

City of Talent Zoning Code Book

UPDATE LOG

When the Zoning Code is updated you will receive replacement pages. After replacing the pages place the included sticker in the next available box, below.

<p>Development Code Update No 1 Addition of Chapter 8-7 Ord. #842</p>	<p>Development Code Update No 8 Amends 8-3J.240 (N) Ord. #868</p>	
<p>Development Code Update No 2 Addition of Chapter 8-8 Ord. #847; Fence, Ord.#844; Annex., Ord #845; PFL & LUC, Ord. #846; & UGBA & MPD Ord. #847</p>	<p>Development Code Update No 9 Amends 8-3D.1.5 Amends 8-3F.1 Amends 8-3L.2 Ord. #876</p>	
<p>Development Code Update No 3 Amendments to Ord. #423, 8-3K1&2, & 8-3L7</p>	<p>Development Code Update No 10 Amends 8-3B, Amends 8-3C, D, F, G, Addition of 8-3J.9, Amends 8- 3L.4, Ord. #902</p>	
<p>Development Code Update No 4 Amends 8-3K.1 & Map amendment 8-3L.7; Ord. #854</p>	<p>Development Code Update No 11 Amends 8-3L.2, Amends 8-3M.1, Addition of 8-3L.9 Ord. #911</p>	
<p>Development Code Update No 5 Amends 8-3H.230D1c Ord. #857</p>	<p>Development Code Update No 12 Amends 8-3J.3, Amends 8-3J.4, Amends 8-3C, D, F, G, J and L Amends 8-3L.8, Addition of 8-3J.10 Ord. #918</p>	
<p>Development Code Update No 6 Amends 8-5.1 Ord. #859</p>		
<p>Development Code Update No 7 Amends 8-3J.732A10 Ord. #861 Signs</p>		

City of Talent

Zoning Code

Municipal Code, Title 8, Chapter 3
Adopted by Ordinance No. 423 on 24 June 1980

Amended by Ordinance Nos.

435	22 June 1982	576	19 August 1993	706	19 December 2001
436	13 July 1982	577	19 August 1993	707	19 December 2001
455	15 May 1985	578	19 August 1993	714	16 January 2002
459	17 July 1985	583	18 May 1994	751	21 January 2004
460	17 July 1985	586	20 July 1994	762	7 July 2004
492	19 January 1989	601	18 October 1995	771	3 November 2004
501	21 February 1990	604	21 March 1996	772	3 November 2004
502	21 February 1990	607	22 May 1996	776	19 January 2005
506	19 September 1990	632	18 February 1998	777	1 December 2004
507	19 September 1990	653	21 October 1998	788	21 September 2005
524	16 January 1991	654	11 November 1998	793	2 November 2005
530	20 February 1991	683	16 April 2000	794	16 November 2005
552	17 July 1991	693	3 October 2001	802	15 March 2006
561	15 April 1992	694	3 October 2001	808	6 September 2006
562	15 April 1992	695	3 October 2001	810	4 October 2006
570	20 January 1993	699	28 November 2001		
572	22 April 1993	703	19 December 2001		

Revised Organizational Format and Inclusion of Freestanding Development-Related Regulations (Ord. nos. 371; 389; 458; 708; 723; 733) and revised Zoning Map adopted by Ordinance No. 817 on 1 November 2006.

Subsequent amendments (ord. no. & date)

- Ord. #844, 9/3/08 to modify the height and yard regulations of fences and hedges.
- Ord. #845, 9/20/08 to Establish Procedures Regulating Annexation
- Ord. #846, 10/1/08 to Establish a ‘Public Lands and Facilities’ (PLF) zoning district and a ‘Land Use Classification’ system.
- Ord. #847, 10/15/08 Establishing procedures and regulations for Urban Growth Boundary Amendments and the creation of Master-Planned Developments; and Repealing or Amending those portions of Ordinance No. 423 (Zoning Code) and Ordinance No. 692 (Subdivision Code) that regulate and refer to Planned Unit Developments.
- Ord. #851, 8/5/09 amending the design standards for the “Old Town” design district, large retail establishments and to the design review procedures.
- Ord. #854, 4-21-10 amending the design standards for the “Old Town” design district and amending the “old Town” design review district
- Ord. #857, 11-3-10 amending the Talent Zoning Ord. #423 Section 8-3H.230 regarding hazardous tree removal in wetland and riparian areas.

- Ord. #858, 12-15-10 amending the Talent Zoning Map from RS-MH (Mobile Home) to RM-22 (High Density).
- Ord. #861, 12-7-11 to exempt public art as a sign.
- Ord. #866, 9-19-12 adopting drive-up window design standards and regulations and identifying specific zoning designations where permitted.
- Ord. #868, 11-20-13 amending ord. #458 section 8-3J.240 regarding small accessory structures setbacks and uses
- Ord. #876 11-6-14 amending the Talent Zoning Ord. #458, repealing & replacing Title 8, Chapter 3, Division D & F and Title 8, Chapter 3, Division L, Article 2 regarding allowed uses in the commercial & industrial zone & conditional use permits
- Ord. #902, 11-7-15 amending the Talent Zoning Ord. #458, repealing and replacing Title 8, Chapter 3, Divisions B, C, D, E, F, G. Amends Title 8, Chapter 3, Division L, Article 4 and adds Title 8, Chapter 3, Division J, Article 9 regarding wireless communication facilities.
- Ord. #911, 2-17-16 amending the Talent Zoning Ord. #458, adding Title 8, Chapter 3, Division L, Article 9, amending Title 8, Chapter 3, Division M, Article 1, Sections 150(B) and 160(C), and amending Title 8, Chapter 3, Division L, Article 2, Sections 244 and 246 regarding Traffic Impact Study.
- Ord. #918, 6-15-16 amending the Talent Zoning Ord. #458, adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping. Other changes related to cross references in the code will also be addressed and include changes to Title 8, Chapter 3, Division C, D, F, G, J and L.

CITY OF TALENT ZONING CODE

Municipal Code, Title 8, Chapter 3

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CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION A. TITLE, PURPOSE & ESTABLISHMENT OF ZONES

Article 1. Title and Purpose

Article 2. Establishment of Zones

8-3 Division A. Article 1.

TITLE AND PURPOSE

8-3A.110 TITLE

- A. This ordinance shall be known as the "Zoning Code of the City of Talent." The short title shall be "Zoning Code" and will be used in this Chapter and Chapter 8-2.
- B. This Code shall consist of the text hereof and the map entitled "The Zoning Map of the City of Talent," and identified by the approving signature of the Mayor, the Chairperson of the Planning Commission , and the City Recorder of the City of Talent, which signatures were affixed on the 24th day of June 1980. An updated Zoning Map was adopted in conjunction with the reorganization of the Zoning Code and replaces the above Map. The map will be on file with the City Recorder. If any conflict between said map and the text of this ordinance should arise, the text shall prevail.

8-3A.120 PURPOSE

- A. The purpose of this ordinance is to encourage the appropriate and orderly physical development in the City through standards to regulate and control the location and use of the land, buildings and structures for residential, commercial, industrial, and other purposes; meet the policies and text of the Comprehensive Plan of the City of Talent; to provide assurance of opportunities for effective utilization of land; and to promote in other ways the public health, safety, convenience and general welfare.

8-3A.130 HIERARCHY & REFERENCE FORMAT

- A. The "Zoning Code" is Chapter 3 of Title 8 of the City's General Ordinances. Title 8 is titled "Development Regulations." Chapter 1 is the Comprehensive Plan and Chapter 2 is the Subdivision Code.
- B. All references to "this Title" hereinafter shall mean Title 8.
- C. All references to "this Chapter" hereinafter shall mean Chapter 3 of Title 8.
- D. All stand-alone references to "Section [no.]" hereinafter shall mean a Section within the same Article where the reference appears.
- E. The following outline explains the hierachical designations within the Zoning Code. Following that is an example of how the Zoning Code is referenced in this Chapter.

Hierarchy Outline:

Title 8: Development Regulations

Chapters

1. Comprehensive Plan
2. Subdivisions
3. Zoning

Divisions (A–M)

Articles (1–)

Sections (100–)

Subsections (A–)

Paragraph (1–)

Subparagraph (a–)

Example shorthand reference: 8-3C.250(B)(3c)

This refers to Title 8 of the General Ordinances, Chapter 3, Division C, Article 2, Section 250(B), Paragraph 3c.

Note that the Section number ("250") incorporates the Article number ("2") into itself.

A shorthand reference to a Section number without title, chapter and division information preceding it ("430(D)" or "110," for example, instead of "8-3L.430(D)" or "8-3M.110") shall be understood to be a reference to a Section within the same Article where it appears.

8-3 Division A. Article 2.

ESTABLISHMENT OF ZONES

8-3A.210 COMPLIANCE WITH ORDINANCE PROVISIONS

A lot may be used, and a structure or part of a structure constructed, reconstructed, altered, occupied or used only as specifically provided and allowed by this ordinance in the zone in which such building, structure and/or land is located.

8-3A.220 CLASSIFICATION OF ZONES

A. For the purposes of this Title, the City of Talent is hereby divided into the following land use zones:

<u>Zone Description</u>	<u>Map Designation</u>
Low-Density Residential	RS-5
Medium-Density Residential	RS-7
High-Density Residential	RM-22
Mobile Homes	RS-MH
Neighborhood Commercial	CN
Central Business District	CBD
Highway Central Business District	CBH
Highway Commercial	CH
Interchange Commercial	CI
Light Industrial	IL
Overlay—Flood Plain—Parks—Greenway	OFPG
Overlay—Historic Sites, Buildings and District	OHD
Overlay—Steep Slopes	OSS

8-3A.230 ESTABLISHMENT OF ZONES BY MAP

- A. The location and boundaries of the zones designated in Section 220 are hereby established as shown on the map entitled "The Zoning Map of the City of Talent," bearing the number of this ordinance and authenticated by the signature of the Mayor and City Recorder endorsed thereon at the time of the passage of this ordinance. The map shall be hereinafter referred to as the "zoning map." An updated Zoning Map was adopted by Ordinance No. 817 (11/01/2006) along with the reorganization of the Zoning Code.
- B. The signed copy of said zoning map is maintained permanently on file in the office of the City Recorder and is hereby made a part of this ordinance as though fully set forth

herein. Any revisions or replacements of said map, when duly entered, signed, and filed with the City Recorder as authorized in subsection 230(C), below, are a part of this Chapter.

- C. When the zoning of any area is changed by the City Council in the manner prescribed by this Chapter, the official zoning map shall be revised so that it accurately portrays said change, and the mayor shall endorse the map with the number of the ordinance by which the zone change was effected, at the time of the passage of the ordinance; provided, however, that failure to revise the map shall not affect the validity of any zone change. The Council may, from time to time, order the preparation of a replacement of the official zoning map or a portion thereof, which includes all lawful changes of zone and city boundaries to date. Such map, or portion thereof, filed as a replacement shall bear the number of the ordinance authorizing the same and shall bear dated, authenticating signatures of the Mayor and City Recorder. Any map or portion thereof which is replaced shall be retained in a separate file by the City Recorder.

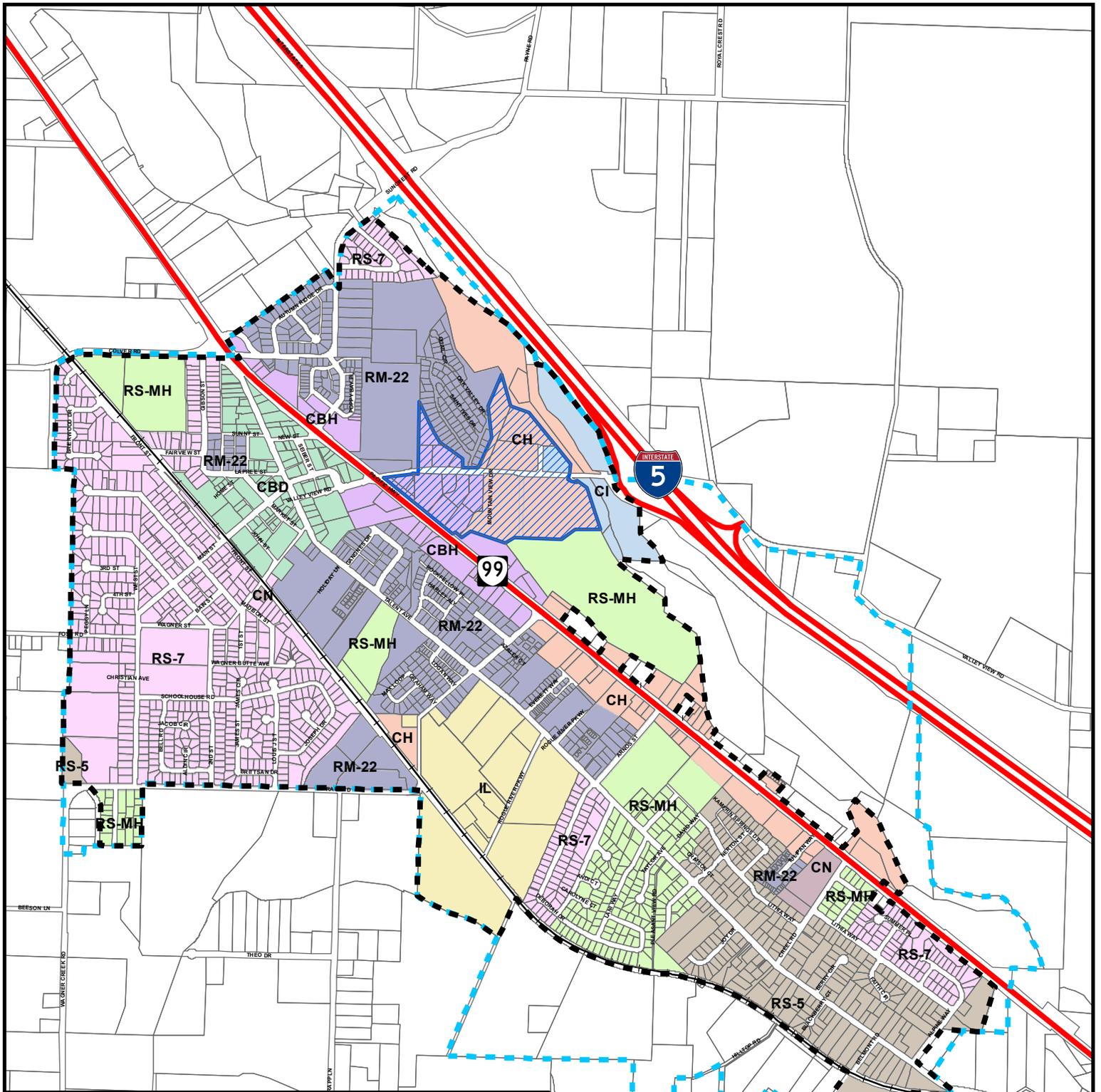
8-3A.240 BOUNDARIES OF ZONES

Where uncertainty exists as to the boundaries of any zone as shown on the zoning map, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street or alley centerlines or right-of-way lines, or lot lines, such lines shall be construed to be such boundaries.
- B. If the zone boundary line divides a lot into two or more zones, the entire lot shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the zone boundary, provided that the boundary adjustment is for a distance of less than twenty (20) feet. If an adjustment of more than twenty (20) feet is required, the change in the zone boundary shall be treated as a change of zone.
- C. In the case of unsubdivided property, and where a zone boundary divides such property (except as provided in subsection 240(B) above), the location of such zone boundaries shall be determined by the use of the scale appearing on said zoning map.
- D. Areas of dedicated streets or alleys and railroad rights of way which are not designated on the zoning map as being classified in one of the zones provided in this ordinance shall be deemed to be unclassified and, in the case of railroad rights of way, shall be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock.

8-3A.250 ZONING OF ANNEXED AREAS

- A. Zoning regulations in effect in an area prior to annexation to the City shall continue to apply and shall be enforced by the City until such time as a zone change has been adopted or a new zone created by the City for the annexed area. Newly created zoning districts shall conform to the City's comprehensive plan.



Zoning Map

ADOPTED: 11/1/2006 by ORD 06-817-O
 AMENDED: 01/20/2016 by ORD 16-906-O
 EFFECTIVE: 02/19/2016

- | | | | | | |
|--|-----------------------|--|---|--|--|
| | Urban Growth Boundary | | Central Business District (CBD) | | Light Industrial (IL) |
| | City Limits | | Highway Central Business District (CBH) | | Multiple Family - High Density (RM-22) |
| | Driveup Overlay | | Highway Commercial (CH) | | Single Family - Low Density (RS-5) |
| | County Tax Lots | | Interchange Commercial (CI) | | Single Family - Medium Density (RS-7) |
| | | | Neighborhood Commercial (CN) | | Single Family Manufactured Housing (RS-MH) |

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



8-3A.260 DIMENSIONAL STANDARDS BY ZONE (reference charts)

Zone Standard		Residential Zones			
		RS-5	RS-7	RS-MH	RM-22
Minimum Lot Area	Detached Single-family	8,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
	Multi-family or Duplex	n/a	n/a	n/a	6,000 sq. ft. plus 1,800
	Attached Single-family (townhouse)	n/a	n/a	n/a	1,800 sq. ft.
	Corner lots	9,000 sq. ft.	7,000 sq. ft.	7,000 sq. ft.	above plus 1,000 sq. ft.
Minimum Lot Width	Detached Single-family	65 ft.	50 ft.	50 ft.	40 ft.
	Multi-family or Duplex	n/a	n/a	n/a	50 ft.
	Attached Single-family	n/a	n/a	n/a	none
Minimum Setbacks	Front	20 ft.; 24 ft. for garages			
	Side	5 ft.; 8 ft. for bldgs. over 18 ft. in height	5 ft.; 8 ft. for bldgs. over 18 ft. in height	5 ft.; 8 ft. for bldgs. over 18 ft. in height	5 ft.; 10 ft. for bldgs. over 18 ft. in height
	Side (corner lot facing arterial or collector street)	15 ft.	15 ft.	15 ft.	15 ft.
	Side (corner lot facing local street)	10 ft.	10 ft.	10 ft.	10 ft.
	Rear	10 ft.	10 ft.	10 ft.	10 ft.
	Rear (double-frontage lots)	20 ft.	20 ft.	20 ft.	20 ft.
Maximum Bulk	Height	30 ft.	30 ft.	30 ft.	30 ft.
	Bldg. Coverage	35%	35%	35%	40%

Standard		Zone	Commercial Zones		
			CN	CBD	CBH
Minimum Lot Area	Per dwelling unit		1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.
	All other uses		None	None	None
Minimum Lot Width			None	None	None
Minimum Setbacks	Front	building	10 ft.	0 ft.; 10 ft. max.	10 ft.
		parking	10 ft.	10 ft.	10 ft.
	Side	Between commercially zoned properties	None	None	None
		Abutting a residential zone	10 ft.	10 ft.	10 ft.
		Abutting a street or alley	10 ft.	None	10 ft.
	Rear	Between commercially zoned properties	None	None	None
Abutting a residential zone		20 ft.	20 ft.	20 ft.	
Maximum Bulk	Height		30 ft.	30 ft. (flat roofs); 35 ft. (pitched roofs)	30 ft. (flat roofs); 35 ft. (pitched roofs)
	Bldg. Coverage		None	None	None

Standard		Zone	Commercial & Industrial Zones		
			CH	CI	IL
Minimum Lot Area	Per dwelling unit		1,200 sq. ft.	1,200 sq. ft.	n/a
	All other uses		6,000 sq. ft.	None	None
Minimum Lot Width			60 ft.	None	None
Minimum Lot Depth			100 ft.	None	None
Minimum Setbacks	Front	building	10 ft.	20 ft.	20 ft.
		parking	10 ft.	20 ft.	None
	Side	Between commercially or industrially zoned properties	None	None	10 ft.
		Abutting a residential zone	10 ft.	10 ft.	
		Abutting an agricultural zone	n/a	20 ft.	
		Abutting a street or alley	10 ft.	10 ft.	
	Rear	Between commercially zoned properties	None	None	10 ft.
		Abutting a residential zone	10 ft.	10 ft.	
		Abutting an agricultural zone	n/a	20 ft.	
Maximum Bulk	Height		30 ft.	30 ft.	30 ft.
	Bldg. Coverage		None	None	None

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

CITY OF TALENT ZONING CODE

Municipal Code, Title 8, Chapter 3

DIVISION B. DEFINITIONS

Article 1. General Definitions

Article 2. Land Use Classification

8-3 Division B. Article 1.

DEFINITIONS

8-3B.110 RULES OF CONSTRUCTION

For the purpose of this Chapter certain words, terms and phrases are defined as follows: Words used in the present tense include the future; the singular member includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Chapter" is used herein, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. All definitions found in the City's Subdivision Code and Comprehensive Plan, and any amendments thereto, are by this reference considered a part of this Chapter.

8-3B.120 GENERAL DEFINITIONS**Abutting**

Adjoining with a common boundary line.

Access

The way or means by which pedestrians and/or vehicles enter and leave property or a building [amended by Ord. 460]

Accessory Dwelling Unit (ADU)

The general term for accessory apartments and cottages. It is a residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling it accompanies. The two subcategories are:

Accessory apartment A type of ADU that is created by converting part of, or adding to, an existing detached single-family home or row house, or by building a separate unit into a new single-family home.

Accessory cottage A type of ADU that is a house built or placed permanently on the same lot as a single-family house. An accessory cottage may be attached or detached from the house but is not built within the existing house.

Accessory Structure or Use

The terms "accessory structure" and "accessory use" shall mean a structure or a use that is incidental and subordinate to the main structure or use of the property and located on the same lot as that main structure or use. It is possible to have an accessory structure such as a garage or shed on a lot without the main structure when that main structure has been removed but the lot is still planned and zoned for that same or similar primary use. [amended by Ord. 460]

Accessory structure, mobile home

See "mobile home accessory building or structure."

Access way

The ingress and egress to a property or building; or an unobstructed way which provides vehicular and/or pedestrian access and circulation within a specific area, such as within a subdivision, shopping center, or a mobile home park. [amended by Ord. 460]

Adjacent

Near, close; for example, an industrial zone across the street or highway from a residential zone shall be considered "adjacent."

Adjoining

Same as "abutting."

Adult Business

Any business, including bookstores, theaters or other commercial establishments relying on sexually explicit products or activities as a principal attraction to customers, or any massage parlor other than 1) a licensed individual practice or 2) a practice that is located with and accessory to a medical clinic, licensed physical therapy practice or exercise or health club.

Agriculture or agricultural use

The use of buildings, structures, and/or land for crops, orchards, pasturage, animal and poultry husbandry, and/or the preparation and storage of the products raised on the land. Does not include auction yards, feed lots, slaughterhouses or rendering plants.

Agricultural resource

(also known as "Critical Rural/Agricultural Lands" in Talent Ordinance No. 385). Prime agricultural lands adjacent to the urban growth boundary and urbanizable lands across the boundary, which must be protected from the effects of use conflicts which inhibit agricultural use. Those areas designated on an LCDC-acknowledged Jackson County Comprehensive Plan and/or Zoning Map as Exclusive Farm Use are determined to be agricultural resources. Furthermore, any other lands may be determined an agricultural resource upon a mutual City-Jackson County written agreement.

Alley

A narrow public street through a block, primarily for vehicular service access to the back or side of properties otherwise abutting on another street, to be used only as a secondary means of access to abutting properties.

Alteration

Same as "structural alteration."

Amendment

A change in the wording, content, or substance of this ordinance, or a change in the zone boundaries on the zoning map.

Apartment

A dwelling unit in a multiple-family structure or building that is typically designed for and utilized as a rental dwelling. A condominium-type dwelling might also be referred to as an apartment, regardless of the ownership status, if it is within a multi-family structure. [amended by Ord. No. 460]

Apartment house

Any building or portion thereof, which contains three or more individual dwelling units, regardless of the ownership arrangement. [added by Ord. No. 460]

Assessor

The County Assessor of Jackson County.

Basement

A space wholly or partly underground and having more than one-half of its height, measured from its floor to its ceiling, below the average adjoining finished grade; if the finished floor level directly above a basement is more than six feet above a finished grade at any point, such space shall be considered a "story."

Bedroom

For purposes of this Chapter, the determination of whether a room is a bedroom shall be made by the building official of the City using the then-current building code, but generally it shall be any enclosed room in a dwelling suitable for sleeping purposes containing both a closet and an emergency egress window.[added 6 September 2006; Ord. no. 808]

Boarding house

Any building or portion thereof containing not more than five guest rooms which are occupied, or intended for occupancy, by guests in return for money, goods, labor or otherwise. [amended by Ord. No. 460]

Buffer

A means to help reduce or prevent conflicts between incompatible land uses, including, but not limited to: special setbacks; lot coverage and height restrictions; screen plantings, berms, fencing or walls: parks and open space; and natural topography.

Buildable area

That portion of a lot excluding the minimum setback areas.

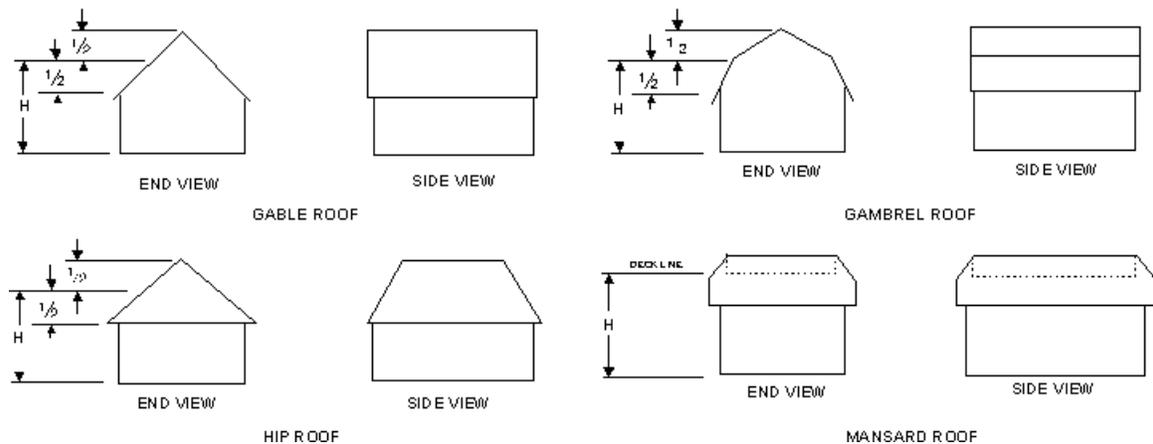
Building

Any structure used or intended for supporting or sheltering any use or occupancy. [amended by Ord. No. 460]

Building height

The vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; to the deck line for mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs (see illustration below).

H = Height of Building



[amended by Ord. no. 810; 10/04/2006]

Building (or Structure), Legal Pre-existing

Any building or structure which was legally erected prior to the adoption of current City requirements shall be considered a "legal preexisting" building or structure. (NOTE: Although such buildings may be legal and allowed to continue, they may also be considered "Nonconforming" by current standards and subject to the requirements for nonconforming uses, as contained in Article 8-3M.2). [amended by Ord. No. 460]

Building line

A horizontal line that coincides with the front side of the main building.

Building lot

A lot occupied or intended to be occupied by a principal or main building or a group of such buildings and accessory buildings, or by a mobile home when designated for such, together with such open spaces as are required by this ordinance, and having the required frontage on a street.

Building, Main

A building within which is conducted the principal use permitted on the lot, as distinguished from an accessory use, as provided by this ordinance.

Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

City

The City of Talent, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department or agency of the City indicated by the context; or where the context does not clearly indicate a specific officer, department or agency, then the City Council of said City.

City Engineer

The City Engineer of the City of Talent.

Clinic

A place for group medical or dental services, not involving overnight housing of patients.

Club

Any organization, group, or association supported by members thereof for a common purpose, the purpose of which is to render a service customarily rendered for members and their guests, but which shall not include any groups which are organized primarily to render a service customarily carried on as a business for profit.

Collocation

The use of a wireless communications facility by more than one wireless communication provider. [added by Ord. No. 902]

Commission or Planning Commission

The Planning Commission of the City of Talent.

Common area

Any area or space designed for joint use of tenants occupying a mobile home park, or residents in any residential development or area, but not including parking area or streets.

Condominium

An estate in real property, consisting of any undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building, such as an apartment, office, or store. [amended by Ord. No. 460]

Contiguous

Same as "abutting."

Council or City Council

The City Council of the City of Talent.

Court

An open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

Craft Manufactory & Retail

A use established expressly for the on-site creation and retail sale of original artisan products. Each individual use is permitted no more than 15 employees at one time. The intent is that such uses are clearly retail, that they generate walk-in traffic, and that they maintain the quality of the zone while providing craftspeople the ability to run a small business and sell something on the same site. This definition does not include bakeries or other food-production businesses; such uses are classified as either "retail" or "industrial" depending on the disposition of the product [added 19 January 2005; Ord. No. 776]

Curb Lot

The place where a curb is decreased in height to enable access to property from a street. A curb cut is used in terms of that distance from the place where the curb height is reduced for access to the place where it is increased back up to its standard height as a curb.

Density

The ratio expressed as the number of dwelling units per area of land, and computed by dividing the number of dwelling units by the acreage of the site, neighborhood, community, or other area. The result is "dwelling units per acre." [amended by Ord. No. 460]

District

Same as "zone."

Drive-in, drive-through, or drive-up

Any building, structure or use wholly or partly designed or intended to offer a service or product to a patron while the patron waits in her or his motor vehicle, generally while the engine is running; such as drive-through food service establishments, drive-up banks, and similar facilities; but not including automobile/truck service stations and parking lots.

Driveway

A road or other access way that is located entirely on the parcel it serves and provides vehicular access from a street or road to the off-street parking area that serves a single-family home, group of dwellings, apartment building or other structure. An access way that serves more than one parcel is considered a street. [amended by Ord. No. 460]

Driveway, one-way

A driveway where either ingress or egress, but not both, is allowed.

Driveway, two-way

A driveway where both ingress and egress is allowed.

Duplex

Two-family dwelling.

Dwelling, Conventional

Refers to any dwelling or multiple-dwelling structure that is constructed on the site and in conformance with Uniform Building Code standards. [amended by Ord. No.460]

Dwelling group

A group of two or more detached buildings used for residential purposes and located on a single tax lot with yard areas shared as common areas for all dwelling group occupants. [added by Ord. 460]

Dwelling, Manufactured or factory-built

Also referred to herein as "Manufactured Home." Refers to residential dwellings or multiple-dwelling structures that are constructed in total or large part at a factory and assembled at the site. Such dwellings are constructed to conform to Uniform Building Code standards and do not include a frame, axels or wheels that make them adaptable for highway transport [added by Ord. No. 460]

Dwelling, mobile home

A residential dwelling that is constructed primarily in a factory in accordance with manufacturing standards established by the Department of Housing and Urban Development (HUD) for mobile homes, and which are commonly designed with framing, axels, and wheels that permit their transport on public highways. Permanent placement and removal of axels and wheels has no effect on the "mobile home" designation. [added by Ord. No. 460]

Dwelling, Multiple-family

A building or portion thereof, designed or used as a residence by three or more families or individual households, and containing three or more dwelling units. [amended by Ord. No. 460]

Dwelling, Single-family

A detached building designed or used for residential purposes by not more than one family and containing a single dwelling unit. A mobile home, modular home, a factory built home, and other housing "alternatives" are also considered single-family dwellings when intended and designed for that purpose. [amended by Ord. No. 460]

Dwelling, two-family

A detached building containing two complete residential dwelling units and commonly referred to as a "duplex." [amended by Ord. No. 460]

Dwelling unit

Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the Uniform Building Code, for not more than one family or household. [amended by Ord. No. 460]

Encroachment

Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.

Enlarge or extend

To increase the cubic content of a building or increase a use of land to occupy a greater area than was previously occupied.

Family

A household head and one or more other persons living in the same household who are related to the head by blood, marriage, or adoption. [amended by Ord. No. 460]

Fence, site-obscuring

A fence, or a fence and evergreen planting, arranged in such a way as to obstruct vision of a building or use of land.

Flood plain

Any land area susceptible to being inundated by water from any source; particularly any area designated as being within the floodway or one-hundred year flood boundary in the most recent available data of the Federal Insurance Administration and referred to as such by this or any other City ordinance.

Foster home

A home licensed by the State of Oregon to provide food and shelter to not more than five persons in addition to the primary owner and occupants of the dwelling unit. [added by Ord. No. 460]

Frontage

That portion of a parcel or property which abuts a public street other than an alley.

Garage

A building or portion thereof in which a motor vehicle containing flammable liquids or gas in its tank is stored, repaired, or otherwise kept, or intended to be kept. [added by Ord. No. 460]

Grade (ground level)

The average of the finished ground level at the center of all walls of a building. In the case where walls are parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the elevation of the sidewalk.

Group home

A licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by parents or guardians, where the number of unrelated persons living as one household commonly exceeds five. [added by Ord. No. 460]

Guest, commercial

Any person who is temporarily occupying a room or suite in a hotel, motel, convalescent home, or other commercial facility that provides such "guest rooms" that are designed and intended to be rented or leased (short term) to persons or families. Such guests are not occupying the room or rooms as their primary residence. [added by Ord. No. 460]

Guest, residential

Any person who is temporarily occupying a dwelling, guest house, recreational vehicle parking area, or any other portion of a dwelling at the invitation of that dwelling's owner or legal occupant and is not paying rent or other type of reimbursement in return for that company privilege. [added by Ord. No. 460]

Guest house

A building or structure on the same lot as, but appurtenant to, a primary single-family dwelling unit, and that is intended for the lodging of guests. A guest house may contain rooms and furnishings similar to those of any other dwelling except that it shall not have a designated kitchen area nor kitchen facilities or appliances. A guest house shall be utilized solely for the lodging of residential guests and shall not be rented or otherwise managed for income purposes. A guest house may be used for the temporary residence of an infirm person under the care of the occupants of the primary dwelling. [added by Ord. No. 460]

Guest Lodging (includes hotels, motels, bed-and-breakfast inns and similar uses)

A building containing six or more rooms, or suites of rooms, designed to be used for the temporary living and sleeping place of its commercial guests, and which customarily provides such services as linen, maid service, furnishings, and often recreational or meeting facilities. Bed-and-breakfast inns are exempt from the minimum six-room requirement [added 19 January 2005; Ord. No. 776]

Guest room

Any room or rooms within a dwelling unit that is used or intended to be used for the lodging of residential guests, as defined above, and not including a separate kitchen area or kitchen facilities in addition to those already available in the primary dwelling unit. [added by Ord. No. 460]

Historic building, structure, site

Any building, structure, site or other physical object and its site recognized by the City to be of particular cultural, aesthetic, educational or historic significance to its citizens, such as: a building, structure, physical object, or site in which the broad cultural history of the nation, state or community is reflected or exemplified; which is identified with historic personages or with

important events in national, state or local history; which embodies the important distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style or method of construction; or a notable work of a master builder, designer or architect.

Historic building or structure exterior remodel

The addition to, removal of or from, or physical modification or repair of, and exterior part or portion of a historic building or structure.

Home occupation

An occupation carried on within a dwelling and/or accessory building by a member or members of the family occupying the dwelling, no employee or other persons being engaged in the same, said activity being secondary to the use of the dwelling for living purposes. A home occupation is conducted in such a manner as to not give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term, except as permitted in any ordinance regulating signs, nor to infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation maintains the residential character of the building in which it is located.

Hotel or motel

See *Guest Lodging*. [deleted by Ord. No. 776]

Integrated shopping center

A shopping complex designed to provide a broad range of retail products and services in one location.

Kennel

Any lot or premises on which four (4) or more dogs over three months of age are kept, and any business conducted for the purpose of boarding and/or sale of dogs and/or cats.

Landscaping

Any combination of permanently maintained live trees, lawns, shrubs, or other plant materials, including inorganic accessory materials utilized to accent or complement the vegetation. Fountains, ponds, sculpture, lampposts, fences, benches, and other functional or decorative features may be integral components of a landscape plan. [amended by Ord. No. 460]

Live-Work Building

A type of mixed-use development or home occupation. It can be either a detached building, or a building attached to one or more other buildings through common end walls (but not front or rear walls). The entire building must be constructed to commercial standards. It contains a ground floor, street-fronting unit with a retail, service, office, or artisan/light industrial use otherwise permitted in this zone, and a second story or rear residential unit that includes bathroom and kitchen facilities. The same person or persons occupy both units. The commercial unit shall be at least 200 square feet of gross floor area and no more than 5,000 square feet of

gross floor area. The residential unit is at least 400 square feet of gross floor area and no more than 1,500 square feet of gross floor area [added 19 January 2005; Ord. No. 776]

Lot

A parcel of land lawfully created as such in accordance with the land division, partitioning, or subdivision laws or ordinances in effect at the time of its creation. [amended by Ord. No. 460]

Lot area

The total land area, commonly measured in square feet, within the boundaries of a legal lot, exclusive of any street or alley rights-of-way. [amended by Ord. No. 460]

Lot coverage

That portion of a lot covered by a building or any part of a building or mobile home, expressed as percentage of the total lot area.

Lot depth

The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot line

The property line bounding a lot.

Lot line, front

The lot line separating a lot from the street other than an alley. For corner lots, one street lot line shall be considered the front lot line.

