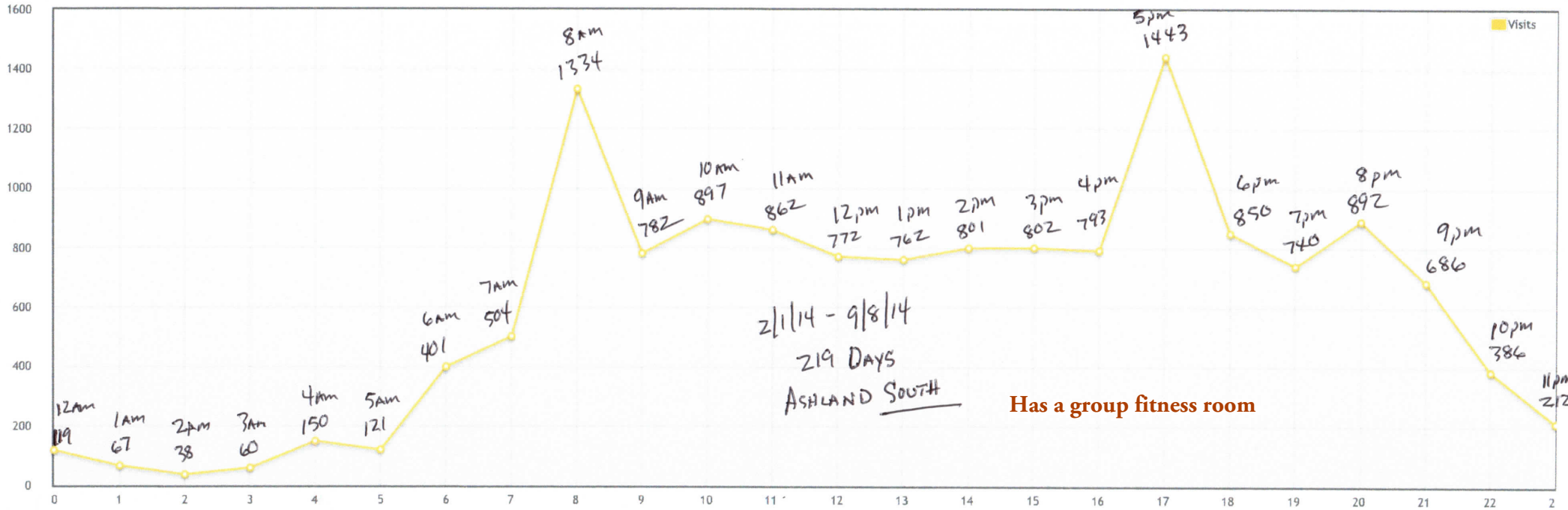
Ashland South (1727)

Door Access Daily Trend

Pull reports on overall door access into your club.

Available date range is between 1 and 365 days. (Results are delayed 1 hour)

Between 02/01/2014 and 09/08/2014 Go



Has a group fitness room

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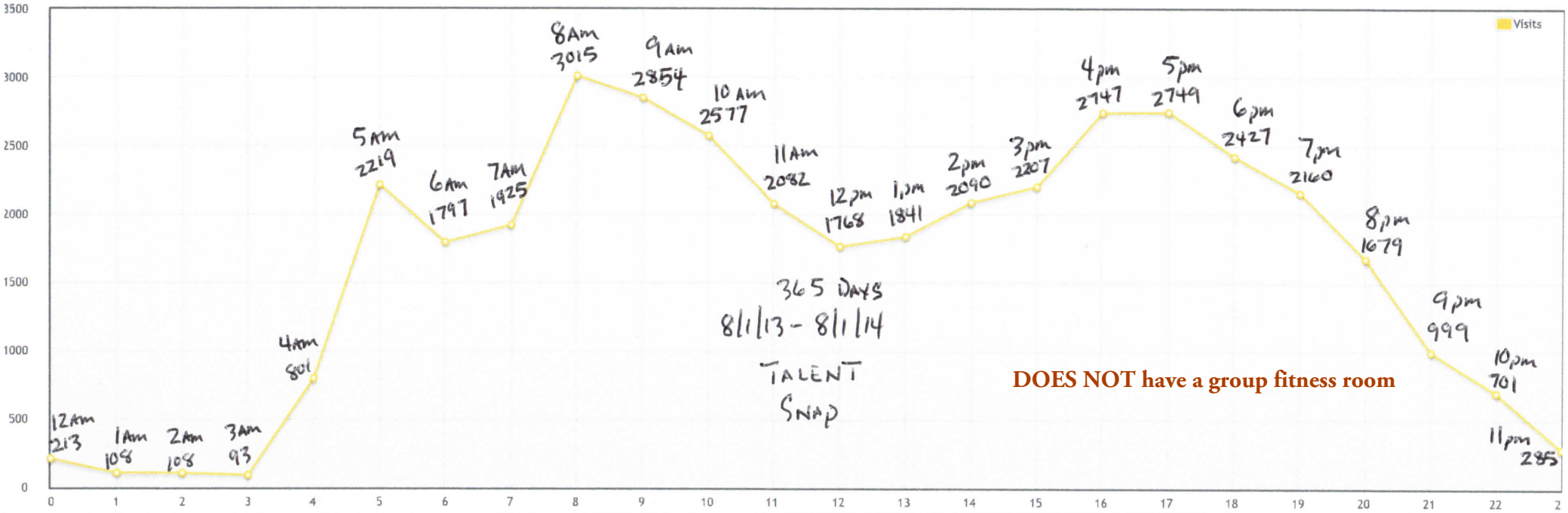
Talent (1111)

Door Access Daily Trend

Pull reports on overall door access into your club.

Available date range is between 1 and 365 days. (Results are delayed 1 hour)

Between 08/01/2013 and 08/01/2014 Go



DOES NOT have a group fitness room

© 2014 Snap Fitness

Exhibit D

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

IN THE MATTER OF PLANNING COMMISSION FILE NO. APL 2014-001(SPR 2014-002) UPHOLDING AN ADMINISTRATIVE APPROVAL FOR A SITE DEVELOPMENT PLAN LOCATED AT 5921 S. PACIFIC HWY [MAP NO. 38-1W-23B TAXLOT 1800], THE CITY OF TALENT PLANNING COMMISSION FINDS THE FOLLOWING:	))))	ORDER

ORDER, granting approval for an application to the City of Talent for a Site Development Plan located at 5921 S. Pacific Hwy.

WHEREAS:

1. The Planning Commission held a properly noticed public hearing on this matter on September 25, 2014;

2. Subsequent to the Administrative approval on August 5, 2014, a resident appealed the decision recommending denial;

3. At the public hearing evidence was presented, those with standing to appeal were provided an opportunity to give testimony, and recommendations were made by the Community Development Director; and the Planning Commission made the following findings based on the applicable criteria found in the Talent Zoning Ordinance:

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

A. The number of off-street parking spaces required shall be not less than as set forth in (the following) Table 540-1, except as otherwise provided in this Article.

Use	*Standard*
Commercial Uses	
Banks, office buildings, business and professional offices, including medical and dental	*Medical and Dental offices - 1 space per 350 sf of gross floor area (GFA); General Offices- 1 space per 450 sf GFA*
Skating rinks, dance & pool halls, bowling alleys, arcades	*1 space for each 100 sf of GFA*
Retail establishments, except as otherwise provided herein	*1 space for each 400 sf of GFA*

FINDING: As noted in the administrative decision, the proposed use does not perfectly match any of the uses in Table 540-1. The use falls somewhat between a retail establishments (5,990/400=15 spaces) and skating rinks, dance... (5,990/100 = 60 spaces) which is somewhat an assembly type use. Simply taking an average of these two types of uses yielded a requirement of about 22 spaces.

In the case of an unlisted use where Planning Commission is required to make a determination, there are three (two very solid) approaches that many jurisdictions use. First is the use of the ITE (Institute of Transportation Engineers) Manual which requires more than five (5) stalls per 1,000 square feet of gross floor area. Using this standard would require in excess of 30 parking stalls. This approach is the broadest in terms of making a determination simply because of the data is based on very few studies using data from more populated areas.

The second is the use of other local jurisdictions codes and ordinances. Staff's original decision was based on a survey of parking standards from other jurisdictions in the Valley. As noted previously, staff used Ashland's AMC 18.92.030, Automobile Parking Spaces Required which suggests 1 space per 350 square feet area for business, general retail, personal services (which in broad terms a fitness facility with a group fitness meets that standard). Ashland has a variety of these types of use including a recently opened SNAP Fitness which uses these standards. Other jurisdictions such as the City of Medford provide multiple options for commercial uses, but without as much specificity. For example, the City of Medford has the option to calculate parking for commercial uses based on a matrix of square footages including, Commercial Use: less than 25,000 square feet, which requires 4.0 spaces per 1,000 square feet of gross floor area for uses in the Central Business District. Using this standard yields the need for approximately 24 spaces. The City of Medford also has a standard for recreational uses which is equal to 1.0 spaces per 4.8 patrons at maximum occupancy. Using this standard would yield the need for approximate 22 spaces based on a maximum occupancy of 106 patrons which is not likely to be met considering the facility is open 24 hours a day and the use is spread out over a longer period of time.

The third approach is the use of applicant data. Since the determination of required parking stalls is the responsibility of the Planning Commission (or Planning Staff in other jurisdictions), other data must be used to provide the decision maker with a reasonable basis for a requirement. For that purpose, many jurisdictions have a provision in their ordinance that provides City staff the opportunity to make a determination of unlisted uses to conclude that a parking requirement has been met. The City of Medford for example, places the determination of parking spaces for unlisted uses in the hands of the Planning Director or other Planning staff and they provide for an exception to the number of required off-street parking spaces. If the applicant can provide a detailed determination that the number of parking spaces is less than the minimum required or more than the maximum allowed based on the proposed use, that data can be used. The exceptions generally have to meet some criteria in order to be accepted. In the case of the City of Medford, the applicant must either provide an explanation why the characteristics of the proposed use require a different off-street parking standard or provide an analysis providing

parking data for the same business or similar use within the city that demonstrates a need for a different parking standard.

In the case of this application, the applicant has provided compelling information that would indicate that the number of parking stalls necessary for the intended use is sufficient and possibly even in excess of the requirements. The applicant has provided hourly card swipe information from the other SNAP Fitness gyms in the area and with that information provided a matrix and graph of card swipes. The applicant also provided information from the SNAP Corporate Office detailing the average length of stay in the facility.

The data is broken down by card swipes per hour and then divided by the square footage of the facility in which the information was derived to give an accounting of swipes/hr/1,000 square feet of gross floor area. This information is then multiplied by six (6) to provide an estimate of potential card swipes for the new Talent facility which is nearly 6,000 square feet. Finally, that data is rounded up to the nearest whole number, providing an estimated count of members using the facility each hour. The applicant went one step further and factored in two (2) employees (SNAP is a 24 hour gym that does not have a full-time staff so this number is generous).

Considering that each card swipe can be an assumed trip (or entrance to the building) and that each member's length of stay is between 30-45 minutes the numbers can easily translate into parking spaces needed. This information also assumes that every card swipe was generated by a member driving their vehicle to the gym, which is not likely the case. Based on information provided by the applicant, even the busiest gym located in Medford would only need 22 parking spaces at the facility's peak usage. Below is the breakdown of the necessary parking provided by the applicant for similar facilities based on 6,000 square feet of gross floor area (both with group fitness and without):

	Ashland Downtown – 11 parking spaces
Adjusted for 6,000 sq.ft.	**Medford – 22 parking spaces**
	Ashland (near YMCA) – 11 spaces
	Talent – 18 spaces

Based on staff's previous assumptions and the detailed analysis provided by the applicant, the proposed facility which provides 21 parking spaces nearly meets or exceeds that of the other SNAP facilities in the area and can meet the anticipated demand of the Talent facility. **The provisions of this section have been met.**

8-3J.550 PARKING REQUIREMENTS FOR USES NOT LISTED

Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining the requirements for said other uses.

FINDING: As noted by the appellant, Section 8-3J.550 does in fact require that Planning Commission determine parking for uses not specifically listed in Table 540-1 and used the above list as a guide for determining the requirement for said other

uses. The findings in the original staff report used the above list as a guide, but went a step further and reviewed other jurisdiction's requirements to confirm that the determination made by staff was consistent with other similar uses in other local jurisdictions. In light of the concerns by the appellant, the applicant provided a detailed parking analysis for the Planning Commission to consider. The findings in that analysis indicate that staff's original decision was appropriate. Considering that the Planning Commission is now reviewing this application, this standard has been met. **The provisions of this section have been met.**

4. At the conclusion of said public hearing, after consideration, discussion and deliberation on September 25, 2014, the Talent Planning Commission, upon a motion duly seconded, voted to instruct staff to prepare an Order with all findings of fact and conditions, as amended by the Planning Commission, as set forth for the granting of the application.

5. The proposal, as described in the materials submitted for review, and subject to the conditions of approval stated below, is consistent with the provisions of the Talent Zoning Ordinance and the Comprehensive Plan, pursuant to the above findings and the findings in the Community Development Director's first staff report dated August 5, 2014, and appeal staff report dated September 17, 2014.

NOW THEEFORE, LET IT BE HEREBY ORDERED that the application of Tom Bradly (Fit Station), stands approved with the conditions stated in the staff report dated August 5, 2014 and September 17, 2014, and as amended by the Planning Commission on September 25, 2014:

Approval of a Site Development Plan located at 5921 S. Pacific Hwy, and subject to the following conditions:

GENERAL CONDITIONS

1. That all submittals of the applicant shall be conditions of approval unless modified herein.

PRIOR TO ISSUANCE OF PERMITS

2. The applicant shall provide the City with a stormwater plan approved by Rogue Valley Sewer Service (RVS).
3. Applicant must obtain a sewer permit from RVS for the extension of the sewer line to the proposed building.
4. Applicant must provide RVS with a detailed plumbing fixture plan for the determination of SDC fees due to RVS.
5. The applicant shall revise the landscape plan to include a statement from a licensed landscape architect or arborist stating 40% of the outdoor parking area can feasibly be shaded by trees within fifteen (15) years of planting.
6. The applicant shall revise the landscape plan to include a statement from a licensed landscape architect or arborist stating that a minimum of seven percent (7%) of the area devoted to outdoor parking facilities is planted with vegetation.