Lot line, rear

A lot line which is opposite and most distant from the front lot line. In the case of a triangular or other irregular lot, the "rear lot line" shall mean a line ten (10) feet in length within the lot, which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and at a maximum distance from the front lot line.

Lot line, side

A lot line which is not a front or rear lot line.

Lot of record

A lot recorded with the Jackson County recording officer and designated by a separate tax lot number in the records of the County Assessor.

Corner lot

A lot abutting two or more intersecting streets, other than alleys, provided that the streets do not intersect at an angle greater than 135 degrees.

Flag lot

A lot with no direct access to a public street except via a drive contained within the tax lot boundaries of the lot.

Interior lot

A lot other than a corner lot, with only one frontage on a street other than an alley.

Through lot

An interior lot having frontage on two parallel or approximately parallel streets other than alleys.

Lot width

The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines; or the mean distance between the side lot lines within the buildable area (area not including required yards).

Maintain

To cause or allow to continue in existence. When the context indicates, "maintain" shall mean to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

Major southwall

The largest single, exterior planar surface area of a roof of a dwelling or other building. This definition is used mainly in terms of solar energy. A major wall area exposed to the south would afford a dwelling or other building the most surface area to utilize a solar collection system and receive solar energy.

Major southroof

The largest single, planar surface area of a roof of a dwelling or other building. This definition is used mainly in terms of solar energy. The major roof area exposed to the south provides the most available space to receive solar energy and utilize roof top solar collection systems.

Mobile Home

See *Dwelling, Manufactured*. [deleted by Ord. No. 460]

Mobile home accessory building or structure

Any awning, portable, demountable or permanent cabana, ramada, carport, porch, skirting or steps established for the use of the occupant of the mobile home which are designed or intended to be attached to and which depend, in whole or in part, upon the mobile home for structural support.

Mobile home park

Any lot on which two or more mobile homes are located and being used for residential purposes, other than as approved "guest house", and where the primary purpose of the

property owner is to rent or lease the spaces and related or necessary facilities to the owners or occupants the mobile homes, or to offer same in exchange for trade or services. [amended by Ord. No. 460]

Mobile home stand

That part of a mobile home space reserved for the placement of the mobile home.

Motel

See *Guest Lodging* [deleted by Ord. No. 460]

Noise

Unwanted sound. For commercial and industrial operations, the Department of Environmental Quality maintains rules and standards on noise. Typical noise sources include: refrigeration units, car wash dryers, air conditioners, boilers and gas turbines, particularly as they related to adjacent "noise sensitive" uses. A noise sensitive use is a residence, church, library, and school. Other noise sources, which are not subject to the DEQ regulation, include Interstate 5, Highway 99 and the trains running on the Southern Pacific railroad tracks. Another noise source but subject to DEQ regulation that commonly occurs in residential areas is a heat pump.

Non-conforming building or structure [deleted by Ord. No. 460]**Non-conforming lot**

A parcel of land which lawfully existed as a lot of record on the effective date of this ordinance, or which is legally created after the effective date of this ordinance, but which in either case does not conform to the lot area and lot dimension standards for the zone in which it is located.

Non-conforming use

A structure, building or use that was lawfully constructed or established, but no longer conforms to the regulations or requirements of the City's codes and standards.

Open space

Land which is mostly open and unobstructed from the ground to the sky except for natural features. Open space may be utilized to preserve a natural land area to provide a buffer, and/or to provide space for recreational use by persons occupying a residential development or mobile home park, or for the general public. Improved pedestrian, bicycle and equestrian ways may be provided.

Owner

The owner of record of real property, as shown on the latest tax rolls or deed records of the County, or a person who is purchasing a parcel of property under written contract.

Parking area

Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, customers and/or tenants, employees or property owners, either free or for remuneration, for the parking of automobiles. For purposes of calculating shading and landscaping requirements, parking facilities shall include those through areas which are intended as primary vehicular circulation areas into and through the parking lot.

Parking space

A permanently maintained area for the parking of one standard size automobile, with proper access and measuring not less than eight and one-half (8½) feet wide by eighteen (18) feet long.

Person

An individual, firm, partnership, corporation, company, association, syndicate, branch of government, social or fraternal organization or any other group of combination acting as legal entity, and including any trustee, assignee, or other similar representative thereof.

Planned Unit Development [deleted 15 October 2008; Ord. No. 847]

Planning Commission

The planning commission of the City of Talent, authorized under Chapter 1-9 of the General Ordinances.

Planning office/department

A department or agency of the City created or designated by the City Council to perform ministerial functions in the administration of the affairs of the planning commission; where no such department or agency has been not created or designated, reference thereto herein shall mean the City Council.

Plot plan

A scale drawing of a lot and the adjacent and surrounding areas, showing the use and location of all existing and proposed buildings, structures, and improvements, and drawn to such scale, detail and description, as may be required by the City staff, the Planning Commission, or the specific provisions of the City's Zoning or Subdivision Codes. [added by Ord. No. 460]

Premises

The lot or plot of land upon which a structure or use is located.

Public facilities and services

Basic facilities and services that are primarily planned for by the City but which also may be provided by other governmental agencies or private enterprise and are essential to the support of development in accordance with the City's comprehensive plan. Public facilities and services include police protection; fire protection; sanitary facilities; public water facilities; storm drainage

facilities; planning, zoning, and subdivision control; health services; recreation facilities and services, energy and communication services; and community governmental services (including schools and transportation).

Public road or access way

A state highway other road or access way that has been dedicated for the use by the public for roadway purposes; not including an alley. Also referred to as a "Public Street", or simply a "street." [added by Ord. No. 460]

Recreation area

Land developed and maintained as usable open space, playgrounds, play fields, swimming pools, bicycle paths, community gardens and/or joint use recreation buildings (subject to lot coverage requirements of the applicable zone) or similar uses, for the common use of residents of a development.

Recreation vehicle

A vacation trailer, camping vehicle, motor home, or other vehicle, with or without motor power, which is designed for short-term occupancy for recreational or vacation purposes, but not as a permanent or long-term residence. The vehicle is identified as a recreation vehicle by the manufacturer and licensed as such. [amended by Ord. No. 460]

Recreational vehicle park or campground

An area designed to accommodate recreational vehicles and/or tent campers and to provide related and needed facilities and services. [amended by Ord. No. 460]

Relocated structure

Any structure requiring a building permit, as provided by the Uniform Building Code, current edition, which has been constructed and placed on a permanent foundation for the purpose of occupancy, at location other than the proposed location within the City of Talent. This definition does not include the structures generally referred to as "manufactured houses", "modular houses" or "mobile homes." [added by Ord. No. 492]

Retirement home

A facility that provides living quarters, owned or rented, to persons that have attained retirement age. The facility may be a single structure or a group of structures, designed primarily for residential purposes, but often including limited medical, recreational, commercial, or health services for the residents and their guests. [added by Ord. No. 460]

Row house

A single-family dwelling with no side yards between adjacent row houses. These dwellings are generally aligned in rows, typically along a street.

Screen planting

An evergreen planting of trees or shrubs arranged in such a way as to obstruct vision of a building or use of land or create a buffer between incompatible land uses.

Service station

A place or business selling motor fuel and oil for motor vehicles and which may provide the following additional types of services: the sale and installation of motor vehicle accessories; the performance of motor tune-ups, tire patching, battery charging and other similar minor or emergency repairs to motor vehicles; and other accessory services and incidental sales.

Setback

The minimum allowable distance from a given point or line of reference – such as a street right-of-way or property line.

Shaded

An area or space that does not receive direct solar radiation from the sun. In terms of solar collectors, a solar energy collector is deemed shaded if vegetation or structures block the direct solar energy that would otherwise reach its collecting surface during a specified time period. However, such insubstantial shadows as those caused by utility poles, wires, flagpoles and slender antennas are not deemed to shade.

Shadow patterns

The area on the ground surface or structures or objects which is shaded during a specified time.

Site development plan

A plan, drawn to scale, showing accurately and with complete dimensioning all of the users proposed for a specific parcel of land, and any other information required by the applicable provisions of this ordinance.

Solar access

The ability of something to receive solar energy without being shaded.

Solar collector

A device, or combination of devices, structures, or part of a device or structures that transforms solar energy into thermal, mechanical, chemical or electrical energy that satisfies a structure's (or swimming pools) energy requirements.

Solar collector, active

These are generally, but not limited to, solar collectors that require external or mechanical power to move the collected heat.

Solar collector, passive

This term is typically considered in terms of "techniques." Passive solar techniques are those that deal with the orientation of vegetation and architectural features such as buildings, eaves,

windows, water or rock work to allow materials to shade and to collect, store, conduct or block heat. They are generally used to heat structures in the winter and allow for natural cooling in the summer.

Solar energy

Radiant energy received from the sun.

Staff advisor

A member of the planning department designated to advise the planning commission and/or City Council on planning matters.

Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above.

Street

The entire width between boundary lines of a public or private way to provide ingress or egress for vehicular or pedestrian traffic, and placement of utilities, to one or more lots, parcels, areas or tracts of land; including "highway," "lane," "place," "avenue," "alley," or similar designations. The definitions for specific types of streets are set forth in the City subdivision and land partition ordinance and apply to this ordinance.

Street improvements

Improvements constructed within a street right-of-way, including but not limited to paving, curbs, gutters, sidewalks, storm water drainage facilities, planting of street trees and other improvements required by standards set and adopted by the City of Talent.

Street line

A lot line separating a street from other land.

Structural alteration

A change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls. [amended by Ord. No. 460]

Structure

Anything constructed or built which requires location on the ground or is attached to something having a location on the ground including swimming pools, covered patios, fences and walls, but not including normal plants and landscaping materials, paved outdoor areas, walks, driveways, and similar improvements. [amended by Ord. No. 460]

Temporary

Unless otherwise defined or specified, such as in a condition of approval of a particular land use, the term "temporary" shall mean thirty (30) days or less within any 12-month period of time. An extension of time may be granted by the City for certain types of temporary uses or structures.
[added by Ord. No. 460]

Tent

A shelter consisting primarily of a fabric supported by metal or wood poles and ropes, which is designed for temporary short-term occupancy for recreational or emergency purposes. A tent is not intended for permanent residential habitation.

Townhouse

A single-family dwelling unit on a separately platted lot, with use and occupancy identical to all other single-family dwelling units, except without the required side yard setbacks. Individual townhouse units are generally separated by common firewalls and their owners may or may not share in the ownership of a common area. Sometimes referred to as "attached" dwellings.
[amended by Ord. No. 460]

Trailer

See Dwelling, Manufactured. [deleted by Ord. No. 460]

Travel trailer

A vehicle or other structure with wheels for highway use, that is intended for human occupancy and is designed for vacation, travel or recreational purposes but not residential uses to include "campers." See also "recreational vehicle."

Undevelopable land

Areas that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 25 percent, severe topographic relief, water bodies and floodways, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development that isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.
[added 1 December 2004; Ord. No. 777]

Uniform Building Code standards

The Uniform Building Code (UBC) standards promulgated by the International Conference of Building Officials (ICBO), as adopted by the City of Talent. [added by Ord. No. 460]

Use

The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained. [amended by Ord. No. 460]

Wireless communications antenna

The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Does not include any support structure upon which an antenna is mounted. [added by Ord. No. 902]

Wireless communications facility

Any device or system for the transmitting and/or receiving of electromagnetic signals for cellular technology, personal wireless services, mobile services, paging systems and related technologies. Facilities include antennas and all other types of equipment used in the transmission and reception of such signals; structures for the support of such facilities, associated buildings or cabinets to house support equipment, and other accessory development. [added by Ord. No. 902]

Wireless communications tower

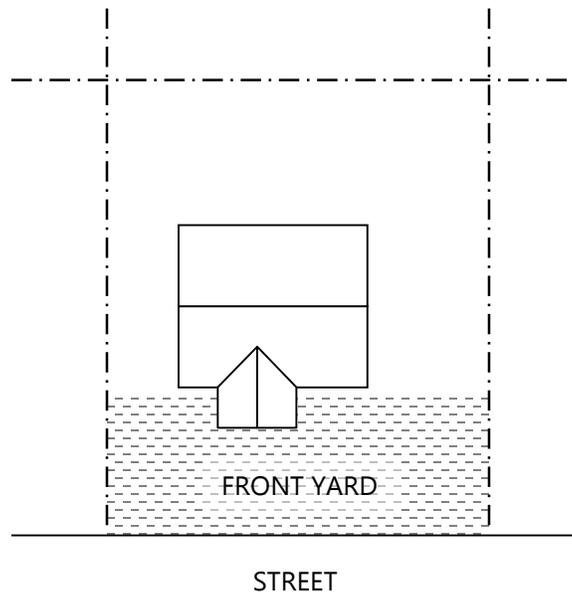
A structure intended to support one or more antennas and associated equipment to transmit and/or receive communications signals including monopoles, guyed and lattice construction steel structures. [added by Ord. No. 902]

Yard

Open space on the same lot with a building, manufactured dwelling or other structure, unoccupied and unobstructed by any structure from the ground upward, except as otherwise provided herein.

Yard, Front

The yard on a lot between the front lot line(s) and a line drawn parallel to and flush with the plane of any building facade of a principle building that faces a front lot line. [amended by Ord. No. 844. 9/3/2008]



Yard, rear

A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building or mobile home.

Yard, side

A yard extending from the front yard to the rear yard and measured horizontally and at right angles from the side lot line to the nearest point of the building or mobile home.

Yard, street side

A yard extending from the front yard to the rear yard on the street side of a corner lot.

Zone

A district established by this ordinance and shown on the zoning map, within which specified buildings and uses of land are permitted as set forth herein.

Land Use Classification

8-3B.210 PURPOSE

This Article classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zoning districts. Certain use categories are broken down into subgroups if further distinction is needed. The decision to permit a particular use or use category in the various zones is based on the goals and policies of the Comprehensive Plan and the stated purposes of the base zones.

8-3B.220 CLASSIFYING USES

A. Use Characteristics.

1. Land uses are assigned to the use category that most closely describes the nature of the principal use. A number of the most common uses are listed under the "Examples" subsection for each use category. In some zones developments may have more than one principal use. Developments may also have one or more accessory uses. For uses not listed as examples, the following is a list of factors to be considered when classifying a use into a particular category, and is also used to determine whether the activities constitute principal uses or accessory uses:
 - a. The description of the use or activities in comparison to the stated characteristics of each use category;
 - b. The intensity of the activity or use in comparison to the stated characteristics of each use category;
 - c. The amount of site or floor area and equipment devoted to the use or activity;
 - d. The presence of and amount of sales from each use or activity;
 - e. The customer type for each use or activity. For example, do individual customers come to the site or does the firm primarily sell goods or services to other firms?

- f. The number of employees involved in the use or activity;
 - g. The hours of operation;
 - h. The building and site arrangement;
 - i. The type of vehicles used for the activity;
 - j. The number of vehicle trips generated by the use or activity;
 - k. How the use advertises itself;
 - l. Whether the use or activity would be likely to be found independent of the other activities on the site;
 - m. Whether the use is subordinate to and serves another use in the development;
 - n. Whether a use is subordinate in area, extent or purpose to the principal building or use served;
 - o. Whether the use contributes to the comfort, convenience or necessity of occupants, customers, or employees of a principal use; and
 - p. Any other relevant evidence regarding use or activity that would help to classify a particular land use.
2. In cases where a specific use is not listed as an example, the City Planner and/or Building Official shall determine the appropriate category for a use based on the factors listed in paragraph 220(A)(1), above.
 3. In cases of dispute, the Planning Commission will issue a written use determination.
 4. Any use that cannot be clearly classified within an existing use category by the procedures noted above is prohibited, unless incorporated into this Chapter by a Development Code Amendment, the procedures for which are outlined in Article 8-3M.1, Administration and Procedures. A specific use that cannot be classified into an existing use category shall not be listed as permitted or conditional in any zone without first establishing a new use category within this Article by Development Code Amendment.

B. Use of Examples

1. The "Examples" paragraph under each use category provides a list of examples of specific uses that are included in the use category. These lists

may not be exhaustive of all the specific uses that might be included in a use category.

2. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may be called. For example, a use with the business name "Wholesale Liquidators" that sells mostly to individual consumers, would be included in the Sales-Oriented Retail category rather than the Wholesale Sales category, because the actual activity on the site matches the description of the Sales-Oriented Retail category.

C. Accessory Uses.

1. For reference purposes, a list of accessory uses commonly associated with a particular use category is included under a paragraph entitled, "Accessory Uses." Accessory uses and their associated regulations and requirements are addressed in detail in [Article...*to be established*].
2. A use that is accessory to a principal use in one instance may in other circumstances be considered a principal use. For example a large business may provide an in-house daycare center for employees. This daycare center would be considered an accessory use. However, a daycare center would be considered a separate principal use if it were not affiliated with another business or use on the property.

D. Exceptions

Some of the use categories may contain an "Exceptions" paragraph. These paragraphs provide a cross-reference for uses that may seem to be part of a particular category, but which are explicitly classified into a different use category.

E. Prohibited Uses

Certain uses are specifically prohibited in the City of Talent, even though they may be construed to be part of a particular use category. These uses are listed in a paragraph entitled "Prohibited" under the relevant use category. As noted in paragraph 220(A)(4), above, some uses may also be prohibited because they cannot be clearly classified within an existing use category by the procedures set forth in subsection 220(A).

F. Developments with Multiple Principal Uses

Developments with multiple principal uses will be categorized using the following rules:

1. When all of the principal uses of a development fall within one use category, then the entire development is assigned to that use category. For

example, a development that contains a hair salon, a drycleaners, and a photographic studio, would be classified as Personal Service-Oriented Retail.

2. When the principal uses of a development fall within different use categories, each principal use is classified into the applicable use category and each use is subject to all applicable regulations for the use category. For example, a development that contains a store that sells musical instruments and an architectural office would fall into two different use categories: Sales-Oriented Retail and General Office.
3. Developments with multiple principal uses, such as shopping centers, shall incorporate only those uses permitted or allowed as provisional or by special exception in the underlying zone.

8-3B.230 COMMERCIAL USE CATEGORIES

- A. **[Reserved]** Adult Business Uses
- B. **[Reserved]** Animal-Related Commercial Uses
- C. **[Reserved]** Commercial Recreational Uses
- D. Commercial Parking Uses
 1. *Characteristics.* Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as Commercial Parking.
 2. *Examples.* Municipal parking facilities; short-term and long-term fee parking facilities; commercial shuttle parking facilities; mixed parking lots (partially for a specific use, partly for rent to others).

- E. **[Reserved]** Eating and Drinking Establishments
- F. Office Uses
1. *Characteristics.* Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
 2. *Examples.* Examples include uses from the two subgroups listed below:
 - a. General Office: Professional offices, such as lawyers, accountants, engineers, architects, and real estate agents; financial businesses, such as mortgage lenders, brokerage houses, administrative and back office banking facilities; data processing; government offices; public utility offices; social service agency offices; television and radio studios.
 - b. Medical/Dental Office: Medical and dental clinics; chiropractic clinics; medical and dental labs; blood-collection facilities; physical therapy clinics.
 3. *Accessory Uses.* Cafeterias; exercise facilities for employees; off-street parking; other amenities primarily for the use of employees in the firm or building. Antennae and satellite receiving devices that are accessory to a television or radio studio are subject to additional regulations (See Article —, Accessory Uses and Buildings [*pending*]).
 4. *Exceptions*
 - a. Broadcast and other communication towers associated with Radio and Television studios are classified as Communication Transmission Facilities and are regulated as a separate principal use.
 - b. Offices that are accessory to a business or facility in another use category are not classified as an Office Use, but are subject to the relevant regulations for accessory uses. For example, a manufacturing facility may include some offices for administrative functions. These offices are considered accessory to the Manufacturing and Production use.
 - c. Retail banking establishments that offer teller services and other personal banking services for individual customers are considered Personal Service-oriented Retail. Banking establishments that contain both administrative offices/back office functions and retail operations are considered to contain two principal uses: Office and Personal Service-Oriented Retail.

- d. Offices for contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication services or similar work is not conducted on site.
- e. Salons and spas that offer therapeutic massage and other aesthetic health treatments are classified as Personal Service-Oriented Retail.

G. **[Reserved]** Quick Vehicle Servicing Uses

H. Retail Uses

1. *Characteristics.* Establishments involved in the sale, lease, or rent of new or used products to the general public for personal or household consumption and establishments involved in the sale of personal services, hospitality services, or product repair services to the general public.
2. *Examples.* Examples include uses from the five subgroups listed below:
 - a. Sales-Oriented: Stores selling, leasing, or renting consumer, home, and business goods, including, but not limited to, antiques, appliances, art, art supplies, bicycles, carpeting, clothing, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, videos. Also includes retail establishments that have a cottage industry component, such as bakeries, confectioneries, upholsterer, artist/artisan's studios, and similar.
 - b. Personal Service-Oriented: Establishments engaged in providing retail services and services related to the care of a person or a person's apparel, such as retail banking establishments, laundromats, catering services, dry cleaners, tailors, shoe repair, photographic studios, photocopy services, quick printing services, blueprint services, beauty salons, tanning salons, therapeutic massage establishments, taxidermists, mortuaries, funeral homes, and crematoriums.
 - c. Repair-Oriented: Repair of consumer goods, such as electronics, bicycles, office equipment; appliances.
 - d. Hospitality-Oriented: Hotels; motels; convention centers; guesthouses; commercial meeting halls/event facilities.
 - e. Outdoor Storage- and Display-Oriented: Uses that typically include large areas of outdoor storage or display, such as lumber yards; sales

or leasing of consumer vehicles, including passenger vehicles, light and medium trucks, and recreational vehicles; sales of landscaping materials and nursery products to the general public; farm supply and implement sales; equipment or vehicle rental businesses.

3. *Accessory Uses.* Offices; storage of goods; assembly, repackaging, or processing of goods for on-site sale; off-street parking, services incidental to the sale of goods; wholesale sales. Crematoria, for either human or pet remains, may be an accessory use to a funeral home or mortuary.
4. *Exceptions*
 - a. Lumber yards and other building material suppliers that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
 - b. Repair of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
 - c. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
 - d. Firms that primarily sell tree nursery products and landscaping materials to other retail outlets rather than to the general public are considered Wholesale Sales.
 - e. Restaurants and/or bars that are located within a Hospitality-Oriented Retail use are regulated separately as a principal use and are subject to any specific regulations related thereto.
 - f. Bed and Breakfast Inns and Bed and Breakfast Homestays are considered accessory uses to owner-occupied Detached Single Family Dwellings and are regulated according to the provisions specified for such uses in Article ----, Accessory Uses and Buildings.
 - g. A pet crematorium, if a principal use on a property, is considered an Animal-Related Commercial Use. Pet crematoriums may also be an accessory use to a veterinary clinic.
- I. **[Reserved]** Surface Passenger Services
- J. **[Reserved]** Vehicle Repair Uses

8-3B.240 INDUSTRIAL USE CATEGORIES**[Reserved]****8-3B.250 INSTITUTIONAL AND CIVIC USE CATEGORIES****A. Basic Utility Uses**

1. *Characteristics.* Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have a large number of employees at the site. Services may be publicly or privately provided.
2. *Examples.* Utility substation facilities, such as electric substations, gas regulator stations, telecommunications switching and relay facilities; water and sewer lift stations, water towers, and reservoirs.
3. *Accessory Uses.* Parking; control, monitoring, data or transmission equipment.
4. *Exceptions*
 - a. Services where employees or the general public are generally present are classified as Community Service or Office Uses.
 - b. Utility offices where employees or customers are generally present are classified as Office Uses.
 - c. Bus barns are classified as Warehouse and Freight Movement.
 - d. Communications towers, including radio, television, and wireless communications infrastructure are classified as Communication Transmission Facilities.

B. **[Reserved]** Colleges

C. Community Service Uses

1. *Characteristics.* Uses of a public, nonprofit, or charitable nature providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events.

Included are community centers or facilities that have membership provisions that are open to the general public to join at any time, e.g., a senior center that allows any senior to join. The use may provide shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

2. *Examples.* Examples include uses from the following two subgroups:
 - a. General Community Service: Libraries; museums; transit centers; park-and-ride facilities; senior centers; community centers; neighborhood centers; youth club facilities; some social service facilities; vocational training facilities for the physically or mentally disabled; soup kitchens; surplus food distribution centers; public safety facilities, such as police and fire stations.
 - b. Community Service—Shelter: Transient housing operated by a public or nonprofit agency.
3. *Accessory Uses.* Offices; meeting areas; food preparation areas; parking; health and therapy areas; daycare uses; athletic facilities.
4. *Exceptions*
 - a. Religious institutions and private clubs and lodges are classified as Religious/Private Group Assembly Uses.
 - b. Group care facilities where patients are residents of the facility are classified as Assisted Group Living.
 - c. Private, for-profit athletic or health clubs are classified as Indoor Commercial Recreational Uses.
 - d. Private, for-profit art galleries are classified as Sales-Oriented Retail.

- e. Social service agencies that consist primarily of office and counseling functions and operate in a similar fashion to other office uses are classified as General Office.
- f. Parks and cemeteries are classified as Parks and Open Space.
- g. Uses where tenancy is arranged on a month-to-month or longer period are residential, and are classified as Household Living or Group Living.
- h. Alternatives to incarceration, such as halfway houses, where residents of the facility are under supervision of sworn officers of the court are classified as Detention Facilities.

D. **[Reserved]** Daycare Uses

E. Detention Facilities

1. *Characteristics.* Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by employees or contractees of the Department of Corrections, except when on an approved leave. This category also includes alternatives to incarceration, such as halfway houses, where residents or inmates are placed by and remain under the supervision of the courts.
2. *Examples.* Prisons; jails; probation centers; juvenile detention homes; halfway houses.
3. *Accessory Uses.* Offices; recreational and health facilities; therapy facilities; maintenance facilities; hobby and manufacturing activities.
4. *Exceptions*
 - a. Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not under 24-hour supervision of employees or contractees of the Department of Corrections, are classified as Assisted Group Living.
 - b. Programs that provide transitional living experience for former offenders, where residents are not currently under 24-hour supervision by employees or contractees of the Department of Corrections, are classified as Assisted Group Living.

F. Educational Facilities

1. *Characteristics.* Public and private schools that provide state-mandated primary and secondary generalized education; and schools for specialized activities, such as dance, music, martial arts, business, and technical skills.
2. *Examples.* Examples include uses from the following two subgroups:
 - a. General Educational Facilities: Public and private elementary, middle, junior high and senior high schools, including such schools owned or operated by a religious entity; boarding schools; military academies.
 - b. Specialized Educational Facilities: Schools primarily engaged in offering specialized trade, business, or commercial courses, but not academic training. Also specialized nondegree-granting schools, such as music schools, dramatic schools, dance studios, martial arts studios, language schools and civil service and other short-term examination preparatory schools.
3. *Accessory Uses.* Cafeterias; parking; play areas; recreational and sports facilities; auditoriums; preschools; before and after school programs.
4. *Exceptions*
 - a. Preschools that are not accessory to an Educational Facility Use are classified as Daycare.
 - b. Schools that offer training in industrial trades that include training on large equipment or vehicles, or that include activities that generate noise, odors, or dust more typical of industrial uses are classified as Industrial Service.
 - c. Business, technical, and other colleges that offer degree programs in campuslike settings are classified as Private Colleges and Universities.

G. **[Reserved]** Hospitals

H. Parks and Open Space Uses

1. *Characteristics.* Large areas consisting mostly of natural areas, formal or informal landscaped open space, and/or open space for outdoor assembly and recreation. This category includes both public open space areas as well as private, shared open space. These uses tend to have few structures.
2. *Examples.* Parks; golf courses; cemeteries; public squares; plazas; botanical gardens; arboretums; community gardens; boat launching areas; nature preserves.
3. *Accessory Uses.* Maintenance facilities; concessions; parking. Mausoleums, columbariums, and crematoriums within cemeteries and recreational uses within private open space areas, such as clubhouses, tennis courts, sports fields, and swimming pools, are regulated as accessory uses and are subject to the regulations of Article 14-4C, Accessory Uses and Buildings.
4. *Exceptions*
 - a. Recreational uses, such as health and athletic clubs, operated as commercial businesses that are open to the general public, whether payment is on a fee for services or on a membership basis, are classified as Commercial Recreational Uses.
 - b. Accessory outdoor recreational facilities that are located on private property that are exclusively for use of those that live on the property are considered an accessory use to the principal use of the property. For example, a swimming pool, tennis court, or other similar facility located on a property that has as its principal use an apartment building would be considered an accessory use to a Multi-Family Use, not an accessory use to a Parks and Open Space Use. However, a swimming facility located on property that has been designated private, shared open space used jointly by multiple properties in the vicinity would be considered an accessory use to a Parks and Open Space Use because the principal use of the property is private, shared open space.

I. **[Reserved]** Religious/Private Group Assembly Uses

J. Public Works Facility Uses

1. *Characteristics.* Facilities that provide centralized services for maintaining public streets, parks, open spaces, utilities, and buildings. Private individuals rarely come to the site.

2. *Examples.* Public Works facilities, yards, and preassembly yards; repair of heavy machinery; vehicle and heavy machinery storage.
3. *Accessory Uses.* Offices; parking; outdoor storage.
4. *Exceptions*
 - a. Recycling processing facilities are classified as Waste-Related Uses.

8-3B.260 RESIDENTIAL USE CATEGORIES

[Reserved]

8-3B.270 OTHER USE CATEGORIES

- A. **[Reserved]** Agricultural Uses
- B. Communication Transmission Facility Uses
 1. *Characteristics.* All devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation and operating as a discrete unit to produce a signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.
 2. *Examples.* Broadcast towers and antennae; wireless communication towers and antennae; point-to-point microwave towers and antennae; emergency communication broadcast towers and antennae.
 3. *Accessory Uses.* Transmitter facility buildings.
 4. *Exceptions*
 - a. Receive-only antennae are not included in this category.
 - b. Shortwave radio towers for personal use are regulated as an accessory use.
 - c. Radio and television studios are classified in the Office category. Their broadcast towers are classified as Communication Transmission Facilities and are regulated as a separate principal use.

8-3B.280 APPLICABILITY

- A. The provisions of this Article apply only to the Public Lands & Facilities (PLF) district (Article 8-3G.1) until the other zoning districts are modified to be used in conjunction with this.

- B. When the conditions of subsection 280(A) are satisfied, this Section shall be amended.

Adopted by Ordinance No. 846 (10/1/2008)

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION C. RESIDENTIAL ZONES

Article 1.	Single-Family—Low-Density	RS-5
Article 2.	Single-Family—Medium-Density	RS-7
Article 3.	Single-Family—Manufactured Housing	RS-MH
Article 4.	Multiple-Family—High-Density	RM-22

8-3 Division C. Article 1

RESIDENTIAL ZONE

SINGLE-FAMILY—LOW-DENSITY (RS-5)

8-3C.110 DESCRIPTION AND PURPOSE

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

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

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

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

stables, barns and other uses determined to be similar by the planning staff advisor or Commission.

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

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

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

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

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

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

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of 20 percent (20%) of the property width but not less than ten feet.
- C. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious institution buildings. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 120 or 130, above.
- D. Relocated Structures
- E. Accessory Dwelling Units on individual lots, subject to the provisions of 8-3L.5, "Accessory Dwelling Units."

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

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

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Community centers, fraternal or lodge buildings.
- F. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.
- G. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser. Such buildings must additionally meet the Building Height Transition Standards in 8-3J.123(B).
- H. The having, keeping or maintaining of any apiary of more than two colonies.
- I. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-5 zone.

8-3C.160 YARD REGULATIONS

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

8-3C.170 LOT AREA AND DIMENSIONS

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

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
 - 1. 8,000 square feet.
 - 2. Corner lots: 9,000 square feet.
- B. Minimum Lot Area per Dwelling Unit:
 - 1. 8,000 square feet.

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

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

In the RS-5 zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3C.190 SINGLE-FAMILY TRANSITIONS

Single-family development that is adjacent to non-residential zones may be required to provide a transitional buffer in accordance with 8-3J.450(B). [Amended by Ord. No. 918; 7/15/2016]

8-3 Division C. Article 2

RESIDENTIAL ZONE

SINGLE-FAMILY— MEDIUM-DENSITY (RS-7)

8-3C.210 DESCRIPTION AND PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Community centers, fraternal or lodge buildings.
- F. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.
- G. Buildings over two and a half (2½) stories or thirty (30) feet in height, whichever is the lesser. Such buildings must meet the Building Height Transition Standards in 8-3J.123(B).
- H. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-7 zone.

8-3C.260 YARD REGULATIONS

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

8-3C.270 LOT AREA AND DIMENSIONS

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

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
 - 1. 6,000 square feet.
 - 2. Corner lots: 7,000 square feet.

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

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

In the RS-7 zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3C.290 SINGLE-FAMILY TRANSITIONS

Single-family development that is adjacent to non-residential zones may be required to provide a transitional buffer in accordance with 8-3J.450(B). [Amended by Ord. No. 918; 7/15/2016]

8-3 Division C. Article 3.

RESIDENTIAL ZONE

SINGLE-FAMILY—MANUFACTURED HOME (RS-MH)

8-3C.310 DESCRIPTION AND PURPOSE

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

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

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

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

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

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

- A. Two or three main buildings on a single-family or manufactured home lot, provided that there shall be 6,000 square feet of lot area per single-family or manufactured dwelling.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.

- C. Other uses similar to those listed above or under Section 320, where permitted by the Planning Commission after written application.

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

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

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

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

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

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

- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Manufactured home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Golf courses, country clubs, tennis clubs and community swimming pools.
- F. Community centers, fraternal or lodge buildings.
- G. Cemeteries.
- H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to residences on adjacent properties.
- I. Buildings over two and one-half (2½) stories or thirty (30) feet in height, whichever is the lesser.
- J. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-MH zone.

8-3C.360 MANUFACTURED HOME PARK REGULATIONS GENERALLY

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

8-3C.370 YARD REGULATIONS

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

8-3C.380 LOT AREA AND DIMENSIONS

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

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

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

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

In the RS-MH zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

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

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

- A. The manufactured home shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.
- B. No manufactured home shall be occupied until it is connected with the public water and sewer systems.
- C. The manufactured home shall have its wheels removed and be placed on a concrete, concrete block, or similar foundation and, unless the foundation is continuous, shall have continuous skirting (conforming to state standards) installed within sixty (60) days of occupancy.
- D. Installation of a manufactured home on a lot shall be limited to a lot owned by the owner of the manufactured home.
- E. If the manufactured home is removed from its foundation and not replaced with another manufactured home, the owner shall remove the foundation and permanently disconnect the sewer, water and other utilities. If the owner fails to accomplish this work within forty-five (45) days from the date the manufactured home is removed from its foundation, the City may perform the work and place a lien against the property for the cost of the work.
- F. Any manufactured home accessory building or structure that is not visually separated from a manufactured home shall be constructed with material and appearance compatible with the manufactured home. This does not apply to patios, porches and decks, or out-buildings that are separated from the manufactured home.

- G. The manufactured home shall be in a condition that conforms to one of the following construction standards:
1. A manufactured home constructed after April 1972 shall bear the Oregon insigne of compliance to standards in effect in Oregon at the time of construction.
 2. A manufactured home constructed prior to April 1972 shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after April 1972, as determined by the building official.
- H. The manufactured home shall have a minimum area of six hundred (600) square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a manufactured home accessory structure shall not be included in the computation of minimum area. [amended 15 October 2008; Ord. No. 847]

8-3 Division C. Article 4.

RESIDENTIAL ZONE

MULTIPLE-FAMILY—HIGH-DENSITY (RM-22)

8-3C.410 DESCRIPTION AND PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8-3C.460 YARD REGULATIONS

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

8-3C.470 LOT AREA AND DIMENSIONS

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

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

Note: Lots (or groups of lots forming a development) greater than two (2) acres in size may not be used for SFR developments; such lots shall be preserved for higher-density

development. In developments larger than two acres, half of the area—but only up to two acres total—may be designed to contain SFRs.

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

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

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

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

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

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

C. Maximum Building Coverage

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

D. Minimum Lot Width

1. SFR (detached): 40 feet
2. Duplex: 50 feet

- 3. SFR (attached): None
- 4. Apartment: 50 feet
- E. Maximum Building Bulk:
 - 1. Height: 30 feet.
 - 2. Building Coverage: 40 percent.
- F. Non-conforming Lots of Record:
 - 1. A lot having an area of less than 5,000 square feet of record at the time of the passage of this ordinance may be occupied by one single-family dwelling or one duplex dwelling if all other dimensional requirements of the zone are complied with. [Section 6 amended by Ord. 793; 11/02/2005]

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

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

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

In the RM-22 zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3C.484 BUFFERING

When a development or use is proposed on property in the RM-22 zone, which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450. [Amended by Ord. No. 918; 7/15/2016]

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION D. COMMERCIAL ZONES

Article 1.	Neighborhood Commercial	CN
Article 2.	Central Business District	CBD
Article 3.	Highway Central Business District	CBH
Article 4.	Highway Commercial	CH
Article 5.	Interchange Commercial	CI

8-3 Division D. Article 1.

COMMERCIAL ZONE - NEIGHBORHOOD (CN)

8-3D.110 DESCRIPTION AND PURPOSE

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

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

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

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

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

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

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

- C. Professional, financial and business offices, and personal service establishments such as beauty and barber shops, Laundromats, cleaning agencies (provided the equipment used for cleaning shall be a type of unit using non-flammable cleaning solvent), shoe repair shops, and tailor or dress-making shops.
- D. Restaurants, cafes and soda fountains.
- E. Medical or dental clinics or medical laboratories.
- F. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- G. Other uses similar to those listed above, where permitted by the Planning Commission after written application.
- H. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.

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

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

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

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

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

- A. Passenger terminals (bus or rail).
- B. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.
- C. Buildings over two and one half (2½) stories or thirty (30) feet in height, whichever is the lesser.
- D. Wireless communication towers.
- E. Other buildings or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the CN zone.

8-3D.160 YARDS REGULATIONS

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

8-3D.170 LOT AREA AND DIMENSIONS

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

8-3D.180 LOT COVERAGE RESTRICTIONS

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

8-3D.190 PARKING AND LOADING REQUIREMENTS

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

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

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with section 8-3J.4. Signs shall be permitted and in conformance with 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3D.196 BUFFERING

When a development or use is proposed on property within the CN zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450. [Amended by Ord. No. 918; 7/15/2016]

8-3 Division D. Article 2.

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

8-3D.210 DESCRIPTION AND INTENT

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

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

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

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

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

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

- A. Any use permitted subject to site plan review without a required public hearing in the Neighborhood Commercial Zone (CN).

- B. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services, not including automotive repair. Such uses may not exceed 6,000 square feet. Automotive parts and sales are permitted provided that the activity happens fully within enclosed buildings.
- C. Eating and drinking establishments (which may include entertainment) not exceeding 6,000 square feet.
- D. Churches and other religious institutions not exceeding 6,000 square feet.
- E. Guest lodging, not exceeding 10 rooms.
- F. Performing arts theaters and motion picture theaters (not including drive-ins), not exceeding 6,000 square feet.
- G. Public and commercial off-street parking lots or structures, not exceeding 200 parking spaces.
- H. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- I. Other uses similar to those listed above, where permitted by the City Planner after written application. Where there is question as to similarity, the Planner shall refer the matter to the Planning Commission for a determination.
- J. Uses and structures customarily incidental to the above uses.
- K. Live-work units.

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

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

- A. Any use permitted subject to site plan review with a required public hearing in the Neighborhood Commercial Zone (CN), excluding utility substations.
- B. Any use listed in Section 230, above, that exceeds the listed size/capacity threshold.
- C. Craft Manufactory & Retail, provided the structure housing the manufactory is sound and suitable for the intended use (refer to definition in Article 8-3B.1 for further information).
- D. Public parks, playgrounds and other similar publicly owned recreational areas.
- E. Passenger terminals for bus or rail.

- F. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, and government offices. Such uses, which may be developed in campus-like settings, are exempt from the dimensional requirements of the zone, except for parking lot setbacks.
- G. Other uses similar to those listed above, or under Sections 220 or 230, where permitted by the planning commission after written application.
- H. Uses and structures customarily incidental to the above uses.

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

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

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

8-3D.260 YARDS REGULATIONS

- A. Front yard.
 - 1. Minimum: Zero (0) feet.
 - 2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width.

3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- B. Side yard.
1. Minimum: Zero (0) feet.
 2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width on street-facing sides; ten (10) feet on alley-facing sides.
 3. Parking lots: 10 feet, which shall be landscaped to provide screening.
- C. Rear yard. No rear yard is required between commercially zoned properties.
- D. General provision applying to all setbacks: Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.
- E. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be twenty (20) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
- F. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

8-3D.270 LOT AREA AND DIMENSIONS

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

8-3D.280 LOT COVERAGE RESTRICTIONS

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

8-3D.290 PARKING AND LOADING REQUIREMENTS

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

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

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with Section 8-3J.4. In all cases, and

at all times, they shall not exceed four (4) feet in height within front and street-side yards. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3D.296 BUFFERING

When a development or use is proposed on property within the CBD zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. 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. [Amended by Ord. No. 918; 7/15/2016]

8-3 Division D. Article 3.

COMMERCIAL ZONE

HIGHWAY CENTRAL BUSINESS DISTRICT (CBH)

8-3D.310 DESCRIPTION AND INTENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8-3D.360 YARDS REGULATIONS

- A. Front yard.
 - 1. Minimum: Zero (0) feet.
 - 2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width.
 - 3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- B. Side yard.
 - 1. Minimum: Zero (0) feet.
 - 2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width on street-facing sides; ten (10) feet on alley-facing sides.
 - 3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- C. Rear yard. No rear yard is required between commercially zoned properties.
- D. General provision applying to all setbacks: Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.
- E. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be twenty (20) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
- F. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

8-3D.370 LOT AREA AND DIMENSIONS

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

8-3D.380 LOT COVERAGE RESTRICTIONS

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

8-3D.390 PARKING AND LOADING REQUIREMENTS

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

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

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.4. In all cases, and at all times, they shall not exceed 4 feet in height within front and street-side yards. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3D.396 BUFFERING

When a development or use is proposed on property within the CBH zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. The Planning Commission may waive buffering that would otherwise be required by Section 8-3J.450 if it finds that the need to fulfill the intent of the CBH zone outweighs the need for buffering. [Amended by Ord. No. 918; 7/15/2016]

8-3 Division D. Article 4.

COMMERCIAL ZONE - HIGHWAY (CH)

8-3D.410 DESCRIPTION AND PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8-3D.460 YARD REGULATIONS

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

8-3D.470 LOT AREA AND DIMENSIONS

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

8-3D.480 LOT COVERAGE RESTRICTION

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

8-3D.490 PARKING AND ACCESS REQUIREMENTS

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

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

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in conformance with Article 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3D.496 BUFFERING

When a development or use is proposed on property within the CH zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. [Amended by Ord. No. 918; 7/15/2016]

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

8-3 Division D. Article 5.

COMMERCIAL ZONE - INTERCHANGE (CI)

8-3D.510 DESCRIPTION AND PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Buildings over two-and-a-half (2½) stories or thirty feet in height, whichever is the lesser.
- B. “Drive-in”, “drive-up” or “drive-through” facilities.
- C. Wireless communication towers.
- D. Other buildings or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the CI zone.
- E. Recreational vehicle sales as an incidental use in an R.V. park. (3-24-83 p.c. file #58 SUD 83-1)

8-3D.560 YARD REGULATIONS

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

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

8-3D.570 LOT AREAS AND DIMENSIONS

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

8-3D.580 LOT COVERAGE RESTRICTIONS

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

8-3D.590 PARKING AND ACCESS REQUIREMENTS

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

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

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in conformance with Article 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3D.596 BUFFERING

When a development or use is proposed on property within the CI zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450. Planning Commission may waive buffering that would otherwise be required by Section 8-3J.450 if it finds that the need to fulfill the intent of the CBH zone outweighs the need for buffering. [Amended by Ord. No. 918; 7/15/2016]

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION E. [RESERVED]

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION F. INDUSTRIAL ZONES

Article 1. Light Industrial IL

8-3 Division F. Article 1.

INDUSTRIAL ZONE - LIGHT (IL)

8-3F.110 DESCRIPTION AND PURPOSE

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

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

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

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

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

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

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

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

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses, which are subject to the provisions of a site development plan review as set forth in Article 8-3L.1. The Planning Commission may, at its discretion, conduct a public hearing subject to the provisions of Section 8-3M.130.

The purpose of the hearing is to obtain input on best methods to perform or develop the use, not to determine whether to grant or deny, or to determine the desirability of the use.

- A. Light manufacturing, assembly, fabricating or packaging of products from materials such as cloth, plastic, paper, fiberglass, leather, precious or semi-precious metals or stones.
- B. Manufacture of electric, electronic or optical instruments or devices.
- C. Manufacture of food products, pharmaceuticals, and the like, including the compounding of medical or recreational marijuana. Manufacturing of food products does not include the production of fish, meat or fermented foods, or the rendering of fats and oils.
- D. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
- E. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, stone monuments, upholstery, welding, auto body, and auto and truck repair.
- F. Bin or containers along streets used for temporary storage of garbage or materials for recycling.
- G. Offices appurtenant to and serving permitted uses.
- H. Public utility buildings and yards.
- I. Parks.
- J. Other uses similar to those listed above, which are consistent with the purpose of Light Industrial Zone and will not have a detrimental effect upon neighboring uses, where permitted by the Planning Commission after written application.
- K. Uses customarily incidental to the above uses, including the usual accessory buildings, such as incidental storage facilities and the like, provided they meet all requirements contained herein.
- L. Truck brokerage. (5-17-82 p.c. action File # SUD-82-1)

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

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

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

- E. Buildings not meeting required yard setbacks.
- F. Wireless communication towers.

8-3F.160 YARD REGULATIONS

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet.
- B. Side yard. There shall be a side yard on each side of the building of not less than ten (10) feet.
- C. Rear yard. The rear yard shall have a depth of not less than ten (10) feet.
- D. Side and rear lot requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinating vehicular access and parking development and party wall or adjoining building walls meet fire separation requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. The joint development agreement must be approved by the City of Talent attorney as to form and content, recorded in the Office of the County Recorder and copies thereof filed with the City Recorder.
- E. Street Yard. Any yard adjacent to a street other than an alley shall have a depth of not less than twenty (20) feet; except that a yard adjacent to an arterial street shall have a depth of not less than twenty-five (25) feet.
- F. Any yard adjacent to residentially or agriculturally zoned property shall have a depth of not less than thirty-five (35) feet.
- G. Lot requirements for parking, loading and access ways shall not be considered as part of a required yard.
- H. No setback or yard shall be required where a property abuts a railroad spur if the spur will be utilized by the permitted use.

8-3F.170 LOT AREA AND DIMENSIONS

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

8-3F.180 LOT COVERAGE RESTRICTIONS

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

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

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in conformance with Article 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

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

- A. Any use or portion thereof must demonstrate, by noise prediction methods, that it shall not exceed State Department of Environmental Quality standards set forth in Oregon

Administrative Rules, Chapter 340, Division 35; Oregon State Noise Control Regulations for Industry and Commerce.

- B. Any use or portion thereof producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard to any property adjacent to the Light Industrial Zone.
- C. There shall be no emissions of odorous, toxic or noxious matter, or dust, in such quantities as to be readily detectable from any point outside the Light Industrial Zone as to produce a public nuisance, hazard, or violation of state environmental quality rules and standards.
- D. All off-street parking or loading spaces shall be surfaced with a dust-free material and shall be maintained.
- E. All materials, including wastes, shall be stored, and all grounds maintained, in a manner which will not attract or aid the propagation of insects or rodents, ore create a health hazard.
- F. All business, service, repair, processing, storage or merchandise display abutting or facing a lot in a residential zone shall be conducted wholly within an enclosed building, unless screened from the residential zone by a site-obscuring hedge or fence permanently maintained and at least six (6) feet in height.
- G. No fences or hedges shall be located in any required yard area.
- H. Access points from a public street to properties in the Light Industrial Zone shall be so located as to minimize traffic congestion on arterials and to avoid directing traffic onto local access streets of a primary residential nature, and will conform with the requirements and provisions of Article 8-3J.6.
- I. As every light industrial development contains circumstance peculiar to its given situation, other conditions may be required to protect the best interest of the surrounding property, neighborhood, or the city as a whole, and to maintain consistency with the intent of the Light Industrial zone.

8-3F.196 MAINTENANCE OF GROUNDS

- A. Properties abutting residentially zoned properties shall provide and maintain a buffer in accordance with Section 8-3J.450 or with measures as prescribed by the Planning Commission during the site development plan review process. [Amended by Ord. No. 918; 7/15/2016]
- B. Yards adjacent to streets and those abutting residentially zoned properties shall be continuously maintained in lawn or live ground cover, with trees or shrubs, in a manner providing a park-like character.
- C. Other yards and unused property shall be maintained in lawn or other suitable live ground cover.

8-3F.197 PROCEDURES AND REQUIREMENTS

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

- A. Article 8-2.3, where a land division is involved.

- B. Applicable sections of Article 8-2.2.
- C. Article 8-2.250, when applicable to the land parcel.

8-3F.198 SITE DEVELOPMENT PLAN

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

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

8-3F.199 ADMINISTRATION AND ENFORCEMENT

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

CITY OF TALENT ZONING CODE

Municipal Code, Title 8, Chapter 3

DIVISION G. Public Land & Facilities

Article 1. Public Land & Facilities

8-3 Division G. Article 1.
PUBLIC LANDS & FACILITIES (PLF)

8-3G.110 DESCRIPTION AND PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8-3G.160 YARDS REGULATIONS

- A. Front yard.
 - 1. Minimum: Ten (10) feet.
- B. Side yard.
 - 1. Minimum: Ten (10) feet.
 - 2. Minimum: Ten (10) feet on street-facing sides.
 - 3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- C. Rear yard.
 - 1. Minimum: Ten (10) feet.
- D. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be ten (10) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.

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

8-3G.170 LOT AREA AND DIMENSIONS

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

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

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in conformance with Article 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

- A. Properties abutting residentially zoned properties shall provide and maintain a buffer in accordance with Section 8-3J.450 or with measures as prescribed by the Planning Commission during the site development plan review process. [Amended by Ord. No. 918; 7/15/2016]
- 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.

8-3G.190 CONVEYANCE AND REZONING PROVISIONS

- A. If any land zoned PLF is sold, conveyed or transferred to anyone other than the government of the United States, the State or a political subdivision thereof, the buyer or transferee must submit an application requesting the City to rezone the land in accordance with 8-3M.160.
- B. Land acquired by the government of the United States, the State or a political subdivision thereof shall retain its existing zoning designation until such time as the Zoning Map is amended to designate such land as PLF pursuant to 8-3M.160.
- C. Before a leasehold interest in any land zoned PLF is conveyed to anyone for a use other than permitted in the PLF zone and to anyone other than the government of the United States, the State or a political subdivision thereof, rezoning to an appropriate zone in which the use is allowed shall be obtained. The use shall be subject to all requirements of the new zone. Further, the zone shall be established as an overlay zone with the underlying zone retaining its original PLF designation.

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION H. OVERLAY ZONES

Article 1.	Steep Slopes	OSS
Article 2.	Flood—Parks—Greenway	OFPG
Article 3.	[Reserved for Design Review Overlay]	
Article 4.	[Reserved for Historic District Overlay]	

8-3H.110 DESCRIPTION AND PURPOSE

There are areas within Talent’s urban growth boundary, which are expected to be within the corporate limits, that consist of slopes in excess of ten percent (10%). Slopes that exceed ten percent (10%) prove costly to build upon. In addition, slopes in excess of fifteen percent (15%) contain soils with erosion, slide and high runoff potential. The purpose of this Article is to provide standards governing development of hillside land and to maintain or improve the character and harmonious development of the general area and to provide a safe, stable, efficient on-site environment according to applicable plans, policies, goals and ordinances adopted by the City Council; and to alleviate harmful and damaging effects of on-site erosion, sedimentation, runoff, and accumulation of debris on adjacent, downhill properties.

8-3H.120 GENERAL

- A. The provisions and requirements of the OSS zone and of this Article apply in addition to the provisions and requirements of the underlying zone and of the subdivision code of the City.
- B. In those instances where there is a conflict between the provisions and requirements of this Article and those of the underlying zone or the subdivision code, the provisions and requirements of this Article supersede.
- C. Areas shown on the OSS overlay map show the approximate location of ten percent (10%) slope. Exact locations shall be determined with each development proposal.

8-3H.130 PERMITTED USES, YARD AND LOT REGULATIONS

- A. Permitted Uses. Those uses and buildings permitted in the underlying zone shall be permitted.
- B. Yard Regulation. The yard regulations of the underlying zone shall apply.
- C. Lot Regulations. The lot regulations of the underlying zone shall apply except the minimum lot size shall contain twice as many square feet per dwelling unit as the underlying zone, except as may be provided in Section 140.

8-3H.140 DENSITY TRANSFER

Calculate density as regulated by 8-2.330(B). Slopes in excess of 25 percent are deducted from available land for purposes of determining permitted density. The lot regulations set forth in 130(C) apply to the portions of the development within the OSS zone. The following rules apply in particular circumstances:

- A. Master-Planned Development. The development of a conceptual master plan (CMP) (as per CH. 8-8) accounts for steep slope areas and adjusts densities accordingly to preserve development potential. There is no allowance for additional density transfer.
- B. Subdivision. In a standard subdivision the lots outside the OSS zone may be developed at 75 percent of the minimum lot size of the applicable zoning district (e.g., in the RS-5 district 8,000 square feet becomes 6,000 square feet), but only to the extent that permitted density is preserved. This extends the "lot size averaging" principle in 8-2.330(C).

8-3H.150 STANDARDS OF DEVELOPMENT IN THE OSS ZONE

In addition to the standards and improvements set forth in the subdivision code, the following minimum standards and improvements shall apply for development in the OSS overlay zone.

- A. The following standards applicable to the OSS overlay zone must be incorporated in development and improvement plans.
 - 1. Circulation.
 - a. The location, alignment design, grade width, and capacity of roads within the development shall conform to city engineering standards. However, the use of public and private lanes shall be encouraged in the hill areas to reduce the disturbance of the natural landscape. The width of these lanes shall be allowed to be as narrow as public safety and traffic generation will permit.
 - b. Loop and split, one-way street sections, and occasional steep street grades shall be allowed to fit terrain and minimize grading and exposed slopes.
 - c. Streets and lanes in the hill areas shall be laid out as to encourage slow speed traffic and respect the natural topography of the area.
 - d. Street grades may be permitted up to fifteen percent (15%) provided they do not exceed 200 feet in length, whereby they must be reduced to ten percent (10%) or less for a minimum length of 20 feet. The overall grade shall not exceed ten percent (10%).
 - e. Culverts, bridges and other drainage structures shall be placed as to encourage drainage in established drainage ways and as provided in 8-2.280. Additional road construction improvements may be required in areas exhibiting poor soil stability.
 - f. Circulation shall, when feasible, be designed to allow for separation of vehicular, pedestrian, bicycle, and hiking trails. The circulation system shall, when feasible, be developed throughout the hill areas, to provide connections between park areas and scenic easements in order to help maximize leisure opportunities of the hills. Trails may be accepted by the appropriate jurisdiction in fee or easement.

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- g. Walkways shall be required when determined to be needed for public safety and convenience. When required, walkways shall be of minimum width of four (4) feet unless a greater need is shown. Walkways shall be constructed of a material suitable for use in the particular area; and shall be located as necessary to provide maximum pedestrian safety and preservation of the character of the area.
 - h. Driveways shall be designated to a grade and alignment that will provide the maximum safety and convenience for vehicular and pedestrian use. Collective private driveways shall be encouraged where their utilization will result in better building sites and lesser amount of land coverage than would result if a public road were required.
 - i. Minimum standards for private easement construction within the OSS overlay zone shall be as follows:
 - (1) Minimum Travel Service Width: 12 feet
 - (2) Minimum Vertical Clearance: 14 feet
 - (3) Minimum Horizontal Clearance: 16 feet
 - (4) Maximum Intermittent Grade: 15% for 200 feet
 - (5) Maximum Sustained Grade: 10%
 - j. Whenever private drives are permitted, it shall be the responsibility of the benefited property owner to maintain the private easement or driveway established in accordance with this Article.
2. Open Space. Open space within a hillside development shall be provided for and maintained for scenic, landscaping and recreational purposes within the development. Open space shall be adequate for the recreational and leisure needs of the occupants and users of the development. In order to insure that open space will be permanent, dedication of the development right may be required to be dedicated to the City of Talent. Such instruments and documents guaranteeing the maintenance of open space shall be approved as to form by the City attorney. Failure to maintain the open space or any other property set forth in the development plan and program shall empower the City of Talent to enter the property and bring said property up to the standards set forth in the development plan and program. The City may then assess the real property and improvements within the hillside development for the cost of creating and maintaining the said open and recreational lands.
 3. Scenic Viewpoints and Vistas. The planning commission may require slightly enlarged street rights-of-way for scenic pullouts or other public or private scenic viewpoints or vistas in a development.

4. Natural Hazards. Lands subject to known natural hazards such as steep slope failure, mass movement, erosion, high runoff, extremely sensitive soils, or areas otherwise unsuitable for structures intended for habitation shall be either:
 - a. Set aside by appropriate legal instrumentation, such as covenants, easements and dedication, as permanent non-use areas; or
 - b. Improve with such corrective measures that will limit the hazard and make the land suitable for the intended use, provided, however, that such corrective measures are approved by the City Engineer and are designed and constructed in conformity with any standards contained by the City and/or approved by the City Engineer and in such a manner as not to cause substantial risk of environmental damage. Low profile vegetation growth shall be required for stabilization of slopes and prevention of traffic hazards on intersections.
- B. Statement by City Engineer. Certified final approval of subdivisions shall be conditioned upon a statement by the City Engineer that improvement plans meet the following standards:
1. The standards set forth in Sections 150(A)(1) and 150(A)(4b), where applicable.
 2. Grading. Any grading performed within the boundaries of a development shall take into account the environmental characteristics of that property, including but not limited to prominent geological features, existing streambeds and drainage ways, and significant tree cover. Grading shall be designed in keeping with the best engineering practices to avoid erosion or slides, and to have as minimal effect on the environment as possible. Chapter 70 of the Uniform Building Code shall be adopted by reference as part of this Chapter prescribing standards for proper grading procedures. The City Engineer may request any additional information on grading as determined to be necessary to meet the requirements of this Article.
 3. Utility Lines and Facilities.
 - a. All electrical power distribution lines, telephone lines, gas distribution lines, cable television lines, and appurtenant facilities shall be installed underground unless the applicant demonstrates, and the City determines on the basis of substantial evidence, the installation of any of the foregoing lines and facilities above ground will better protect scenic and environmental values.
 - b. The following types of lines and facilities may be excepted from requirements of Section 150(B)(3a), above:
 - (1) Poles without overhead lines and used exclusively for fire or police alarm boxes, lighting purposes, or traffic control.

- (2) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixtures and extending from one location on the building to another location on the same building.
 - (3) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts, provided that such facilities shall be located and designed so as to harmonize with the area, and shall be appropriately screened and landscaped. In appropriate instances, all or part of the transformers and service terminal shall be flush with or below the surface of the ground at the point of installation.
- c. The location, design, installation, and maintenance of electric power distribution lines, telephone lines and gas lines, cable television lines, and appurtenant facilities shall be carried out with the minimum disturbance of soil and site as is feasible for economy and maintenance. Such lines shall be located within the street right-of-way whenever possible.

8-3H.160 APPLICATION FOR A BUILDING PERMIT AND CUT-AND-FILL PROJECTS

Before a building permit is issued for the construction of a building or before any filling of grading occurs in the OSS overlay zone, the applicant shall comply with the following:

- A. Application. Drawings shall be submitted to the City planning office that include:
 - 1. Normal requirements for a building permit.
 - 2. Detailed grading plans indicating balance of cut and fill.
 - 3. Landscaping plans, indication vegetation to be retained and vegetation to be removed and any additional vegetation to be installed on site.
 - 4. Detailed utility and storm drainage plans indicating conformance with this Article and the standards and installation procedures of the City of Talent.
 - 5. An overall site-master plan indicating placement of structures on the site in accordance of this Article, the Zoning Code, and the phasing of the project.
 - 6. A site analysis map indicating slope, drainage ways, soil characteristics, and a statement outlining potential hazards for building on the site and measures that will be followed to correct these hazards.
- B. Review. The City planning department will check the plans for conformance with the provisions of this Article, the Zoning Code and any other applicable ordinance or development plan. The planning department staff advisor will then forward the application to the City Engineer who will review it for conformance with the technical aspects regarding soil and storm water runoff, erosion, and other natural hazards and the measures taken to mitigate hazardous conditions, and the standards set forth in Section 170 of this Article.

- C. Submittal to Building Official. The City planning staff advisor and engineer will list any extra measures, if any, that need to be taken by the applicant and attach them to the plans to be submitted to the City building official.
- D. Compliance. Before a building permit or certificate of use of occupancy is issued or the utilities released, the building inspector must be satisfied that the requirements and measures attached as set forth in Section 160(C) above, have been or will be complied with. The City Engineer may make inspections as necessary to insure compliance. For applications for cut-and-fill projects only, the City Engineer is responsible for inspection to assure compliance.

8-3H.165 STANDARDS FOR BUILDING AND CUT-AND-FILL PROJECTS

All building construction and cut-and-fill projects shall conform to the following standards.

- A. The standards set forth in Sections 150(A)(4b) and (B)(2), above.
- B. All storm water runoff generated on the site shall as much as possible be retained on the site. Dry wells, holding ponds, trenches or other mechanisms may be utilized to accomplish this standard. As a second priority, natural drainage channels may be utilized.

8-3H.170 ENGINEER AND ATTORNEY FEES

The applicant shall be liable for the cost of City Engineer and Attorney fees incurred in the review, inspection and needs for compliance with this Article.

8-3H.180 MAINTENANCE OF IMPROVEMENTS

It is the responsibility of the property owner to maintain in good repair all storm water retention and drainage facilities, and mitigating improvements that were required as a condition of development, building permit or use of occupancy approval. Failure to maintain such improvements in good repair shall constitute a public nuisance and be subject to the provisions of any ordinance of the City of Talent regarding public nuisance.

[amended 15 October 2008; Ord. No. 847]

8-3 Division H. Article 2

OVERLAY ZONE—NATURAL AREAS, PARKS AND FLOODPLAINS

OFPG

8-3H.210 PURPOSE

This Article sets minimum standards applicable to new development in or adjacent to areas designated as floodplains, greenways, wetlands, and riparian areas. Section 220 considers the Floodway/Parks/Greenway Overlay zone, as established in the Talent Comprehensive Plan, adopted in 1981. Section 230 considers Locally Significant Wetlands and Riparian Areas, as established on the local wetland/riparian inventory map and supporting documentation developed by Atlas Environmental in 1997-98, and as adopted herein by reference or as later amended subject to the approval of both the City and the Oregon Division of State Lands. Section 240 establishes policies and procedures allowing some compensation to property owners for constraints on development created by the implementation of these conservation standards.

8-3H.220 FLOOD PLAIN – PARKS – GREENWAY OVERLAY ZONE (OFPG)

A. Description and Purpose.

- 1. Parks and Greenways.** An adequate amount of parkland is necessary to meet recreational and open space needs and to promote the general welfare. Parklands include greenways along Bear and Wagner Creeks and other parks designated and described in the City Comprehensive Plan. It is the intent of this Article to support the continued improvement and maintenance of the Bear Creek Greenway, to continue to develop the Wagner Creek Greenway, and to eventually connect the two for an integrated greenway system. Greenway development shall combine pedestrian access with natural features in a way that protects natural areas and wildlife habitat in and around the greenway. Development adjacent to parks shall be designed and constructed in a manner that is compatible with parks, greenways, natural areas and wildlife habitat.
- 2. Flood Plain.** The OFPG overlay zone may be laid over any other zoning district established by this chapter where the area is subject to inundation by flooding, as indicated on Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) and floodway maps. That is, any area subject to a one percent chance of flooding in any given year, also referred to as the 100-year flood plain. Application of special development standards in floodplains is intended to minimize property loss, personal injury and health hazards.

3. **Aggregate Removal and Fill.** Goal Five of the State Land Use Planning Goals (OAR?) recognizes the importance of maintaining adequate supplies of aggregate materials for development and maintenance of infrastructure. The Floodway/Parks/Greenway Overlay Zone allows aggregate removal and fill operations in the Bear Creek floodplain. Aggregate removal activities must be conducted, and mined areas must be reclaimed, in a manner that minimizes environmental impacts and protects public health, safety and welfare. Reclamation plans must be completed and approved prior to any removal of gravel. Reclamation plans shall be compatible with park and greenway plans.
- B. **Permitted Uses.** Wherever the City has established the Flood Plain, Parks and Greenway Overlay zone, as established by the Comprehensive Plan, the land uses permitted are the same uses that are permitted in the underlying zoning district. In addition, fill and aggregate removal operations are permitted within the flood plain of Bear Creek, subject to site development plan and reclamation plan review and a public hearing.
- C. **Standards.** All development, including construction, reconstruction, extension, conversion or alteration of any structure or land occurring in the OFPG zone shall comply with the following standards:
 1. **Development Within the 100-Year Flood Plain.**
 - a. Development within the 100-year flood plain shall conform to the standards of this Chapter and to those of Chapter 8-5, entitled *Flood Damage Prevention*. At a minimum, development within the floodplain shall be consistent with development standards established for participation in the federal flood insurance program.
 - b. No new construction, including the placement of mobile homes, is allowed in any designated floodway or within the bed and banks of any stream, except for those uses, such as bridges, that are associated with greenway access or other public facilities. Any such use shall be subject to approval by the Oregon Department of Fish and Wildlife, Division of State Lands, and any other state or federal agency with a jurisdictional interest in the waters of the state.
 2. **Yard Setbacks Along Greenway Areas.** The Greenway protected area is the thirty-five (35) foot wide strip of land extending the length of, and on both sides of, the designated floodway. Structural setbacks, as prescribed for the underlying zone, shall be measured from the outer edge of the 35-foot strip. Where a floodway line has not been mapped, the floodway shall be determined by a registered professional engineer at the property owner's expense prior to approval of development permits. Establishment of floodway boundary lines is further regulated by Chapter 8-5, entitled *Flood Damage Prevention*. This setback provision is in addition to the wetland/riparian

setbacks established in Section 230, below. Where there is a conflict between the two setbacks, the stricter standard shall apply.

3. **Dedication of Park Land.** To ensure Park and Greenway lands are provided to meet future recreation and open space needs, as anticipated by the Comprehensive Plan and as set forth in the OFPG zone, the Planning Commission may require that land be dedicated to the public for parks or greenway purposes. Section 240 of this Article addresses ways that projects may be designed to compensate property owners for the impacts of dedication and setback requirements.
 4. **Site Development Plan Standards.** Site development plan approval on any property where the provisions of this Article and Section apply shall meet all of the development standards included in 8-3L.1, and the following:
 - a. All structures, introduced vegetation, and access for vehicles, pedestrians and bicycles shall be designed to support and protect the greenway area as a public place and as wildlife habitat.
 - b. All structures, introduced vegetation, and access for vehicles, pedestrians and bicycles shall be designed to provide maximum safety from flooding hazards.
 - c. Any development proposed within the designated flood plain shall be designed, and the work site shall be managed, to prevent soil erosion and the deposition of any material into stream channels. Stabilization of soils through planting of vegetation or other techniques shall be used to prevent erosion during and after construction. A registered professional engineer or registered professional geologist shall prepare an erosion control plan to be included with the site grading and drainage plan that is required of all new development. The plan shall include illustrations and/or descriptions of any mitigating measures to be taken to comply with this requirement.
- D. Standards for Aggregate Removal Operations.
1. **State Permits Required.** All surface mining and aggregate removal operations are required to have permits from the State Department of Geology and Mineral Industries and/or the Department of State Lands.
 2. **Aggregate Site Development Standards.** In addition to the required state permits and sufficient information to show compliance with the standards in 8-3L.1 and 220 (C)4above, approval of an aggregate removal development plan is subject to all of the following:
 - a. Proposal demonstrates that engineering methods to be used will minimize

noise, dust and adverse effects on water quality, and will protect the integrity of stream banks, stream flows, fish and wildlife habitats, and visual quality.

- b. Proposal includes a land reclamation plan showing an end result that will 1) be compatible with park and greenway plans, 2) prevent erosion or sedimentation into streams or onto adjacent properties, 3) prevent alteration of stream beds or established flood plains, and 4) that includes stabilization and re-vegetation of soils and stream banks.
 - c. No alterations or effects will be made to the land of adjacent properties that are not included as subject properties in the application.
- E. **Compliance.** Any required dedication, approvals, improvements, standards and/or setbacks must be complied with in a final, approved plan, or provisions made to ensure complete compliance, before any construction or other development permit may be issued.
- F. **Precise Location of Parks and Greenways.** Where parks shown on the OFPG overlay map do not follow property lines, the site represents a general location. The precise location of the greenway line shall be established in the course of preparing an application for, and review of, a development project. Where a floodway line has not been mapped, the floodway shall be determined by a registered professional engineer at the property owner's expense prior to approval of development permits.
- G. **Variances.** Design modification and density compensation for the impacts of these regulations are described in Section 240. If the Section 240 provisions are not sufficient to preserve a property right, a variance from the requirements of this Section may be granted subject to the variance procedure established in 8-3L.4.

8-3H.230 SAFE HARBOR PROTECTION OF WETLAND AND RIPARIAN AREAS

Safe harbor protection of resources is based upon minimum standards of protection established in Oregon Administrative Rules (OAR) 660-23 that implement Goal 5 of the state land use planning goals. The purpose of this Section is to protect Locally Significant Wetlands and Riparian Areas, as established on the local wetland/riparian inventory map and supporting documentation adopted herein by reference.

- A. **Description and Purpose.** Safe harbor protections are intended to provide a buffer between locally significant bodies of water and any type of development for the following purposes:
 1. The City recognizes the visual benefits of preserving the streams and wetlands in the city.

2. The City recognizes the environmental benefits of preserving streams and wetlands, including preservation of wildlife habitat and fisheries habitat, improved water quality, and hydrologic control functions.
3. The City is required by state and federal law to improve the quality of surface waters discharged into streams. Healthy, functioning wetlands and riparian zones are critical parts of surface water quality control.
4. The City is mandated under Goal Five of the State Land Use Planning Goals to develop and adopt a program to protect and conserve locally significant bodies of water.

B. **Mitigation as an Alternative to the Standards in this Section.** Property owners who wish to develop land that includes wetlands and riparian areas must either comply with the minimum standards in this Section, or develop a mitigation plan and implement it under the supervision of the Oregon Division of State Lands (DSL). Where a mitigation project is proposed in lieu of the standards in this Article, the developer shall submit, with the site development plan application, written verification from DSL that they have reviewed the mitigation plan and that the division finds it to be sufficient to satisfy state requirements for wetland mitigation. The applicant shall complete the approved mitigation project or guarantee its completion by a bond issued by a bonding company authorized to do business in Oregon, a certified letter of credit or other guarantee acceptable to the City Manager prior to issuance of construction permits by the City. Wetlands created or enlarged as mitigation projects shall be added to the wetland and riparian area inventory, and are subject to the regulations in this Section.

C. **Designation of Wetland and Riparian Setback Areas.** Wetland and riparian areas that are regulated by this Article are those Locally Significant Wetlands and Riparian Areas included on the Talent Wetlands Inventory Map adopted in 1998, and any subsequent amendments to that inventory map approved by the Division of State Lands. Note that the inventory map includes only areas approximately one half acre and larger. Wetlands less than one-half acre are also subject to state and federal law, and it is the responsibility of the property owner to comply with any applicable regulations.

The boundaries of the wetland/riparian setback area shall be determined using standard setback distances as follows:

1. Along all streams the riparian/wetland setback shall be fifty (50) feet from the top of the bank.
2. For all Locally Significant Wetlands, as determined by the city using the methodology in Oregon Administrative Rules (OAR) 141-86-300 to 350, the riparian/wetland setback shall be fifty (50) feet from the upland edge of the wetland.

3. This setback provision is in addition to the Floodplain/Parks/Greenway Setback established above. Where there is a conflict between the two setbacks, the stricter standard shall apply.

D. Regulations within Setback Areas

1. Vegetation shall not be removed or disturbed in a setback area except for the following:
 - a. Replacement of non-native vegetation with native plants.
 - b. Removal of vegetation necessary for approved development of water-related or water-dependent uses.
 - c. Removal of a hazard tree. The hazard must be verified by a designee of the City Manager and shall include a written report from an independent and certified licensed Arborist, not affiliated with the tree(s) removal that states such tree(s) is a hazardous tree and poses immediate danger to life or property.

If it is determined a tree(s) is a hazard tree, the City Manager or his designee may require up to two replacement trees for each hazardous tree to be removed. Such replacement trees shall be planted within 180 days of removal and shall be of a similar size and canopy, at maturity, as the hazardous tree(s).
 - d. Mowing of weeds at the end of the growing season to prevent a fire hazard. Clippings of native vegetation should be left in place to promote soil health and reseeding, or used as mulch in bare areas.
2. There shall be no permanent alteration to the setback area by grading, filling, impervious surfaces or structures, except for the following uses, which shall be designed to minimize intrusion into the riparian or wetland area. Any permanent alteration within a setback area is subject to planning approval.
 - a. Paths;
 - b. Drainage facilities, utilities and irrigation pumps;
 - c. Water related and water dependent uses; and
 - d. Replacement or repair of existing structures that does not create any further encroachment into the setback area and that does not disturb any additional wetland or riparian area.

- E. **Determination of Streambank Location.** The stream bank is defined as either the top of the bank or the ordinary high water line, whichever is higher.

Determination of the stream bank location shall be by the Talent City Planner or other designated city employee. In the case of a locally significant wetland, the bank shall be defined as the upland edge of the wetland.

- F. **Changing Conditions or Map Error.** Location of a stream bank or upland line may be modified in response to new information. The Division of State Lands may provide technical support including site visits for individual property owners. Commercial developers and developers of large projects, such as subdivisions, may provide studies prepared at their expense to challenge a bank, upland or setback determination. Any such study shall be based upon a methodology consistent with the requirements of OAR 660-23. A modification of the wetland inventory map may only be made upon written approval of the Division of State Lands.
- G. **Variances.** A variance from the requirements of this Section may be granted subject to the variance procedure established in 8-3L.4.