7. The applicant shall revise the landscape plan to include a statement from a licensed landscape architect stating that irrigation facilities and other provisions for continuing care of the vegetation will continue to occur.
8. The applicant shall revise the site plan to include a standard drawing detailing the style of the proposed lights and any measures necessary to shield the light.

.

PRIOR TO CERTIFICATE OF OCCUPANCY

9. The applicant shall landscape the site in its entirety, consistent with the proposed landscape plan.
10. The applicant shall install six (6) bicycle storage spaces as detailed on the proposed site plan.
11. The applicant shall complete the construction of the parking area surface using asphaltic concrete.
12. The applicant shall permanently and clearly mark the newly constructed parking area.
13. Install wheel stops in the parking stalls that abut the proposed building.
14. The applicant shall install sidewalk along Hwy. 99 to city standards and shall install all proposed pedestrian paths from Hwy. 99 and Suncrest Rd.

BASED ON THE ABOVE, the Planning Commission determined that the application for a Site Development Plan located at 5921 S. Pacific Hwy. is in conformity with the approval criteria of the Talent Zoning Ordinance and the Comprehensive Plan.

ACCEPTED AND APPROVED THIS _____DAY OF _____.

CITY OF TALENT PLANNING COMMISSION

_____

Daniel Wise
Chairperson

ATTEST

_____

Zac Moody
Community Development Director

This approval shall become final 14 days from the date this decision and supporting findings of fact are signed by the Chair of the Talent Planning Commission, above. A Planning Commission decision may be appealed to the Hearing's Officer within 14 days after the final order has been signed and mailed. An appeal of the Hearing's Officer decision must be submitted to the Land Use Board of Appeals within 21 days of the Hearing Officer's decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Exhibit E

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of 'christopher brown arkitek' and is not to be used, in whole or in part, for any other project without the written authorization of 'christopher brown arkitek'

PROJECT INFORMATION

5921 SOUTH PACIFIC HWY
TALENT, JACKSON COUNTY, OREGON 97540

ASSESSOR'S MAP 38 1W 23 B TAX LOT 1800

CLIENT INFORMATION

TOM BRADLEY
612 IOWA ST.
(e)tom@bradleyprop.com (p)541.621.2136
ASHLAND,OR 97520

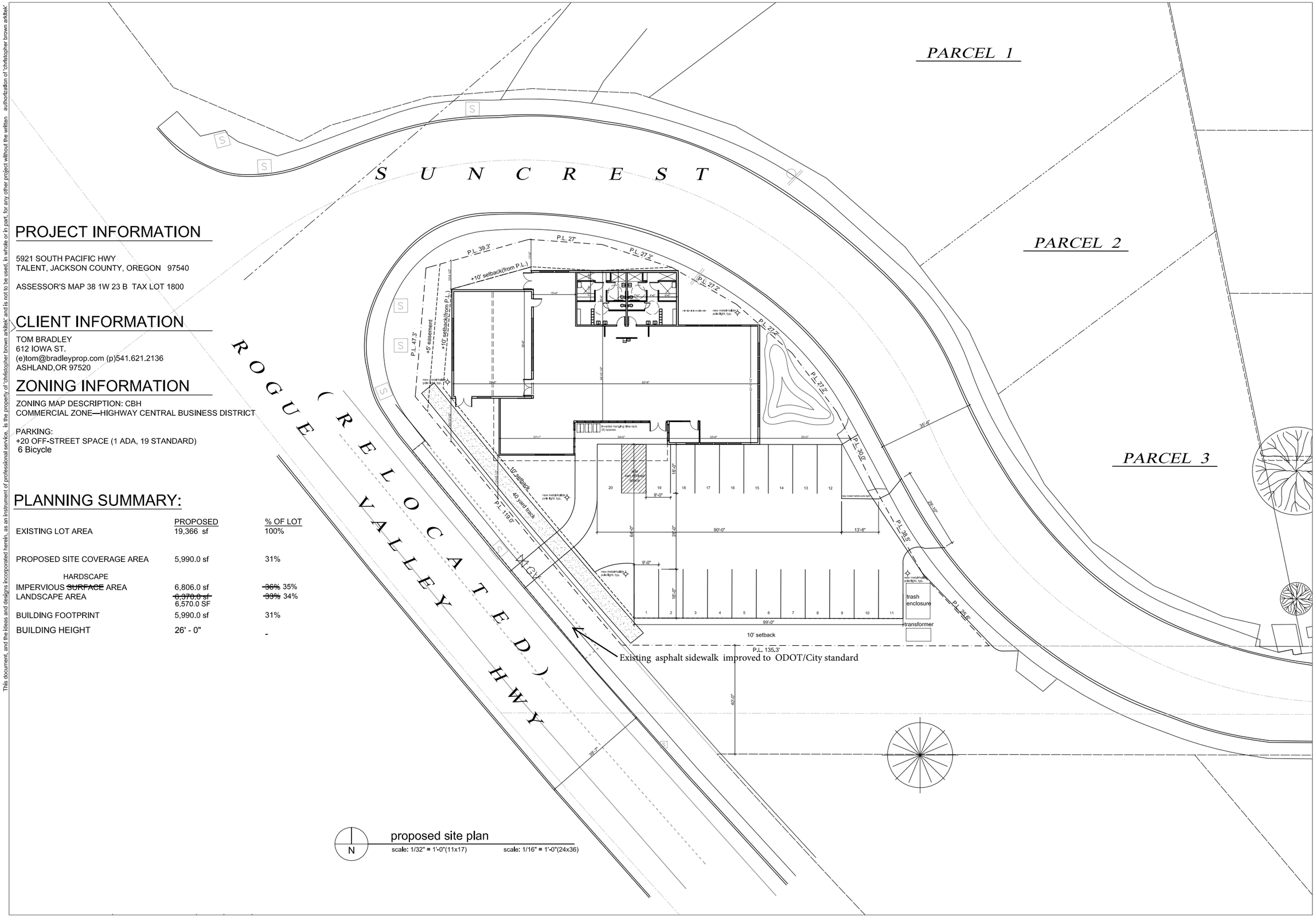
ZONING INFORMATION

ZONING MAP DESCRIPTION: CBH
COMMERCIAL ZONE—HIGHWAY CENTRAL BUSINESS DISTRICT

PARKING:
+20 OFF-STREET SPACE (1 ADA, 19 STANDARD)
6 Bicycle

PLANNING SUMMARY:

	PROPOSED	% OF LOT
EXISTING LOT AREA	19,366 sf	100%
PROPOSED SITE COVERAGE AREA	5,990.0 sf	31%
HARDSCAPE		
IMPERVIOUS ~~SURFACE~~ AREA	6,806.0 sf	~~36%~~ 35%
LANDSCAPE AREA	~~6,370.0 sf~~ 6,570.0 SF	~~33%~~ 34%
BUILDING FOOTPRINT	5,990.0 sf	31%
BUILDING HEIGHT	26' - 0"	-



proposed site plan
scale: 1/32" = 1'-0"(11x17) scale: 1/16" = 1'-0"(24x36)

christopher brown
arkitek
426 a street
ashland, or
97520
tel.:
541.591.9988

REGISTERED ARCHITECT
CHRISTOPHER PLUMMER BROWN
6022
ASHLAND, OREGON
STATE OF OREGON

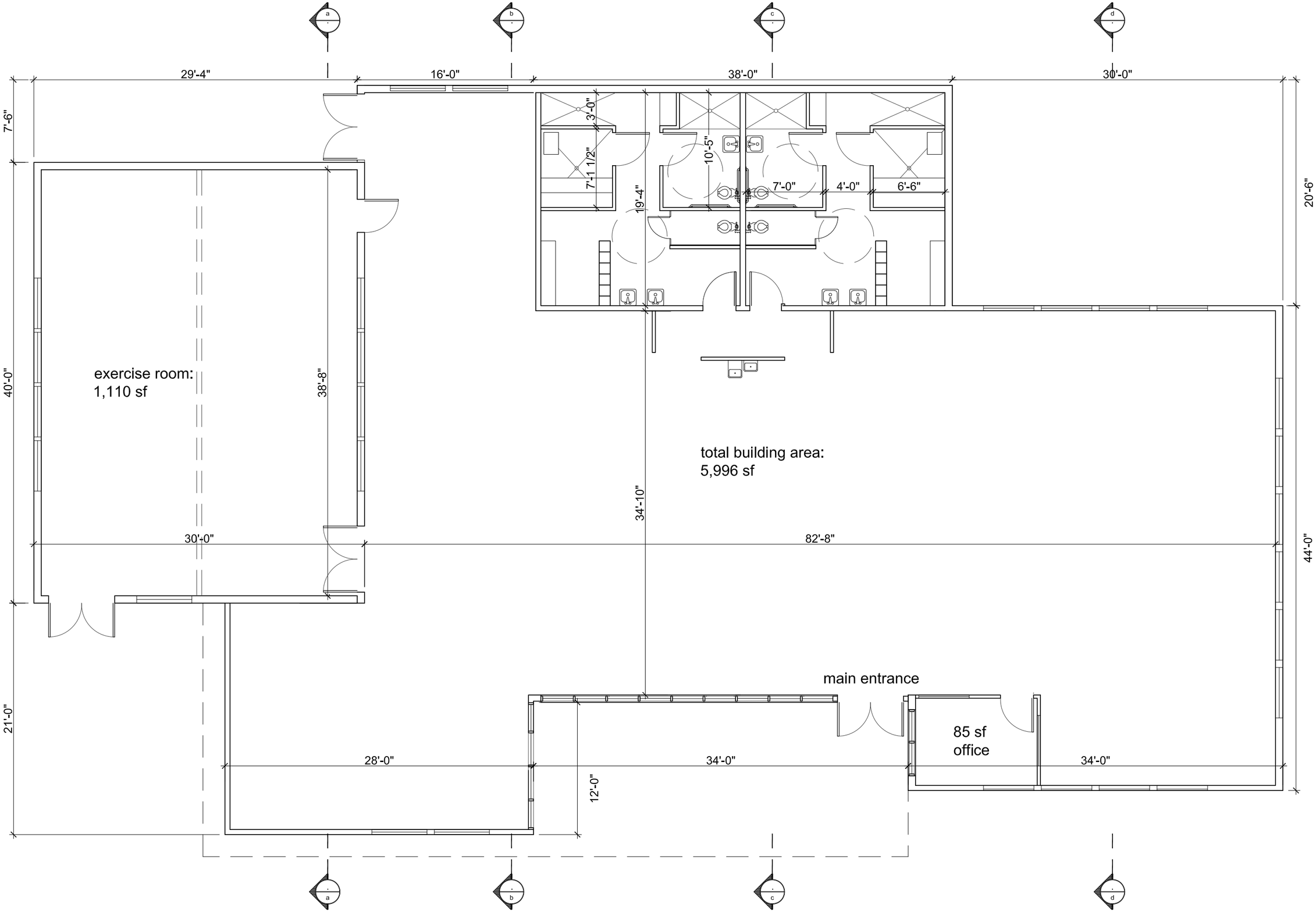
5921 south pacific hwy/SNAP talent,OR

tom bradley
ashland,or 97520

REVISIONS

site plan
1/16"=1'-0" 11x17

project: 14-022
issue date: 06-12-14
sheet:
g0.2



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5921 south pacific hwy/SNAP talent,OR

tom bradley
ashland,or 97520

REVISIONS

floor plan
1/8" = 1'-0"

project: 14-022
issue date: 06-12-14
sheet:
a1.0

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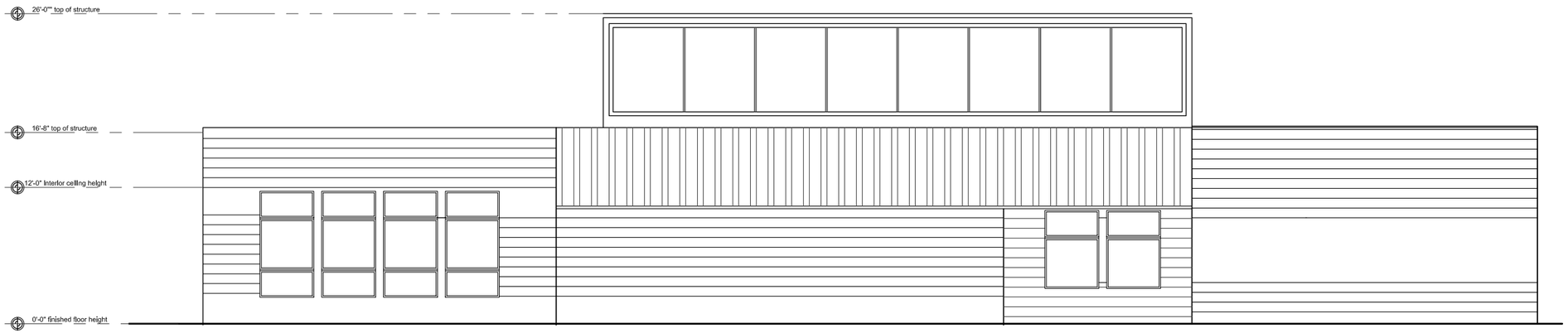
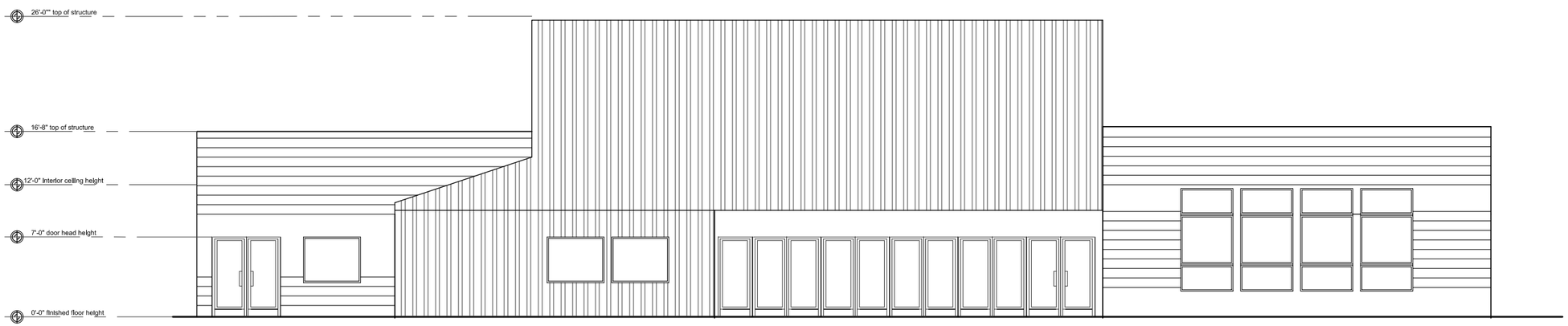