8-3H.240 COMPENSATION FOR AREA LOSSES DUE TO SETBACK REQUIREMENTS

To minimize adverse impacts on property owners from implementation of the conservation measures required by this Article, some flexibility in design and density standards may be allowed, as follows:

- A. Residential Development.
1. Where residential development is proposed and wetland, riparian, and/or floodway/parks/greenway setbacks area(s) are dedicated for public use, the Planning Commission may allow a developed density equal to the number of total dwelling units that would have been allowed on the whole tract without the conservation dedication, as long as structural setbacks, off street parking and other residential development standards can be met.
 2. When conserved density cannot otherwise be accommodated on land outside the dedicated setback area, the lots outside the OFPG zone may be developed at 75 percent of the minimum lot size of the applicable zoning district (e.g., in the RS-5 district 8,000 square feet becomes 6,000 square feet), but only to the extent that permitted density is preserved and it does not create a condition that may be harmful to public health, safety and welfare. This extends the "lot size averaging" principle in 8-2.330(C).
 3. Where implementation of the required setback area might otherwise prohibit reasonable use of land zoned for residential uses, the Planning Commission may allow the setback area, dedicated to public use or otherwise, to be applied to the area required for landscaping, recreation area and/or open

space, as required in the underlying zoning district and 8-3J.4 and 8-3J.5.

- B. Commercial, Industrial, or Institutional Development.
1. Where application of the conservation setback might otherwise prohibit reasonable use of land zoned for commercial, industrial or institutional uses, the Planning Commission may allow a dedicated greenway area to be applied to the area required for landscaping and/or open space, as required in the underlying zoning district and 8-3J.4 and 8-3J.5.
 2. For a multi-unit development for commercial, industrial or institutional uses, when the conservation setback area is dedicated to public use, the Planning Commission may negotiate special standards for development. Examples of design elements that may be negotiable include setbacks and parking areas. Any such consideration shall include prevention of any condition that might be harmful to public health, safety and welfare.

(amended by Ord. 653, 1998; Ord. 847, 2008; Ord. 857, 2010)

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION I. [NOT USED]

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION J. SITE DEVELOPMENT STANDARDS

- Article 1. General Provisions
- Article 2. Residential Lot Improvements
- Article 3. Tree Protection and Preservation
- Article 4. Landscaping, Fences and Hedges
- Article 5. Off-Street Parking and Loading
- Article 6. Access, Circulation and Street Improvements
- Article 7. Signs
- Article 8. Solar Access
- Article 9. Wireless Communication Facilities
- Article 10. Public Trees

8-3 Divison J. Article 1.

GENERAL PROVISIONS

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

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

8-3J.120 MAINTENANCE OF MINIMUM REQUIREMENTS

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

8-3J.121 SETBACK REQUIREMENTS

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

- A. **Setback Measurements.** All setback measurements shall be made from the property line to the building or nearest projection thereof and shall be unobstructed from the ground upward, except as specifically provided herein.
- B. **Projections Into Required Setbacks and Exceptions to Setback Requirements.** Every part of a required setback shall be open and unobstructed from the ground upward, except for the following:
 - 1. Ordinary building projections such as cornices, eaves, belt courses, sills, buttresses, bay windows or other similar architectural features extending not more than twelve (12) inches into any required setback.
 - 2. Apparatus needed for the operation of active and passive solar energy systems, including but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors and piping.
 - 3. Open uncovered fire escapes projecting not more than four (4) feet into any required setback.
 - 4. Chimneys projecting not more than two (2) feet into any required setback.

5. Open, unenclosed porch or paved terrace or platform, not covered by roof or canopy, projecting not more than eight (8) feet into a required front setback or four (4) feet into a required side or rear setback.
6. An unenclosed, covered front porch may extend into the required front setback area by eight (8) feet, provided it is not closer than 15 feet from the adjacent curb of a local street or closer than 20 feet to the adjacent curb of a collector or arterial street, and provided it:
 - a. Remains unenclosed by walls or glass;
 - b. Is no less than five (5) feet deep (front-to-back dimension) to promote usable porches;
 - c. Has a floor no more than 30 inches above adjacent grade and the porch is overall no more than 16 feet high; and
 - d. Is consistent with the architectural character of the house.
[Paragraph 6 added by Ord. No. 794; 11/16/2005]
7. Planting boxes or masonry planters, not exceeding three-and-a-half (3½) feet in height, and window boxes extending not more than twelve (12) inches into any required setback.
8. Landscaping, and fences or walls conforming to the regulations of Article 8-3J.3.

C. Storage Yards.

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

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

1. A building or structure shall not be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the setbacks provided and maintained in connection with such building or structure have a width and/or depth of that portion of the lot needed to complete the road

width plus the width and/or depth of the setbacks required on the lot by this Chapter. This applies to all zones.

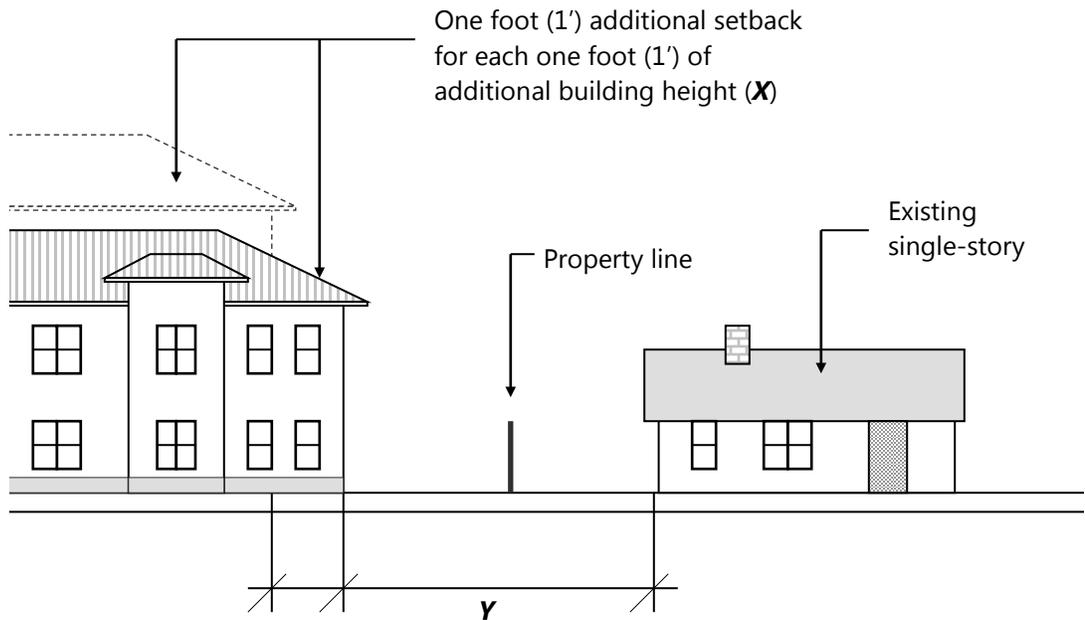
2. Where a precise plan adopted pursuant to law includes the plans for the widening of existing streets, the connecting of existing streets, or the establishment of new streets, the placement of buildings and the maintenance of setbacks, where required by this Chapter, shall relate to the future street boundaries as determined by said precise plans.

8-3J.122 BUILDING COVERAGE

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

8-3J.123 BUILDING HEIGHT

- A. **Limitations and General Exceptions.** The maximum height of any structure shall be two-and-a-half (2½) stories or thirty (30) feet, whichever is less. Taller structures shall be permitted only as a conditional use in each zone. Height limitations shall not apply to chimneys, spires, aerials, flagpoles, solar energy collectors and necessary mounting or operational equipment, utility poles, or other similar objects not used for human occupancy. Barns and silos are permitted subject to written approval by the City or District Fire Chief. Buildings and other objects cited in this Section should not be permitted to significantly



impair solar access of buildings or solar collectors.

- B. **Building Height Transition.** To provide compatible building scale and privacy between developments, buildings that exceed thirty (30) feet shall “step-down” to create a building height transition to adjacent single-story building(s) in residential zones.

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

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

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

8-3J.125 DISTANCE BETWEEN BUILDINGS

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

8-3J.126 MINIMUM FRONTAGE REQUIREMENT

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

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

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

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

- A. **Standards and Specifications.** Public facility and service improvements (hereinafter called "improvements") required as a condition of development under this Chapter will be at least the equivalent of the standards and improvements set forth in Sections 220 and 420 of the Subdivision Code, except as otherwise provided by the Zoning Chapter. In the absence of adopted improvement specifications, the City shall determine the specifications of improvements to be installed for each development, but the specifications to be at least equal to the most recent Oregon A.P.W.A. Standard Specifications of Public Works Construction. If the improvements are to be constructed within the right-of-way under the jurisdiction of an entity other than the City of Talent, that entity shall have the right to determine the standards and design to be imposed. If the entity having jurisdiction within the right-of-way determines that it will not set standards and specifications, the City will do so.
- B. **Review Process.** The applicant shall submit a copy of the plans and specifications for improvements to the City and shall submit to the entity the necessary permits to construct the improvements. Plans prepared in accordance with the standards and specifications set by the City shall be submitted to the engineer of the City's choice for approval or comment, at applicant's expense. Thereafter, the plans, if they are for improvements within a public right-of-way and are to become the City's responsibility, shall be submitted to the City Council for its approval or rejection.
- C. **Inspections.** Whenever the City is to accept responsibility for or jurisdiction of the required improvements and the entity having jurisdiction of the right-of-way will not conduct inspection of the construction work, an engineer engaged by the City will do the inspections at applicant's expense. However, if the City Council determines that the nature and size of the improvements justify it, the applicant, in lieu of utilizing the City's engineer for inspections, may employ his own engineer who shall make inspection in accordance with a list of construction tests to be met at specified events in the course of the construction process; and, in such event, the list shall be approved by an engineer engaged by the City but need not be prepared by him.
- D. **Acceptance by the City.** Before the City will accept responsibility for or jurisdiction of the improvements, the applicant shall deliver to the City in approved form the following:
1. A signed statement from a professional engineer registered in the State of Oregon that the improvements have been constructed in accordance with the approved plans and specifications, and if the engineer was employed by the applicant, that the required construction tests set forth in Subsection C, above, have been conducted and have yielded positive results;

2. A one-year guarantee that the improvements have been constructed in a workmanlike manner and are free from defects in work and materials, the guarantee to be secured by a surety bond issued by a bonding company licensed by the State of Oregon;
 3. One set of "as-built" improvement plans; and
 4. If the improvements are constructed upon private property, a recordable easement in a form approved by the City attorney that permits use by the public and maintenance by the City of the improvement.
- E. **Miscellaneous Tasks of the City Engineer.** The City, with advice of an engineer engaged by it, shall establish bonding amounts, and the City may in any event engage an engineer to conduct inspections necessary to protect the interests of the City.
- F. **Reimbursement for Engineering and Attorney Services.** The applicant shall reimburse the City for any work prescribed herein, and conducted by the City's engineer and attorney.

8-3J.140 BUILDING PERMITS

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

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

5. The location of proposed construction in relation to other structures on the same lot.
6. The location and size of all proposed parking spaces and street access points. More information may be required with a building permit application as required in various articles of this Chapter.

8-3J.150 BUSINESS LICENSES

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

8-3J.160 INSPECTION AND RIGHT OF ENTRY

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

8-3J.161 ABATEMENT

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

8-3J.162 PENALTIES

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

8-3J.163 ENFORCEMENT

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

8-3J.170 INTERPRETATION

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

8-3J.171 SEVERABILITY

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

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

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

8-3J.180 BUFFERING

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

8-3J.190 RESIDENTIAL DEVELOPMENT REQUIREMENTS

- A. The design and development of any manufactured home park or the expansion, improvement, or other modification of an existing manufactured home park within the City of Talent shall be in accordance with the minimum standards contained in OAR, Chapter 814, Division 28, and with the provisions contained in Article 8-3L.8.
- B. All residential development, including both new and modifications to existing development, other than within a mobile home park, shall conform to the requirements and development guidelines contained in Article 8-3J.2.

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

8-3 Division J. Article 2

RESIDENTIAL LOT IMPROVEMENT STANDARDS

8-3J.210 PURPOSE

The purpose of this Article is to provide specific guidelines and requirements for the development of residential dwellings of all kinds within the City of Talent in order to better ensure the health and safety of community residents and also to better ensure the quality, appearance, aesthetic values, and property values of all residential neighborhoods.

8-3J.220 APPLICATIONS

- A. The provisions of this Article shall not apply to manufactured home parks, which shall be designed and constructed in accordance with the minimum standards contained in OAR 814-28, and other provisions contained in this Chapter that pertain to manufactured home parks, including 8-3L.830.
- B. The provisions of this Article shall apply to all new residential subdivisions, whether intended for "conventional" site-built dwellings, modular home, pre-fabricated home, factory-built homes, manufactured homes, or mobile homes. Such subdivisions shall be developed in accordance with the requirements of the City's Subdivision Code (8-2) and any other applicable codes.
- C. The provisions of this Article shall also apply to all new residential development that is constructed, assembled, or placed upon any legal tax lot in any residential zoning district of the City of Talent, with the exception of manufactured home parks.
- D. Any building or structure containing one or more residential dwelling unit that is moved in the City, relocated within the City, rehabilitated or remodeled to an extent greater than fifty percent (50%) of its appraised market value, shall be made to conform to the requirements of this Article and to the minimum standards for the construction of that type of dwelling that are in effect at the time of subject action or activity.
 - 1. All residential dwellings that are defined in 8-3B.1 as "Dwelling, Manufactured Home" shall comply with the current minimum construction standards for manufactured homes, as administered by the Department of Housing and Urban Development (HUD) and any amendments to that code.

2. All residential dwelling units, including multiple-family buildings, other than manufactured homes, shall comply with the provisions of the Uniform Building Code, as adopted by the City of Talent.
- E. Any residential dwelling unit or residential structure that is subject to the requirements of this document shall be brought into compliance with all applicable requirements prior to occupancy of that dwelling and in no case shall a dwelling unit remain uninhabitable longer than six (6) months.

8-3J.230 LOCATION BY HOUSING TYPE

- A. The location of any particular type of residential structure is controlled by the provisions of each zoning district and specified in the lists of permitted and conditional uses in Division C of this Chapter.
- B. All proposed residential land uses in all residential zoning districts of the City of Talent shall be reviewed for compliance with this Article prior to issuance of a building permit or, in the case of a manufactured home, a manufactured home placement or installation permit.

8-3J.240 RESIDENTIAL DEVELOPMENT STANDARDS

The following development standards shall apply to all residential development in the City of Talent, with the exception of manufactured homes located within manufactured home parks.

- A. The owner of any residential dwelling shall also be the owner of the tax lot on which the dwelling is constructed or placed. No lots or portions of lots shall be rented or leased to another party for the temporary placement of a dwelling unit.
- B. All newly constructed or placed dwelling units shall meet the construction codes for that type of structure that are in effect at the time of construction or placement, as stated in Section 220(D) above.
- C. Any dwelling unit that was not totally constructed on the site shall remove all appliances or other attachments that were necessary for its transport to the site, but that are not necessary for the residential use of that structure, including wheels, axles, tongues, trailers, etc.
- D. All homes, other than manufactured homes, shall be placed on permanent perimeter foundations and shall be attached thereto. Manufactured homes shall be sited, at a minimum, according to the manufacturers specifications and shall have the perimeter of the structure enclosed with cement block or cement footing wall-style skirting.

- E. All residential structures shall be constructed or placed with a minimum clear space under the lowest structural floor support beam of eighteen (18) inches.
- F. Crawl space access of a least 18" x 24" shall be provided in a location that is convenient to sewer, water or other under-structure connections, but not at a location which may be a low point or water collection point.
- G. All manufactured homes, modular homes, or other "manufactured" or "factory built" dwellings shall be recessed to achieve a low profile. The depth of the recess shall be no more than twelve (12) inches above the finished backfilled grade.
- H. Garages or Carports: Garages shall be constructed to conform to the construction code of the type of residence it will serve and may have either a single double-width door or two single-width doors. The exterior finishes of garages or carports shall conform in pattern, shape, texture, and color to the materials used on the primary dwelling structure, including the siding, roofing, and any architectural decorative trim. (Amended by Ord. no. 808; 09/06/2006)
- I. Siding: Exterior siding may include painted or stained wood siding, or aluminum or vinyl siding that is textured to simulate wood or that is otherwise similar to the established architectural style or character of the neighborhood.
- J. Roofs: All residential dwellings shall be designed with gable, mansard, or other pitched roof having an average slope of no less than 1:4 and covered with asphalt, fiberglass, or wood shingles, shakes, or tile. Accessory structures, such as garages, carports, sheds, etc., shall have the same roofing type. An exception may be made by the Planning Commission without a variance for roofs that are designed to be flat, or that may be unsuitable for the specified roofing materials for some other documented reasons. Metal or similar roofing materials may only be used on flat or slightly sloping roofs that are not visible from the street or surrounding properties and are not suitable for shingles or other materials.
- K. Sewer: All residential dwellings shall be connected to the public sewer system at the time of construction, placement, or major rehabilitation.
- L. Any structural addition to an existing residential structure shall meet the following requirements:
 - 1. Any addition shall be designed to conform to the design and construction of the original building. An exception may be made in the case of a total structural remodel which will change the original design.
 - 2. The roof type and pitch of any new addition shall conform to the type and pitch of the main structure.

3. Exterior building materials shall be the same basic type, texture and color as those of the primary building.
 4. Any addition to an existing dwelling shall include an extension of the foundation along the perimeter of the new addition.
 5. Such additions as porches, awnings, patios, patio covers, decks, or storage sheds may be permitted if designed and constructed as required above. In no case shall a "ramada" be approved. (A ramada is a stationary structure having a roof extending over the dwelling unit, primarily for protection from sun and rain, and usually associated with old deteriorated manufactured homes).
- M. An under-structure drainage system must be constructed to ensure that water does not collect beneath the structure, but drains property to the street or other approved storm drain system.
- N. Accessory Structures: As defined in 8-3J.124 shall meet all setback and building coverage requirements for the zone. However, up to two (2) accessory structures with a combined total area of 200 square feet or less are not required to have rear or side yard setbacks, provided such structures shall be placed at least 40 feet from any right-of-way, shall not exceed 10 feet in height and shall not exceed 20 feet in any horizontal dimension. Storm water from the roof of the exempted structures shall not flow onto the neighboring property. No accessory structure excepted under this provision shall be used as an apiary or for the keeping of livestock, including the housing of bees, swine, horses, chickens or rabbits. Conversion of Accessory Structures into accessory residential units is prohibited unless in compliance with the zone's standard setbacks. Maintenance of accessory structures without yard setbacks shall be the responsibility of the structure's property owner. (Amended by Ord. no. 868; 11/20/2013)

8-3J.250 REMOVAL OF A DWELLING OR RESIDENTIAL STRUCTURE

- A. When a dwelling unit, regardless of type or size, is removed from its site, the owner of the property shall, within sixty (60) days of the dwelling's removal, ensure the removal of all foundations, supports, blocks, piers, and other materials that will not be necessary for the future development and use of the property and that may, in the interim, be a hazard or neighborhood nuisance, or an eye-sore that may adversely affect the community's or the neighborhood's appearance.
- B. Following removal of a dwelling from its site, the owner of the property shall immediately disconnect all utility services to the property, cap the sewer connection and well or other water source and cover or fill an excavation or basement that may be a hazard.

- C. Should the property owner fail within sixty (60) days after the removal of the dwelling to perform the requirements of 250(A) and (B) above, the City of Talent is authorized to perform the work and thereafter record a lien against the real property. Prior to the initiation of the work, the City of Talent shall deliver or mail by certified mail, notice to the last known address of the owner specifying that the work will be initiated by the City of Talent within ten (10) days from the date of the notice and that the cost will be liened against the property unless the owner, within the ten (10) day period, initiates the work described in 250(A) and (B) above.

8-3 Division J. Article 3.

TREE PRESERVATION AND PROTECTION

[Adopted by Ord. No. 918; 7/15/2016]

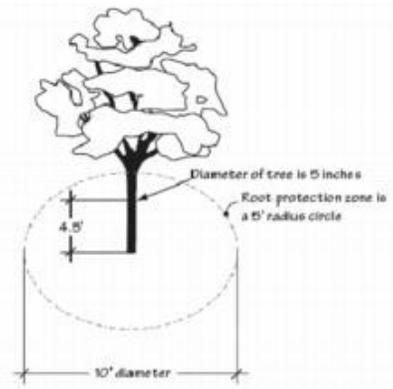
8-3J.300 DESCRIPTION AND PURPOSE

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

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

8-3J.310 DEFINITIONS

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



- C. “Community Development Director” means the City of Talent Community Development Director, or his/her designee.
- D. “Commercial wood lot” means parcels or lots which meet the following criteria on the effective date of the ordinance codified in this chapter:
1. The site is at least two acres in size.
 2. Trees have been actively managed and maintained on the subject property for the purpose of harvesting.
 3. The owner has supplied the city with proof that the property has been in tax-deferred status under state law provisions such as forest land deferral or small woodlands deferral for a minimum of five consecutive years immediately prior to application.
- E. “Diameter at breast height” or “dbh” means the diameter of the tree measured in inches at four and one-half feet above ground level. For trees with multiple trunks, dbh shall be measured at the narrowest point between ground level and the point where the trunk diverges, or shall be the sum of the diameters of the two largest trunks at breast height, whichever is smaller. All measurements shall be rounded to the nearest inch.
- F. “Dead” means the tree is obviously lifeless without any live leaves, needles or buds.
- G. “Dying” means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees.
- H. “Hazardous tree” means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
- I. “Heritage tree” means any deciduous tree 28” in diameter or larger or any conifer tree 32” or larger which are not hazardous trees as defined above. Exception: Japanese Maple and

Dogwood trees with a diameter greater than 8” are considered heritage. Deciduous and Conifer trees may include but are not limited to the following:

Deciduous

Black, White, Red and Burr Oak

Beech

Sycamore or Planetree

Zelcova

Maple

Ash

Dogwood

Madrone

Conifer

Douglas Fir

Redwood

Blue Atlas Cedar

Bald Cypress

Monterey Cypress

Ponderosa Pine

Sequoia

Deodar Cedar

Incense Cedar

- K. “Impacted tree” means a significant tree whose critical root zone will be impacted by proposed development. Impacts include, but are not limited to, fill, cuts, soil compaction, paving, placement of structures, stockpiling of soil, utility trenching and other activities that may impact the health and viability of the tree.
- L. “Remove” means:
1. To cut down a tree, or to damage a tree so as to cause the tree to decline and/or die within a three-year period. Types of damage which may constitute removal include but are not limited to topping, damage inflicted upon a root system by application of toxic substances, and girdling. “Removal” does not include normal trimming or pruning of trees as defined by ANSI A300 pruning standards current on the day this definition was adopted.

2. To perform activities which result in impacts to more than 30 percent of the critical root zone if the CRZ is determined by Method A in subsection (2) of this section.
 3. To perform activities which impact any of the CRZ if determined using Method B in subsection (2) of this section.
- M. “Significant tree” means any deciduous tree 15” in diameter or larger or any conifer tree 18” or larger which are not hazardous trees as defined above. Exception: Japanese Maple and Dogwood trees with a diameter greater than 1” are considered significant. Deciduous and Conifer trees may include but are not limited to the following:

Deciduous

Black, White, Red and Burr Oak

Beech

Sycamore or Planetree

Zelcova

Maple

Ash

Dogwood

Madrone

Conifer

Douglas Fir

Redwood

Blue Atlas Cedar

Bald Cypress

Monterey Cypress

Ponderosa Pine

Sequoia

Deodar Cedar

Incense Cedar

- N. “Public tree” A tree or woody plant with its base located within or adjacent to a public right-of-way or any tree or woody plant within a city park, or other publicly owned property. Public Trees include trees within existing planting strips or sidewalk tree wells. Public Trees typically have a single trunk at least 2 inches in diameter at a point six inches above the mean ground level at the base of the trunk.
- O. “Topping” the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

- P. “Tree” means any significant tree or tree within a designated wetland or riparian area setback as defined by Section 8-3H.230(C) of the Talent Zoning Code.

8-3J.320 PERMIT EXEMPTIONS

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

8-3J.330 APPLICATION FOR TREE REMOVAL PERMIT

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

8-3J.340 APPLICATION REVIEW PROCEDURE

- A. Reviewing Authority.
1. Type A, B, or D. Where site plan review or tentative plat approval by the Planning Commission is not required by city ordinance, the review of the tree removal permit application shall be the responsibility of the Community Development Director.
 2. Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Planning Commission, the tree removal permit shall be reviewed concurrently by the Planning Commission.
- B. Timeline and Notice – Review Period for Complete Applications.

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

8-3J.350 PERMIT TYPES

Type A permit.

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

Type B permit.

- A. An applicant must apply for a Type B permit to remove trees when any of the following conditions are met:
1. The applicant proposes to remove two or more trees within a 12-month period, independent of an application for site development review; or

2. The applicant proposes to remove a tree or trees which were preserved as part of a previous land use permit or planted as mitigation for previous tree removal; or
 3. The applicant proposes to remove a heritage tree; or
 4. The proposed tree removal is for clearing of a home site on a lot subsequent to land division approval. All trees removed for home sites prior to occupancy shall be mitigated according to the standards of this chapter.
- B. Application for the Type B permit shall contain the following information unless specifically waived by the reviewing authority under subsection (2)(g) of this section:
1. A brief statement explaining why tree removal is being requested, to ensure that another permit type or consolidated application is not more appropriate.
 2. An accurate map, drawn to scale, which shows:
 - a. The shape and dimensions of the property, and the location of any existing and proposed structures, improvements, easements and setbacks.
 - b. The location of all impacted trees on the site including critical root zones, species and/or common name, and diameter at breast height (dbh).
 3. Tree Protection. Tree protection measures must be outlined to address protection of the tree trunks, canopy and soils within the critical root zones during and after the tree removal process. Examples of tree protection methods include mulching, irrigation, protective fencing, compaction reduction measures, erosion control, etc.
 4. Field Identification. All trees to be removed shall be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction or application documents.
 5. Mitigation Plan. A description of the proposed tree replacement program with a detailed explanation including the number, species, size within five (5) years, size at maturity and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.
 6. Existing Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas governed by CC&Rs, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.
 7. Waiver of Documentation. The Community Development Director may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to review the application, or alternate forms of information have been provided which provide sufficient detail to allow the Community Development Director to review the application.

- C. **Approval Criteria.** Tree removal or transplanting pursuant to a Type B permit shall be limited to instances where the applicant has applied for a Type B permit in accordance with subsection (1) of this section and has provided complete and accurate information as required by this chapter.

Type C permit.

- A. Approval to remove two or more trees on a single lot or parcel as part of a site plan review or amendment, subdivision, or partition application may be granted as a Type C permit in conformance with subsection (5) of this section.
- B. Type C permit applications shall be reviewed concurrent with the development review process. If a Type C permit or its associated development application is appealed, no trees shall be removed until the appeal has been resolved.
- C. **Submittal Requirements.** The applicant must provide 10 copies of a tree maintenance and protection plan completed by a certified arborist that contains a summary of existing conditions and a mitigation plan as follows:
1. Summary of existing conditions including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
 - a. **Property Dimensions.** The shape and dimensions of the property, and the location of any existing or proposed structures, utility installations, grading, or other improvements.
 - b. **Tree Survey.**
 - i. The survey must include an accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch equals 100 feet including:
 - A. The location, number of trees, tree size as dbh (see 8-3J.310 (5), and proposed trees for removal.
 - B. The critical root zone of impacted trees, and the extent of likely impacts.
 - C. The common name of impacted trees.
 - D. Heritage trees shall be clearly noted on the survey.
 - ii. Where a stand of 20 or more contiguous trees will be removed, the required tree survey may be simplified to accurately show the location of all heritage trees, and significant trees which are within 50 feet of the edge of the development envelope. Only these trees are required to be field tagged. Interior tree areas shall be depicted with clouds or other similar linework and the dbh, common name, and total number of all interior trees shall be accurately stated on the plans.

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

as defined by this chapter. The applicant must choose one of the following options. Calculations shall be in accordance with subsection (5)(c) of this section.

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

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

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

8-3J.360 MITIGATION

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

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

Where:

A = Actual dbh of the tree in question.

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

- C. Replacement Trees. Trees planted as mitigation must meet all of the following standards:
1. To encourage a diversity of species when four or more trees are required as mitigation, no more than 25 percent of trees planted as mitigation shall be of any one species. Use of native trees where appropriate is encouraged;
 2. All replacement trees shall be appropriately chosen for the site conditions (especially soil and hydrology) from an approved tree species list supplied by the city, and shall be state Department of Agriculture and American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade;
 3. All replacement trees shall be two-inch caliper. The planning official or planning commission may allow the use of replacement Oregon white oaks and other native trees with the largest available nursery stock if two-inch caliper trees are not available;
 4. Replacement trees shall be planted prior to plat for land divisions and prior to issuance of final certificate of occupancy for other applications. Mitigation requirements shall run with the land until all required mitigation has been completed;
 5. Replacement trees must be staked, fertilized, mulched, and irrigated as necessary to ensure survival; and
 6. Trees planted as mitigation for a Type C permit shall be guaranteed by the permit grantee or the grantee's successors-in-interest for three years after the planting date through an irrevocable development agreement.
- D. Alternatives to On-Site Mitigation.
1. Relocation or Replacement Off Site. If in the opinion of a certified arborist or landscape architect there is insufficient available space on the subject property to accommodate the required mitigation plantings, the following alternatives may be used to fulfill mitigation requirements:
 - a. Replanting may occur on other property in the applicant's ownership or control within the city, or in a city-owned or dedicated open space or park. If planting on city-owned or dedicated property, the city may specify the species, size, and location of the trees. Nothing in this section shall be construed as an obligation of the city to allow trees to be planted on city-owned or dedicated property.
 - b. Payment in Lieu of Planting. The applicant may pay into the tree fund an amount equal to the number of replacement trees required times a per-tree rate as established by resolution of the city council.

- E. Trees preserved or planted as mitigation may be used to fulfill the landscaping requirements as set forth in Section 8-3J.4.
- F. To encourage the retention of established trees which do not yet meet the definition of a significant tree, credit towards mitigation requirements shall be given on a tree-for-tree basis for preservation of the following healthy, structurally sound trees. If such trees are to be used towards meeting the mitigation requirements of this section, required tree preservation and planting plans shall include the size, species, and location of these trees, and these trees shall be given the protections in accordance with Section 8-3J.370 and shall then be considered significant trees. Trees located within the floodplain, parks, and greenway zone (OFPG) may not be counted towards required mitigation.

Big leaf maple	8" dbh or larger
Oregon ash	8" dbh or larger
Madrone	6" dbh or larger
Red alder	6" dbh or larger
Ponderosa pine	6" dbh or larger
Western red cedar	6" dbh or larger
Chinquapin	6" dbh or larger
Pacific dogwood	6" dbh or larger
Douglas fir	6" dbh or larger
Oregon white oak	6" dbh or larger

8-3J.370 TREE PROTECTION DURING CONSTRUCTION

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

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

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

- A. No tree removal permitted as a Type B, C, or D permit shall take place until the applicant has received a notice to proceed from the city engineer on public improvements. When no public improvements are proposed, tree removal shall not occur until building permits have been issued. The Community Development Director may make exceptions to this requirement when warranted due to extenuating circumstances or when no such permits are necessary.
- B. For applicants seeking a Type B permit to remove trees independent of site improvements, no tree removal shall take place until tree protection measures have been inspected and approved by the Community Development Director.
- C. Inspection and approval of all required tree protection measures by the Community Development Director is required prior to tree removals permitted as Type B, C, and D permits.

- D. Forty-eight hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted.
- E. All required mitigation shall be completed within one (1) year of the removal o

8-3J.390 ENFORCEMENT

- A. Any person found to have removed a significant tree in violation of this chapter shall incur a penalty of not more than \$1,000 nor less than \$250.00 per violation.
- B. Any person found to have removed a heritage tree in violation of this chapter shall incur a penalty of not less than the value of the tree according to Section 8-3J.360(D) plus no less than \$500.00 for each heritage tree removed.
- C. Failure to comply with any condition of the permit issued to the applicant shall constitute a violation of this chapter and shall subject the applicant to a fine of not more than \$1,000, nor less than \$500.00. Any fines collected by the city under this section shall accrue to the city tree fund.
- D. Each tree removed in violation of this chapter or any permit issued pursuant to this chapter shall constitute a separate violation.
- E. Each tree that the applicant fails to replant or replace as required by the terms of the permit, and each violation of any other condition of a permit, shall constitute a separate violation.
- F. Retroactive Permit. A person who removes a tree without obtaining a Type A permit may apply retroactively for a permit. In addition to all application requirements of this chapter, the person must be able to demonstrate compliance with all requirements of this chapter, in addition to paying an additional fee as established by resolution of the City Council. Mitigation requirements of this chapter may apply to all retroactive permits.
- G. Withholding Permits and Stop-Work Orders. The building official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this chapter, including any conditions attached to a tree removal permit, have been fully met.
- H. Revocation of Permit. The city administrator may revoke any tree removal permit when the planning official or designee thereof has clearly demonstrated that the application was incomplete or inaccurate to such a degree as to invalidate the approval. Such a revocation may be immediately followed by a stop-work order and the applicant required to either:
 - 1. Revise and resubmit the permit for review and approval; or
 - 2. Pay fines for removing trees in violation of the permit under subsections (1) and (2) of this section.
- I. The city shall notify the property owner in writing that a violation has occurred and mitigation is required. Within 30 days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the city. The plan shall provide for replacement of

a tree or, at the city's discretion, payment into the tree fund in accordance with Section 8-3J.10.

J. Alternative enforcement. In the event that a person, company, or other operating unit commits more than one violation of this chapter, the following alternative fees may be imposed by the City:

1. A person that has gained money or property through the commission of an offense under this section may be required to pay an amount, fixed by the City, not to exceed double the amount of the gain from the commission of the offense.
2. "Gain" is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the city. "Value" shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.

8-3 Division J. Article 4.

LANDSCAPING, FENCING AND HEDGES

[Adopted by Ord. No. 918; 7/15/2016]

8-3J.410 DESCRIPTION AND PURPOSE

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

8-3J.420 MINIMUM LANDSCAPED AREA

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

8-3J.430 MINIMUM VEGETATION AND GROUND COVER

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

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

8-3J.440 TREES PROHIBITED

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

8-3J.450 BUFFER AND SCREENING

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

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

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

8-3J.460 FENCES AND HEDGES

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

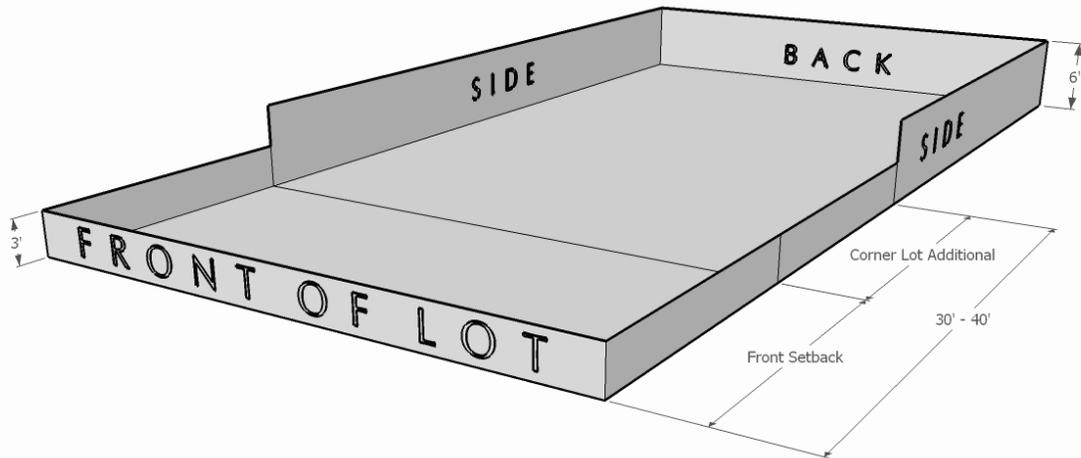
All fences and hedges are subject to the following standards:

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

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

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

Figure 3-1



D. Measuring Height.

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

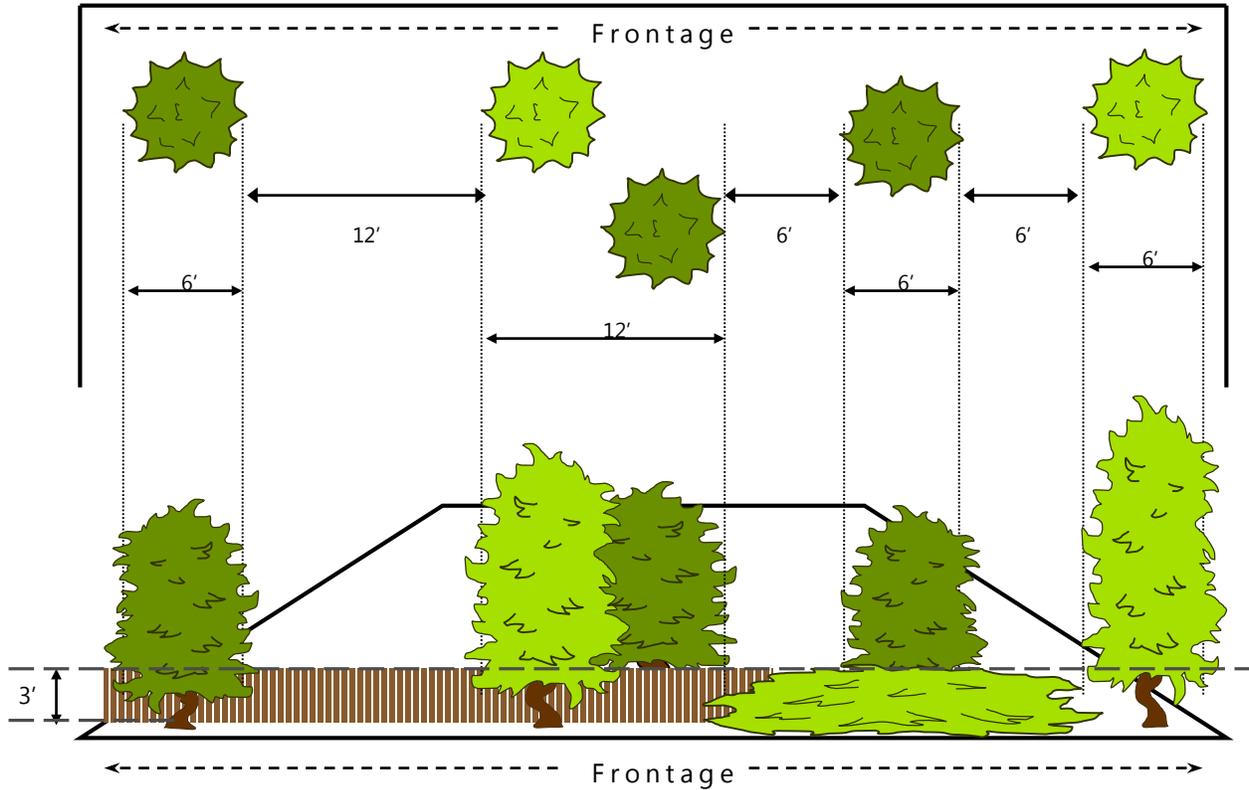
E. Allowances.

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

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

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

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



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

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

F. General Safety Provisions.

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

8-3J.470 LANDSCAPE MAINTENANCE

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

A. Residential Areas

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

B. Commercial Areas

In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be maintained. Fences,

walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.420 and 430 above.

8-3J.480 SOLAR CONSIDERATIONS

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

8-3J.490 XERISCAPING

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

A. Eligibility.

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

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

1. Interested parties wishing to xeriscape a portion of a parcel to reduce landscaping requirements shall supply the City with a completed xeriscape application.
2. Site Description. Applicants are required to submit a simple site design plan including all required landscaping, proposed xeriscaping and irrigation to be installed. The plan shall include the location of plants and type of irrigation for each plant. All xeriscaping shall meet the landscaping requirements below:
 - a. Plants. 90% of the plant material must be drought tolerant or considered low water use plants (based on the Water-Wise Landscaping Website, WUCOLS).
 - b. Plant Coverage. At completion, xeriscape areas must contain enough plants to create at least 50% living plant cover at maturity. Xeriscape areas may NOT include any live lawn (grass) or invasive plant species as defined by the Oregon Department of Agriculture noxious weed list.

- c. Efficient Irrigation Components. If a watering system is used, all sprinkler heads in the xeriscape areas must be low volume (drip, micro-spray, bubblers, or low precipitation rotating nozzles).
 - d. Prevent Overspray. The xeriscape area shall not be irrigated or oversprayed by other required non-xeriscape areas.
 - e. Permeable Surfaces and Treatments. In residential areas, no concrete, plastic sheeting or other impermeable surfaces shall be used in an identified xeriscape area.
 - f. Mulch. Exposed soil must be completely covered by a layer of mulch. Common mulching materials include wood chips, decomposed granite, river rock, and bark. If weed barrier is used beneath the mulch, it must be manufactured to be permeable to air and water.
 - g. Living Groundcover. Qualifies as mulch provided the plants are installed at a density to assure 100% plant coverage at maturity.
- C. Approval Criteria. After examination of the design plan, City Staff shall approve or approved with conditions if the following requirements have been met:
- 1. Submittal requirements of Section 8-3J.426(B) have been met;
 - 2. A pre-inspection of the site has been conducted by City Staff to determine the feasibility of the plan.
- D. Inspection Process. All projects shall have a final inspection to ensure that all proposed xeriscaping has been completed in accordance with the approved plan. Certificate of Occupancy shall be issued once final inspection and approval has been granted.

8-3 Division J. Article 5.

OFF-STREET PARKING AND LOADING

8-3J.510 DESCRIPTION AND PURPOSE

The purpose of this Article is to set forth the off-street parking and loading requirements for the various buildings and uses permitted in the City.

8-3J.515 GENERAL

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

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 plus one additional off-street loading space for each additional 20,000 square feet of gross floor area. Any use requiring one-half or more of a loading space shall be deemed to require the full space. Each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, and have fourteen (14) feet vertical clearance.

8-3J.525 PERMIT AND REVIEW REQUIRED OF ALL OFF-STREET PARKING LOT SURFACING AND RESURFACING PROJECTS

No parking lot shall be surfaced or resurfaced without a building permit and until the project plans have been submitted to the City planning office for review to insure conformance with the provisions of this article. If the staff advisor determines that the project plans conform to the provisions of this article, this person shall so certify on a copy of plans, retain one copy in the planning office files, and return a copy to the applicant. If a question arises as to the project's conformance with the provisions of this article, the staff advisor shall subject the project to a site development plan review without a public hearing.

8-3J.530 OFF-STREET PARKING

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

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

- B. The use of a building or property is hereafter changed to another use with greater parking requirements, provided that if the enlargement of a building existing at the time hereof is less than fifty percent (50%) of the gross floor area, parking space shall be required in proportion to the increase only. Any use requiring one-half or more of a parking space shall be deemed to require the full space. The provision and maintenance of off-street parking space is a continuing obligation of the property owner.

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 *Table 540-1*, except as otherwise provided in this Article.

Table 540-1. Parking Requirements by Use

Use	Standard
Residential Uses.	
One- and two-bedroom dwelling unit	two (2) spaces per dwelling unit
greater-than-two-bedroom dwelling unit	two (2) spaces plus one (1) space per additional bedroom, up to five (5) spaces
Rooming or boarding houses Migrant housing	2 spaces for each three guest rooms, or 1 per three beds, whichever is more
Mobile home park	2 spaces for each mobile home site
Institutional and Public Uses.	
Auditorium or meeting rooms	1 space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, 1 space for each 4 seats or 8 feet of bench length
Child care centers having 13 or more children, kindergartens, equivalent parochial or private schools	1 space per 2 employees, a minimum of 2 spaces; 1 driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading
Churches	1 space for every 5 seats or every 10 feet of bench length in the main auditorium (sanctuary or place of worship)
Clubs and lodges	Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.
Hospitals	1.5 spaces for each bed; when fractioned, next higher full unit
Libraries, museums, art galleries	1 space for each 400 square feet of floor area

Schools	
Elementary or junior high schools and equivalent private and parochial schools	1.5 spaces per classroom, or 12 feet of bench length in the auditorium or assembly room, whichever is greatest
High schools and equivalent private school and parochial schools	1.5 spaces per classroom plus 1 space for each 10 students capacity, or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater
Colleges, universities; commercial schools for adults; institutions of higher learning; technical, music or art schools; equivalent private or parochial schools	1 space for each 10 students classroom capacity
Welfare or correctional institutions	1 space for each 5 beds
Passenger terminals (bus, rail)	2 spaces for up to 2000 square feet floor space for the first 10,000 square feet, with 1 additional space for each additional 10,000 square feet
Government offices	1 space for every 450 square feet of gross floor area
Commercial Uses	
Banks, office buildings, business and professional offices, including medical and dental	Medical and Dental offices- one space per 350 square feet of gross floor area; General Offices- one space per 450 square feet of gross floor area
Barber and beauty shops, pharmacies	1 space for every 200 square feet of gross floor area
Recreational or entertainment establishments:	
Stadiums, theaters, assembly halls	1 space for each 60 square feet of gross floor area, or 1 space per 4 seats or 8 feet of bench length, whichever is greater
Skating rinks, dance halls, pool halls, bowling alleys, arcades	1 space for each 100 square feet of gross floor area
Hotels and Motels	1 space per guest room plus 1-space for the manager
Retail establishments, except as otherwise provided herein	1 space for each 400 square feet of gross floor area
Nursing homes, homes for the aged, group care homes, assisted living facilities, and like uses	1 space for each 2 beds for patients and/or residents

Restaurants, taverns or bars	1 space per four seats or one space for each 100 square feet of gross floor, whichever is less
Service or repair shops; retail stores exclusively handling bulky merchandise (e.g. automobiles, furniture)	1 space for each 750 square feet of gross floor area
Industrial Uses	
Industrial uses listed as permitted in the Light Industrial Zone	2 spaces minimum, plus one space per 2 employees on the maximum shift, or 1 space for each 700 square feet of gross floor area, whichever is less, plus one space per company vehicle.

amended by Ord. no. 808; 09/06/2006

- 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
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	2	7
501-1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**
* One out of every 8 accessible spaces		** 7 out of every 8 accessible spaces	

Handicapped parking spaces shall be located in a safe location in close proximity to a building entrance

- D. The number of employee off-street parking spaces may be reduced by the Planning Commission if the applicant for a development can demonstrate such a reduction is supported by adequate mass transit service or that organized car-pooling or company-provided transportation is available.
- E. The number of off-street parking spaces may be reduced by the Planning Commission when the developer can demonstrate that the driving characteristics of the development clientele does not necessitate full parking space requirements, that mass transit service is available, and/or that company-provided transportation is provided.
- F. Credit for On-Street Parking. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City of Talent standards. The following constitutes an on-street parking space:
1. Parallel parking, each 24 feet of uninterrupted curb;

2. 45 degree diagonal parking, each with 12' 9" of curb;
3. 60 degree diagonal parking, each with 10' 5" of curb;
4. 90 degree (perpendicular) parking, each with 10 feet of curb;
5. Curb space must be connected to the lot, which contains the use;
6. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
7. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.

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.

8-3J.552 FACILITIES FOR MIXED USES

If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses, unless the Planning Commission finds that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.

8-3J.555 JOINT USE OF PARKING FACILITIES

The Planning Commission may, upon application by the owners or operators of the uses, encourage and authorize the joint use of parking facilities required by two or more uses, structures or parcels of land, to the extent that it can be shown by the owners or operators of the uses that time does not overlap, and the parking facility is no further than 500 feet from the buildings or uses required to provide parking. If the uses, structures, or parcels are under separate ownership, a right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate document to establish the joint use; such instrument must be approved as to form and content by the City Attorney, recorded in the office of the County Recorder and copies thereof filed with the City Recorder. Joint parking facilities are encouraged in the Central Business District Zone, as well as along arterials and collectors to promote access management standards.

8-3J.560 BICYCLE PARKING FACILITIES

Commercial, industrial facilities and multiple-family dwellings shall provide adequate, safe and conveniently located parking facilities for bicycles. All uses, which are 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:

1. **Multiple-Family Dwellings.** Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
 2. **Parking Lots.** All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces. Sheltered bicycle parking is recommended to encourage bicycle use.
 3. **Schools.** Elementary, middle, and high schools, both private and public, provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
 4. **Colleges and Trade Schools.** Provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
 5. **Downtown District.** Within the CBD, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks or in specially constructed or designated areas such as pedestrian curb extensions. Inverted "U" style racks are recommended and creative designs are strongly encouraged. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per store.
 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.
- B. **Exemptions.** This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces. Further exemptions may be approved only by the Planning Commission.
- 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).

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

- A. **Location of Parking Facilities.** Off-street parking spaces for existing and proposed dwellings shall be located on the same lot with said structure. Other required parking spaces shall be located on the same parcel or on another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building. The burden of proving such existence of such off-premise parking arrangements rests upon the person who has the responsibility of providing parking.
- B. **Use of Parking Facilities.** Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- 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.

8-3J.570 PARKING AREA DESIGN STANDARDS

- A. A driveway for a single- or two-family dwelling or a mobile home shall have a minimum width of ten (10) feet. To minimize impervious surfaces, the driveway may be constructed with parallel tracks, leaving the space between unpaved.
- B. Groups of three (3) or more parking spaces shall be served by 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 to the standards in 8-3J.540(C).

Figure 570-1.

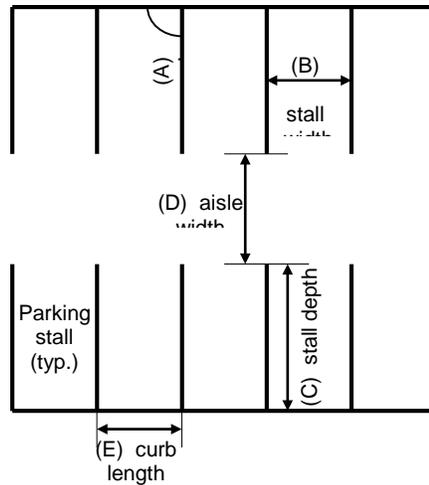


Table 570-1. Minimum Parking Space and Aisle Dimensions

A		B	C	D	E	F
Angle	Type	Stall Width (in feet)	Stall Depth (in feet)	1-Way Aisle Width (in feet)	2-Way Aisle Width (in feet)	Curb length perpendicular to Aisle (D) (in feet)
0° (parallel)	standard	8.0	8.0	12.0	24.0	22.5
	compact	7.5	7.5	12.0	24.0	19.5
30°	standard	9.0	17.0	12.0	24.0	18.0
	compact	7.5	14.0	12.0	24.0	15.0
45°	standard	9.0	19.0	12.0	24.0	12.5
	compact	7.5	16.0	12.0	24.0	10.5
60°	standard	9.0	20.0	18.0	24.0	10.5

	compact	7.5	16.5	15.0	24.0	8.5
90°	standard	9.0	19.0	24.0	24.0	9.0
	compact	7.5	15.0	22.0	24.0	7.5

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.
- 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)
- 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 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.

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.
 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.
- H. Building permits are required for all parking lot construction, repair or resurfacing.

8-3J.580 MISCELLANEOUS PARKING PROVISIONS—FLAG DRIVES AND RECREATION VEHICLES

- A. Parking Prohibited on Flag Drives. No parking or storage of vehicles will be permitted on flag drives, unless area is provided for parking in addition to the paved width required for access to a flag lot. A flag drive is generally the narrow portion used for access of a flag lot defined in the City's Subdivision Code.
- B. Recreation Vehicles. The following regulations apply to recreation vehicles parked outside of recreation vehicle parks.
1. It shall be unlawful to occupy a recreational vehicle parked on a public street for sleeping or living purposes for any period of time exceeding three (3) hours.
 2. No owner or person in charge of premises within the City shall occupy or allow the occupancy of a recreation vehicle upon the premises as permanent living quarters,

except where specifically permitted as a use within a mobile home park.

3. A recreation vehicle may be parked on private property and used for sleeping and/or cooking purposes by guests visiting the residents of the premises, for a period not to exceed fifteen days, provided that the vehicle has self-contained sewage facilities or the occupants are utilizing the facilities in the residence on the premises.
4. Nothing in this ordinance shall prevent the parking of an unoccupied recreation vehicle, not in daily use, upon the premises of the owner thereof.

8-3 Division J. Article 6.

ACCESS, CIRCULATION AND STREET IMPROVEMENTS

8-3J.610 PURPOSE

This Article addresses access management, multi-modal circulation, public improvements, and dedications and setbacks. One of the primary purposes of this Article is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of alternative transportation options, including, but not limited to, car pooling, walking, transit and bicycling. This Article is also intended to implement the Transportation System Plan portion (TSP) of the Comprehensive Plan.

- A. **Street Access and Circulation.** Land use activity such as excessive curb cuts, or road approaches, intersections with “local” streets, and traffic lights creates congestion, stop-and-go traffic, and less convenience for users of major streets. These impacts create increased air pollution, energy consumption and traffic hazards and accidents. It is important to minimize access, stop signals and unsafe conditions and to maximize convenience along arterial streets. The intent of this Article is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the City’s Transportation System Plan.
- B. **Pedestrian Access and Circulation.** The intent of this Article is to ensure that developments provide safe and efficient access and circulation for pedestrians.
- C. **Street Improvements.** Many streets exist in the City, which are substandard in right-of-way width, paved width, pedestrian amenities, or other improvements. Improvements will be necessary in the interests of the public health, safety and convenience. Street improvements on arterial and collector streets benefit all City residents and are generally paid for from public funds. Improvements on local streets primarily benefit properties, which have frontage or direct access onto said streets, and street improvement costs are generally assessed to the owners of benefited properties. To ensure that neither the City nor land subdividers or partitioners shall have to assume the entire burden of upgrading the City’s streets, owners of property shall be required to contribute to the improvement of City streets as set forth in Sec. 650.
- D. **Street Dedication and Setbacks.** The Transportation System Plan assigns a classification to each roadway in Talent based upon existing or planned use, to allow for the safe accommodation of present and anticipated traffic volume on these streets. In order to effectuate the policies of the TSP, a program of street dedication and building setbacks is necessary to permit the widening of certain streets to their appropriate width.

This will not always be feasible due to existing land use, but where it is possible the following regulations will be enforced. Where applicable, requirements set forth in this Article supersede the yard requirements for the zone in which any specific affected property is located.

8-3J.620 COMPLIANCE REQUIRED

The dedications, improvements and/or setbacks required by this Article must be met or complied with, or provisions made to ensure complete compliance, before any building permits shall be issued.

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.
 - a. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
 - b. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
 - 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.
 - d. Subdivisions Fronting onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).
 - e. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

- f. Important cross-references to other code sections: Divisions 8-3C through 8-3H and Article 8-3J.1 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified in the Transportation System Plan.
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.
 - a. Major Arterial Streets.
 - (1) Minimum sight distance of 300 feet.
 - (2) New residential uses: no access.
 - (3) Commercial uses: no access if alternative exists; a maximum of one curb cut or driveway per 150 feet or fraction thereof.
 - (4) Industrial uses: no access if alternative exists; a maximum of one curb cut or driveway per 250 feet or fraction thereof.
 - b. Minor Arterial Streets.
 - (1) Minimum spacing between driveways and/or streets of 300 feet.
 - (2) Residential uses: no access if lesser alternative exists.
 - (3) Commercial uses: no access if alternative exists; a maximum of one curb cut or driveway per 150 feet or fraction thereof.
 - (4) Industrial uses: no access if alternative exists; a maximum of one curb cut or driveway per 200 feet or fraction thereof.
 - 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:

- (1) Single-family residential and mobile home uses: minimum of ten (10) feet or maximum of twenty (20) feet.
- (2) Multiple-family uses: minimum of ten (10) feet and maximum of twenty-nine (29) feet; or
- (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.

(4) In no case shall a driveway or curb cut exceed 60% of property frontage.

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.

5. Shared Access and Circulation. When no other alternative exists and access is necessary along arterial streets, access will be provided, whenever possible, in a manner that meets the provisions set forth in Sec. 630(A) and that permits shared access with adjacent properties and development. The internal circulation pattern of the development must permit safe movement of vehicles and pedestrians so that access can be accommodated to the existing or anticipated development pattern of adjacent properties without necessitating movement on the arterial street.

6. Access Management Plans. In some instances traffic conditions and access needs of a development can change over time. Such changing conditions can be due to a large development that will be built in phases or when a development is the only one in the vicinity, but other development is expected to occur. In such, or similar, cases, access management plans may be required as a condition of development approval. An access management plan should dictate such things as the standards, number, location, and timing of access improvements.

B. Road Access Permits.

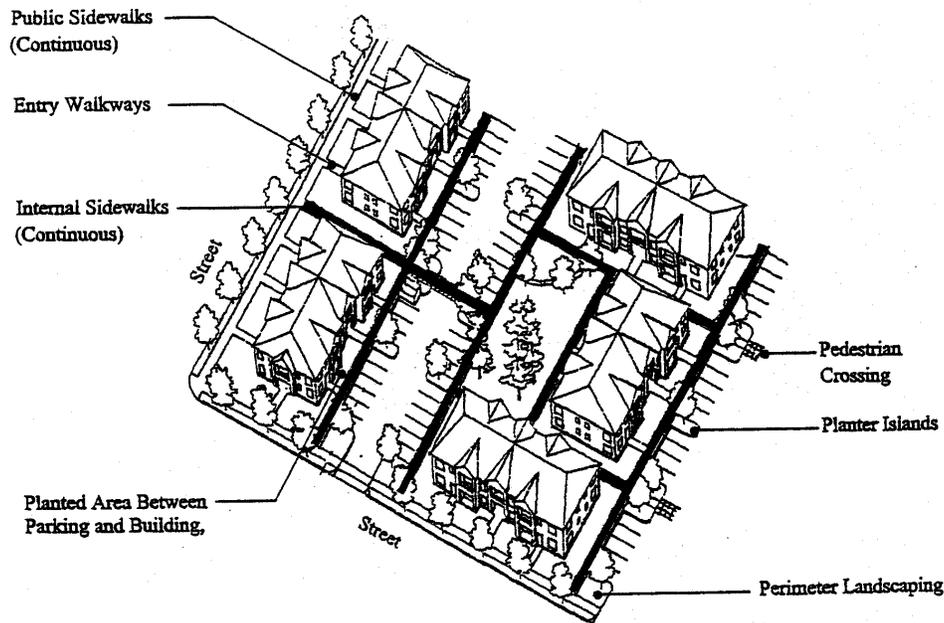
1. New curb cuts, driveways and access along and to all streets in or adjacent to the City shall not be permitted unless a Road Access Permit has been granted by the City. The Road Access Permit is not to be construed as a mechanism to deny properties reasonable access to public roads and streets.
2. When new curb cuts, driveways, and access are established as part of normal review processes (e.g. land divisions, site development plan reviews) a Road Access Permit shall not be required, unless it applies to an arterial street.
3. The applicant for a Road Access Permit shall file on forms prescribed by the City. The amount of the fee shall be established, and may be changed, by ordinance or general resolution of the City Council. In addition to a nonrefundable fee, the applicant shall be liable for the expense of engineering and legal services provided by the City Engineer and Attorney in prescribing improvement standards, legal instruments, conducting reviews and site inspections.
4. The City Planner, after consultation with the Public Works Director, City Engineer, and City Attorney as necessary, shall be responsible for determining the curb cut or driveway improvement standards, which shall be constructed on local and collector streets; the Planning Commission shall be responsible for the same along arterial streets. In general, along local and collector streets, curb cut or improvement standards shall be similar to those prevailing along the street.
5. 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.
6. Permits requested along arterial streets shall be granted in accordance with the provisions of this Section and Article 8-3L.1.

8-3J.640 PEDESTRIAN ACCESS AND CIRCULATION

To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicyclists.) The system of pathways shall be designed based on the standards in Subsections A–E, below:

- 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.

Figure A—Pedestrian Pathway System for Multiple-family Development (Typical)

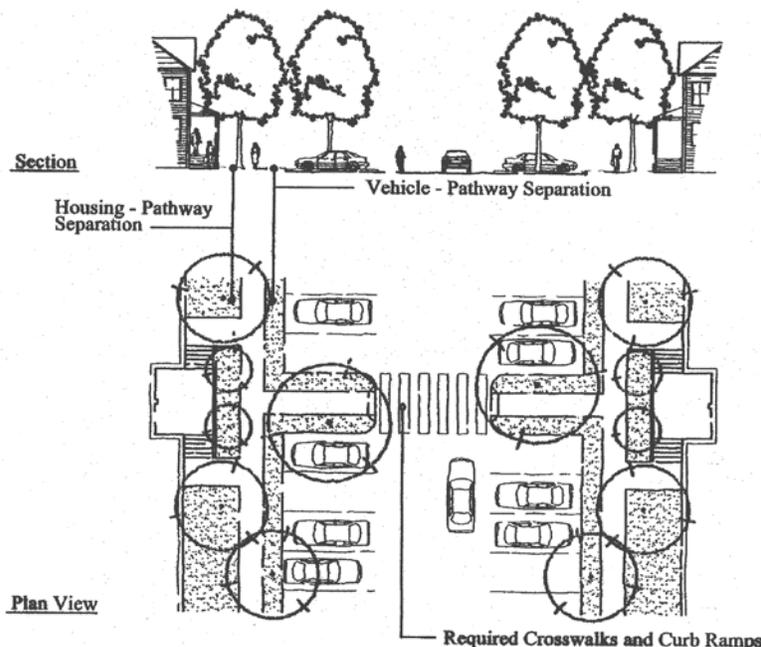


- B. **Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 2. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 3. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 4. For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multiple-family buildings in which each unit does not have its own

exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway, which serves as a common entrance for more than one dwelling.

- 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.
- D. **Street Connectivity.** Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Sec. 630(A). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:
1. Multi-use pathways (i.e., for pedestrians and bicyclists) are located within a right-of-way or easement not less than 10 feet wide or more than 20 feet wide that allows access for emergency vehicles;
 2. Pathways shall also be lighted with appropriate similar design;
 3. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
 4. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
 5. The City Planner or Planning Commission may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for

Figure B—Pathway Standards (Typical)



redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

- E. Design and Construction. Pathways shall conform to all of the following standards:
1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by, at minimum, a five-foot-wide strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
 2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of five (5) feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions in Divisions 8-3C through 8-3G and Article 8-3L.7. Where there is no building separation, a pathway is not required for commercial, industrial, public, or institutional uses.
 3. Crosswalks. Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a colored concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application acceptable to the Public Works Department.
 4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also Sec. 650 for public, multi-use pathway standard.)
 5. Accessible Routes. Pathways shall comply with the Americans With Disabilities Act, which requires accessible routes of travel.

8-3J.650 STREET IMPROVEMENTS

- A. Building on Arterial and Collector Streets. Before a building permit can be issued to construct any main building or to increase the floor area of any existing building on any property fronting on an arterial street, the owner of the lot shall execute and deliver to the city a recordable covenant running with the land to the effect that, if the city subsequently undertakes a project to construct a public pedestrian sidewalk along street frontage which includes the subject property’s frontage, on the basis of assessing the cost to abutting properties in proportion to special benefits, neither the owner of the subject property nor his successors in interest shall file or cause the filing of any remonstrance against the project as it relates to the construction of the proposed walk; provided that the walk proposed to be constructed must extend as one continuous walk (except when crossing an intersecting street) and either extend (1) for an entire block, or the full distance from one intersecting street to the next, or (2) for not less than 1,000 feet and from an intersecting

street to the end of a property's frontage, or (3) when for purposes of extending either an existing walk, or a walk to be constructed under this subsection, that connects to a street intersection, for not less than 500 feet. The path shall consist of a six-foot-wide, durable, dust-free surface of asphaltic concrete, or Portland Cement Concrete, and shall be constructed at an elevation and location approved by the city. If the pedestrian walk is to be within a right-of-way not under the jurisdiction of the city, the state or the county, as the case may be, shall have the right to establish the standards, specifications, elevations and location of the path.

B. Building on All Other Streets.

1. 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.
2. Before a building permit will be issued for the construction of a duplex, multiple-family dwelling or other high density residential building, not requiring subdivision or land partitioning, or 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.

D. Variances. Variances to the transportation design standards in this Section may be granted as governed by Article 8-3L.4. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands.

E. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Sections 630 and 640. Access easements shall be created and maintained in accordance with the Fire Code standards.

F. Development Adjoining Arterial and Collector Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

1. A parallel access street along the arterial with a landscape buffer separating the two streets;

2. Deep lots abutting an arterial or collector street will provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Paragraph 630(A)2;
3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
4. Other treatment suitable to meet the objectives of this subsection;
5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Sec. 630.

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. If the street is an arterial, dedication for arterial width shall not be required, but in lieu thereof a building setback in the additional amount shall be enforced as prescribed in 670(A)1, (B) and (C), below. If such setback is imposed it shall not apply to existing buildings and the property within the setback shall in all respects retain all incidents of ownership, except the building restriction, including the right to compensation if the area is subsequently acquired for street widening.

8-3J.670 SPECIAL BUILDING SETBACK LINES

- A. **Planned Right-of-Way Line.** A planned right-of-way line is hereby established for the streets designated in the Transportation System Plan as minor arterials, collectors and locals.
 1. **Arterials.** The planned right-of-way for arterials is ninety to one hundred (90–100) feet wide, unless it is determined by the Planning Commission or City Council that some lesser width in conformance with the TSP is more appropriate. The planned right-of-way line is a line forty-five to fifty (45–50) feet from each side of, and parallel to, the centerline. If a lesser right-of-way width is permitted, half of that width measured from each side of, and parallel to, the centerline will result in the planned right-of-way line.
 2. **Collectors.** The planned right-of-way for collectors is sixty to sixty-six (60–66) feet wide. The planned right-of-way line is a line thirty to thirty-three (30–33) feet from each side of, and parallel to, the centerline.
 3. **Local Streets.** The planned right-of-way for a local street is fifty to sixty (50–60) feet wide, unless some lesser width is permitted by the Planning Commission or City Council in conformance with the standards set forth in the Subdivision Code and as set forth in the TSP. The planned right-of-way line is a line measured half the permitted right-of-way width from, and parallel to, the centerline.
 4. **Alleys.** The planned right-of-way for an alley is 20 feet wide.

- B. **Building Setback Line.** Where there is a planned right-of-way line established by this Article, the building setback distance required for any yard area in the zone in which a property is located shall be measured from the planned right-of-way line rather than from the actual property line.

8-3 Division J. Article 7

SIGNS, BILLBOARDS AND ADVERTISEMENTS

8-3J.710 INTENT AND PURPOSE

The following describes the purpose and intent of this Article:

- A. To protect the health, safety, property, and welfare of the public;
- B. To provide for the safe installation and maintenance of signs;
- C. To initiate and maintain an organized, clean, orderly, attractive, and inviting appearance that respects and reflects the rural character of the city;
- D. To permit and encourage flexibility for creative, context sensitive design that respects the site conditions and is appropriate to the applicable zoning district;
- E. To maintain simplicity in permitting and review of signs, while encouraging economic development;
- F. To improve the effectiveness of signs in identifying businesses; and
- G. To enhance the aesthetic character of the “rural, small town atmosphere” in the Old Town and Highway Districts and improve the appearance of commercially zoned corridors.

8-3J.720 DEFINITIONS

Area Area shall mean the area included within the outer dimensions of a sign. In the case of a multiple-faced sign, the area of each face shall be included in determining sign area, excepting double-faced signs placed no more than twenty-four (24) inches back to back.

Awning A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Building or Face Wall All window and wall area of a building in one plane or two closely related planes or elevations. Walls are distinguished from roofs in that wall planes are erected at an angle equal to or between thirty (30) degrees from a vertical plane.

Electrical sign A sign utilizing electrical wiring.

Flashing sign Any sign containing an intermittent or flashing light source or an externally mounted intermittent light source.

Frontage The length of the property line of any one premise along each public right of way it borders.

Grade The level of the surface of the soil, whether paved or not, immediately below a particular sign; when a slope is involved, the average grade.

- Ground Sign** A sign erected on a freestanding frame, mast or pole and not attached to any building. Also known as a "free-standing" or "monument" sign.
- Incidental sign** A sign not exceeding two (2) square feet in area identifying or advertising goods, products, services, or facilities available on premise. Such incidental signs include, but are not limited to, trading stamps, credit cards accepted, brand names of price signs; such signs larger than two (2) square feet and used to identify the business or premise are not considered incidental signs.
- Joint-Use sign** When two or more businesses combine part or all of their total allowed sign area into ground sign for each common frontage of such business.
- Maintain** To permit a sign, sign structure, or any part thereof to continue. Or, to repair, refurbish, or keep in good order and repair a sign, sign structure, or any part of each.
- Marquee Sign** A sign, which is painted on, attached to, or supported by a marquee, awning or canopy.
- Nameplate** A non-electrical sign identifying only the name, address, occupation, or profession of the occupant of the premises on which the sign is located. If any premises includes more than one occupant, the nameplate can have all names and occupation or professions as well as the name of the building and directional information.
- Off-premise sign** A sign that directs attention to a business commodity, industry, or other activity, which is sold, offered, or conducted elsewhere than on the premises where the sign is located.
- Portable sign** Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined in this ordinance.
- Projecting sign** A sign that projects from and is supported by a wall or a building, with the display surfaces of the sign in a plane other than parallel to said wall.
- Reader board** Any sign that uses a continuous message system or a sign of a permanent nature, but which accommodates changeable copy. Also referred to as "bulletin board."
- Roof sign** A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.
- Shopping Center or Business Complex** Any two or more businesses which are in a building or group of buildings with shared off-street parking, on one or more lots which are contiguous or which are separated by a public right-of-way or a privately owned flag drive used for access and not greater than 35 feet in width, which are constructed and/or managed as a single entity, regardless of individual ownership and/or function.
- Sign** Any sign, illuminated or non-illuminated, or presentation by words, letters, figures,

designs, or pictures, visible in the public right-of-way to give notice relative to a person, business, goods, products, or service, an activity, or a solicitation. Sign includes identification, advertising, and informational signs. Sign also includes any permanently installed or situated merchandise (other than a structure), an emblem, a painting, a banner, a pennant, a placard, a poster, a temporary sign, a light (other than a device used primarily to illuminate a building or premises) that is intended to attract attention, advertise, identify, or inform. For the purpose of removal, sign shall include sign structure. This definition shall not include official notices issued by a court or public body or officers, or directions, warning or information signs or structures required by or authorized by law or by federal, state, county or city authority.

Sign Height The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

Temporary sign Any sign which is not permanently installed or affixed to any sign structure or building, to advertise a new business before a permanent sign is installed, or to advertise a business “special” or “sale.”

Wall sign or graphics Includes, but is not limited to, any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence.

Wayfinding system A color coordinated system of pedestrian-scale signs designed to solely provide directions within a shopping center or central business district zone (CBD) and is not intended as additional advertisement for each business listed on such system.

8-3J.730 ADMINISTRATION

- A. General. 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.
- B. Permit. An application for permit shall be submitted in writing on forms provided by the City, and must be approved by the City Planner or such other department designated by the City Council to administer this Article; and, if any portion located on the exterior of a building is electrical or structural, the application must also be approved by the Building Official. The application shall contain the following information:
1. Contact Information: name, mailing address, telephone number, and e-mail address of the applicant; of the owner of the sign premises; and of the installer.
 2. Location by street number of the building, structure, or lot to or upon which the sign is to be installed or affixed, and where no address exists cross streets.
 3. A drawing approximately to scale showing design of the sign including dimensions, size, color scheme, method of attachment, materials, source of illumination, (if any) and an

illustration of the relationship to any building, structure, or public right-of-way to which it is proposed to be installed or affixed. Three-dimensional drawings are preferred.

4. A plot plan approximately to scale indicating the location of the sign relative to property lines, streets, and sidewalks.
5. The square footage of each of the following:
 - a. Each wall area fronting along each street and alley;
 - b. Each existing sign by sign type.
- C. If the proposed sign conforms to this Article, a permit shall be issued. City staff or the Planning Commission may attach conditions of approval as may be necessary and lawful, upon payment of the prescribed fee. A sign permit shall expire unless exercised within 100 days from the date of issuance.
- D. Fees. Applicants for signs will be charged a fee in an amount established, and which may be changed, by ordinance adopted by the City Council. Signs requiring review and inspection by the City Building Official will be charged an additional fee prescribed by the official building permit fee schedule.
- E. Appeal. An applicant or any other person can appeal an administrative decision made by the City Planner or Building Official to the Planning Commission. A Planning Commission decision may be appealed to a hearings officer. Appeals shall be based on the same issues and conducted according to 8-3M.1, which provides standards and procedures for the appeal process. The fee for an appeal shall be in an amount established, and which may be changed, by ordinance adopted by the City Council. If the appeal is upheld, the filing fee shall be refunded except for the costs for publishing, posting, and mailing public notices.