3 north elevation
scale: 3/32" = 1'-0"(11x17)



4 south elevation
scale: 3/32" = 1'-0"(11x17)

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REVISIONS

elevations
3/32"" = 1'-0"

project: 14-022
issue date: 06-12-14
sheet:
a2.1

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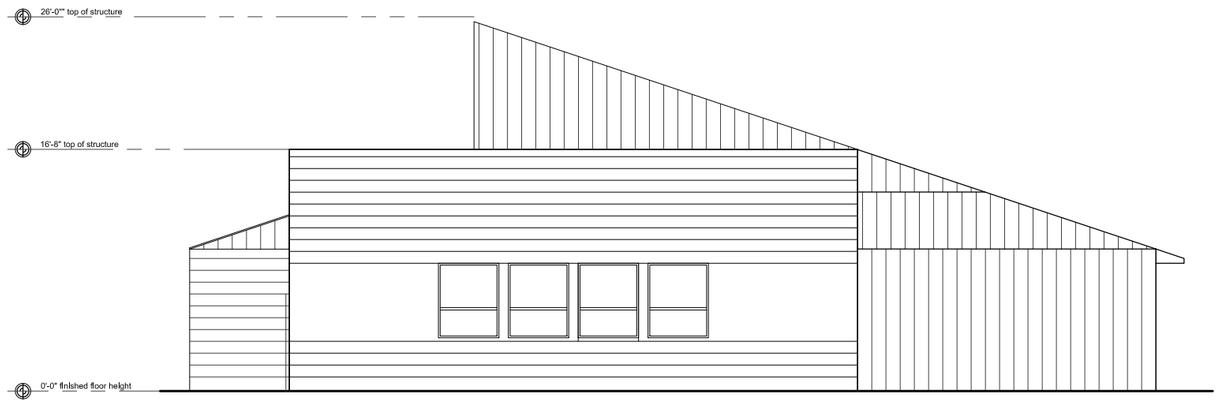

1 west elevation
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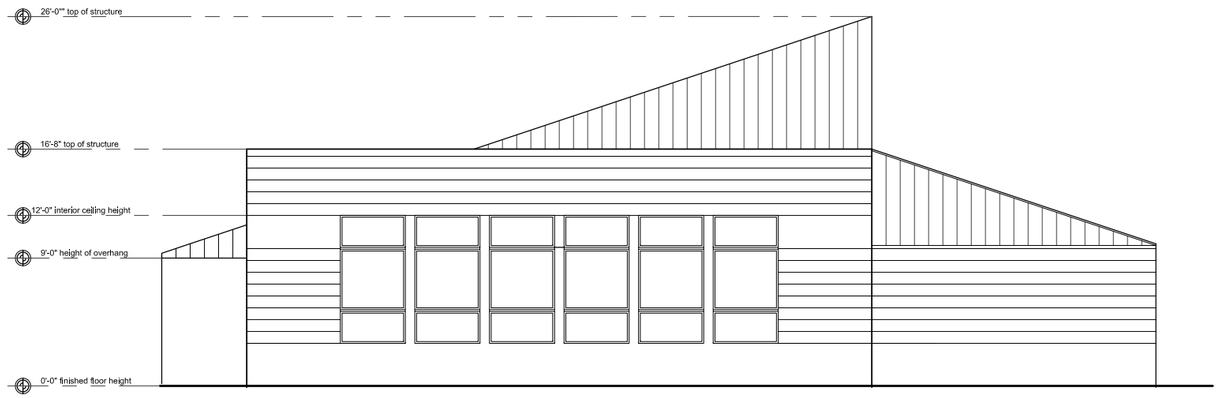

2 east elevation
scale: 3/32" = 1'-0"(11x17)

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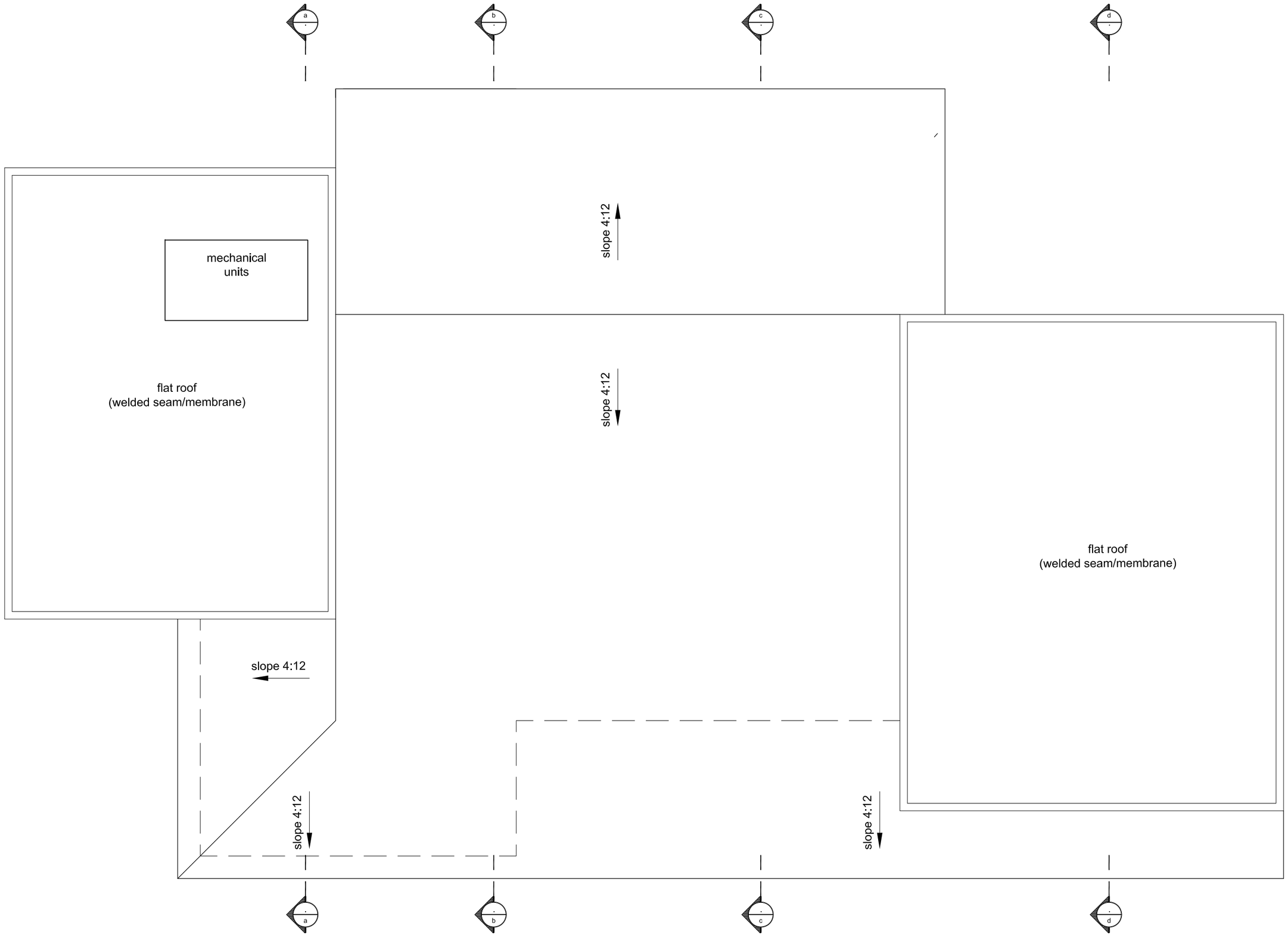
elevations
3/32"" = 1'-0"

project: 14-022
issue date: 06-12-14
sheet:
a2.2



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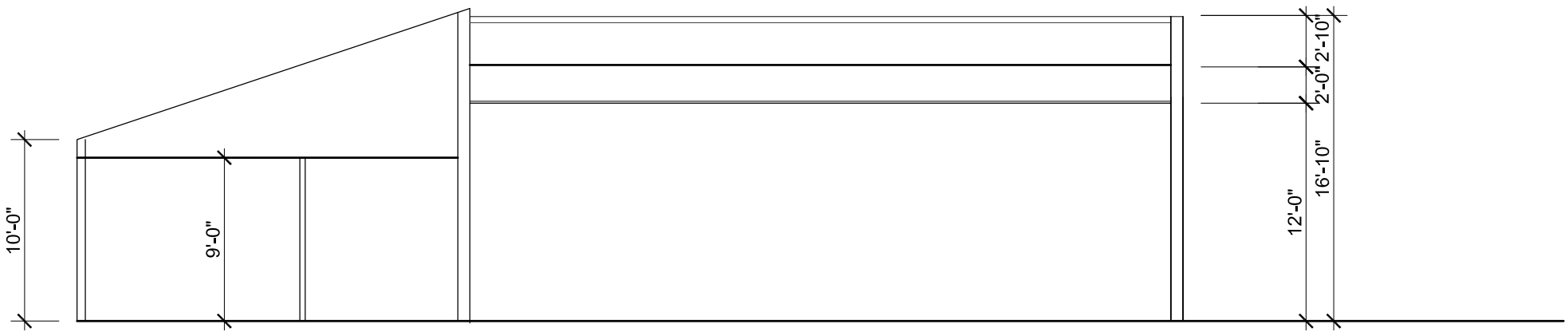
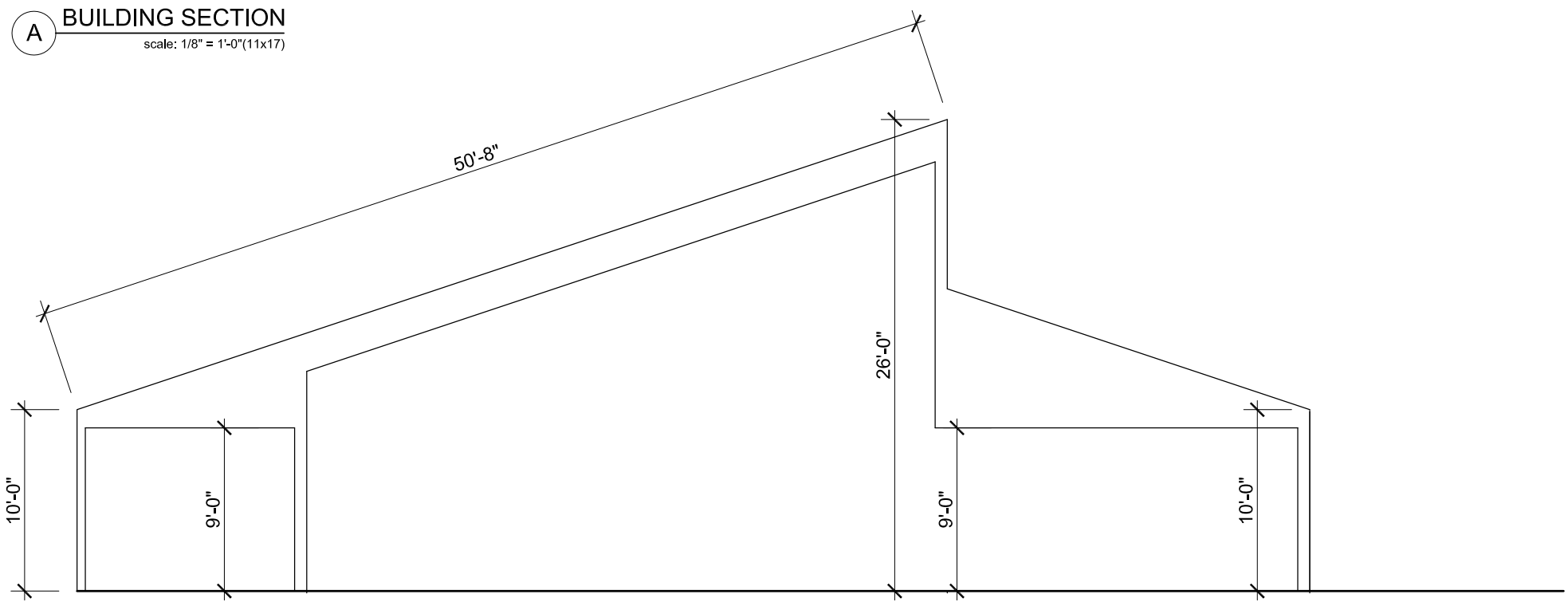
roof plan
1/8" = 1'-0"

project: 14-022
issue date: 06-12-14
sheet:

a1.1



A BUILDING SECTION
scale: 1/8" = 1'-0"(11x17)