8-3J.732 EXEMPT SIGNS

- A. The following signs or operations are exempt from permits, but shall conform to all other applicable provisions of this Article:
 1. On-site repainting or touch-up, cleaning and normal maintenance and repair of a sign.
 2. Informational signs placed by local, regional, or state governments in the publicly owned right-of-way. However, when placed over a public sidewalk, the bottom of these signs shall be no less than seven (7) feet from the top of the sidewalk or pedestrian grade.
 3. Flags of international, national, state, or local governments.
 4. Signs within a building as long as the signs are not visible to motorists or pedestrians outside the building.
 5. Memorials, plaques, cornerstones, or other designations that may be associated with historical or cultural persons, events, and cemeteries.
 6. Temporary signs:

- a. Temporary on premise sign, including any visible from the public right-of-way, advertising a new business, establishment, or organization before permanent signs are installed may be maintained for a period of time not to exceed forty-five (45) days;
 - b. Temporary signs advertising a candidate or ballot measure for an election, as defined and limited in Section 736(A)4.
7. Nameplate on private residence.
 8. On-premise real estate signs, as set forth in Section 750, advertising exclusively for sale, rental, or lease of the premises upon which the signs are located. The signs must be removed within fifteen (15) days of the sale, lease, or rental of the property.
 9. Incidental signs not visible from a public street provided that they are less than two square feet per sign, do not exceed two in number per lot, or two per street frontage.
 10. Public Art, including murals, three dimensional statues, caricatures, representations of persons, animals or objects, as long as such art is first approved by the City Council. For clarification purposes, Public Art shall not include or be construed to be for the benefit of private advertising. (Section 10 added by Ord. #861 12-7-11)

8-3J.734 PROHIBITED SIGNS

- A. No movable sign or bench sign shall be permitted except as may be otherwise permitted by Section 732 or Section 736.
- B. No flashing signs shall be permitted.
- C. No wind sign, device, or balloon shall be permitted.
- D. No three-dimensional statue, caricature, or representation of persons, animals or merchandise shall be permitted as part of any sign.
- E. No public address system or sound devices shall be used as part of a sign.
- F. No electrical reader board signs.
- G. Signs, which by reason of size, location, movement, content, coloring, or manner of illumination may be confused with or construed as a traffic, street, or emergency sign or signal, or cause any other hazardous or disruptive situation.
- H. No signs shall be affixed to telephone poles in the public right-of-way.
- I. No fluorescent colors shall be used in the design or construction of a sign.

8-3J.736 PERMITTED SIGNS

- A. Residential Zones. In all residential zones set forth in the Talent Zoning Code no signs shall be permitted except the following:

1. Nameplates. One sign showing property numbers, names of occupants or other identification. Area may not exceed two (2) square feet.
2. Real estate signs. One single- or double-faced, non-illuminated, on-site sign for each street frontage offering the premises for sale, lease or inspection. Such sign must be removed once the property has been sold, leased, or rented. The area of each sign may not exceed six (6) square feet.
3. Temporary and permanent residential development identification sign. One single- or double-faced ground sign, non-illuminated or indirectly illuminated, set back from vehicle or pedestrian traffic ways may be permitted at each entry point to a residential development. The area of the sign may not exceed an area of thirty-two (32) square feet located not over five (5) feet above grade.
4. Non-illuminated, temporary, on-premise signs advertising a local, county, state, or national candidate or ballot measure. Said signs shall not exceed sixteen (16) square feet in area, and the applicable removal date shall be marked on each sign. All such signs shall be removed within ten (10) days following the election to which the sign pertains.
5. Non-residential signs. For non-residential uses permitted or conditionally approved within a residential zone excluding approved home occupations, the following standards shall apply:
 - a. No sign shall exceed an area of twelve (12) square feet,
 - b. Signs may only be externally or indirectly illuminated.
 - c. Only one on-premise sign shall be permitted which may be either:
 - (1) a ground sign not to exceed an overall height of five (5) feet and set back at least ten (10) feet from the property line; or
 - (2) a wall sign; or
 - (3) a sign projecting from the main structure on the lot.

Signs associated with residential districts may be reviewed in conjunction with the associated development review. All signs that are not reviewed at this time shall be subject to the procedural requirements set forth for review of home occupation signs in Paragraph 6 below.

6. Home occupation signs. Home occupation signs shall be permitted by the City Planner and/or Building Official if the requirements of Section 730(B) and all of the following have been met:
 - a. No more than one sign is permitted per home occupation.
 - b. No sign is illuminated.
 - c. No sign is larger than two (2) square feet and no dimension is smaller than eighteen (18) inches.

- d. No additional sign permit fee is required as part of a home occupation approval.
- e. If an applicant is required to petition the neighbors for a home occupation each property owner within 250 feet of the subject property has an opportunity to review the proposed sign and if a majority of those owners do not object.

If the City Planner determines that the proposed sign does not meet the standards in this Article, or the property owner did not collect the necessary signatures, he or she shall refer the question to the Planning Commission in accordance with the procedure set forth in Article 8-3M.1 and Article 8-3L.6 of the Talent Zoning Ordinance.

B. Commercial and Industrial Zones. Signs in all commercial and industrial zones are subject to the following standards and requirements.

- 1. The total square footage allotted for all signs for each business or premise cannot exceed fifteen (15) percent of the total square footage of each wall area fronting along a street or 150 square feet, whichever is less. Alleys are considered a street. The permissible square footage can be used in the following manner, however:
 - a. No sign, or combination of signs, can exceed an area greater than fifteen (15) percent of the wall area to which it relates, regardless of whether or not the wall fronts on a street;
 - b. No more than two (2) types of signs are permitted per business or premise. Types of signs include, but are not limited to, portable signs, wall signs, ground signs, joint-use signs, and other signs demarcating the establishment. No ground sign shall exceed 10 feet from grade.
 - c. Sign standards for advertising a ballot measure or candidate for public office shall be the same as Section 736(A)4.
- 2. The total area of all permanent shopping center identification signs cannot exceed fifteen (15) percent of the total wall area of walls on the premises where customer entrances are provided or 150 square feet, whichever is less. No more than two (2) signs can be utilized. A wayfinding system shall not count towards the permissible amount.
- 3. No individual ground sign can exceed 10 feet in height from grade or contain in excess of 150 square feet in area. No sign dimension can exceed 10 feet.
- 4. Off-premise signs specifically for another business located within the Talent Area of Mutual Planning Concern, as set forth in the Comprehensive Plan, are considered signs for the premise or business giving permission to locate such signs. Thus, such off-premise signs will be calculated as part of the permitting business's total square footage requirements prescribed in Section 736(B)1, above. Where no building frontage exists and the property is vacant, such off-premise signs are permitted according to the standards for construction signs in Section 736(B)7a, below.
- 5. All off-premise signs visible from the public right-of-way of Interstate 5 and Highway 99 shall be subject to the standards and requirements of the Oregon Administrative Rules and Oregon Revised Statutes administered and enforced by the Oregon Department of Transportation (ODOT). Where there is a conflict between the standards or requirements

- of the City and the State, the more restrictive standards or requirements shall apply.
6. No sign shall be permitted for a business or premise above the highest point of the roof except if permitted according to one of the following:
 - a. When application for a variance is made as set forth in Section 770 and approved by the Planning Commission.
 7. Except as otherwise provided in this Article, the following signs are permitted as set forth herein, but are subject to the following requirements:
 - a. Construction signs identifying the architect, general contractor, and subcontractors shall be permitted not to exceed one per street frontage of the property, or an area of thirty-two (32) square feet located not over five (5) feet above grade, and must be removed when a certificate of occupancy is issued.
 - b. The Old Town Design Standards regarding awnings and marquees may be used outside of the Old Town District. An applicant requesting a sign permit outside the Old Town District is strongly encouraged to use the Old Town Design Standards to accelerate the permit approval process.

8-3J.738 SAFETY, DESIGN AND CONSTRUCTION; MAINTENANCE AND INSPECTION

- A. Safety, Design and Construction.
1. All signs shall be constructed of such materials or treated in such a manner to withstand normal wear from weathering. Sign materials should be able to meet the Uniform Building Code for wind resistance. Neon is an acceptable material. The design, fabrication and lettering and/or message elements shall be comparable in quality to a product produced by a professional commercial sign shop. The use of plastic and foam shall not be used as an exterior material in the Old Town District as defined in Article 8-3L.7. Creative designs are strongly encouraged, especially hanging signs, to distinguish the Old Town District. The Old Town Design Standards, Commercial Standard 9, shall be required if the subject property is located in the Old Town District and is subject to review by the Architectural Review Committee.
 2. Commercial and industrial districts. All signs shall be earth tone colors in the Old Town District. All signs and their supporting members shall be constructed of non-combustible materials or fire-retardant treated wood, which maintains its fire-resistive qualities when tested in accordance with the rain and weathering tests of the state building code standards.
 3. Non-treated signs. All wall, ground, marquee, and projecting signs of twenty (20) square feet or less may be constructed of non-treated wood.
 4. Directly illuminated signs. All signs illuminated from within may be faced with plastics approved by the state building code. All commercial signs shall be externally lit in the Old Town District with low-voltage, high-intensity lighting.

5. Glass. All glass used in signs shall be shatter resistant, or covered by a shatter-resistant material.
6. Wood. Wood in contact with the ground shall be foundation-grade redwood, foundation-grade cedar, all-heartwood cypress, or any species of wood, which has been pressure treated with an approved preservative. Trim and backing strips may be constructed of wood.
7. All letters, figures, and other message elements shall be safely secured to the sign structure.
8. Each electrical sign shall be constructed to meet the requirements of the state electrical code.
9. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with free use or access to any fire escape, exit, or standpipe. No sign shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below minimum standard required by any applicable law or building code.
10. No sign face, supporting member of a sign, or other obstruction will be permitted to obstruct the view from an automobile at an intersection from approaching traffic. The location of a sign and its supporting members must be such that a car, if stopped at an intersection, can see clearly for the distances set forth in the table below. The location of the stopped car and the approaching traffic will be determined by assuming streets are improved to standards in accordance with their street classification set forth in the Transportation System Plan (8-1).

TABLE 1. Speed Limits and Vision Distance

Speed Limit of On-Coming Traffic	Clear Vision Distance of Approaching Traffic
10 mph	21 ft.
15 mph	36 ft.
20 mph	55 ft.
25 mph	76 ft.
30 mph	101 ft.
35 mph	129 ft.
40 mph	160 ft.
45 mph	195 ft.
50 mph	232 ft.
55 mph	273 ft.

Signs constructed lower than two (2) feet or their lowest portion higher than nine (9) feet in height, measured from the top of the curb, or where no curb exists, from the established street centerline grade, are permitted and are not considered to obstruct visibility. Objects with a horizontal dimension of twelve (12) inches or less are not considered to obstruct visibility.

11. All signs projecting over a sidewalk or public right-of-way shall be at least ten (10) feet in height. No sign shall project farther than five (5) feet into any public right-of-way, except in alleys where signs shall not be constructed in a manner that would prohibit the movement of delivery trucks. In any event, no sign shall project beyond a curb or into a roadway.

B. Maintenance and Inspection.

1. All signs shall be maintained at all times in a state of good repair.
2. Any sign erected or maintained in violation of this Section is a public nuisance and the City may issue a 45-day written notice that requires the owner of the sign or of the premises to correct the unlawful condition or remove the sign. It shall be unlawful for any person who owns or controls the sign, or the premises on which it is situated, to fail to obey such an order within the time prescribed. The City shall give the notice by registered mail to the owner of the sign, or if the sign owner cannot be located, to the owner of the building or premises upon which the sign is located. If the sign owner or property owner has not removed or corrected the sign within the 45-day period, the City may requisition the removal of the sign, and the charge for removal shall become a lien on the property. If the City finds that any sign is in violation of this Section to the extent that it deems it an immediate and serious danger to the public, it may order its immediate removal.
3. Upon discontinuance in business or occupancy of any establishment, the City shall require the removal of the signs and supporting structures advertising or identifying the establishment according to the procedure set forth in 738(B)2.

8-3J.750 ABATEMENT OF BILLBOARDS AND OFF-PREMISE ADVERTISING

All billboards and other off-premise advertising signs, except as otherwise provided in Section 736(B), are hereby declared a public nuisance. Any sign nonconforming under this section and in existence on the date of this ordinance, if on private property, shall be removed immediately upon change of ownership of the property upon which the sign is located.

8-3J.760 NON-CONFORMING SIGNS

Any sign that existed prior to the effective date of this Article (when originally adopted by Ordinance No. 723 on 21 August 2002), but does not conform to the provisions and requirements set forth in this Article, shall be a “non-conforming” sign. Non-conforming signs may be continued and maintained in reasonable repair, but shall not be altered, relocated, or replaced, (even if accidentally destroyed) except as provided in this Section:

- A. An existing non-conforming sign may not be altered or replaced unless reviewed and approved by the City Planner or Planning Commission. To grant such a permit, the City Planner or Planning Commission must find:

1. That the proposal meets all criteria for a conditional use permit under Section 8-3L.270; and
2. That the non-conformity will not be increased in any respect.

Application shall be made on forms provided by the City under Section 730. The filing fee and the procedure thereafter shall be the same as for a conditional use permit.

8-3J.770 VARIANCES

Any person or firm, including but not limited to, a sign owner, a tenant, the fabricator, installer, or painter of a proposed sign, may seek a variance to the provisions of this Article by following the procedures prescribed by Article 8-3L.4. The fee for a variance shall be in an amount fixed by ordinance. The Planning Commission may grant a variance to this ordinance if, after holding a public hearing, it finds:

- A. Uncommon Condition of Premises or Nature of Use. Because of circumstances beyond the control of the applicant, including the lot size, shape or orientation; the topography; or the location of other signs or obstructions, the proposed sign is the only practical method to adequately identify and advertise the premises; or the sign has a special quality, such as a barber pole, that traditionally identifies the given use; or the proposed sign helps to accentuate the quality of any historical structure or policy identified by City ordinance; and
- B. No Detriment. The proposed sign will not be detrimental to the neighborhood environment, is within the intent and purpose expressed in Section 710 of this Article, and will conform with the Comprehensive Plan; and
- C. Minimum Variance. The proposed sign represents the minimum variance necessary to carry out the purposes set forth above.

8-3J.780 PENALTIES

On conviction, any person who violates any of the provisions of this Article shall be punished by a fine not exceeding \$150 per day of the violation, or by confinement not exceeding five days, or both, in the discretion of the municipal court. Such person shall be deemed guilty of a separate offense for each day that the violation continues. The continued maintenance of a sign installed in violation of this ordinance constitutes a public nuisance and it, or the condition constituting the violation, may be abated in accordance with the procedures of the general nuisance abatement ordinances of the City (Ch. 4-8); provided that the violation constituting the nuisance has been adjudged after a Talent Municipal Court hearing. The City Council may, after according the property owner ten (10) days notice and a reasonable opportunity to be heard before the City Council, authorize the Chief of Police or designated Code Enforcement Officer to go upon the premises and summarily abate the nuisance.

8-3 Division J. Article 8.

SOLAR ENERGY AND ACCESS

8-3J.810 PURPOSE

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. As a general rule existing zoning regulations for height, setback, and lot density limitations in residential areas are sufficient to permit adequate access to sunlight by each lot without obstruction by adjacent structures. 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.

8-3J.820 USE OF SOLAR COLLECTORS

The use of solar energy collectors for the purpose of providing energy for heating and/or cooling is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures in the nearby vicinity. Use of solar energy collectors is subject to the restraints imposed by the diversity of topography within the City of Talent city limits plus the zoning, height and setback limitations contained within this Chapter, and existing trees. No guarantee is hereby given that all property within the city limits of the City of Talent is entitled to the use of solar collectors. However, as a general policy, reasonable care should be taken to protect the opportunity for the utilization of solar collectors at all of the locations available.

8-3J.830 PROTECTION OF SOLAR COLLECTOR'S ACCESS TO LIGHT

- A. Solar easements across contiguous or nearby lots, tracts, or land may be created to establish a window of exposure to the sun so as to protect an existing or intended solar collector's exposure to the sun from obstruction by buildings and trees.
 - 1. Solar easements may be purchased, reserved, granted, or otherwise obtained. Adverse possession cannot create such an estate.
 - 2. An easement infringed upon is a compensable property right through private remedy.
- B. Solar easements shall contain at least:
 - 1. A legal description of the real property benefited and burdened by the easement; and,
 - 2. A description of the solar energy easement sufficient to determine the space over the burdened property which must remain unobstructed.
- C. A solar easement may, at the discretion of the easement owner, be recorded and filed in the office of the County Recorder and copies thereof filed with the City Recorder.
- D. Any person seeking a building permit to construct or modify any structure or building so as to

increase the consumption of airspace over that lot shall certify in writing that no solar easement exists over that lot. Where a solar easement exists, the applicant for the permit shall present a copy of the deed containing the legal description of the easement unless the easement is already recorded with the City Recorder. Should the City Planner determine that the proposed construction would intrude upon the easement, no building permit shall be granted.

8-3J.840 SPECIAL HEIGHT AND SETBACKS TO PROVIDE SOLAR ACCESS

- A. The Planning Commission may grant a variance to setbacks and other lot requirements prescribed by a zone in which a development is proposed, or require special setbacks and heights for buildings, objects or vegetation in order to permit unimpaired access to the sun. Special setbacks or heights requested or required shall conform to the following conditions:
1. **Development within developed areas.** When a development is proposed in an area where shadows will be cast on properties that are fully developed, special setbacks and heights requested or required shall not permit a proposed development to:
 - a. Interfere with an existing solar collector attached to a dwelling, a passive solar system or solar easement; and
 - b. Cast a shadow on a major south wall of a building used for human occupancy;
 - c. Under unavoidable circumstances, major south roof access may be considered adequate solar access for properties within a reasonable vicinity when:
 - (1) Lot size and shape, existing land use, and topographic conditions prohibit better solar access; and
 - (2) The affected property owners have been notified of the intended proposal and the effects on their property and have either given their written approval or have not provided comment within twenty (20) days.
 2. **Development within undeveloped areas.** When a development is proposed in an area where shadows will be cast on properties that are vacant or not fully developed, special setbacks and heights requested or required shall not permit the development:
 - a. To cast a shadow within an existing solar easement;
 - b. To cast a shadow within the buildable area of the shaded property or cast a shadow higher than six (6) feet at the property line, whichever provides greater flexibility for the developer of the proposal; or
 - c. Preclude the opportunity to reasonably install a solar collector or utilize other passive or active solar techniques upon shaded property.
 3. **Determination of developed and undeveloped areas.** The City Planner shall determine whether a development proposed is in a developed or undeveloped area, or whether it is partially located in both. The Planning Commission and City Council may reverse the Planner's decision.

- B. If, for reason of solar orientation, a development such as a subdivision, or several contiguous lots are being developed cooperatively or as a unit, all yard regulations may be varied to carry out said purpose, providing that the Planning Commission after public notice and hearing, as set forth in 8-3M.150 , is of the opinion that such a development will not be injurious to adjacent property.
- C. For determining shadow patterns, a 16-degree solar altitude shall be used and shadows shall be determined for those cast between the hours beginning at 9:00 a.m. and ending at 3:00 p.m., Pacific Standard Time on the 21st day of November. The hours of 9:00 a.m. and 3:00 p.m. on November 21 constitute a 45° measurement east and west of due north.

[amended 15 October 2008; Ord. No. 847]

WIRELESS COMMUNICATION FACILITIES

8-3J.910 APPROVAL STANDARDS FOR WIRELESS COMMUNICATION FACILITIES

- A. Purpose and Intent - The purpose of this section is to establish standards that regulate the placement, appearance and impact of wireless communication facilities, while providing residents with the ability to access and adequately utilize the services that these facilities support. Because of the physical characteristics of wireless communication facilities, the impact imposed by these facilities affect not only the neighboring residents, but the community as a whole. The standards are intended to ensure that the visual and aesthetic impacts of wireless communication facilities are mitigated to the greatest extent possible.
- B. All Wireless Communication Facilities, Towers or Antennae, shall meet the following:
1. For existing facilities, a request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of the tower or base shall not be denied (47 USC § 1455 Wireless Facilities Deployment, 2012). These modifications are limited to the following:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of equipment.
 2. All facilities shall be installed and maintained in compliance with the requirements of the Building Code. At the time of building permit, the applicant shall provide written statements from the Federal Aviation Administration (FAA), the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communication Commission that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.
 3. Strobe lighting is prohibited. Therefore, any facility that requires such illumination is prohibited. If Federal regulations require strobe lighting and an alternative is possible, the alternative shall be used.
 4. All facility applications shall contain documentation showing that the emissions of the proposed facility, and the cumulative emissions of this facility and any collocated or nearby facilities, shall meet the occupational/controlled and general population/uncontrolled electromagnetic radiation emission standards established by the Federal Communications Commission (FCC), 47CFR§1.1310.
 5. Prior to construction of a Wireless Communication Facility the Owner/Operator shall provide a deposit to the City of Talent for the estimated cost of removal and disposal of the facility and equipment as well as give consent to allow city to enter the property.
 6. If a Wireless Communication Facility ceases to be operational the owner/operator has 6 months to decommission the facility. The Community Development Director

may grant a 6-month extension to this requirement. Requests for extensions must be in writing and must be received by the Community Development Director within the initial 6-month period. The property owner shall bear the ultimate responsibility for removal of decommissioned facilities. If the facility is not decommissioned within one year, the City of Talent shall decommission the facility and the owner/ operator shall forfeit the deposit and shall be billed for any remaining balance.

7. Any application to locate an antenna on a building or structure located in the Old Town Design Review District shall be subject to review by the Talent Architectural Review Committee.

C. **Type-II Review.** Wireless Communications antennae are permitted in all Zones but limited to existing facilities within the public right of way in any zone designated residential under Type-II Site Plan Review application provided the following conditions are met:

1. The antenna must be mounted on another structure allowed in the zone, such as a rooftop, light pole, or utility pole and blend in architecturally with the structure to which it is attached.
2. Any equipment associated with an antenna must be located within the exterior walls of the building to which the antenna is attached or it must be screened from view of the public right-of-way and any adjacent property by an opaque hedge or fence five to six (5–6) feet high and of a design appropriate to the building or neighborhood. If the equipment is located on the roof it must be set back and screened so that it is not within public view or it must appear to be part of the building.
3. A photo of the antenna at a similar installation, including a photo montage that includes the antenna within the surrounding area.

D. **Conditional Use Permits.** Wireless Communications towers are allowed subject to the provisions of Section 8-3L.2.

8-3 Division J. Article 10. PUBLIC TREES

[Adopted by Ord. No. 918; 7/15/2016]

8-3J.1000 DESCRIPTION AND PURPOSE

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

8-3J.1010 DEFINITIONS

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

8-3J.1020 PREMISSION TO PLANT OR REMOVE

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

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

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

D. **Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:

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

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

8-3J.1030 TREE PLANTING NOTIFICATION

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

8-3J.1040 TREES PROHIBITED

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

8-3J.1050 PUBLIC TREE MAINTENANCE

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

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

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

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

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

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

8-3J.1060 PUBLIC TREE COMMITTEE

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

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

8-3J.1070 ARBOR DAY OBSERVANCE

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

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

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

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION K. ARCHITECTURAL DESIGN STANDARDS

Article 1. Design Standards – Old Town Design District

Article 2. Design Standards – Large Retail Establishments

8-3 Division K. Article 1

DESIGN STANDARDS—OLD TOWN DESIGN DISTRICT

8-3K.110 PURPOSE

The purpose of the *Old Town* Design Standards is to respect and enhance the character of Talent's original core areas while maintaining the city's traditional, rural, vernacular architectural heritage. The *Old Town* area has been the commercial and residential heart of the community since Talent's settlement and it is the intent of the City to retain a strong connection with that history as new construction, alteration, or additions to existing structures occurs.

Building upon previous studies in the City and the adopted Historic Element "A" of the Comprehensive Plan, the *Old Town* Design Standards are based upon common architectural designs, materials, and other built characteristics typical of Talent's original building forms. Using these historic models as a template for new construction allows growth and development that respects Talent's history and builds upon our quality of life. It is not the intent of the design standards to freeze time and halt progress or restrict an individual property owner's creativity, but rather to guide proposals and provide a set of parameters for new construction and remodeling within the *Old Town* Design District to assure compatibility with and respect for their surroundings.

Design Review procedures are described in 8-3L.7.

The following standards shall be used as part of the land use approval process when new development and exterior renovation is proposed in the *Old Town* Design District. Applicants shall demonstrate compliance with the design standards in order for the review body to approve the proposal. The appeal process is found in 8-3L.7.

8-3K.120 REMODELING OF EXISTING STRUCTURES

A. Remodeling Standard 120(A): Original Elements

Elements that are original to a vintage, traditional or historic structure (defined in this standard as primary, secondary, contributing, non-contributing-historic, or any structure 50 years or older) are an important characteristic. These elements enhance appeal and retain the overall historic fabric of a neighborhood. In most cases, these original parts should be restored, first by restoring the original and, if that is not possible, replacing only those parts that are missing or badly damaged with in-kind material. Where alterations to an exterior are proposed, they shall conform to the following:

1. **Doors:** The original door and opening should be retained, unless beyond reasonable repair. If a new door must be used the style should match the original whenever possible.
2. **Windows:** Original windows should be retained and, if necessary, restored to working

condition. If desired, they can be insulated using the energy conservation methods listed below. Original glass should be retained whenever possible. If all of the above is not possible, then the frame should be retained and a true retrofit sash replacement shall be installed that matches the glass pattern of the original window.

3. Chimneys: Chimneys made of brick or stone shall be retained, and repaired using proper masonry techniques and compatible mortar that will not chemically react with the original masonry and cause further deterioration. If the chimney is no longer in use, the opening should be covered with a metal or concrete cap. If the chimney is to be used, but has been determined to be unsound, the chimney masonry should be retained, as above, and a new flue inserted into the opening.
4. Gutters: Original gutters should be retained, if possible. Half round gutters and round downspouts are highly desirable, and can be obtained from local manufacturers.
5. Architectural Elements: Window trim, corner board trim, sills, eave decorations, eave vents, porch posts, and other types of original architectural trim should be retained. If parts are missing, they should be replicated using the same dimensions and materials as the original. If only a portion is damaged, the portion itself should be repaired or replaced, rather than replacing the whole element.
6. Siding: Original siding should be maintained; first by repairing damaged sections then, if that is not possible, replacing damaged or missing sections with in-kind matching material. In some cases, original siding may have been overlaid during a later historic period with combed cedar siding, which is a historically appropriate material that may be retained if desired.

B. Remodeling Standard 120(B): **Front-Facing Presentation**

Traditionally, the portions of a structure facing the public right-of-way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right-of-way is important and greatly adds to the appearance.

1. Skylights: Skylights are not permitted on any side of the structure visible from the public right-of-way, except alleys, and shall be of low profile.
2. Roof vents: Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right-of-way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.

3. Plumbing vents: Vents should, wherever possible, be placed on the side of the structure least visible from the public right-of-way, and painted to blend with the color of the roofing material.

C. Remodeling Standard 120(C): **Weatherization & Energy Conservation**

Modern energy conservation results can be obtained by using traditional conservation methods. Attics and floors should be insulated to conserve heat loss in the winter and insulate against the heat in the summer. Windows and doors should be caulked around the inside trim, and copper leaf spring type weather stripping or similar installed to seal leaks. Storm windows (exterior or interior mounted) should be put up during the winter months to create insulation. Windows can be further insulated in winter using insulated-type curtains or honeycomb blinds; in summer, curtains or blinds reflect heat. Using deciduous trees and plants provides additional protection from summer heat. In an attempt to reduce the building's energy consumption and limit thermal heat gain, metal roofing may be permitted if evidence is submitted the structure historically has had metal roofing.

8-3K.130 COMMERCIAL STRUCTURES

The traditional commercial core area of Talent, including those properties facing Talent Avenue between Wagner Street and Colver Road, reflects the historic character of the community as a small, rural, service area. Buildings here have historically been of modest scale and construction, consistent with the community's vernacular design heritage. In order to reflect that basic character in the core the following standards govern all new commercially zoned construction and remodeling projects requiring a structural building permit.

The massing of a building includes its overall bulk, orientation, and placement on the site, forming the visual relationship between the building and its surroundings. Individual aspects of massing, particularly height, are subject to specific Standards below:

A. Commercial Standard 130(A): **Volume & Mass**

1. Setbacks:
 - a. Setback: Minimum: Two (2) feet; maximum five (5) feet. The surface area in the front or side setback area along the street shall match the existing surface material of the public right-of-way with the goal of creating a safe and attractive pedestrian amenity. Surface area in front area setback shall be durable hardscape but may include areas for small planter beds, flower boxes or chairs and tables, with the goal of creating an attractive pedestrian amenity.
 - b. Open Space Setback: Minimum: zero (0) feet; maximum: twenty (20) feet for the primary facade facing the public open space. No parking or vehicular drive isle is permitted within the setback unless already existing or approved or contemplated as part of the West Valley View Master Plan. Such existing parking and drive isles are to be considered legally grandfathered, but non-conforming. Surface area may include landscaping or hard surface materials or mixture thereof.

2. Street Elevations:

- a. Primary: All buildings will be sited with the primary facade facing the public right-of-way, including the open space area, but excluding public alleys.
- b. Secondary: All building walls that are not visible from the public rights-of-way or abut a public alley, driveway or another wall. Design of the secondary façade may have less ornamentation but shall include a defined and articulated sense of entry. Such entryways may include extended awnings, plaza spaces or courtyards.
- c. Trash enclosures or similar services are excluded from primary elevations except those facing the public open space. Such services must be screened from public view.
- d. Trash enclosures or similar services may be installed along secondary elevations provided they are screened.

3. Width:

- a. Commercial buildings shall extend from side lot line to side lot line to create a solid streetscape along the public right-of-way. An exception to this standard may be granted to provide for plazas, courtyards, dining areas, or pedestrian access. (See 130(E), below, regarding vertical divisions). This exception may also apply to existing residential buildings converted into commercial space in order to retain the structure's original appearance.

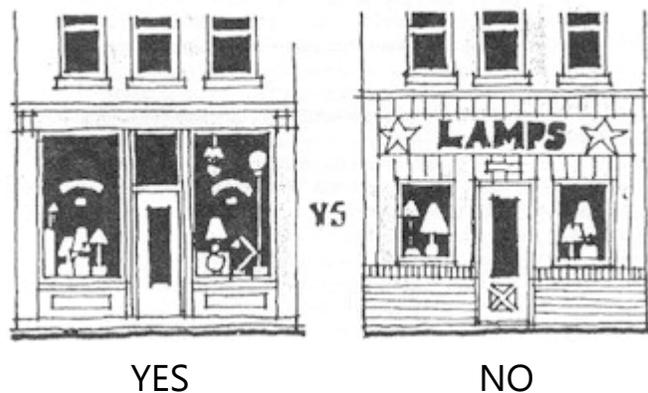
B. Commercial Standard 130(B): **Openings**

To maintain and insure a pedestrian-friendly scale within Talent's traditional commercial core, storefronts and upper facades shall reflect the following:

1. Verticality: All facade window openings shall have a generally vertical proportion (i.e., a height-to-width ratio of 1.5 : 1 or greater; *for example*, a 24-in. wide window would be at least 36 in. tall). An exception to this standard is allowed for large, fixed storefront windows. In such cases, transom panels spanning the entire storefront glazed area are encouraged.
2. Transparency: Ground floor storefronts should be predominately "transparent," with a minimum of 75% glazed surface area, including entry doors (see *Fig. 130-1*).
3. Prohibited Opening Types:
 - a. Sliding or "French" entry door sets on the facade (such doors are permitted on side and rear elevations only).

- b. Roll-up garage doors (metal or wood), on street-facing sides (such doors are permitted on side, rear, and alley elevations only). Uses requiring large garage openings on the facade may use sliding or bi-fold doors; wood or metal doors with multiple glass panels are encouraged.
- c. Reflective glazing, "mirror glass" and similar.
- d. Horizontal slider windows (i.e. vertically oriented slider windows).
- e. Arched or "fan light" type windows, except where inset into an articulated structural opening.

Figure 130-1. A good example versus a bad example of transparency.



C. Commercial Standard 130(C): **Height**

In order to increase opportunities to transit, reduce transportation impacts, and promote pedestrian activity, multiple-story commercial or mixed-use construction is encouraged. All new commercial and mixed-use construction in the zone is subject to the following standards:

1. Maximum: No building may be greater than 2½ stories nor shall exceed 30' in height. A ½ story as defined herein is the floor area above the second floor. No ½ story shall be larger than 60% of the total square footage of the second floor and shall be recessed a minimum of ½ the total height of the primary façade from the front in order to minimize mass and scale from the primary rights-of-way which would include corner buildings with two primary facades.
2. Minimum: No *single-story* building shall have a top plate height of less than 16 feet at the public right-of-way (a *top plate* is the top horizontal member of a frame wall supporting ceiling joists, rafters, or other members).
3. Variation: Building height shall be differentiated from the height of adjacent buildings to avoid a solid street wall of uniform height. An exception to this standard will be made for buildings that incorporate a projecting vertical division in the facade treat-

ment that visually separates the facade from adjacent buildings, such as a column, pilaster or post.

D. Commercial Standard 130(D): **Horizontal Facade Rhythm**

To maintain the rhythm of Talent's traditional architecture, all new commercial construction shall respect the three-part "base-shaft-capital" facade system common to pre-WWII commercial designs.

1. Base: Buildings shall provide a visually articulated foundation or "base" feature at ground level, typically rising to the bottom of the sill height. A "base" may be created by detail or a change in material or form that differentiates the base from the upper portions of the facade. (i.e. a brick or tiled "base" on a concrete building, or a paneled wood base on a horizontal sided wood building) This standard may also be met by projecting elements or change in surface planes that employ a common material, i.e. a projecting brick sill and "apron" on a brick wall or a cast concrete shoulder that projects away from a concrete wall.
2. Stringcourse: Prominent horizontal lines shall be maintained between all floor levels, visually dividing the facade into horizontal sections that reflect the interior levels. Such features may be projecting or incised bands of common materials (as in brick or concrete) or applied trim, as in a wooden "bellyband." See Figure 130-4
3. Cornice Details: All buildings shall have a "cap" element at the uppermost portion of the facade that visually terminates the main facade surface. Cornice details may be integrated into a stepped or decorative parapet or consist of an articulated line that projects from the main surface plane. Modest marker blocks stating building name and date of construction are strongly encouraged.

E. Commercial Standard 130(E): **Vertical Facade Rhythm**

Reflecting the narrow lots common in Talent's downtown and creating visual interest that enhances the pedestrian scale, commercial facades shall have strong and clearly articulated vertical elements.

1. Multiple Bays: All storefronts shall be divided into vertical "bays" through the use of structural members such as columns, pilasters, and posts, or by the use of other surface detailing that divides large walls into narrower visual panels. No structure shall have a single "bay" larger than 30 feet (based upon the lot width of the Original Plat of the Town of Talent). Buildings occupying one or more original town lots (i.e., greater than 30 feet in width) shall be visually divided into multiple bays of 30' or one-half the overall lot width, whichever is the lesser. For example, the facade of a 50-foot wide structure shall be visually divided into two 25' wide bays. An 80' foot structure may be divided into two 30' bays and one 20' bay or into four 20' bays, either of which will meet this standard.

- a. **West Valley View:** In the West Valley View area, buildings shall follow the above standard to maintain vertical rhythms to create attractive pedestrian scale on all primary facades (i.e. facing East Main, Wagner Street or the open space area). On primary facades no single bay shall be larger than 30 feet in width, as defined by articulated vertical elements such as pilasters, columns, posts or other surface detailing. Buildings occupying larger tax lots shall be visually divided into multiple bays of 30' in width or less. For example, the façade of a 100' wide structure may be divided into three 30' bays and one 10' bay, four 25' bays, two 30' bays and two 20' bays or any multiple thereof providing no single bay exceeds 30' in width. The use of asymmetrical bays of varied widths meets this standard and is encouraged.
2. **Edge Definition:** All storefronts shall use a pilaster, engaged column, or other structural or decorative vertical element at each side lot line, to create visual division from the adjacent structure. (See 130(C)(3), above, regarding the use of projecting elements). For structures that do not extend from sideline to sideline (as per 130(A)(3), above) the outermost building corner will be treated as the edge for compliance with this Standard.



Figure 130-2 Positive modern example of Horizontal & Vertical Façade Rhythm.

F. Commercial Standard 130(F): **Sense of Entry**

All commercial buildings shall have a clearly defined "sense of entry," with the primary public access serving as a focal point in the visual organization of the facade. This can be accomplished via structural articulation, such as in a recessed entry, or through the use of trim, materials, or other elements. A clear and defined sense of entry facilitates retail activity and adds significantly to the pedestrian interest of the street.

1. No door may swing open into any public way.
2. Doors: Primary commercial entrances shall be primarily transparent with no less than 50% of the total surface consisting of glass.
3. Integration: Entryways shall be architecturally integrated into the vertical and horizontal rhythms of the facade.
4. Depth: Recessed entries shall be no less than three (3) feet in depth.



Figure 130-3 Collection of buildings that employs vertical and horizontal changes, cornice variations, and a range of window styles. Note that most of the groundfloor openings have lots of glass, which is desirable.

G. Commercial Standard 130(G): **Roof Forms**

Traditional commercial roof forms, including flat, single-slope, or bowstring and other trussed roofs, are all typical of downtown Talent. Other roof forms, particularly gables, were commonly screened from the public right-of-way.

1. False-front gables and parapets are required to hide pitched roofs, unless otherwise permitted by the review body.
2. Mansard roofs are prohibited.

H. Commercial Standard 130(H): **Exterior Surface Materials**

Exterior building materials shall be consistent with those traditionally used in commercial construction in Talent.