B BUILDING SECTION
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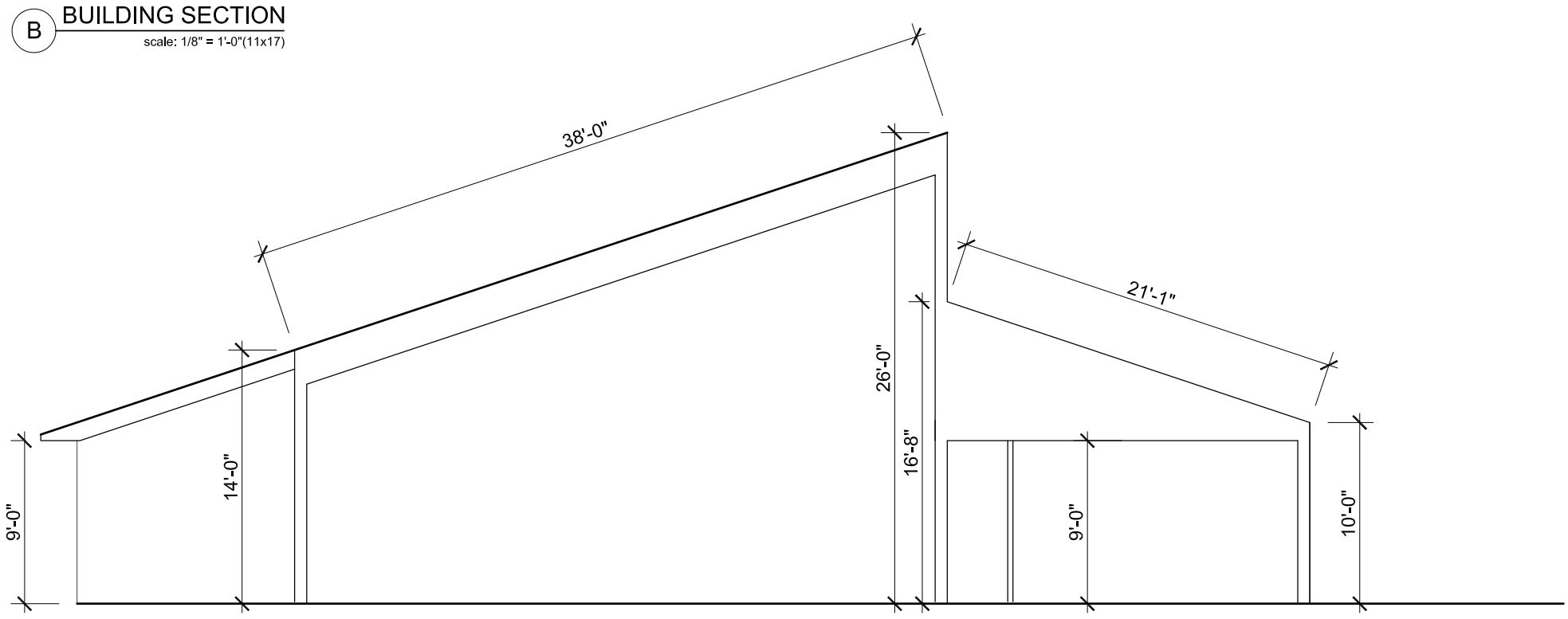

C BUILDING SECTION
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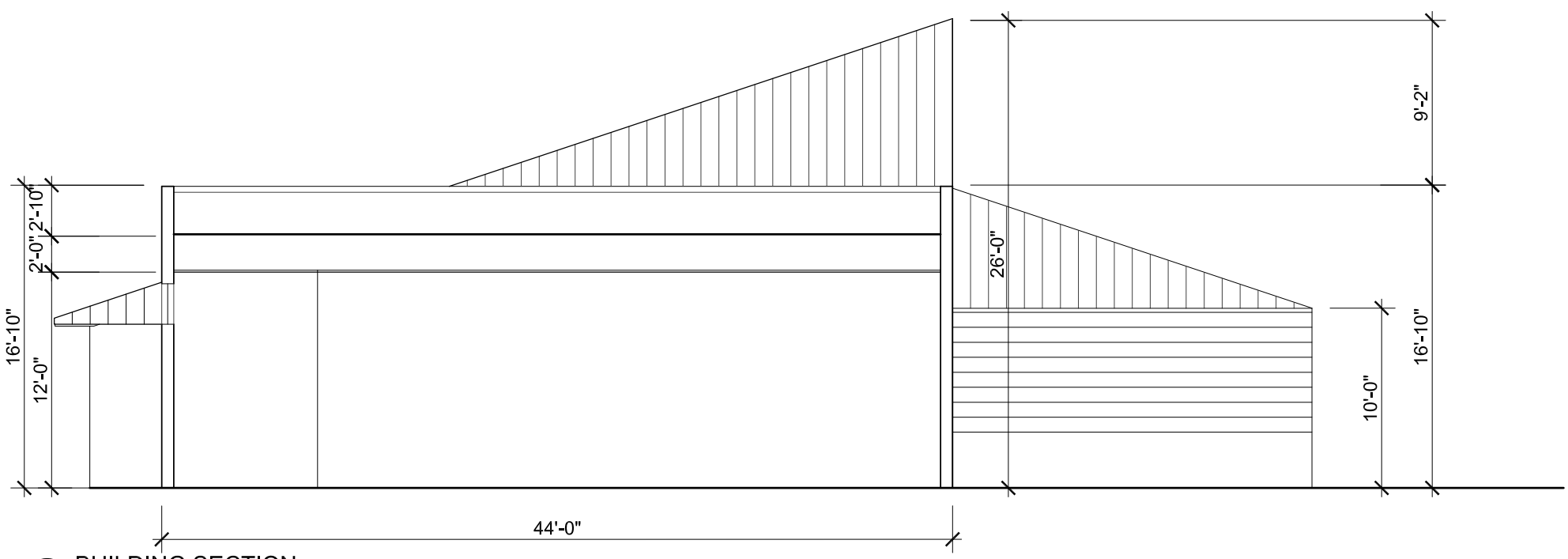


D BUILDING SECTION
scale: 1/8" = 1'-0"(11x17)

TREES	GROWTH RATE	MAT. HEIGHT	CROWN WIDTH
JAPANESE PAGODA	MODERATE	50'-70'	50'-70'
LINDEN	MODERATE	30'-50'	15'-30'
FLAME WILLOW	FAST	20'	20'

MAINTENANCE

2 VISITS A MONTH MARCH-DEC FOR WEED CONTROL
LEAF + DEBRIS CLEAN UP + IRRIGATION CHECKS
JAN-FEB 1 VISIT A MONTH FOR DEBRIS CLEAN UP

PLANT LIST

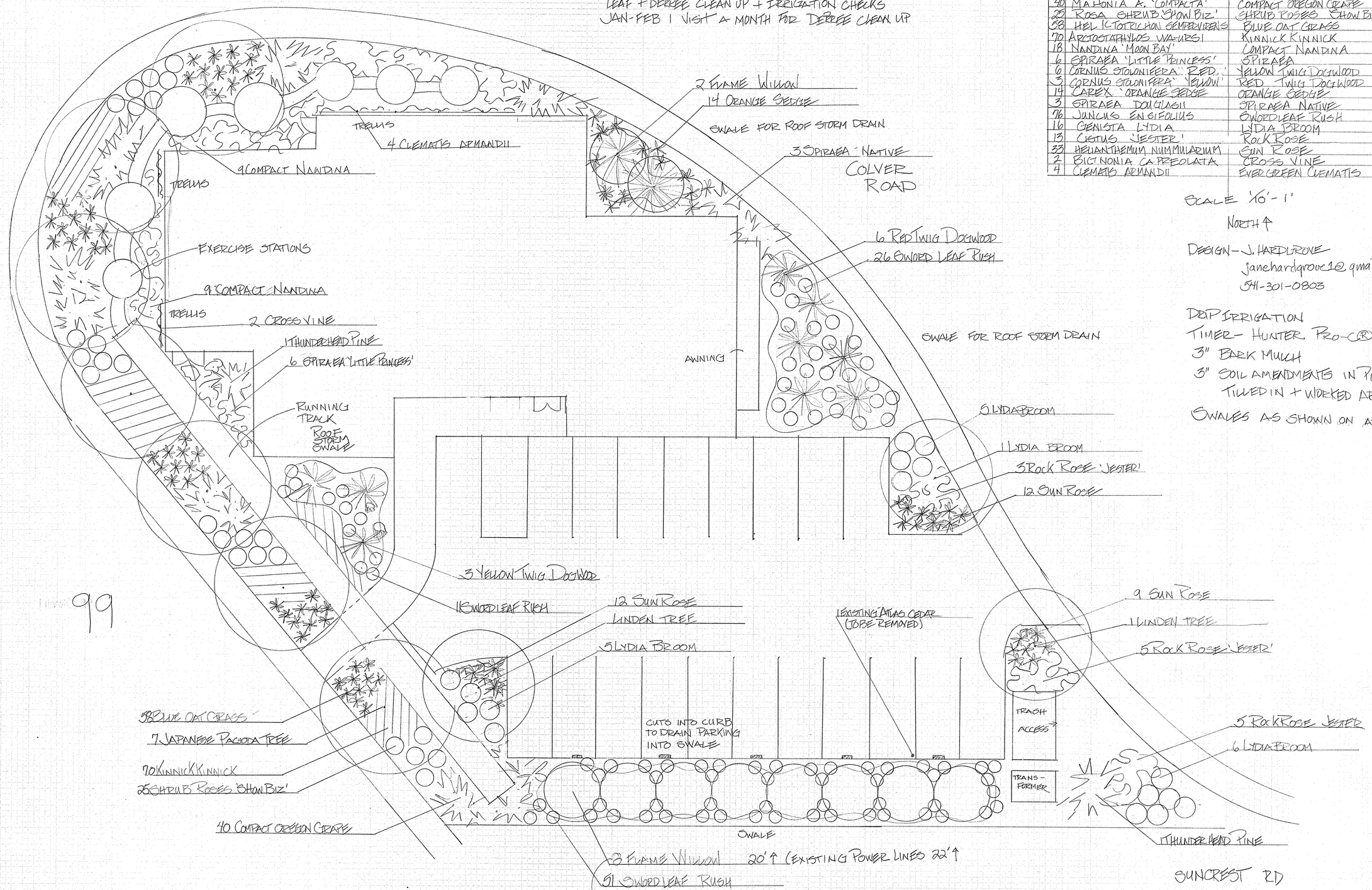
#	BOTANICAL	COMMON	SIZE	
7	SOPHORA JAPONICA	JAPANESE PAGODA TREE	2"	D.
3	TILIA CORDATA	LINDEN TREE	1¾"	D
10	SALIX 'FLAME'	FLAME WILLOW	3G	
2	PINUS 'THUNDERHEAD'	THUNDERHEAD PINE	3'	
40	MAHONIA A. 'COMPACTA'	COMPACT OREGON GRAPE	1G	
25	ROSA SHRUB 'SHOW BIZ'	SHRUB ROSES 'SHOW BIZ'	3G	
58	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1G	
70	ARCTOSTAPHYLOS WA-URSI	KINNICK KINNICK	1G	
18	NANDINA 'MOON BAY'	COMPACT NANDINA	3G	
6	SPIRAEA 'LITTLE PRINCESS'	SPIRAEA	1G	
6	CORNUS STOLONIFERA 'RED'	YELLOW TWIG DOGWOOD	3G	
5	CORNUS STOLONIFERA 'YELLOW'	RED TWIG DOGWOOD	3G	
14	CAREX 'ORANGE SEDGE'	ORANGE SEDGE	1G	
3	SPIRAEA DOUGLASII	SPIRAEA NATIVE	1G	
76	JUNCUS ENSIFOLIUS	SWORDLEAF RUSH	1G	
16	GENISTA LYDIA	LYDIA BROOM	1G	
13	CISTUS 'JESTER'	ROCK ROSE	1G	
33	HELIANTHEMUM NUMMULARIUM	SUN ROSE	1G	
2	BIGNONIA CAPREOLATA	CROSS VINE	3G	
4	CLEMATIS ARMANDII	EVERGREEN CLEMATIS	3G	

SCALE 1/10'-1'

NORTH ↑

DESIGN - J. HARDGROVE
janehardgrove1@gmail.com
541-301-0803

DRIP IRRIGATION
TIMER - HUNTER PRO-C®
3" BARK MULCH
3" SOIL AMENDMENTS IN PLANTING BEDS TILLED IN + WORKED AROUND PLANTS
SWALES AS SHOWN ON ATTACHED FORM



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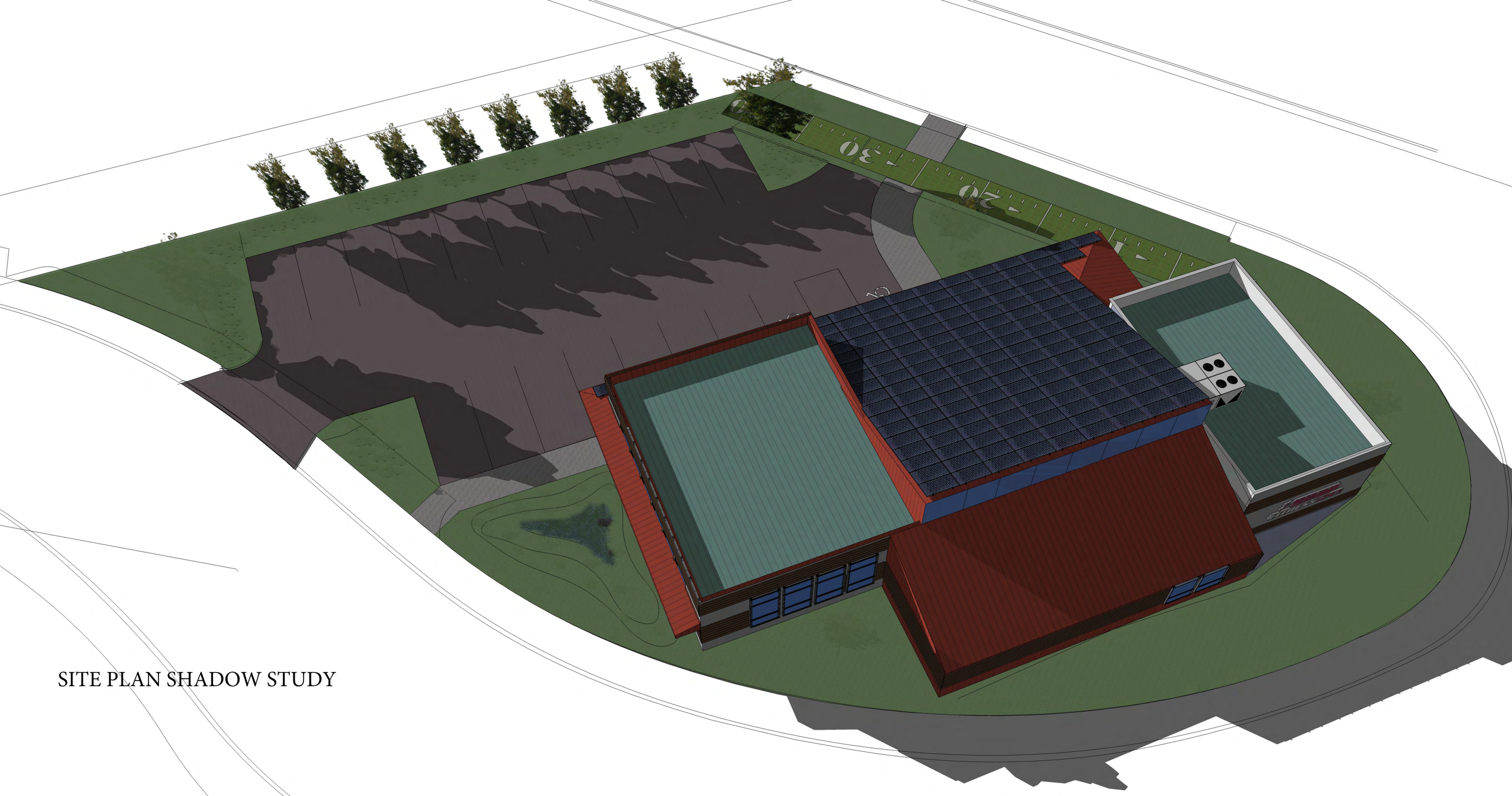


SITE PLAN SHADOW STUDY

19888

LEGAL DESCRIPTION & PLAT (page 1)

APPROVALS:

John Adam — 12/21/2007
TALENT PLANNING DEPARTMENT — DATE

MINOR LAND PARTITION

EXAMINED AND APPROVED THIS 21st DAY OF December, 2007

Roger R Roberts
JACKSON COUNTY SURVEYOR

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, GLENN H. BERK AND GAIL A BERK, TRUSTEES OF THE GLENN H. BERK U.T.A.D. AND THE GAIL A. BERK U.T.A.D. ARE THE OWNERS OF THE LANDS HEREON DESCRIBED, AND THAT WE HAVE PARTITIONED THE SAME INTO PARCELS SHOWN HEREON, AND THAT THE SIZE OF THE PARCELS AND THE LENGTHS OF ALL LINES ARE PLAINLY SET FORTH AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE PARTITION.