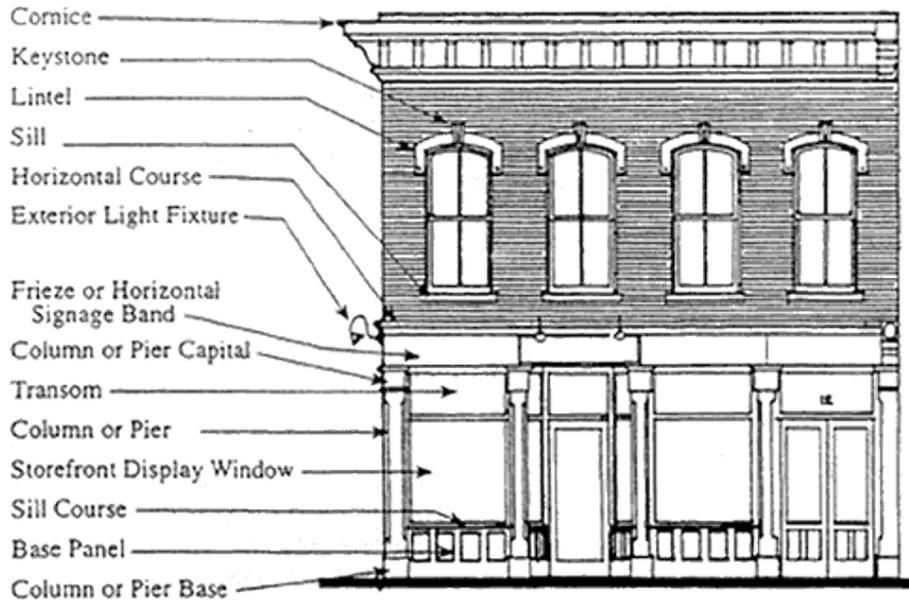


Figure 130-4 Anatomy of commercial façade. Like the preceding images, it contains a strong Horizontal & Vertical facade rhythm.

1. Permitted materials include, but are not limited to:
 - a. Painted horizontal wood, cement fiberboard, or manufactured wood-based siding (all of which must be smooth finished rather than displaying a fake “wood grain” relief).
 - b. Board-and-batten vertical wood siding, painted.
 - c. Brick: Traditional use of brick laid in common bond is preferred. Split-faced or “Roman” brick may be appropriate for bulkheads or detail treatments but is prohibited as a primary building material. Highly decorative “washed”, glazed, or molded brick forms are discouraged.
 - d. Stucco.
 - e. Poured concrete (painted or unpainted).
 - f. Concrete block: Split faced concrete block is appropriate for foundations, bulkhead, or detail treatments but is prohibited as a primary building material. Smooth-faced concrete block is prohibited when visible from the public right-of-way, except when used for a building base.
 - g. Corrugated metal (roof or wall) in traditional zinc/galvanized finish and profile only. Prefinished grey meets this standard; all other prefinished colors are excluded.
 - h. Glazed ceramic tile, particularly for use in bulkhead or storefront areas.
2. Prohibited materials include:

- a. Stucco-clad foam (EIFS) and similar foam-based systems.
- b. Standing-seam metal sheet goods
- c. T-111 or similar 4' x 8' sheet materials, unless the material is rough-sawn and 1.5- to 3-inch batten is used on 12-inch to 16-inch centers.
- d. Horizontal metal or vinyl siding.
- e. Metal or glass curtain wall construction.
- f. Plastic (vacuum-formed or sheetgoods).
- g. Faux stone (slumpstone, fake marble, cultured stone) and all similar stone veneer surface treatments).
- h. Shingle siding, log construction, fake "rustic" wood, pecky cedar, or similar products designed to create a "frontier-era" effect.
- i. Cinder block for any use, because of its appearance and its low compressive strength.

I. Commercial Standard 130(I): **Awnings and Marquees**

Awnings and marquees projecting from the facade over the public right-of-way are a traditional commercial element and enhance pedestrian interest and use by providing shelter. Such features are encouraged but are not required in the zone. Where awnings or marquees are an element in a proposal they shall conform to the following:

1. Scale: Awnings and marquees shall be proportionate in size to the facade and shall not obscure architectural detail.
2. Placement: Awnings should fit entirely within the window or door openings, retaining the vertical line of columns and wall surfaces. Storefront awnings may be full width, crossing interior posts, to a maximum of 25 feet, provided the edge-definition (See 130(E)(2), above) remains visible.
3. Awning Materials
 - a. Permitted/Encouraged: Cotton, acrylic canvas, or canvas-like materials.
 - b. Prohibited: vinyl awnings.
 - c. Fixed metal awnings of corrugated metal are permitted provided the pitch is 5/12 or less.
 - d. Wood shingle awnings are permitted provided the pitch is 5/12 or less.
4. Marquee Materials
 - a. Preferred: Natural or painted metal surfaces over an internal structural framework are a traditional marquee design.
 - b. Permitted: Painted wood marquees.

- c. Prohibited: Plastic panels or any form of internally illuminated marquees.
 - d. Glass or transparent elements that reveal other light sources are excluded.
5. Shapes: Traditional single-slope awnings are preferred. "Bubble" or rounded shapes are prohibited except when used with rounded structural openings of the facade wall such as arch-topped windows. Projected "slab" marquees, with angled tie-backs as needed, are preferred.
 6. Lighting: Internal awning lighting is prohibited. Canned 'downlights' within a marquee are permitted.
 7. Signage: Signs or painted graphics are limited to the valance or "edge" of the awning or marquee only.

J. Commercial Standard 130(J): **Secondary Elevations**

By nature, non-street or alley-facing elevations were less detailed than the primary facade. Rear and sidewall elevation may accordingly be less detailed than storefronts and built of simple materials.

1. Public Rear Entrance: When a rear or alley entrance serves as the primary or secondary public entrance, such as an elevation facing the public open space area between Main and Wagner Streets, modest detail or highlight should create a "sense of entry" as in 130(F), above. Even when intended as the primary entrance to the use, rear entrances should remain essentially functional in character, thereby reinforcing the primacy of the street-facing elevation.
2. Corner Entrances: When a storefront includes a corner entry, both adjacent facades on the public rights-of-way shall both be treated as the "facades" for purposes of these Standards. When a storefront has a visible sidewall elevation as the result of 130(A)(3), above, that elevation shall be treated as a facade in addition to the primary facade.

K. Commercial Standard 130(K): **Additions to Existing Buildings**

Additions to existing commercial buildings in the *Old Town* Talent area are subject to the same standards as new construction, except as limited by the following:

1. Compatibility: Additions to existing properties that are visible from the public right-of-way will continue the existing character of the resource or return to the documented original character in scale, design, and exterior materials. The creation of non-documented elements outside the traditional vernacular character such as towers, turrets, elaborate surface decoration and similar "earlying-up" is prohibited. [Earlying-up is defined as the process of creating a false and more elaborate history than is appropriate within an area's traditional development pattern. In Talent "earlying-up" would in-

clude the use of elaborate architectural styles, materials, or construction forms only found in San Francisco, Portland, or other larger cities]

2. Attachment: Additions should “read” as such, and be clearly differentiated from the historic portion of the structure and shall be offset or “stepped” back from the original volume a minimum of four (4) inches to document the sequence of construction. An exception to this standard is allowed for the reconstruction of previously existing-volumes that can be documented through physical or archival evidence.
3. Storefront volumes: Additions that extend the storefront/facade of a structure, even when creating a joined internal space, shall be treated as a new and separate building facade for review under these Standards.
4. Non-Compatible Materials: Repair of existing non-compatible materials is exempt from 130(K)(1). Rear-facing additions to existing buildings may continue the use of these non-compatible materials so long as they are a continuation of such materials.
5. Rear Additions, Excluded: Storage with no physical attachment to the existing volume or other functional additions of less than 1,000 square feet located to the rear of an existing volume, and not visible from the public right-of-way are excluded from compliance with these Standards. Such functional additions shall include covered porches, loading docks, and similar features provided they are not intended for public use or access.

L. Commercial Standard 130(L): **Demolition of Existing Buildings**

Demolition of existing buildings within the Old Town area is discouraged. An applicant seeking demolition of a structure shall justify the demolition by demonstrating the structure can not be restored or rehabilitated economically to the Architectural Review Board prior to the issuance of a Demolition Permit. The Architectural Review Board shall consider the economics and accuracy of the proposal, the underlying zoning provisions as well as the structure’s existing non-conforming status in making its findings. The applicant, as well as the Architectural Review Board, shall also consider available grants when considering the structure’s economic feasibility.

M. Commercial Standard 130(N): **Parking**

Private parking is not a requirement in the CBD Zone in order to encourage a more pedestrian and less auto-centric environment. Nevertheless, surface parking is permissible as long as there is one drive isle serving a single side of parking spaces which generally has a width of 43’ (depends on type of parking space). Double row parking is permissible when not visible from the public right-of-way, within enclosed buildings, on second floor parking structures or within a basement area.

8-3K.140 RESIDENTIAL STRUCTURES

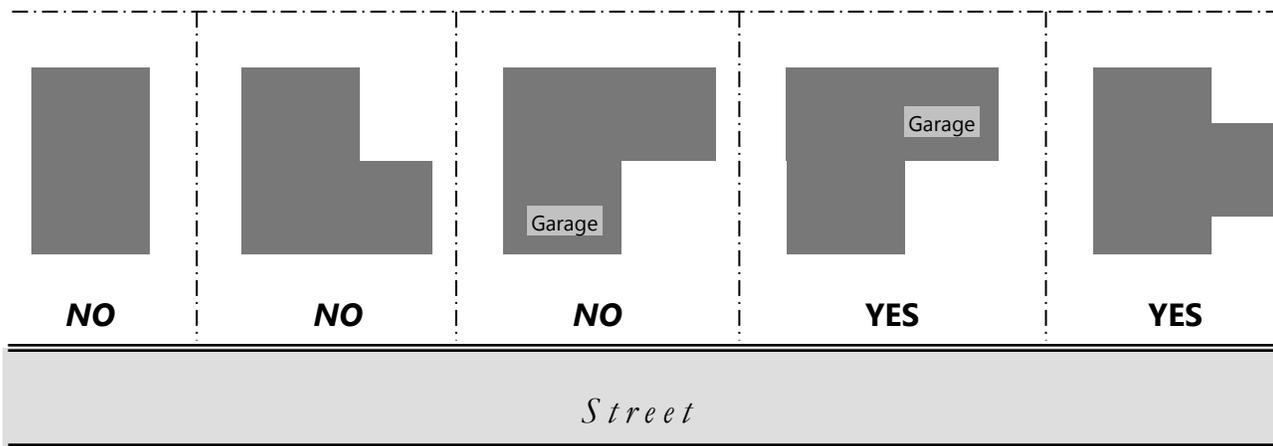
Historically, the *Old Town* Area contained both commercial and residential structures, often intermixed on the same block. Today, many of the city's oldest residential structures remain as private dwellings while others have been converted to professional office or other commercial uses. The following Standards are intended to reinforce the traditional mixed architectural character of the district and apply equally to all residential designs, including those now used for other commercial purposes, such as professional offices, restaurants, antique stores, and other similar uses.

A. Residential Standard 140(A): **Volume & Mass**

Historically, residential architecture in the *Old Town* core was composed of multiple volumes, with extended porches, intersecting roof lines, dormers, and other features creating a complex whole rather than a single large volume. To maintain that traditional visual character, the following standards apply:

1. **Verticality:** Buildings shall have a generally vertical character or are composed of a primary vertical element surrounded by more horizontally aligned wings.
2. **Complexity:** Single large volumes are prohibited. Total area shall be contained within a minimum of two intersecting volumes as seen from the street, of which the garage is not foremost (as illustrated in *Figure 140-1*). A separate porch roof meets the requirement.
3. **Height:** No building may be greater than 2½ stories or 35 feet in overall height (measured to tallest ridge or coping point). Major roof ridges shall be no lower than 16 feet in height. [Note: this lower limit is designed to encourage steeper gables as opposed to low-pitched roof forms].

Figure 140-1. Illustration of 'complexity' as per 140(A)(2).



4. Context. This standard regulates the massing of new structures relative to their surroundings. The objective is to establish similar “street presence” by adjusting setbacks and coverage to better resemble neighboring structures. The context standards follow:
 - a. Front Setback: New residential structures will have the same front setback as the average of the front setbacks of existing structures on same side of the street within the same block or 200 feet, whichever is less.
 - b. Side Setback: The side setback are five (5) feet for buildings less than 18 feet high and 5 feet plus 0.5 feet for each additional foot of height.

B. Residential Standard 140(B): **Roof Forms and Materials**

Roofs play a significant role in the overall character of a structure and, in combination with 140(A), shelter the complex volumes typical of the traditional development pattern.

1. Pitch: Roof pitches of less than 6/12 for gables are prohibited. Roof pitches of less than 5/12 for hipped roofs are prohibited. Flat roofs visible from the street are prohibited. An exception to this standard may be made for porch roofs attached to the primary volume.
2. Complexity: As per 140(A)(2), single large roof forms are prohibited.
3. Materials:
 - a. Acceptable:
 - (1) asphalt shingle
 - (2) wood shingle
 - (3) wood shake
 - (4) Other historically acceptable materials, as determined by the Architectural Review Committee.
 - b. Prohibited (when in view of a public street right-of-way):
 - (1) metal roofing (Exemptions permitted per 120(C))
 - (2) concrete tile roofing
 - (3) hot-mopped asphalt
 - (4) terra cotta tiles and other non-historic materials, unless documented as historically an element of the design.

C. Residential Standard 140(C): **Siding/Exterior Cladding**

1. Permitted exterior materials:

- a. Horizontal wood siding, maximum 8" exposed to weather. Smaller exposure of 6" or less is encouraged. Concrete or manufactured wood-based materials are acceptable under this Standard. This includes so-called "Cottage Siding" of wide panels scored to form multiple horizontal lines. Applicants are strongly encouraged to use smooth surfaces, not "rustic" or exposed wood grain pattern materials, which are 'not consistent with historic building materials.
 - b. Wood Shingle siding (painted shingles are preferred, with a maximum 12" to weather).
 - c. Board-and-batten vertical wood siding, painted
 - d. Brick and/or stone (structural or veneer). (See 140 (C)(3) below).
2. Prohibited exterior materials:
- a. Stucco (other than as foundation cladding or a secondary detail material, as in a gable end or enframed panel).
 - b. Stucco-clad foam (EIFS and similar).
 - c. T-111 or similar 4x8 sheet materials, unless the material is rough-sawn and 1.5- to 3-inch batten is used on 12-inch to 16-inch centers.
 - d. Horizontal metal or vinyl siding.
 - e. Plastic.
 - f. Faux stone (slumpstone, fake marble, cultured stone and similar).
3. Brick veneer or any other masonry veneer of less than twelve (12) inches width in any visible dimension is prohibited. The purpose of this standard is to ensure that veneer masonry has a substantial corner return.

D. Residential Standard 140(D): **Trim & Architectural Detailing**

The vernacular residential architecture of Talent reflects the construction techniques of the late 19th and early 20th century, when buildings had "parts" that allowed for easy construction in a pre-power-saw era. Today, many of these traditional elements are considered "trim," as newer materials better shed water and eliminate the original functional aspects of various historic building elements. This Standard provides for sufficient architectural detail within the *Old Town Area* to assure compatibility between new and old construction and create a rich and visually interesting streetscape.

All residential construction shall employ at least the following elements to meet this Standard:

1. Watertable or decorative foundation treatments (including stucco)



Brackets

sufficient ar-
chitectural de-
tail within the
Old Town Area
to assure com-
patibility be-
tween new and
old construction
and create a
rich and visu-
ally interest-
ing streetscape.

four (4) of

2. Corner boards
3. Eave Returns
4. Stringcourse or other horizontal trim at plate or story levels
5. Eave brackets or support elements
6. Raking cornice or bargeboards
7. Decorative projecting rafter tails
8. Decorative gable end wall details, including change of materials (shingle bands), decorative venting, eave compass features and similar elements
9. Cornice-level frieze.



Eave Return

E. Residential Standard 140(E): **Openings**

Doors and windows form the “eyes” and “mouth” of a building and play a significant role in forming its character.

140(E): Windows

1. Verticality: All windows will be vertically oriented with a width-to-height ratio of 1.5 to 2, or greater (e.g., a 24” wide window must be a minimum 36” tall).

In order to form larger window openings, multiple window sashes; do not use large windows’ (see also (2d) below).

2. Permitted window types:
 - a. Single- and double-hung
 - b. Hopper and transom
 - c. Casement
 - d. Any combination of the above, including groupings containing a central single-pane fixed window flanked by two or more operable windows.
 - e. Glass block
 - f. Fixed leaded or stained glass panels.
3. Prohibited window types:

A “Light” is an individual pane of glass. “Divided-light window” refers to a matrix of smaller panes held in place by muntins. False or Pop-in muntins do not hold glass in place, but instead mimic the appearance.



Muntins

group
'picture

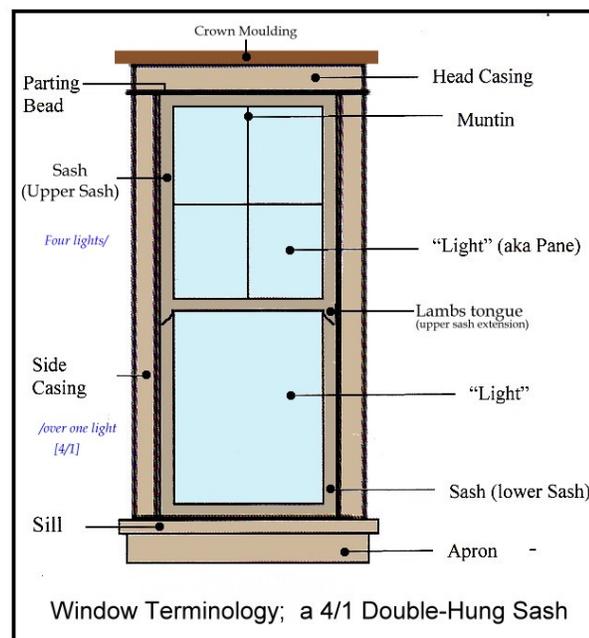
- a. Fixed pane windows (when not within a grouping, as in 140(E)(2d), above).
 - b. Horizontal slider windows (when visible from the public right-of-way).
4. Window details and materials:
- a. Lights: True divided-light windows are preferred. False divided-light windows, including pop-in muntins or other applied "grids" over large panes of glass create a false appearance and are discouraged. Exterior applied muntin bars with shadow/filler elements meet this Standard.
 - b. Sash Materials: Wood windows or metal clad windows are most consistent with the vernacular tradition and are preferred. Paintable fiberglass windows are allowed. Vinyl, anodized or mill-finish aluminum windows or storm windows are prohibited.
 - c. Mirror Glazing: The use of "mirror" or reflective glass visible from the public right-of-way is prohibited.

140(E): Doors

5. Complexity: Solid, flat, single-panel doors are prohibited. Multi-panel wood and wood/glass doors are consistent with the traditional Old Town character.
6. Materials: Doors may be of wood, metal-clad wood, or metal. Other materials that can be painted or stained, such as cast fiberglass, so as to reflect traditional materials, are permitted.

140(E): Trim

7. Sills: All windows will have a projecting sill and apron.
8. Side and Head Casing: Door and window trim will including side and head casing that sits no less than 1/2" proud of the surrounding wall surface. Trim mounted in plane with siding is not permitted. Trim mounted atop siding is not recommended.
9. Other Trim Elements: As described in 140(D), above, the use of trim to articulate the construction process was a standard character-defining element of Talent's vernacular architecture. Although not required by this Standard, the



use of the following traditional door and window trim elements are encouraged, particularly on the primary facade.

- a. Simple window “hoods,” mounted over the window opening. Such features are traditionally treated as pents and clad with roofing material
- b. Parting bead, across the width, between the side and head casings
- c. Crown moldings
- d. Decorative corner elements at the head, apron, or both
- e. Single or dual flanking sidelights at entryways
- f. Transom windows above the major door or window openings

F. Residential Standard 140(F): Porches & Entrances

In combination with doors, front porches help create a “sense of entry” and typically serve as the focal point of the front facade of a structure. Porches should be encouraged and adequately detailed to create a sense of entry and serve as a primary element of the exterior character.

1. Depth: Projecting or recessed porches shall be a minimum of six (6) feet deep. Projecting covered stoops should be a minimum of three (3) feet deep.
2. Width: Projecting or recessed porches should be a minimum of ten (10) feet wide or 25% of the primary facade width, whichever is the lesser.

Projecting covered stoops should be a minimum of five (5) feet wide.

3. Supports: To assure appropriate visual weight for the design, vertical porch supports shall have a “base” of no less than six (6) inches square in finished dimension from floor level to a minimum 32” height. Upper posts shall be no less than four (4) inches square.
 - a. Base features may be of boxed wood, brick, stone, true stucco, or other materials that reflect a support structure. The use of projecting “caps” or sills is encouraged at the transition between the base and column.
 - b. When the entire support post is a minimum of six (6) inches square no base feature is required.
 - c. Projecting covered stoops, with no full-height vertical support, shall utilize members of no less than four (4) inches square.

G. Residential Standard 140(G): Landscape, Fencing & Perimeter Definition

Fencing or other edge-defining perimeter features, including the use of landscape materials, are traditional elements in Talent’s residential areas. Please refer to Article 8-3J.4 for applicable

landscaping standards and requirements. In addition to those provisions, such features within the *Old Town Area* shall also comply with the following Standards to maintain the area's character.

1. Permitted Fence Materials:
 - a. Brick
 - b. Stone
 - c. Wood, including vertical or horizontal board, pickets, split rail, and similar traditional fence designs.
 - d. Woven-metal (arch-top wire), construction cloth (square-patterned) and similar.
 - e. Vinyl, when used in simple plain board, picket, or post-and-board installations.
 - f. Natural metal colored or coated chain link fencing is permitted, but discouraged when visible from the public-right-of-way.
 - g. The mixed use of materials, as in brick columns with wood or woven wire panels is encouraged.
2. Prohibited Fence Materials:
 - a. Plywood or other solid wood panel systems
 - b. Concrete, including concrete block, "split faced" concrete block and similar
 - c. Open-pattern concrete elements except as decorative elements
 - d. Vinyl or wood slat inserts in chain link fencing when in view from the public right-of-way
 - e. Faux stone, including cultured stone, slumpstone, and similar materials
 - f. Molded or cast aluminum
3. Fence Transparency: Solid fences in a front yard may be no higher than three (3) feet. Pickets or wood slats should provide a minimum ½" spacing between vertical elements with larger spacing encouraged. Base elements, as in a concrete "curb" or foundation element are excluded from this standard provided they are no higher than twelve (12) inches above adjacent grade.
4. Gates/Entry Features: In order to create a sense of entry, gates, arbors, pergolas, or similar elements integrated into a perimeter fence are strongly encouraged. Such features may exceed the maximum fence height limit of four (4) feet provided they are less than eight (8) feet in overall height, are located more than ten (10) feet from any public intersection, and do not otherwise reduce pedestrian or vehicular safety.

H. Residential Standard 140(H): Additions to Existing Buildings

1. **Compatibility:** Additions to existing buildings will continue the existing character of the building or will be a reversion to the documented original character in scale, design, and exterior materials. The creation of non-documented elements outside the traditional vernacular character, such as towers, turrets, elaborate surface decoration and similar “earlying-up,” is prohibited.
2. **Attachment:** Additions should be discernable as such, and be clearly differentiated from the original portion of the structure by being offset from the original volume a minimum of four (4) inches. This is in order to document the sequence of construction. An exception to this standard is allowed for the reconstruction of previously existing volumes that can be documented through physical or archival evidence.
3. **Non-Compatible Materials:** Repair of existing non-compatible materials is exempt from 140(H)(1). Rear-facing additions to existing buildings may continue the use of these materials so long as they are a continuation of the existing materials.

I. Residential Standard 140(J): Parking

Private parking is not a requirement in the CBD Zone in order to encourage a more pedestrian and less auto-centric environment. Nevertheless, surface parking is permissible as long as there is one drive isle serving a single side of parking spaces which generally has a width of 43'. Double row parking is permissible within enclosed buildings or on second floor parking structures and within a basement area.

8-3K.150 GENERAL REGULATIONS IN OLD TOWN DESIGN DISTRICT**A. General Regulations 150(A): Driveway Access**

Vehicular access to lots within the CBD Zone shall be in accordance with Section 8-3J.630 of the Talent Municipal Code.

B. General Regulations 150(B): Shared Parking

Although parking is not a requirement in the CBD Zoning District, shared parking agreements are encouraged among property owners and merchants with private parking spaces in parking lots (3 or more spaces) in order to best utilize the resource and minimize underutilized parking lots.

C. General Regulation 150(C): **Utility Location**

Utility lines shall extend directly to the building from the public right-of-way or alley. All electric boxes, meters, etc. shall be located behind or to the side of the building and screened from public view.

D. General Regulation 150(D): **Re-conversion of Residential Structures**

Historical residential structures may revert from commercial to residential as long as long as it meets building codes.

8-3K.160 APPLICABILITY

Except in specific situations noted above, these Standards shall apply equally to all projects in the *Old Town* Design District, including the West Valley View area. Applicants seeking a Variance from these Standards must demonstrate to the review body that compliance would result in an unnecessary and unavoidable hardship and that there is demonstrable evidence the alternative design accomplishes the purpose of the Old Town Design District in a manner that is equal or superior to a proposal designed under the standards herein. Variances from the Standards will not be allowed unless such hardship is adequately demonstrated and proven by the applicant. The variance process is provided in Article 8-3L.4.

The *Old Town* Design Standards shall supersede the applicable standards in Article 8-3J.2 when applied to new construction in the *Old Town* Design District.

8-3 Division K. Article 2.

DESIGN STANDARDS— LARGE RETAIL ESTABLISHMENTS

8-3K.210 PURPOSE

The following design standards are intended to ensure that large retail building development is compatible with its surrounding area, integrates into the natural and built environment, efficiently connects to a multi-modal transportation system, and contributes to the unique and historic character of Talent.

8-3K.220 LAND USE

All large retail establishments shall be located in a group located in a complex which is planned, developed, owned, or managed as a single unit with off-street parking provided on the property. Indoor recreation facilities are exempt from this requirement.

8-3K.230 APPLICABILITY

The following standards will apply to a new large retail establishment and/or complex that meets or exceeds 30,000 square feet of planned building footprint or gross floor area, whichever is greater, or has a facade length that is 100 feet or more along any street frontage.

An existing large retail establishment of said square footage or length or greater shall comply with these standards if proposed renovations or improvements exceed 50% of the market value.

These design standards supplement the applicable standards in this Chapter and apply to all large retail establishments allowed as a permitted use with a site plan review in a designated Commercial Zone (CN, CBD, CBH, CH and CI). In addition, the applicant does have the option of using the Old Town Design Standards if the site conditions facilitate their use or a design preference of the applicant's registered architect. The underlying zoning standards shall apply; however, if a discrepancy exists, the following standards shall apply.

8-3K.240 DESIGN STANDARDS

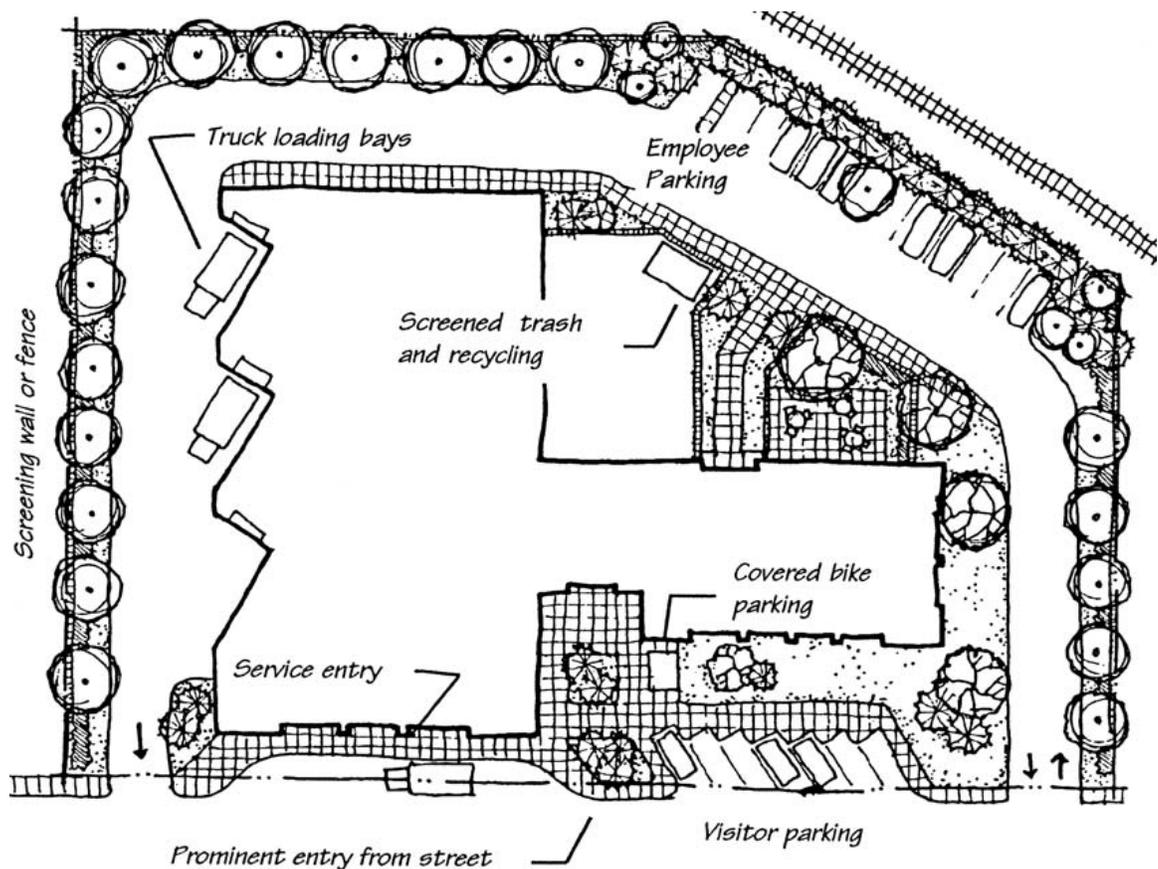
A. Aesthetic Character

1. Facades and Exterior Walls:
 - a. Facades equal to or greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses

having a depth of at least three (3) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed forty (40) horizontal feet.

- b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty (60) percent of their horizontal length. (See Figure 11.)
2. Small Retail Stores. Where large retail establishments contain additional, separately owned stores that occupy less than thirty thousand (30,000) square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be transparent above the walkway grade for no less than fifty (50) percent of the horizontal length of the building facade of such additional stores.

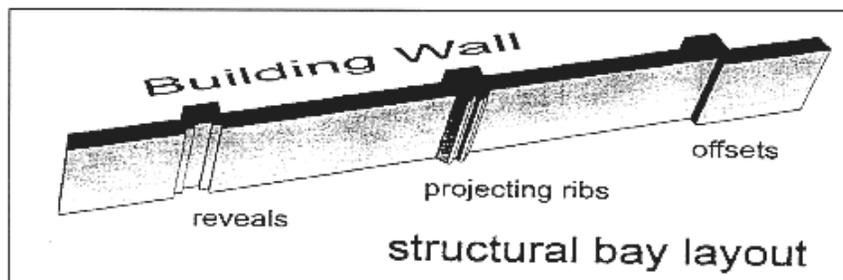
Figure 11



3. Detail Features. Building facades must include:
 - a. a repeating pattern that includes no less than three (3) of the following typical elements:
 - (1) color change;

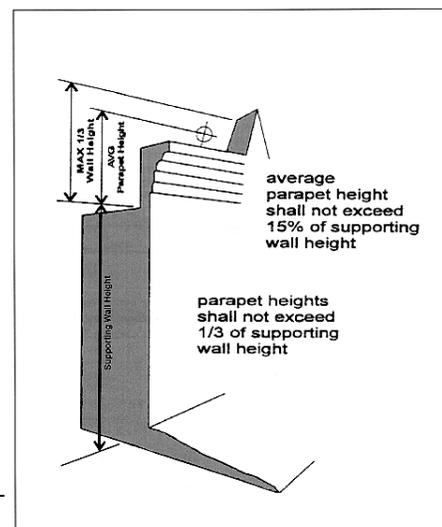
- (2) texture change;
- (3) material module change;
- (4) an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib. (See Figure 12.)
- (5) a specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission. At least one of the elements (1), (2) or (3) shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

Figure 12
Expression of Architectural or Structural Bay



4. Roofs. Roofs shall have no less than two (2) of the following features:
 - a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. (See Figure 13.) Such parapets shall feature three-dimensional cornice treatment;
 - b. Overhanging eaves, extending no less than three (3) feet past the supporting walls;
 - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise

Figure 13
Parapet Standards



for every one (1) foot of horizontal run;

- d. Three (3) or more roof slope planes.
- e. A specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission.

5. Materials and colors.
 - a. Predominant exterior building materials shall be of high quality material, including, but not limited to, brick, sandstone, other native stone, and tinted/textured concrete masonry units.
 - b. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
 - c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
 - d. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.

B. Entryways

1. Each large retail establishment on a site shall have clearly defined, highly visible customer entrances featuring no less than six (6) of the following:
 - a. canopies or porticos;
 - b. overhangs;
 - c. recesses/projections;
 - d. arcades;
 - e. raised corniced parapets over the door;
 - f. peaked roof forms;
 - g. arches;
 - h. outdoor patios;
 - i. display windows;
 - j. architectural details such as tile work and moldings which are integrated into the building structure and design;
 - k. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
 - l. integral surface graphics enhancing entry or delineating use of the site.
 - m. an architectural element proposed by the applicant's architect/designer that is acceptable to the City Planner and Planning Commission.
2. Where additional stores will be located in the large retail establishment, each such store may have at least one (1) exterior customer entrance, which shall conform to the above requirements.

C. Orientation to Build-to Lines for Street-front Buildings.

Build-to lines based on a consistent relationship of buildings to the street sidewalk shall be established by development projects for new buildings and, to the extent reasonably feasible, by development projects for additions or modifications of existing buildings, in order to form visually continuous, pedestrian-oriented street fronts with no vehicle use area between building faces and the street.

1. To establish "build-to" lines, buildings shall be located and designed to align or approximately align with any previously established building/sidewalk relationships that are consistent with this standard. Accordingly, at least thirty (30) percent of the total length of the building along the street shall be extended to the build-to line area. If a parcel, lot, or tract has multiple streets, then the building shall be built to at least two (2) of them according to (B) through (D) below, i.e. to a street corner. If there is a choice of two (2) or more corners, then the building shall be built to the corner that is projected to have the most pedestrian activity associated with the building.
2. Buildings shall be located no more than fifteen (15) feet from the right-of-way of an adjoining street if the street is smaller than a full arterial or has on-street parking.
3. Buildings shall be located at least ten (10) and no more than twenty-five (25) feet behind the street right-of-way of an adjoining street that is larger than a collector street that does not have on-street parking.
4. Exceptions to the build-to line standards shall be permitted:
 - a. In order to form an outdoor space such as a plaza, courtyard, patio or garden between a building and the sidewalk. Such a larger front yard area shall have landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort and visual continuity (see 8-3K.240 D.4.a, below).
 - b. If the building is adjacent to an arterial street, and the City Planner has determined that an alternative to the street sidewalk better serves the purpose of connecting commercial destinations as a result of one (1) or more of the following constraints:
 - (1) high volume and/or speed of traffic on the adjacent street(s),
 - (2) landform,
 - (3) an established pattern of existing buildings that makes a pedestrian-oriented street front infeasible.

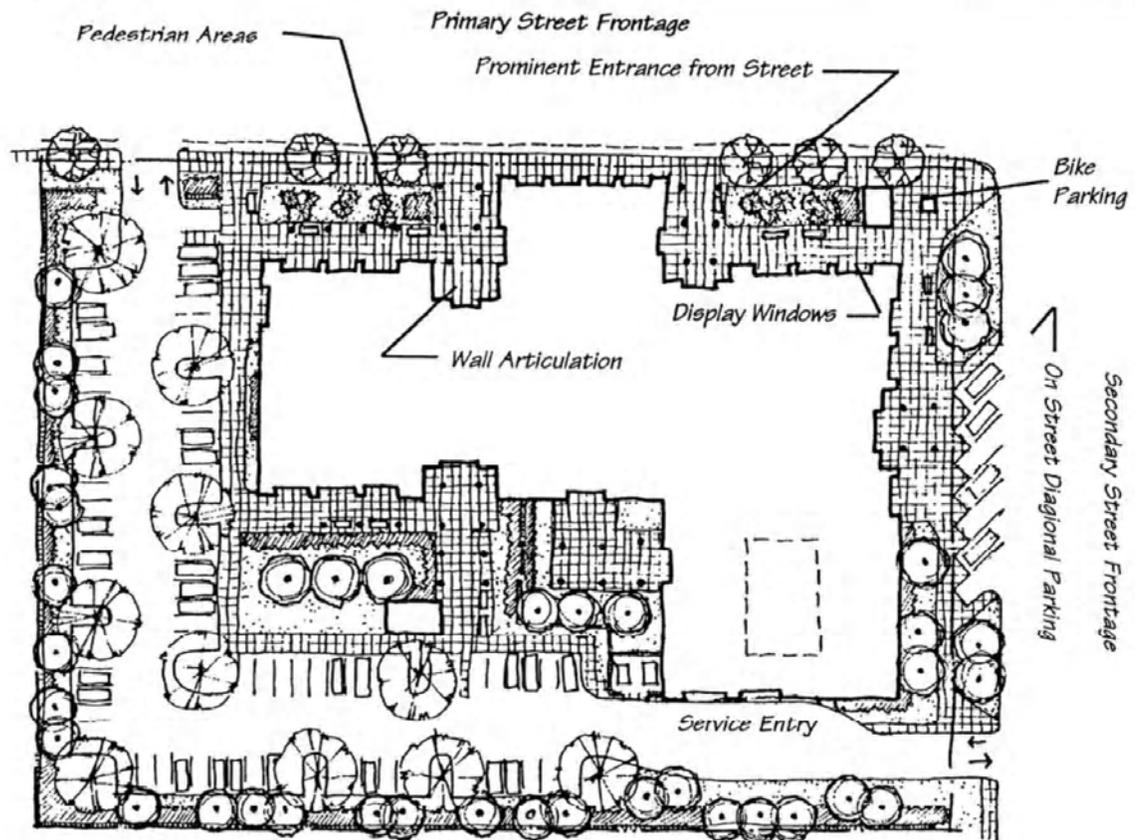
Such an alternative to the street sidewalk must include a connecting walkway(s) and may include internal walkways or other directly connecting outdoor spaces such as plazas, courtyards, squares, or gardens. An alternative walkway may also be approved if it implements the goals and recommendations of the adopted Greenway Master Plan. (See Article 8-3J.6 and the Greenway Master Plan)

- c. if a larger or otherwise noncompliant front yard area is required by the City to continue an established drainage channel or access drive, or other easement.
- d. if the applicant's architect can clearly and objectively demonstrate that the site conditions dictate otherwise and that an practical alternative meets the intent of a pedestrian-oriented, urban design.