Glenn H. Berk, trustee
GLENN H. BERK, TRUSTEE

STATE OF OREGON)
COUNTY OF JACKSON) SS

PERSONALLY APPEARED THE ABOVE NAMED GLENN H. BERK, TRUSTEE OF THE GLENN H. BERK U.T.A.D. AND THE GAIL A. BERK U.T.A.D., THIS 21 DAY OF December, 2007 AND ACKNOWLEDGED THE FORGOING TO BE HIS VOLUNTARY ACT AND DEED.

BEFORE ME: Laurie A. Miller
Laurie A. Miller, NOTARY PUBLIC, STATE OF OREGON
COMMISSION NO. 412791
MY COMMISSION EXPIRES Jan. 20, 2011

Gail A. Berk trustee
GAIL A. BERK, TRUSTEE

STATE OF OREGON)
COUNTY OF JACKSON) SS

PERSONALLY APPEARED THE ABOVE NAMED GAIL A. BERK, TRUSTEE OF THE GLENN H. BERK U.T.A.D. AND THE GAIL A. BERK U.T.A.D., THIS 21 DAY OF December, 2007 AND ACKNOWLEDGED THE FORGOING TO BE HIS VOLUNTARY ACT AND DEED.

BEFORE ME: Laurie A. Miller
Laurie A. Miller, NOTARY PUBLIC, STATE OF OREGON
COMMISSION NO. 412791
MY COMMISSION EXPIRES Jan. 20, 2011

* * RECEIVED * *
Date 12-26-07 By HRO
This survey consists of
2 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY SURVEYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Shawn Kampmann

OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2009

SURVEYED BY:

POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: OCTOBER 3, 2007
PROJECT NO. 422-06

Assessor's Map No. 38 1W 23B, Tax Lot 1800

MINOR LAND PARTITION

PARTITION PLAT NO. ~~P-2007~~ P-81-2007

LOCATED IN

NORTHWEST QUARTER OF SECTION 23
TOWNSHIP 38 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
CITY OF TALENT, JACKSON COUNTY, OREGON

FOR

Glenn & Gail Berk

300 North Pacific Highway
Talent, Oregon 97540

SURVEYOR'S CERTIFICATE

I, SHAWN KAMPMANN, DULY REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH THE PROPER MONUMENTS AS PROVIDED BY LAW, THE TRACT OF LAND HEREON SHOWN, THIS SAID PLAT BEING A CORRECT REPRESENTATION OF THE SAME, AND THE FOLLOWING IS AN ACCURATE DESCRIPTION OF THE BOUNDARY LINES.

COMMENCING AT THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 59 IN TOWNSHIP 38 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTH 89°53'31" WEST, ALONG THE SOUTH LINE OF SAID CLAIM NO. 59, A DISTANCE OF 702.47 FEET; THENCE NORTH 11°41'51" WEST, LEAVING SAID SOUTH LINE, 40.85 FEET TO A 5/8 INCH IRON PIN AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED WITHIN INSTRUMENT NO. 99-44116A, SAID POINT ALSO BEING ON THE NORTH LINE OF SUNCREST ROAD; THENCE NORTH 89°53'31" WEST, PARALLEL WITH AND 40.00 FEET NORTH OF THE SOUTH LINE OF SAID DONATION LAND CLAIM NO. 59, A DISTANCE OF 115.41 FEET TO AN ALUMINUM CAPPED IRON PIN ON THE WESTERLY LINE OF RELOCATED COLVER ROAD DESCRIBED WITHIN INSTRUMENT NO. 2004-65500 OF SAID OFFICIAL RECORDS AND THE INITIAL POINT OF BEGINNING; THENCE CONTINUING NORTH 89°53'31" WEST, 135.37 FEET TO THE NORTHEASTERLY LINE OF RELOCATED ROGUE VALLEY HIGHWAY (U.S. HIGHWAY 99), FROM WHICH A 5/8 INCH IRON PIN WITNESS CORNER REFERENCE MONUMENT BEARS SOUTH 89°53'31" EAST, 1.00 FOOT; THENCE NORTHWESTERLY, FOLLOWING SAID NORTHEASTERLY LINE OF ROGUE VALLEY HIGHWAY, ALONG A SPIRAL CURVE TO THE RIGHT, BEING PARALLEL WITH AND 50.00 FEET NORTHEASTERLY FROM THE CENTERLINE OF SAID HIGHWAY, TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED WITHIN INSTRUMENT NO. 92-10362 (SPIRAL CHORD BEARING NORTH 39°26'29" WEST, 155.54 FEET); THENCE NORTH 53°10'31" EAST, LEAVING SAID NORTHEASTERLY LINE OF ROGUE VALLEY HIGHWAY, 306.75 FEET TO THE NORTHERLY MOST CORNER OF SAID DESCRIBED TRACT, FROM WHICH A 5/8 INCH IRON PIN WITNESS CORNER REFERENCE MONUMENT BEARS SOUTH 53°10'31" WEST, 2.07 FEET; THENCE SOUTH 44°31'52" EAST, 74.04 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 11°41'51" EAST, ALONG THE EASTERLY LINE OF SAID DESCRIBED TRACT, 257.00 FEET TO A 5/8 INCH IRON PIN ON THE NORTH LINE OF SUNCREST ROAD; THENCE NORTH 89°53'31" WEST, ALONG SAID NORTH LINE, 115.41 FEET TO THE INITIAL POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION DEEDED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION BY DEED RECORDED NOVEMBER 9, 2004 AS INSTRUMENT NO. 2004-065500 OF SAID OFFICIAL RECORDS.

I HEREBY CERTIFY THAT THIS PLAT IS AN EXACT COPY OF THE ORIGINAL.

Shawn Kampmann
SURVEYOR

SURVEY NOTES:

THE FOLLOWING ENCUMBRANCES ARE EITHER BLANKET IN NATURE, OR OTHERWISE INSUFFICIENTLY DESCRIBED, AND THEREFORE CAN NOT BE SHOWN GRAPHICALLY ON THIS PLAT.

1. RIGHT-OF-WAY AND EASEMENT RECORDED JANUARY 27, 1921 TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY AS DESCRIBED WITHIN VOLUME 133, PAGE 87 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON.
2. EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED DECEMBER 14, 1937 TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY AS DESCRIBED IN VOLUME 215, PAGE 303 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON.
3. EASEMENT FOR TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, RECORDED MAY 26, 1950 TO PACIFICORP AS DESCRIBED IN VOLUME 334, PAGE 289 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON.
4. EASEMENT FOR TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, RECORDED JULY 17, 1960 TO PACIFICORP AS DESCRIBED IN VOLUME 492, PAGE 413 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON.
5. EASEMENT FOR WATER PIPELINES, RECORDED NOVEMBER 9, 1961 FOR ADJACENT PROPERTIES AS DESCRIBED IN VOLUME 516, PAGE 322 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON.
6. EASEMENT FOR TELECOMMUNICATION FACILITIES, RECORDED OCTOBER 11, 1993 TO U.S. WEST, DESCRIBED WITHIN INSTRUMENT NO. 93-34019 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.

RECORDING:

FILED FOR RECORD THIS 26th DAY OF December, 2007 AT 3:24 O'CLOCK P.M AND RECORDED AS PARTITION PLAT NO. P-81-2007 OF THE RECORDS OF PARTITION PLATS IN JACKSON COUNTY, OREGON, INDEX VOLUME 18, PAGE 81.

Kathleen S. Beckett — Sonya S. Morgan
COUNTY CLERK — DEPUTY

COUNTY SURVEYOR FILE NO. 19888

TAX STATEMENT APPROVAL:

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS REQUIRED BY O.R.S. 92.095 HAVE BEEN PAID AS OF 12-26, 2007.

Deputy — 12-26-07
TAX COLLECTOR — DATE

Nathan C McAlvage deputy — 12/26/07
ASSESSOR — DATE

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

PURPOSE: TO SURVEY AND MONUMENT A LAND PARTITION OF THAT TRACT OF LAND DESCRIBED WITHIN INSTRUMENT NO. 92-10362 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, LYING SITUATE WITHIN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN.

PROCEDURE: UTILIZING AN ELECTRONIC LEICA TCRA 1203 ROBOTIC TOTAL STATION WITH RANGING PRISMS, IN CONJUNCTION WITH SURVEY CONTROL PREVIOUSLY ESTABLISHED BY THIS OFFICE IN THE PERFORMANCE OF CLEARVIEW OF TALENT SUBDIVISION, I SURVEY THE LAND AS SHOWN HEREON. THE SUBJECT PROPERTY IS BOUNDED BY SUNCREST ROAD TO THE SOUTH, WHICH RUNS ALONG THE SOUTH 40.00 FEET OF DONATION LAND CLAIM NO. 59. THE WESTERLY BOUNDARY IS ADJACENT TO RELOCATED ROGUE VALLEY HIGHWAY (U.S. HIGHWAY 99). THE EASTERLY BOUNDARY LIES ADJACENT TO AUTUMN RIDGE SUBDIVISION. THE PURPOSE OF THIS PARTITION IS TO CREATE TWO LEGAL PARCELS ON EITHER SIDE OF THE RECENTLY ACQUIRED RIGHT OF WAY BY THE STATE OF OREGON IN RELOCATING THE ALIGNMENT OF COLVER ROAD THAT NOW BISECTS THROUGH THE MIDDLE OF THE ORIGINAL PARENT TRACT. THIS RIGHT OF WAY CONVEYANCE WAS DESCRIBED BY REFERENCES TO OREGON DEPARTMENT OF TRANSPORTATION (O.D.O.T.) ROAD ALIGNMENT STATIONING USING METRIC UNITS AND THE 1983 OREGON STATE PLANE "GRID" COORDINATE SYSTEM PER INSTRUMENT NO. 2004-65500, BUT IT DID NOT INDICATE A SPECIFIC BASIS OF POSITION TO USE FOR APPLYING LOCAL SCALE FACTORS OR CONVERGENCE ANGLES NEEDED TO DETERMINE "TRUE" GEODETIC POSITIONING. THE CENTERLINE DESCRIPTION COMMENCED AT THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 59 AND MADE CALLS FROM THE CORNER RUNNING NORTH, 11.235 METERS (39.86 FEET) AND WEST, 177.934 METERS (583.77 FEET) TO STATION 10+000.000, AND CONTINUED BY METES AND BOUNDS THROUGH THE SUBJECT TRACT. THE DESCRIPTION IS VERY UNUSUAL BY THE FACT THAT THE BEGINNING STATIONING (10+000.000) DOES NOT LIE ON ANY KNOWN STREET OR ROAD CENTERLINE, NOR ON ANY OTHER SORT OF SURVEY LINE OR PROPERTY CORNER, BUT ONLY A THEORETICAL POINT IN SPACE. THIS CREATED MUCH DIFFICULTY IN TRYING TO LAY OUT THE RIGHT OF WAY DEEDED LOCATION, ESPECIALLY SINCE RIGHT OF WAY MONUMENTS HAD NOT BEEN SET BY THE STATE UNTIL LONG AFTER THIS SURVEY WAS INITIATED. I ROTATED THE DEED GRID BEARINGS TO "TRUE" GEODETIC WITH THE CALCULATED CONVERGENCE ANGLE AT SAID D.L.C. CORNER, BUT THE CALCULATED RIGHT OF WAY WAS NOT FITTING VERY WELL WITH THE RELOCATED STREET IMPROVEMENTS. RECENTLY, O.D.O.T. MONUMENTED THE NEW RIGHT OF WAY WHICH CONSISTED OF NUMEROUS SHORT TANGENT SECTIONS BASED ON CONTINUOUS VARIABLE OFFSETS FROM THE CENTERLINE, RESULTING IN A VIRTUAL FENCE OF GUARD POSTS ALONG BOTH SIDES OF THE SHORT RIGHT OF WAY. AFTER TYING ALL THESE MONUMENTS IN TO THIS SURVEY, I WAS STILL ENDING UP WITH DESCREPANCIES BETWEEN THE DEED DESCRIBED RIGHT OF WAY AND THE O.D.O.T. SURVEYED RIGHT OF WAY LOCATION. I DECIDED TO HOLD THE O.D.O.T. MONUMENTED LOCATION FOR RELOCATED COLVER ROAD WHICH FITS RELATIVELY WELL IN THE EAST-WEST AXIS, BUT MISSES THE SOUTHEAST CORNER OF D.L.C. NO. 59 BY OVER HALF OF A FOOT IN THE NORTH-SOUTH AXIS. O.D.O.T. FILED SURVEY NO. 19696 USED N.G.S. STATION "TALENT" AS THE BASIS FOR COORDINATES, BUT THE ROTATIONAL ANGLE ON THE N.G.S. DATA SHEET FOR THAT STATION DIFFERS FROM THE O.D.O.T. MONUMENTED BEARING BY 00°00'44". REGARDLESS, I HELD THE RIGHT OF WAY MONUMENTS IN THEIR POSITIONS AS FOUND IN THE PERFORMANCE OF THIS SURVEY SINCE I COULD NOT RESOLVE THE O.D.O.T. DISCREPANCY IN MEASUREMENT TO THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 59.

FILE: SURVEYS\422-06\BERK PARTITON PLAT.DWG

POLARIS LAND SURVEYING

19888

19888

LEGAL DESCRIPTION & PLAT (page 2)

MINOR LAND PARTITION
PARTITION PLAT NO. P - 81-2007

LYING SITUATE IN

NORTHWEST QUARTER OF SECTION 23
TOWNSHIP 38 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
CITY OF TALENT, JACKSON COUNTY, OREGON

FOR

Glenn & Gail Berk

300 North Pacific Highway
Talent, Oregon 97540

TABLE OF COURSES

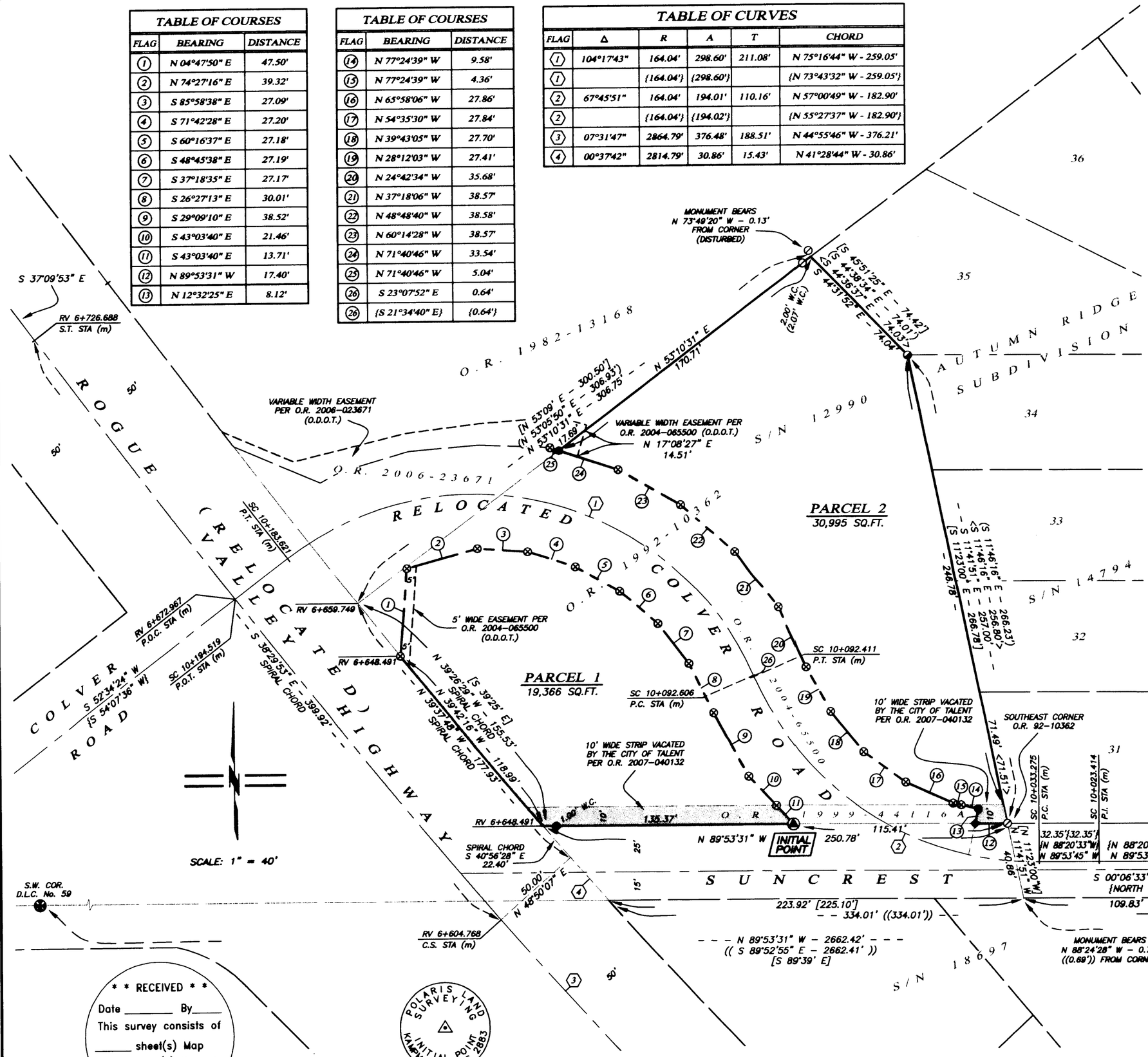
FLAG	BEARING	DISTANCE
1	N 04°47'50" E	47.50'
2	N 74°27'16" E	39.32'
3	S 85°58'38" E	27.09'
4	S 71°42'28" E	27.20'
5	S 60°16'37" E	27.18'
6	S 48°45'38" E	27.19'
7	S 37°18'35" E	27.17'
8	S 26°27'13" E	30.01'
9	S 29°09'10" E	38.52'
10	S 43°03'40" E	21.46'
11	S 43°03'40" E	13.71'
12	N 89°53'31" W	17.40'
13	N 12°32'25" E	8.12'

TABLE OF COURSES

FLAG	BEARING	DISTANCE
14	N 77°24'39" W	9.58'
15	N 77°24'39" W	4.36'
16	N 65°58'06" W	27.86'
17	N 54°35'30" W	27.84'
18	N 39°43'05" W	27.70'
19	N 28°12'03" W	27.41'
20	N 24°42'34" W	35.68'
21	N 37°18'06" W	38.57'
22	N 48°48'40" W	38.58'
23	N 60°14'28" W	38.57'
24	N 71°40'46" W	33.54'
25	N 71°40'46" W	5.04'
26	S 23°07'52" E	0.64'
26	{S 21°34'40" E}	{0.64'}

TABLE OF CURVES

FLAG	Δ	R	A	T	CHORD
1	104°17'43"	164.04'	298.60'	211.08'	N 75°16'44" W - 259.05'
1		{164.04'}	{298.60'}		{N 73°43'32" W - 259.05'}
2	67°45'51"	164.04'	194.01'	110.16'	N 57°00'49" W - 182.90'
2		{164.04'}	{194.02'}		{N 55°27'37" W - 182.90'}
3	07°31'47"	2864.79'	376.48'	188.51'	N 44°55'46" W - 376.21'
4	00°37'42"	2814.79'	30.86'	15.43'	N 41°28'44" W - 30.86'



LEGEND

⊗	2 1/2" BRASS CAP - D.L.C. CORNER PER JACKSON COUNTY SURVEYOR RE-ESTAB. NOTES (RECOVERED)
◎	2 1/2" BRASS CAP IN CONCRETE STAMPED "L.S. 2349" PER AUTUMN RIDGE SUBDIVISION - S/N 14794 & 18166 (RECOVERED)
⊗	5/8" IRON PIN w/ 2" ALUMINUM CAP MARKED "ODOT, RIGHT OF WAY" PER S/N 19696 (RECOVERED)
◒	5/8" IRON PIN w/ RED PLASTIC CAP MARKED "D. MINNECI, LS 2349" PER S/N 14794 (RECOVERED)
⊙	1" O.D. IRON PIPE w/ RED PLASTIC CAP MARKED "STEWART LS 2057" PER S/N 18697 (RECOVERED)
⊘	5/8" IRON PIN WITHOUT MARKINGS PER S/N 12990 & 14794 (RECOVERED)
◬	5/8"x 30" IRON PIN w/ 2" ALUMINUM CAP "INITIAL POINT" MARKED PER MONUMENT DETAIL (ESTABLISHED)
●	5/8"x 24" IRON PIN w/ ORANGE PLASTIC CAP MARKED "KAMPMANN PLS 2883" (ESTABLISHED)
◆	3/8"x 1" CONCRETE (MAG) NAIL AND 1" BRASS WASHER STAMPED "POLARIS LS 2883" (ESTABLISHED)
———	PROPERTY LINE
— — —	PARTITION LINE
—— ——	BOUNDARY LINE
—— – ——	CENTERLINE
- - - - -	EASEMENT LINE
O.R.	OFFICIAL RECORDS, JACKSON COUNTY CLERK
D.L.C.	DONATION LAND CLAIM
W.C.	WITNESS CORNER REFERENCE MONUMENT, AS DESCRIBED
S/N	SURVEY FILE NUMBER, JACKSON COUNTY SURVEYOR
O.D.O.T	OREGON DEPARTMENT OF TRANSPRTATION
STA	O.D.O.T. - METRIC STATIONING PER S/N 17937 & 19696
RV	O.D.O.T. - METRIC STATIONING FOR ROGUE VALLEY HIGHWAY
SC	O.D.O.T. - METRIC STATIONING FOR SUNCREST ROAD
[ ]	DEED RECORD PER O.R. 1992-10362
{ }	O.D.O.T. - DEED & SURVEY RECORD PER O.R. 2004-065500 & S/N 19696
( )	SURVEY RECORD PER S/N 12990 (HIBBS)
(( ))	SURVEY RECORD PER S/N 18697 (BRADSHAW)
< >	SURVEY RECORD PER S/N 14794 AUTUMN RIDGE SUBDIVISION

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2009

I HEREBY CERTIFY THAT THIS PLAT IS AN EXACT COPY OF THE ORIGINAL.

SURVEYOR

SURVEYED BY:

POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: OCTOBER 3, 2007
PROJECT NO. 422-06

* * RECEIVED * *
Date _____ By_____
This survey consists of
_____ sheet(s) Map
_____ page(s) Narrative
JACKSON COUNTY SURVEYOR

POLARIS LAND SURVEYING
INITIAL POINT
KAMPMANN • PLS 2883

MONUMENT DETAIL
2" ALUMINUM CAP ON 5/8"x 30" IRON PIN

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE SOUTH LINE OF DONATION LAND CLAIM NO. 59, HAVING A RECORD PLAT BEARING OF NORTH 89°53'31" WEST, AS REFERENCED ON CLEARVIEW OF TALENT SUBDIVISION.

Assessor's Map No. 38 1W 23B, Tax Lot 1800

FILE: SURVEYS\422-06\BERK PARTITON PLAT.DWG

SHEET 2 of 2

POLARIS LAND SURVEYING

19888

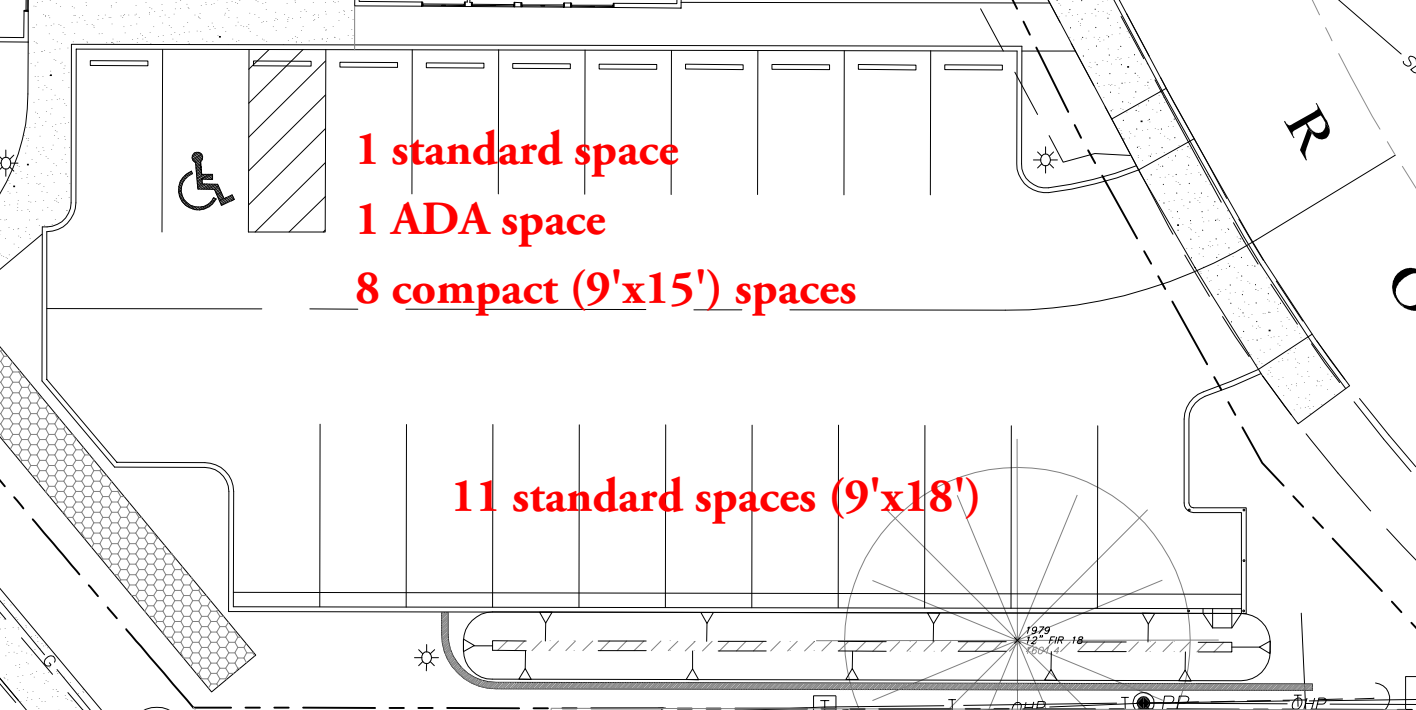

1 standard space
1 ADA space
8 compact (9'x15') spaces
11 standard spaces (9'x18')
1979
12" FIR 18
REGULAR

Exhibit F

5921 South Pacific Highway, Talent, Oregon **Site Development Plan Application**

PLANNING DEPARTMENT • CITY OF TALENT

APPLICATION FORM

Note to applicant: This is a general-use application form, complete only those items related to your application(s). If not applicable, please mark "N/A." Staff may refuse incomplete forms. *Please type or print.*

Name of Applicant	Address (include zip)		phone:
Tom Bradley	612 Iowa St - Ashland - OR - 97520		541.621.2136
Name of Development	no. of lots	site size	present zoning
Fit Station	one	19,366 sf (0.44 acres)	CBH
Street Address or Property Location	Assessor's Map and Tax lot no(s).		proposed zoning
5921 South Pacific Highway, Talent, OR	38-1W- 23B Tax Lot 1800		CBH

Please check one person to contact for further information or reference

X	Property owner Tom Bradley	Address 612 Iowa St, Ashland, OR 97520	Phone 541.621.2136
☐	Consultant	Address	Phone
☐	Engineer	Address	Phone
☐	Other	Address	Phone

Pre-application meeting: Every administrative or quasi-judicial application requires at least one consultation with staff prior to submission. Date of meeting: 8 May 2014	**Neighborhood meeting**: many land-use applications require that the applicant hold a neighborhood meeting prior to submission. Date of meeting:

TYPE OF APPLICATION (check all boxes that apply)

	type	*code ref.*		*type*	*code ref.*
☐	Accessory Dwelling Unit	8-3L.5	☐	Rezoning	8-3M.1
☐	Annexation	1-12	X	Site Plan Review	8-3L.1
☐	Conditional Use	8-3L.2	☐	Subdivision	8-2, 8-3
☐	Minor Partition	8-2	☐	Variance	8-3L.4
☐	Planned Unit Development	8-3L.3, 8-2			

Documents Required from Applicant: Go to individual code references for specifics. However, the following are required for all applications (except annexation): 10 copies of site plan/preliminary plat (3 copies for lot line adjustments and minor partitions), including one 8½" x 11" and a location map and legal description.

During review of this application City staff and the Planning Commission may visit the property. If the property owner does **not** wish staff or commissioners to enter onto the property, please initial here: _____

Applicant's signature _____ **date** 23 June 2014

FOR OFFICE USE ONLY	
Fee Paid: amount: date:	Application accepted as complete on: by:

Proposed Commercial Development Findings

Applicant …..... Tom Bradley – 612 Iowa St, Ashland, Oregon 97520
541.621.2136 / tom@bradleyprop.com

Map/Location …..... 38-1W-23B, TL 1800 (5921 S. Pacific Highway @ Suncrest Rd)

Requested Action …..... Consideration of a Type 2 Site Development Plan for a 5,990 sf, retail/office/personal services building *(8-3L.110)*

Zoning/Site Area …..... CBH – *Highway Central Business District (8-3D.310)*
0.44 acres *(19,366 sf)*. Site is currently vacant

Adjacent Zoning/Use …..... North – RR-00 *County Residential (4.85 acres prev. cold storage)*
East – RM-22 *High-Density Residential (.71 acres vacant)*
South – CBH *Hwy Central Bus Dist (Alt. Energy Systems)*
West – EFU *County Excl Farm Use (17.48 acres across Hwy 99)*

Applicable Code …..... 8-3D.3 *Commercial – Highway Central Business District*
8-3L.1 *Site Development Plan*
8-3M.120 (B) *Type II Review Procedure*

Pre-Application Conference ..... 8 May, 2014

Owner …..... Talent Fit LLC, an Oregon LLC

Structural Engineer/Designer …..... Eric A. Snyder P.E. - Snyder Engineering, Central Point, Oregon
541.664.7045 / eric@snyderengineers.com

Landscape Design …..... Jane Hardgrove – Talent, Oregon
541.301.0803 / janehardgrove1@gmail.com

Civil Engineer …..... Pat Havird - CEC Engineering, Medford, Oregon
541.779.5268 / pat@cecengineering.com

Site Data …..... Total Area 19,366 sf (100%)
Building Footprint 5,990 sf (31%)
Parking/Footpath 6,806 sf (35%)
Landscaping/Recreation 6,570 sf (34%)

Parking …..... 20 automobile spaces, including one, van-accessible, ADA space
6 sheltered, bicycle spaces

APPLICANT'S INTENTIONS

The Applicant seeks approval to construct a commercial building suitable for one or two, retail/personal services/office tenants. More immediately, the Applicant has contracted with Talent's existing, Snap Fitness operators to lease the proposed development for 10 years after completion.

SITE

Located at a signalized, South Pacific Highway (SPH) intersection along the northern extents of both Talent's City Limit and Urban Growth Boundary, the subject parcel occupies a prominent corner particularly visible to southbound, SPH vehicular traffic entering Talent. Once part of a larger tract that included tax lot 1801 across Suncrest Road to the east, the subject property has been vacant since 2008, when Talent/ODOT reconfigured the adjacent interesection, and its discernible features only include a curb cut on Suncrest Road.

FINDINGS

8-3D.310 DESCRIPTION & 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.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 CBD
B. Retail stores and offices; personal, business and repair services
C. Eating and drinking establishments.....

FINDING: The proposed retail/office/personal services occupancy is a Permitted, Type 2 use.

8-3D.360 DENSITY AND DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area None B. N/A
C. Minimum Lot Width None
D. Setbacks

1. Front Min 10 feet Max None
Parking lots 10 feet landscaped to provide screening

2. Side Min Zero feet; 10 feet on street-facing sides Max None
Parking lots: 10 feet, which shall be landscaped to provide screening

3. Rear Min Zero feet.

4. 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

5. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be 10 feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition

6. 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.

E. Maximum Building Bulk

1. *Height: 30 feet for flat-roofed structures; 35 for pitched-roofs structures.*
2. *Building Coverage: No restrictions other than setback, landscaping, parking or other requirements.*

FINDING: The site's arcing, Suncrest Road frontage and 360° adjacency to public streets/ROW complicates differentiation of "front," "side," and "rear" yards. Its SPH frontage most closely resembles the intent of the Planning Code's *(8-3B.1)* definition of "Front Lot Line," so most of the site's Suncrest frontage defaults to "Rear Yard," and the southerly, ROW frontage becomes a "Side Yard." The applicant measured setbacks from the property line adjacent to ODOT's slope easement because it is neither a public utility nor similar easement and will need to be landscaped & maintained with the entire site.

The south-southwestern most corner of the roof eave extends approximately 12 inches into the setback in accordance with *8-3J.121 (B-1)*Therefore, the proposed plan complies with all density & dimensional requirements.

The proposed structure does not exceed 35'.

8-3D.370 PARKING & 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.

FINDING: The proposed parking & loading meets the 8-3J.5 standards as detailed below.

This site has three or more street frontages, so Applicant located the parking between the proposed building and the ROW on the southern, side-yard frontage.

8-3D.372 LANDSCAPING, FENCES, WALLS AND SIGNS
All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3, and may be required in conformance with Section 374, below. 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 with Article 8-3J.7

FINDING: Applicant's landscape plan (& maintenance intentions) meet this requirement with no walls or fences

8-3D.374 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 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 desire. 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....

FINDING: The nature of the site's 360° street frontages and adjacent existing & proposed property uses do not advocate any buffering beyond the Applicant's proposed landscape buffering.

8-3D.380 OTHER

For other specific requirements, refer to the following Articles of the Zoning Ordinance:

Building coverage & height	*8-3J.1*	*Landscaping*	*8-3J.4*	*Parking*	*8-3J.5*
Street Access and Improvements	*8-3J.6*	*Solar Access*	*8-3J.8*		

FINDING: The proposed plan meets the requirements of the aformentioned Articles as detailed above and as follows.

8-3J.440 TREES & LANDSCAPING- DEVELOPMENT STANDARDS- TREE RETENTION

B. Site Development Plan Review. Building permits subject to Site Development Plan review before the Planning Commission must include a preservation plan for tree retention. This plan shall include a mapping of all existing Street Trees and native and ornamental trees with a caliper size of four inches or greater, measured at a point three feet above the grade at the base of the tree, and located on the property to be developed. The Tree Committee shall review the tree preservation plan and make recommendations to the Planning Commission. All the trees listed in the plan shall be retained unless such retention is considered to be unfeasible based on the Tree Retention Guidelines listed below. The party proposing the construction shall replace all trees removed as approved with an equal number of trees having a minimum caliber size of 1.5 inches

C. Tree Retention Guidelines. The retention of trees is strongly encouraged. The Tree Committee, Planning Commission and City Planner's determination of the appropriateness of issuing a building permit in relation to tree retention shall be based upon consideration of the following factors:

1.The condition of the trees with respect to disease, danger of falling or other safety concerns, proximity to existing or proposed structures, and interference with utility services

2.Necessity to remove specifically designated trees in order to make construction improvements economically feasible

3. Topography of land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface waters

4. Number of trees existing in the neighborhood on improved property. The Planning Commission shall be guided by the standards established in the neighborhood and the effect of tree removal upon property values in the area

5. Good forestry practices, i.e. the number of healthy trees that a given parcel of land will support. Zoning Code page J-19 Trees & Landscaping #-3J.4

6. Whether trees would unduly shade an existing or proposed solar energy collector used for space or water heating

7. New and replacement trees shall be placed in a manner that considers solar energy opportunities, based on the following:

a. Only deciduous trees shall be planted on the south side of any existing or proposed structure where passive solar techniques are utilized to reduce energy consumption.

b. No tree shall be planted that will cast a shadow on an existing or proposed solar collector used for cooling or hot water requirements. For purposes of this Article, proposed means approved as part of the subject development or nearby development at the time of subject review.

FINDING: Only one, Street Tree, an Atlas Cedar exists on the subject property. Its 13.4" diameter at 3.5' above grade (branching inhibits measurement at 3') excludes it from inclusion on the site development plan. This cedar is growing into overhead utility lines and neither provides the tree shading that city code advocates nor integrates well with the Applicant's landscaping plan, so the Applicant finds that its removal will meet code.

Proposed replacement trees meet code.

8-3J.520 OFF-STREET LOADING

3. *Every hospital, institution, hotel, commercial or industrial building hereafter erected or established, and every existing structure enlarged or changed for these uses within any zone of the City, having a gross floor area of 10,000 square feet or more, shall provide and maintain at least one (1) off-street loading space....*

FINDING: This 5,990 sf structure does not meet the 10,000 sf threshold for off-street loading

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

A. The number of off-street parking spaces required shall be not less than as set forth in (the following) Table 540-1, except as otherwise provided in this Article.

Use	***Standard***
Commercial Uses	
Banks, office buildings, business and professional offices, including medical and dental	*Medical and Dental offices - 1 space per 350 sf of gross floor area (GFA); General Offices- 1 space per 450 sf GFA*
Skating rinks, dance & pool halls, bowling alleys, arcades	*1 space for each 100 sf of GFA*
Retail establishments, except as otherwise provided herein	*1 space for each 400 sf of GFA*

B. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

C. The following parking shall be provided for disabled persons, in conformance with the Americans With Disabilities Act (Table 540-2). Disabled parking is in addition to the minimum number of required parking spaces in 8-3J.540(A).

Table 540-2. Minimum Number of Accessible Parking Spaces
ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60″ & 96″ aisles)	Van Accessible Parking Spaces with min. 96″ wide access aisle	Accessible Parking Spaces with min. 60″ wide access aisle
	Column A		
1-25	1	1	0

Handicapped parking spaces shall be located in a safe location in close proximity to a building entrance.

FINDING: The Applicant's proposed use does not perfectly match any of the Table 540-1 uses. The use lies between *"Retail establishments..."* (5,990/400=15 spaces x 110% = **16.5 spaces** max) and *"Skating dance..."* (5,990/100 = 60 spaces x 110% = **66 spaces** max).

Seeking additional, parking standards resources, the Applicant observes that Ashland's *AMC 18.92.030 Automobile Parking Spaces Required* suggests 1/350 sf parking for "*Business, general retail, personal services"* and finds that its proposed, 19 spaces of regular parking (1/315 sf) is a reasonable interpolation of the relevant code. The ADA space meets code.

8-3J.560 BICYCLE PARKING FACILITIES

Commercial/industrial facilities & multiple-family dwellings shall provide adequate, safe & conveniently located parking facilities for bicycles. All uses subject to Site Design Review shall provide bicycle parking in conformance with the following standards, which are evaluated during Site Design Review:

A. Number of Bicycle Parking Spaces. A minimum of 2 bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development

C. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided, unless demonstrated otherwise by the applicant. Street furniture includes benches, streetlights, planters, and other pedestrian amenities. Creative designs are strongly encouraged.

D. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage

E. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building

F. Lighting. Bicycle parking shall be as well lit as vehicle parking for security, unless otherwise well lit by an existing street light in the public right-of-way

G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only

H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (8-3J.6)

FINDING: Applicant proposes installing 6 vertical, lockable, bicycle storage spaces in the 9 foot wide, sheltered, exterior atrium outside the main entry. The number of spaces and their location, lighting, visibility, and design meet code requirements.

8-3J.565 LOCATION AND USE OF OFF-STREET PARKING SPACES

A. Location of Parking Facilities. Off-street parking spaces for existing & proposed dwellings shall be located on the same lot with said structure....

C. ...required parking and loading space shall not be located in a required front yard setback...

8-3J.570 PARKING AREA DESIGN STANDARDS

B. Groups of three (3) or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required

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

Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standards parking spaces shall conform to the dimensions below (Figure 570-1 and Table 570-1). Disabled parking shall conform o the standards in 8-3J.540(C).

FINDINGS: The proposed plan conforms to these requirements: The structure and its parking are located on the same lot outside the front yard setback, and no backward movements or maneuvering into public rights of way will be necessary. The stall and drive-aisle dimensions meet code.

8-3J.575 PARKING AREA IMPROVEMENTS

A. All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland Cement Concrete, or other materials approved by the City Engineer.

B. All parking areas, aisles, turnarounds, and outdoor vehicle sales areas shall be graded so as not to drain storm water over sidewalks, public rights-of-way, and abutting private property. Storm water runoff generated beyond that which is normal for the site in its natural state shall, as much as possible, be retained on the site. Direct flow in stream channels is to be avoided.

C. All spaces shall be permanently and clearly marked

D. Wheel stops and bumper guards shall be provided where appropriate for all spaces abutting property lines or buildings, and where necessary to protect trees or other landscaping; and no vehicle shall overhang a public right-of-way.

E. Where parking facilities or driveways are located adjacent to residential or agricultural uses, school yards, or similar institutions, a site-obscuring fence, wall or evergreen hedge not less than five (5) feet and not more than six (6) feet in height (except that such wall, fence or screen planting may exceed six feet in height if located beyond the required yard setbacks), and adhering to any vision clearance requirements and the yard requirements of the zone in which it is located, shall be provided on the property line, or between the property line and the parking area or driveway. Screen plantings shall be of such size and number as to provide the required screening at maturity, and shall be planted within twelve (12)months of the issuance of the building permit required in subsection H, below.

F. Trees and Landscaping

1. A minimum of 40% of the outdoor parking area shall be shaded by trees within 15 years of planting, at noon on 21 August PDT, which constitutes a 58° solar altitude, and shadow lengths shall be calculated by multiplying the height of objects by .625. Shadow patterns will be cast north of the object

casting them.

2. Trees shall be retained and/or planted in landscaped areas, which shall cover not less than seven percent (7%) of the area devoted to outdoor parking facilities. Such landscaping shall be uniformly distributed throughout the parking area and may consist of trees plus shrubs, ground cover or related material. The intent is to break up large expanses of asphalt and thus provide shade in the warmer months and pervious surfaces for stormwater, and aesthetic relief. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up he parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for sustainable plant growth, with appropriate timing devices to encourage water conservation

3. Irrigation facilities or other provisions for the continuing care of the vegetation and protective curbs or raised wood headers shall be provided for landscaped areas.

4. Trees shall be of a type and distribution to reduce the reflection of heat by paved surfaces and should have an adequate lifespan, be pollution tolerant and have low maintenance requirements in order to save long-term costs. An approved recommended tree list will be provided to the applicant.

5. Trees shall be planted in a manner that will minimize interference with the solar access of adjacent properties.

G. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect light away from any abutting or adjacent residential district and limit excessive light pollution

FINDINGS: The asphaltic-concrete parking lot is designed to detain stormwater that the bio-swales are unable to dissipate and gradually deliver that overflow into the City stormwater system. The design also incorporates permanent and clear marking and wheel stops & bumper guards to safeguard landscaping, structures, and rights-of-way.

The landscape design incorporates trees, shrubbery, irrigation, & lighting meeting code requirements for shade, buffering, tree/plant survival, and light pollution.

8-3J.630 STREET ACCESS AND CIRCULATION

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

2. Access Options. When vehicle access is required for development, access shall be provided by one of the following methods

1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted

2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive

3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access point.

Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification

4(a) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts. Driveways shall be designed and constructed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. Curbs, sidewalks, landscaping, signs and/or other improvements shall be utilized to clearly define points of ingress and egress.

FINDING: The design relies on one vehicular/bicycle access point from an adjacent collector street safely distanced from the nearest intersection and provides pedestrian connectivity on two "sides" of the development in conformance with code.

The double-frontage property has neither alley nor mid-block lane nor connecting, private street nor driveway access, and there are no feasible entry points other than the one designed, so the Applicant proposes accessing the site from a single entry along Suncrest Road.

The driveway approach & landscaping are designed to provide drivers with unobstructed views of traffic and pedestrians and to celarly define ingress/egress points.

<u>8-3J.640 PEDESTRIAN ACCESS AND CIRCULATION</u>

A. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Sections 630 and 640

B. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets...

C. Connections Within Development. For all developments subject to Site Development Plan Review (8-3L.1), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas, and adjacent developments to the site, as applicable.

FINDING: Talent/ODOT surrounded the subject parcel on three sides with a continuous, pedestrian pathway when the intersection was reconstructed. Applicant has designed a pathway connecting the development's principal, SPH frontage with the building's primary entrance in compiance with all applicable codes.

8-3J.650 STREET IMPROVEMENTS

B-2 Before a building permit will be issued for the construction of ....any main building on a commercial or industrial lot, on property with frontage on a street (other than an arterial) which is not yet improved to city standards, the owner of the property shall covenant with the city to install the improvements required for exterior subdivision streets and sidewalks

C Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Sections 630, 640 and Chapter 8-2

8-3J.660 STREET DEDICATION AND SETBACKS

If a lot adjoins a street which is designated in the Comprehensive Plan as an arterial or collector street but which has less right-of-way width than required by the plan, then no building permit will be issued for the construction of a main building on that lot until, if on a collector street, there is first dedicated from the lot a sufficient amount of frontage to remedy half the right-of-way deficiency of the street as a collector along the portion adjoining the lot....

FINDING ODOT/Talent constructed code-compliant street improvements & ROW widths on all street frontages during the intersection realignment except for the southerly section of sidewalk along SPH, which the Applicant will improve to standard.

8-3J.730 (A) SIGNS, BILLBOARDS & ADVERTISEMENTS

No person shall hereafter install a sign unless the City has issued a valid permit for the sign, and no person shall allow or maintain on premises under his or her control, any sign hereafter installed without such permit. No person shall install a sign in violation of the lawful conditions of a permit, or install or maintain a sign, or allow a sign on premises under his control, in violation of any other requirement imposed by this Article

FINDING The Applicant will submit a separate application for signage in compliance with code.

8-3J.810 SOLAR ENERGY & ACCESS

Because of the existing shortage of conventional energy sources, it has been determined to be in the public interest to encourage the use of solar energy for the heating and cooling of buildings and providing hot water for use in buildings or swimming pools. ... Trees should be planted in such a manner as to prevent the casting of shadows upon solar collectors. However, where existing zoning is insufficient to provide adequate protection from interference by structures, trees or topography, it is the intent of this Article to provide adequate protection for the use of solar collectors without at the same time causing undue hardships on the rights of property owners.

FINDING Without compromising any adjacent, solar access, Applicant's design maximizes the site's solar exposure and will ultimately generate sufficient electricity to serve 100% of the occupants' needs.

8-3L.140 SITE DEVELOPMENT PLAN — REQUIRED DATA

The site development plan shall be drawn to scale and shall indicate clearly the following information:

A. Applicant's name and address
B. Assessor's map number and tax lot number of the property concerned
C. North point and scale of drawing
D. Dimensions and orientation of the lot or parcel
E. Location, size, height and proposed use of all buildings, both existing and proposed, & relationship to existing development on immediately adjacent properties
F. Location, dimensions and layout of all off-street parking and loading facilities, including bicycle parking; internal circulation pattern; access points for pedestrians, bicycles and motor vehicles, required standards and improvements of Sections 8-3J.570 and 575, if any;
G. Location and nature of exterior lighting;
H. Location, height and construction materials of walls and fences;
I. Location, materials and maintenance of proposed landscaping, including the location, names, mature height, crown diameter, and growth rate of mature trees and shade trees;
J. A plan showing the shadow patterns of all buildings, fences, walls and trees at their mature heights between the hours beginning at 9:00 a.m. and ending at 3:00 p.m. Pacific Standard Time on November 21st existing or proposed on the property; determination of shadow patterns is set forth in 8-3J.840(C);
K. Street improvements;
L. Yards and open space between buildings and in setbacks;
M. Proposed method of buffering, where indicated;
N. Existing 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;
O. The location and methods taken to mitigate noise sources to and from adjacent properties
P. Location and type 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 groundwater characteristics; with a description of how any hazards will be mitigated;
Q. Location and size of all existing and proposed water, sewer and public safety facilities and existing street right-of-way and roadway widths adjacent to the property;

R. Location and dimensions of existing and proposed easements;
S. Any other data as may be required by this Article to permit the planning commission to make the necessary findings

FINDING The attached drawings include the aforementioned requirements.

(PLAT & LEGAL DESCRIPTION INCLUDED WITH THE ACCOMPANYING DRAWINGS)

Appeal To The Planning Commission for
Planning Action SPR 2014-002

Applicant:	*Jack Strauss* *249 Wintersage Circle* *Talent, OR 97540*
Requested Action	*Public Hearing* *Planning Commission Review of Administrative Review of SPR 2014*
Assessors Map	*37-1W-23B Tax Lot 1800*
Site Location	*5921 S. Pacific Highway*
Zoning	*CBH- Highway Central Business*
Approval Criteria	**8-3J.550, 8-3J.540**

Code Section:

8-3J.550 PARKING REQUIREMENTS FOR USES NOT LISTED

Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining the requirements for said other uses.

Finding:
The proposed use is not specifically listed in *Table 540-1* in code section,

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

Therefore, per section **8-3J.550** this proposal must be decided by the Planning Commission.

Code Section:

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

Finding:

The Administrative review indicates that the provisions of this code section have been met. They have not been met.

The proposed Snap floor site plan shows 20 parking spaces on site, and one of these is a handicap space that is not available to most customers of a fitness center. Furthermore, there is a large group exercise room where group fitness classes will be held in this new facility. Therefore, at least two more spaces of parking will be required for employees. This leaves only 17 available to clients.

I live in close proximity to the current Snap Fitness location on Hwy 99. This facility has approximately 3,400 square feet of gym area and no group fitness room. The proposed facility has almost 6,000 square feet and includes a group fitness room.

Currently, there are always at least 10 cars parked at Snap Fitness Center without an exercise or group fitness room. Their new facility, will have nearly twice the square footage and 15 to 20 more customers coming to exercise classes on a regular basis. Therefore, current and local empirical evidence indicates a need for at least 30-40 spaces of parking.

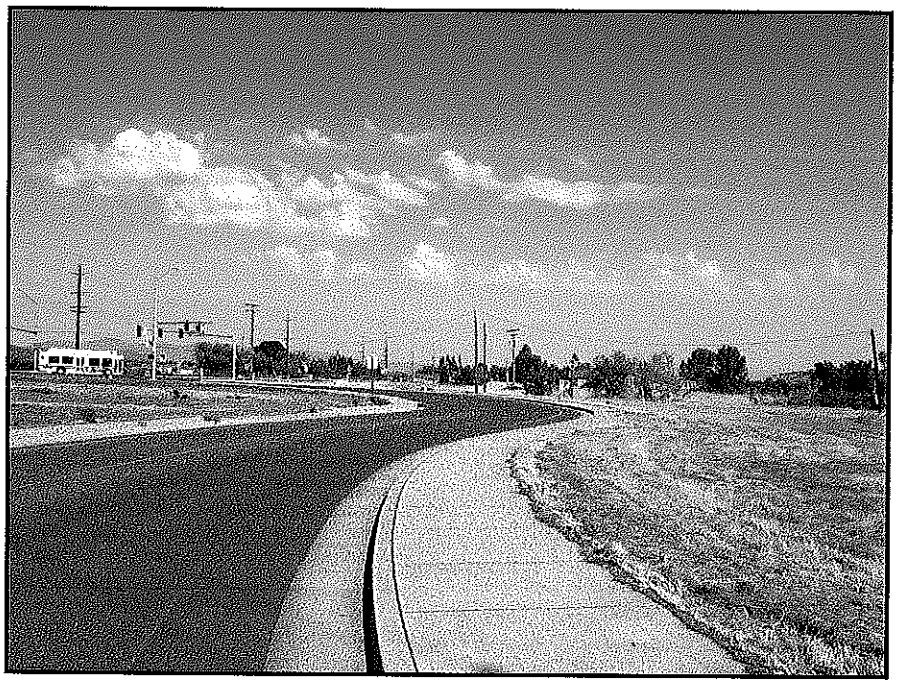
These extra customers cannot park on Suncrest Road because there are bike lanes on both sides in this location. (see photographs below). If patrons are forced to park further to the east on Suncrest road It will create a serious and dangerous traffic and parking problem in the Suncrest Area. This would need further study from the Talent Traffic and Safety Commission.

As a neighbor of this fitness center, I would consider joining the new facility. I am not opposed to a large new fitness center in the area, but it needs to have adequate parking. This proposal does not have anywhere near enough parking for its size and proposed use.

Conclusion:

As proposed, this planning action must be denied.

SUNCREST ROAD FACING WEST AT SITE



SUNCREST ROAD FACING EAST AT SITE

REQUEST FOR
AGENCY OR PUBLIC COMMENT

Notice Date: **June 27, 2014**

Planning File No.: **SPR 2014-002**

5921 S. Pacific Highway

38-1W-23B Tax Lot 1800

An application for a **Site Plan Review** to construct a fitness building has been received by the City of Talent. This is a Type-2 (Administrative) land use application, which the Community Development Director approves or denies based on the criteria in Section 8-3L150 of the Talent Zoning Ordinance. Appeals are subject to review by the Planning Commission. The property is zoned Central Business District Highway (CBH); the lot size is 0.44 acres.

Applicant is Tom Bradley

Please fill out the comment form on the reverse side and return before **July 11, 2014** so your comments, if any, may be expressed in the staff report. The staff report will be available for review or purchase at City Hall on or after **July 25, 2014**. If you would like additional information, please contact Zac Moody in the Community Development office at 541-535-7401 or via e-mail at zmoody@cityoftalent.org.

Return form via mail to:

City of Talent, Community Development Department
P.O. Box 445,
Talent, Oregon 97540

Or, return form in person to:

City of Talent, Community Development Department
110 East Main Street,
Talent, Oregon 97540

Notice to mortgagee, lien holder, vendor or seller: The City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser

Comment Form File No. **SPR 2014-002**

- ☐ No comment.
- ☐ We encourage approval of this request.
- ☐ Please address the following concerns should this application be approved:

_____

_____

_____

- ☒ We encourage denial of this request for the following reasons:

Please See The Attached comments.

_____

_____

- ☒ Please let us know the results.

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: Jack Strauss

Mailing Address: 249 Wintersage Circle

Talent, OR 97540

Date: July 11, 2014

Failure to raise an issue by returning this form, or in person or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals.

Interested parties may review the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards at City Hall at no cost. Interested parties may obtain copies at 25 cents per page; 50 cents for 11" x 17" copies.

Notice to mortgagee, lien holder, vendor or seller: The City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser

Public Comment for SPR 2014-002

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

I would like to comment on the proposed new Snap Fitness Center, going in on Suncrest and Hwy 99. The proposed Snap floor plan shows a large exercise room where I assume they are going to have exercise and group fitness classes in this new larger facility. They are showing only 19 parking spaces on site, and one of these is a handicap spot and not really available to most customers who are going to the fitness center. Because I live in the neighborhood I can tell you at their current location on Hwy 99 there is always about 10 cars parked at Snap Fitness Center. Their current facility does not have an exercise or group fitness room. In their new facility, they will have 15 to 20 more people coming regularly to classes. So they really need at least 30 spaces of parking. These extra customers will be forced to park on Suncrest Road. I drive Suncrest everyday and it is already a narrow street, this will make the situation much worse. I go to Ashland now to exercise, but I might switch to the new Snap Fitness they build. But, I can tell you, they do not have anywhere near enough parking for this new facility - if it is built as shown. It will create a serious and dangerous traffic and parking problem in the Suncrest Area. Furthermore, If it is allowed to be built as proposed, the problems can never be fixed.

Jack Strauss, 249 Wintersage Circle, Talent, Oregon 97540
Submitted on July 11, 2014