D. Site Design and Relationship to Surrounding Community

- 1. Entrances. All sides of a large retail establishment that directly face an abutting public street shall feature at least one (1) customer entrance. Where a large retail establishment directly faces more than two (2) abutting public streets, this requirement shall apply only to two (2) sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street. (See Figure 14.) Movie theaters are exempt from this requirement.

**Figure 14
Building Entrances**



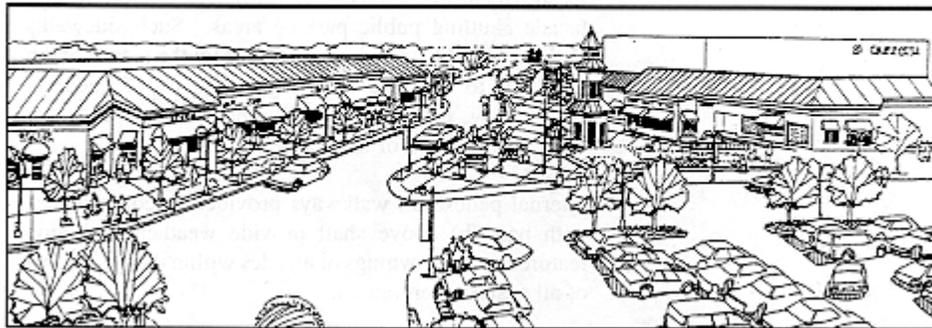
Example of a development with customer entrances on all sides which face a public street.

2. Parking: Please refer to Article 8-3J.5.
3. Back sides. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line. Where the facade faces adjacent residential uses, an earthen berm, no less than six (6) feet in height, containing at a minimum native trees planted at intervals of twenty (20) feet on center, or in clusters or clumps, shall be provided. If the subject property is located along an acknowledged floodway, a berm is not required, but the applicant must demonstrate another strategy for buffering that is more sensitive to development in the 100-year floodplain. Article 8-3J.4, *Landscaping*, shall also apply to properly buffer the proposed use from existing residential uses. In addition, Article 8-3H.2 establishes setbacks for floodplains, greenways, and wetlands. If a discrepancy exists between the standards, the larger setback shall apply, but the allowable density may be transferred on-site to offset the environmental setback requirement.
4. Vehicular, Pedestrian, and Bicycle Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses and

existing and proposed multi-modal transportation facilities (Please refer to Article 8-3J.6).

- a. Central Features and Plaza Space. Each retail establishment subject to these standards shall provide one square foot of plaza space per 10 square feet of building square footage by providing at least four (4) of the following: patio/seating area, a mixture of areas that provide both sunlight and shade, trees (1 tree per 500 sq. ft.), pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, areas protected from wind and rain, community kiosk, water feature, art, self-supporting street clock, or other such deliberately planned area and/or a focal feature or amenity that, in the judgment of the City Planner, Planning Commission, or City Council, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. (See Figure 15.)

Figure 15
Center With Community Features



- b. Delivery/Loading Operations. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that noise abatement strategies between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property. (Please refer to Article 8-3J.5 for parking and loading design standards)
- c. Lighting. "Cobra" lights are prohibited. Historic, single-globe lights are strongly encouraged to create an enhance streetscape that respects the traditional street lamp standard found in small towns, as well as contemporary "gooseneck" lights, which reflect the light downward. Lighting that meets or exceeds energy codes are also strongly recommended. Also, standards provided in Article 8-3J.5 shall also apply.

- d. Signage. Please refer to Article 8-3J.7.
- e. Landscaping and Tree Retention. Please refer to Article 8-3J.4.

8-3K.250 APPLICATION PROCESS

New applications for large retail establishments, or existing buildings with planned improvements, will require a pre-application conference, initial review with the Architectural Review Committee, Site Plan Review with City staff, and a public hearing before the Planning Commission. Quasi-judicial decisions may be appealed at a public hearing before a hearings officer and are subject to the provisions of Article 8-3M.1.

(amended by Ord. 09-851; 9/08/09)

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION L. DEVELOPMENT REVIEW AND APPROVAL PROCEDURES

- Article 1. Site Development Plan
- Article 2. Conditional Use Permit
- Article 3. [Reserved]
- Article 4. Variance
- Article 5. Accessory Dwelling Unit
- Article 6. Home Occupation
- Article 7. Design Review & Historic Preservation
- Article 8. Manufactured Housing Park

8-3 Division L. Article 1.

SITE DEVELOPMENT PLAN

8-3L.110 DESCRIPTION AND PURPOSE

Whereas the Zoning Map establishes only zone boundaries and the text of the Zoning Code establishes the permitted uses of land in the various zones and the conditions applicable to such use, the site development plan provides a means for applying the provisions and objectives as they apply to a particular site. Review of the site development plan is not intended to deny a development, but to determine and establish compliance with the objectives of the Zoning Code in those zones where inappropriate development may cause a conflict between uses in the same or an adjacent zone; to determine the conformance with any City plan; to encourage the best utilization of land in order to preserve to public safety and general welfare; and, when public hearings are required, to obtain points of view from adjoining property owners as to the best methods to carry out the provisions of this Article and Chapter.

8-3L.120 SITE DEVELOPMENT PLAN REVIEW REQUIRED

- A. Before any building permit shall be issued for development as set forth in any zone prescribed in this Chapter, or as set forth in any other applicable provisions of this Chapter, (e.g. road approach permits along arterial streets or surfacing projects of parking lots), except as provided in subsection B, below, a site development plan for the total parcel or development shall be prepared and submitted to the planning commission for review and approval.
- B. The requirements of this Article do not apply to a modification of a structure, which does not change the use or intensity of operation or does not increase the floor area.
- C. The requirements of this Article shall not be construed to be a substitution for more detailed review requirements set forth by this Chapter for any specific zone or use.

8-3L.130 PROCEDURE

- A. **Fee.** Accompanying the requirements of subsection B, below, shall be a nonrefundable fee. The amount of the fee shall be established, and may be changed, by general resolution or ordinance by 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 Attorney in the reviewing of the documents and plans, conducting inspections and other services necessary to fulfill the requirements and conditions provided for in this Article.

- B. **Plans and review.** The site development plan shall be submitted to the Planning office at least 30 days prior to the Planning Commission meeting at which review is requested. A site development plan shall not be considered "submitted" until the staff advisor determines that the application adequately addresses the required data listed in Section 140 and the required findings in Section 150 of this Article.

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. Name and address of applicant;
- 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, and 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.
 - T. Where an attachment, minor addition or appurtenant building to an existing building, recycling facilities, storage drop-off boxes, or a road approach permit are proposed, the site development plan shall indicate the relationship of said proposal to the existing development, parking facilities and access points on the property and immediately adjacent properties, but need not include other data required in subsections A through R, above, unless required by the staff advisor or Planning Commission.
 - U. For a relocated structure, the applicant shall provide the City with photographs of the structure being proposed for relocation.
 - V. For a relocated structure, the applicant shall provide the city with a detailed list, prepared by a licensed building inspector, architect or engineer, detailing the necessary improvements to assure compliance with the current edition of the Uniform Building Code. Such listing shall be accompanied by a cost estimate for all required work, said estimate to be prepared by a licensed contractor or estimator.
 - W. For relocated structures, an estimated schedule of completion shall be provided. In no case shall the time required for completion exceed the time limit specified by 8-3J.220(E).
 - X. For relocated structures, the applicant shall post a bond(s) adequate to insure

completion of all required upgrading. The applicant and contractor may jointly post such a bond(s). The required bond(s) shall be drawn in favor of the City of Talent.

- Y. If approval for relocation is given, and upon issuance of the proper building permits, the applicant shall notify the building official, at least three (3) days prior to the movement of the structure, of the date and time of the move so that the building official can, at the applicants expense, witness the move to insure that the approved structure is being relocated. If the building official is not satisfied that the proper structure is being moved he shall take the appropriate steps to insure that the structure is not brought into the city. [Subsections U–Y added by Ord. No. 492, adopted January 19, 1989].

8-3L.150 REQUIRED FINDINGS FOR APPROVAL OF PLAN

After an examination of the site, the Planning Commission shall approve, or approve with conditions the site development plan if all of the following findings are made:

- A. All provisions of this Chapter and other applicable City ordinances and agreements are complied with;
- B. The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;
- C. All applicable portions of the City comprehensive plan or other adopted plan are complied with;
- D. The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area;
- E. That no wastes, other than normal water runoff, will be conducted into City storm and wastewater facilities;
- 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.
- 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.

8-3L.160 CONDITIONS AND RESTRICTIONS

In approving a site development plan or the substantial alteration of an existing development plan, the Planning Commission may impose conditions and require the installation of improvements which it considers necessary to conform to the provisions of the zoning ordinance and to permit the necessary findings set forth in Section 5 to be made.

8-3L.170 COMPLIANCE

- A. Any development subject to the provisions of this Article shall be carried out in accordance with the approved plans and any conditions imposed by the planning commission, and shall be maintained in conformance as a continuous condition of use and occupancy. The written findings of the planning commission shall be retained in the City's planning files.
- B. The building official of the City shall not grant a certificate of use and occupancy or release utilities until satisfied that all improvements and conditions imposed by the planning commission on the approved plans have been complied with or until an agreement for improvements and a financial security arrangement, as set forth in 8-2.460(A), has been approved by the City Council and filed with the City Recorder.
- C. Any approval or permit granted pursuant to this Article shall be deemed automatically revoked if substantial construction or development in conformance with the plan has not occurred within one (1) year of the date of approval, unless an extension of up to six (6) months is granted by the planning commission, after written application stating the reasons that the extension is requested.

8-3L.180 REVISIONS TO A PLAN

Revisions to an approved site development plan shall be made pursuant to the requirements of Section 140(T) of this Article.

8-3L.190 APPEAL

Any decision on a site development plan made by a site development review committee may be appealed to the Planning Commission. Any decision made by the Planning Commission may be appealed to a hearings officer. Appeals shall be filed and processed according to the provisions of Article 8-3M.1.

8-3 Division L. Article 2.
CONDITIONAL USE PERMIT (CUP)

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 ensure 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 conditional use must include mitigation for any decrease in level of service exceeding City standard or operational safety of the transportation system if the proposal generates more than 500 daily vehicle trips or an additional fifty (50) peak hour trips, per Section 8-3L.9 Traffic Impact Study.

- G. The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.
- H. The City of Talent has adequate firefighting equipment to protect the structure, as verified by the Talent Fire Chief, or arrangements have been or will be made by the developer to insure that adequate equipment will be available before the occupancy of the building for any use.

8-3L.246 SPECIAL STANDARDS GOVERNING CONDITIONAL USES

Certain conditional uses shall meet the following standards:

- A. Daycares and Preschools
 1. At least 75 square feet of outdoor play and socializing area per child or adult shall be provided, but in no case shall the total area be less than 500 square feet.
 2. If planned for children, the outdoor plan shall be adequately fenced in order to provide for their safety.
 3. If the day care facility is not a residential use as provided in ORS 657A.440, the day care facility shall not be located in a single-family residence.
 4. The facility shall be readily accessible for fire and other emergency vehicles.
 5. The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.
 6. Adequate space must be provided on-site to allow for drop-off of the children or adults, preferably a circular drive. L-shaped drives and alley drop-offs may also be approved.
 7. Parking areas and ingress-egress points are designed so as to facilitate traffic, bicycle, and pedestrian safety; to avoid congestion; and to minimize curb cuts on arterial and collector streets.
- B. Temporary Medical Hardship
 1. The mobile home will be occupied by an infirm person, or by one or more individuals engaged in caring for the infirm person, whose infirmity renders that person incapable of maintaining a residence on separate property.
 2. The infirmity must be due to physical or mental impairment verified by a written statement from a medical doctor or other responsible individual or agency, which clearly indicates that the infirm person is not capable of maintaining a residence on separate property. Financial hardship, childcare and other convenience arrangements not relating to physical or mental impairment are not considered infirm conditions for which a permit can be issued.

3. The mobile home shall not be occupied until it is connected to the public sewer system.
4. The location of the mobile home will not violate the minimum yard setbacks required in the zone in which it will be located.
5. The applicant has agreed to vacate the mobile home within forty-five (45) days after the unit has ceased to be used for the purpose for which the permit was issued, and to remove the mobile home within ninety (90) days after the unit has ceased to be used for such purpose. In any event, the mobile home shall be removed from the premises by the day of the expiration of the permit unless the permit has been renewed in conformance with subsection F below.
6. A conditional use permit for a temporary mobile home will be valid for one (1) year from the date of issuance and must be renewed on an annual basis, unless a shorter time limit is placed upon the permit by the Planning Commission. The applicant shall be responsible for applying to the Planning Commission for renewal at least thirty (30) days before the expiration date of the permit.

C. Neighborhood Commercial

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

property and shall not project beyond the property line.

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

1. Major noise generators shall be located a minimum of 30 feet from residential property lines and shall be screened by a noise attenuating barrier.
2. Transportation facilities must be consistent with or incorporated into the Transportation System Plan (TSP).
3. Major public recreation facilities must be consistent with or incorporated into the Parks, Recreation, and Open Space Plan.
4. A traffic impact study may be required in accordance with Section 8-3L.9 Traffic Impact Study. A parking study may be required in accordance with the Talent Comprehensive Plan. The development project must include mitigation for any decrease in level of service exceeding City standards or the operational safety of the transportation system.

[Amended by Ord. No. 911; 2/17/16, Effective: 3/18/16]

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

1. All activities associated with automotive repair and service, with the exception of maintenance activities such as pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odor do not disturb the normal operation or livability of neighboring uses.
2. Storage of vehicles to be repaired shall be screened by a sight-obscuring fence, wall, or hedge.
3. There shall be a minimum of a ten (10) foot front yard setback that is landscaped.
4. There shall be a physical barrier between the driving surfaces and pedestrian areas.
5. All areas of the site where vehicles, vehicle parts or equipment will be stored, repaired, or displayed must be paved.
6. The areas around fuel pumps and over underground storage tanks must be paved with concrete.
7. Public restroom facilities must be available within the building.
8. All stormwater runoff must be pretreated with pollution control devices before entering into the public stormwater system.

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

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

2. Drive-up uses in existence at the time of this ordinance's adoption or amendments thereof and not within the area identified on the drive up overlay map, are considered legal-conforming uses except for the following circumstances:
 - a. If such uses are abandoned or the drive-up window function of the business is abandoned for a period of six months, the drive-up window function would not be permitted to re-open.
 - b. If such uses are substantially altered (40% of the building's exterior walls are modified, added on to, etc.), at least three of the design standards identified below in Section C.5 shall be incorporated into the final site or building design.
3. Drive-up lines, including menu speaker, service window and stacking area shall be to the side or rear of the building with the intent to minimize the visibility of these elements from the public street and adjacent residential dwellings. Infill of existing parking lots along a street's frontage is encouraged.
4. Drive-up menu speakers and service windows shall be at least 200 feet from the nearest residentially zoned property line. Menu speakers shall not have a noise decibel reading greater than 55 decibels at the property line and shall otherwise comply with Talent Ord. #749 relating to unnecessary noises.
5. Drive-up buildings shall have their primary orientation toward the public street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. Where buildings are located on a corner, the building entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. Buildings shall be located as close to the intersection corner as practicable. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple building spaces such as shopping centers where this standard is met by other building storefronts.
6. In addition to the Parking Area Improvements required as part of Article 8-3J.575, parking areas shall be designed to incorporate 5 of the 8 following design elements for visual, aesthetic and environmental relief:
 - a. One shade tree per seven parking spaces;
 - b. Bio-swale plant and filtration system;
 - c. Storm water oil separators;
 - d. Decorative landscape walls, max 24" in height;
 - e. Porous concrete in "plaza" areas (sidewalks, plaza space, outdoor dining space, etc.);
 - f. Mounded earth landscaping;
 - g. 15' landscape or hardscape buffer between sidewalk and parking area;
 - h. Use light colored paving materials with a high solar reflectance index (SRI) of at least .29 to reduce heat absorption for a minimum of 50% of the parking surface area.

7. Drive-up buildings shall incorporate one square foot of “plaza space” for every 10 square feet of gross floor area. The plaza space must incorporate 3 of the 6 following design elements:
 - a. Seating – 1 seat for each 500 square feet of building area;
 - b. Shelter or windbreaks for inclement weather;
 - c. Trees – 1 tree per 500 square feet of plaza space;
 - d. A mixture of areas that provide both sunlight and shade;
 - e. Water feature or art (may include decorative surface art);
 - f. Outdoor eating areas.
8. Drive-up buildings shall have a minimum first floor area ratio of 35% (building footprint area to lot size area). Plaza space may be considered as part of first floor area, but not greater than 30% of the required floor area ratio.
9. Drive-up buildings shall incorporate transparent window glazing and shall be encouraged to use window awnings in order to reduce heat gain.
10. Drive-up lanes shall either be flat or downhill to minimize excessive fuel consumption and exhaust during the wait in line.
11. Drive-up lanes shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.
12. Drive-up lanes shall provide sufficient stacking to ensure that public rights-of-way, including sidewalks, are not obstructed.
13. Drive-up buildings shall be fixed buildings with standard foundations. No temporary structure such as a vending cart, mobile or trailer is permissible.
14. Areas along the street without building frontage, between the street and the parking area or drive-thru lane, shall be landscaped in order to minimize visibility of vehicles and asphalt.
15. Trash and recycle areas shall be screened from the public right-of-way.

I. Retail Sales of Medical & Recreational Marijuana

1. Establishments vending medical or recreation marijuana shall be located at least 100 feet from a residential zone, 100 feet from a mixed use building with a residential unit, at least 750 feet from a public or private park and at least 1,000 feet from an existing public or private elementary, secondary or career school primarily attended by minors. For purposes of determining the distance between the establishment and the aforementioned areas, within the specified distance means a straight line measurement in a radius extending for specified distance or less in every direction from any point on the boundary line of a residential zone, public or private park or from an existing public or private elementary, secondary or career school primarily attended by minors.
2. No extracts, oils, resins or similar products from marijuana shall be produced on site and the use of open flames for the preparation of any products is prohibited.

3. Marijuana and tobacco shall not be used on property where a sale occurs.
4. Establishment shall have air filtering and ventilation systems that confine odors to the premises.
5. Minors are not allowed on the premises unless they are a medical marijuana cardholder and accompanied by a parent or guardian.
6. Owners, operators and employees who have been convicted of manufacturing or delivering drugs once in the past five years or twice in their lifetime may not operate or own a medical or recreational marijuana retail establishment.
7. Prior to operation, background checks for all owners, operators and employees shall be provided to the City. Not providing required background checks for all owners, operators and employees at any time is grounds for revocation of the conditional use permit.
8. Establishments shall keep financial records that are subject to audit. (if tax is implemented)
9. Establishment shall not have security bars and shall not operate a drive-thru facility.

J. Overnight Recreation Vehicle Parks.

1. The park shall consist of a minimum of one (1) acre.
2. There shall be a minimum of a twenty (20) foot landscaped buffer on all property lines.
3. The public transportation system must be able to support large trucks and trailers.

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

1. Only one (1) dwelling may be situated upon a particular piece of property unless approved by the Planning Commission.
2. The dwelling shall be separated by at least ten (10) feet from all other buildings on the property.
3. Setbacks of the dwelling from all property lines shall be the same as for the zone in which the dwelling is located or ten (10) feet whichever is greater.
4. If the home is a manufactured dwelling, it shall be constructed to the State of Oregon Manufactured Dwelling Standards enacted on June 15, 1976 or any subsequent amendments thereto and have the Oregon Insignia of Compliance. It shall be a minimum of twelve (12) feet in width and 40 feet in length. It shall be provided with a kitchen having a sink with hot and cold running water and at least one bathroom equipped with a water closet, lavatory and bathtub and/or shower. A building permit must be submitted and approved by the building inspector to

ensure that the manufactured dwelling has been properly placed on and securely anchored to state approved foundation and stabilizing devices.

5. All plumbing fixtures shall be connected to a public water supply system and to a public sewerage disposal system and be equipped with running water. All water and sewer lines connecting the dwelling with public water and sewer lines shall comply with the standards of the City and Rogue Valley Sewer.
6. If a manufactured dwelling is used, the wheels and tongue or hitch shall be removed within 60 days unless a temporary use permit provides for an extended date.
7. Unless placed upon a continuous permanent foundation, the manufactured dwelling shall be completely enclosed with a continuous concrete wall or skirting which shall consist of non-decaying, non-corroding material extending to the ground or to an impervious surface.
8. Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:
 - a. The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet for each 25 linear feet of exterior wall.
 - b. Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh.
 - c. All foundation areas shall be provided with a 16x24 inch access way and shall be secured against entry.
9. No additional or accessory buildings shall be permitted in conjunction with a dwelling except as follows:
 - a. One carport or garage not to exceed 500 square feet in area.
 - b. One covered or uncovered patio not to exceed 300 square feet in area.
 - c. One storage building not to exceed 100 square feet in area and which shall be attached to and made a part of a carport or garage and which shall be included as a part of the maximum area provided for the carport or garage.
10. A caretaker residence may be accessory to an existing commercial or industrial use that is in need of protection. The duration of the conditional use may be for the life of the commercial or industrial use and temporary vacancy periods for up to two (2) years. If at the end of the conditional use, the manufactured dwelling is removed from its permanent foundation, the owner of the property shall sign and record a development agreement approved by the City Attorney to remove the foundation and all additions to the manufactured dwelling and permanently disconnect and secure all utilities. The development agreement authorizes the City to perform the work and place a lien against the property for the cost within 30 days from the date on which the manufactured dwelling is moved from its foundation. This condition shall not apply in the event that another approved manufactured dwelling is placed within 30 days of the original unit's removal.
11. Two (2) off-street parking spaces for the dwelling shall be provided.

L. Wireless Communication Towers

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

2. Site Design for Wireless Communication Towers:
 - a. The wireless communication tower (including antenna) shall not exceed 75 ft. A submittal verifying the proposed height and mass shall be prepared by a licensed engineer.
 - b. Signage for wireless communication facilities shall consist of a maximum of two non-illuminated signs, with a maximum of two square feet each stating the name of the facility operator and a contact phone number.
 - c. The proposed tower shall be constructed and/or treated in a manner that shall camouflage the structure and reduce its visual impact on the surrounding area. Examples of camouflage design include: camouflage as flag pole, monument, steeple, evergreen, or the integration of rooftop towers onto existing buildings, water towers, etc. Rooftop towers must use materials similar to or that blend in with the structure to which it is attached. Other camouflaged tower structures must be of similar height and appearance as other similar structures allowed in the zone, e.g. towers camouflaged as light poles or utility poles must be of similar height and appearance as other such poles. The purpose of this criterion is to reduce the visual impact of the tower.
 - d. The proposed tower shall be set back from any Residential zoning district at least a distance equal to 200% of the height of the tower. In all other scenarios, the setback shall be the same as for other structures in the district, except for front yards which shall be a minimum of 20' in all zones.
 - e. Any equipment associated with the tower facility shall be enclosed in a shed or building, which shall be adequately screened from view of the public right-of-way and any adjacent residential or commercial property.
 - f. The proposed tower shall not utilize a back-up generator as a principal power source. Back-up generators may only be used in the event of a power outage.

- g. Facilities shall be designed to accommodate at least three providers. On the condition that this additional capacity does not prevent the applicant from adequately screening or camouflaging the use.
- h. The perimeter of the Wireless Communication facility shall be enclosed with a security fence or wall. Such barriers shall be landscaped in a manner that provides a natural sight obscuring screen around the barrier to a minimum height of 6 (six) feet.
- i. The outer perimeter of the Wireless Communication facility shall have a 10 (ten) foot landscaped buffer zone and shall be maintained by the property owner to ensure proper growth and health of the surrounding vegetation
- j. The location of the tower and equipment shall comply with all natural resource protection including those for floodplain, wetlands and steep slopes.

8-3L.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 4

VARIANCE

8-3L.410 AUTHORIZATION TO GRANT OR DENY VARIANCES

- A. The Planning Commission is delegated the authority to approve, approve with conditions, or disapprove any proposed variance from the provisions of this chapter. Where practical difficulties, unnecessary hardships, and results inconsistent with the general purposes of this chapter and the Talent Comprehensive Plan would result from the strict and literal interpretation and enforcement of the provisions of this chapter, variances may be granted as provided in this Article.
- B. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which such property is located.
- C. In granting a variance, the Planning Commission may attach conditions that it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this chapter.

8-3L.420 APPLICATION

Please refer to 8-3M.1 for application requirements.

8-3L.430 PUBLIC HEARING

Before the Planning Commission may act upon a request for a variance, it shall hold a public hearing. Notice of the public hearing shall be provided as prescribed by 8-3M.1. The public hearing shall be held within sixty (60) days from the date the application for variance is filed. The Planning Commission may, but shall not be required to, act upon the proposed variance at the meeting at which the public hearing is held; provided, however, that disposition shall be made of the matter within forty (40) days of the date of the public hearing.

8-3L.440 REQUIRED FINDINGS FOR GRANTING A VARIANCE

The Planning Commission shall not grant any variance unless all of the following findings are made:

- A. There are exceptional or extraordinary circumstances or conditions applying to the property or intended use that do not apply generally to other properties in the same zone or vicinity and which result from lot sizes or shape legally existing prior to the adoption of this chapter, topography, or other circumstances over which the applicant has no control;

- B. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as is possessed by the owners of other property in the same zone or vicinity;
- C. The variance would not be detrimental to the purposes of this chapter, the objectives of any City development plan or policy, the goals, policies or text of the Comprehensive Plan, or other property in the zone or vicinity in which the property is located; and
- D. The variance requested is the minimum variance from the provisions and standards of this chapter, which will alleviate the hardship.

In addition to criteria A through D, variances from access management standards are subject to the following additional standards:

- E. The granting of the variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- F. Applicants for a variance must include proof that:
 1. Indirect or restricted access cannot be obtained;
 2. No practical engineering or construction solutions can be applied to mitigate the condition;
 3. No alternative access is available from a street with a lower functional classification than the primary roadway.

8-3L.450 VARIANCE ORDER

Within five (5) days after a decision has been rendered on a request for a variance, the applicant shall be provided with written notice of the decision of the Planning Commission. An order granting or denying the variance, and signed by the Chairperson of the Planning Commission, shall be filed in the planning files of the City, together with the written findings of the Planning Commission. Where an order is entered granting a variance, no person shall begin construction pursuant thereto for a period of five (5) days after the entry of the order and, in the case where an appeal is filed, until disposition of the matter has been made by the City Council. It shall be unlawful for any person to cause or permit the use of any property in violation of the express conditions or limitations of any variance granting with respect to such property.

8-3L.460 APPEAL

Any applicant or any other person may appeal the Planning Commission decision on a variance, pursuant to the provisions of 8-3M.1.

8-3L.470 REVOCATION OF A VARIANCE

A variance granted according to the provisions of this Article shall be revoked unless the use authorized by such variance is commenced or construction begun on or before the time limit specified, within ninety (90) days after the date that the variance order was entered. In all cases, the Commission may extend such time limit for good cause.

8-3L.480 CAUSE FOR REVIEW OR TERMINATION OF VARIANCE

A variance may be revoked or modified by the City Council, after a public hearing, on any one or more of the following grounds:

- A. That the approval was obtained by fraud or misrepresentation.
- B. That the variance has not been exercised for one year.
- C. That the variance granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
- D. That the variance has been so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

8-3L.490 PREVIOUSLY AUTHORIZED VARIANCES

Any valid variance issued prior to the effective date of this chapter shall remain in full force and effect in accordance with the terms thereof; provided, however, that such variance is subject to modification or revocation for any of the reasons set forth in Section 480 of this Article.

8-3 Division L. Article 5.

ACCESSORY DWELLING UNIT

8-3L.510 GENERAL PROVISIONS

- A. Purpose and Intent. It is the policy of the City of Talent to provide for the creation of legal Accessory Dwelling Units (ADUs) in a manner that enhances residential neighborhoods and helps residents meet their housing needs and realize the benefits of ADUs. Advantages associated with the creation of legal ADUs include:
1. Benefiting older homeowners, single parents, young homebuyers and the disabled.
 2. Providing a means for adult children to give care and support to a parent in a semi-independent living arrangement.
 3. Providing homeowners with extra income to help meet rising home ownership costs.
 4. Integrating affordable housing more uniformly in the community.
 5. Increasing the supply of affordable housing without government subsidies.

8-3L.520 PERMITS: ELIGIBILITY AND APPLICATION

- A. Authorization for ADUs by Zoning District. ADUs are allowed in the RS-5 and RS-7 zones, and on single-family lots in the RS-MH zone. Accessory apartments may be located in zoning districts designed primarily for single-family dwelling units with walls attached to other single-family homes when applicants provide written evidence from the proper fire and building officials that the proposed ADU conforms to building and fire code regulations.
- B. Approval process. One ADU is permitted per residentially zoned lot, provided the City Planner first approves the proposed ADU as complying with the standards of this Article and Article 8-3L.1, "Site Development Plan Review." Planning staff shall provide application forms and copies of this Article and Article 8-3L.1 to all applicants. If the ADU is approved, staff shall also assign an address to the new dwelling.
- [Subsection B amended by Ord. No. 802; 03/15/2006; effective on 04/14/2006]
- C. Application Information
1. Staff shall provide application forms based on Section 530(C) of this Article and the required data in Section 8-3L.140.

2. Proposals for ADUs in the Old Town District shall be subject to review by the Architectural Review Committee.
- D. Systems Development Charges. For the purposes of calculating Systems Development Charges (SDCs), ADUs shall be regarded as apartments and all SDCs shall be assessed accordingly, except the following modifications will be factored into the calculations:
1. If the ADU is an Accessory Apartment that does not add more impervious surface area (i.e., roof) to the existing structure, no SDC for storm water will be assessed. However, any additional impervious surface as the result of an addition shall be assessed on a per-square-foot basis. Accessory Cottages shall also be assessed on a per-square-foot basis.
 2. SDCs for water will only be assessed if a new meter is installed.
 3. Rogue Valley Sewer Services or its successor shall determine SDCs for sanitary sewer.

8-3L.530 STANDARDS

- A. Lot Standards
1. Occupied by Dwelling Unit: An ADU may be incorporated in either an existing or a new dwelling unit.
 2. Minimum Size: ADUs may be developed on legal lots meeting the minimum lot size for the respective zoning district. For legal lots of substandard size, an exception to the minimum lot size rule may be permitted as long as all setbacks and lot coverage standards are still observed.
- B. Occupancy Standards
1. The occupants of the ADU shall be limited to three (3) in number.
 2. The ADU shall not be sold, but may be rented.
- C. Building Standards
1. ADUs shall conform to the dimensional standards of the zone in which they are located, including setbacks, height and coverage.
 2. Architectural Design and Types of Structures: ADUs should be consistent with the building type, architectural style, and color of the principal unit and the appearance of accessory cottages must remain that of a site-built, single-family dwelling unit. ADUs proposed in the Talent Old Town District must

submit site plans and elevations to the Architectural Review Committee for design approval.

3. Manufactured or modular dwelling units may not be used as ADUs in any zone, except by provision of Section 8-3L.250, Supplemental Provisions for Temporary Mobile Home Relating Care for Infirm Persons.
 4. Orientation of Entrance: If the ADU's primary entrance is not the same as that of the principal dwelling unit, it shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit, except on corner lots, and exterior stairways may not be constructed on any street-facing side of a principal dwelling unit.
 5. Size: In no case shall the living area of an ADU be more than 750 square feet, or less than 300 square feet, or have more than two bedrooms. Accessory apartments are exempt from the maximum square footage requirement.
 6. Screening and Orientation: The orientation of the proposed ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement.
- D. Parking Standards
1. Off-street parking shall be provided as described in Article 8-3J.5, which generally requires two parking spaces per dwelling unit.
 2. The conversion of a garage to an ADU shall necessitate the construction of a new single- or two-car garage or two-car carport, as required by 8-3J.240(H).

[Ordinance No. 751, adopted 21 January 2004].

Division L. Article 6

HOME OCCUPATION

8-3L.610 PURPOSE AND SCOPE

The purpose of this Article is to permit business enterprises within a residence, thereby promoting small business opportunities. Such business enterprises, referred to as home occupations, are permitted in all of the residential zones, both owner-occupied and leased properties, provided the proposed occupation satisfies the definition of home occupation as stated in 8-3B.1, and to applicable City, County, or State regulations. A home occupation is not intended to provide walk-in or retail services, thereby replacing commercially zoned properties.

8-3L.620 APPLICATION REQUIREMENTS

Any member of a family occupying a dwelling may make application with the City Planner. Such application shall contain the following:

- A. Site address, mailing address, assessor's map number, and tax lot number of the property;
- B. A written description of the proposed home occupation in business letter format addressed to the City Planner and containing all contact information. If the proposed location of the home occupation is a leased property a letter and signature from the property manager or owner is required; and
- C. A nonrefundable filing fee in an amount, which shall be established, and may be changed, by general resolution or ordinance by the City Council.

8-3L.630 LEVEL OF REVIEW

- A. **TYPE 1: APPROVAL BY THE CITY PLANNER.** In order to administratively approve a home occupation (Type 1), the City Planner must find that the application satisfies the following standards for home occupations:
 - 1. The occupation is to be carried on within a residential building and only by members of the family occupying the dwelling unit.
 - 2. The residential character of the main building or accessory dwelling unit must be maintained.

3. The business must be conducted in such a manner as not to give an outward appearance, nor outwardly manifest any characteristic of a business, except as permitted by 8-3J.7, "Signs."
 4. The occupation must not infringe upon the livability of the neighborhood and its residents to enjoy the peaceful occupancy of their homes.
 5. No increase in traffic or noise may be expected other than that attributed to normal residential usage or infrequent deliveries.
 6. The subject property has no outstanding general nuisance or building code violations.
- B. TYPE 2: ADMINISTRATIVE REVIEW. Home occupations that may have noticeable impacts on the neighborhood, such as an increase in traffic, noise, or odor, will require a petition of signatures of neighboring property owners. If needed, the City Planner may schedule a public hearing before the Planning Commission.
- C. Uses that will not be permitted for a home occupation include any form of motor vehicle and/or engine repair.

8-3L.640 REFERRAL TO PLANNING COMMISSION

Whenever there is a question as to whether an application satisfies the home occupation standards, such as the Type 2, the City Planner will require a petition with the approval of all of the owners (or their representatives) of abutting or immediately adjacent properties, and two thirds (2/3) of the remaining property owners (or their representatives) within two hundred fifty (250) feet of the exterior boundaries of the subject property. If the City Planner does not receive the necessary signatures, the applicant shall be referred to the Planning Commission for consideration. The Planning Commission shall hold a public hearing within sixty (60) days of the date the application was filed with the City, and notice of the public hearing shall be provided as set forth in 8-3M.1, with the exception that only property owners within two hundred fifty (250) feet of the subject property shall be notified by mail, which includes all residents of adjoining property. The applicant shall make a deposit to the City sufficient to cover the administrative costs of processing the application, including but not limited to the costs of the publication and mailing of public hearing notices. Any surplus shall be refunded to the applicant after the actual costs have been ascertained. The application shall be approved if the Planning Commission finds that the home occupation satisfies the conditions of Section 630, above. The Planning Commission may place conditions on the approval if such conditions will effectively allow the home occupation to satisfy the criteria of Section 630.

8-3L.650 APPEAL

An administrative decision by the City Planner may be appealed to the Planning Commission, and a Planning Commission decision may be appealed to a hearings officer, pursuant to the provisions of 8-3M.160.

8-3L.660 EFFECT

A business license for the home occupation shall not be issued until a seven (7) working day appeal period of an administrative approval has elapsed from the date of approval. An appeal shall automatically stay the issuance of the license until such appeal has acted thereon. In the event the Planning Commission or City Council acts to approve the home occupation when it is appealed, the business license may be issued immediately thereafter. The business license shall indicate that the business is a home occupation and shall give the date of approval of same by the City Planner, the Planning Commission, or the City Council. The license for a home occupation shall not be transferable, and the privileges it grants shall be limited to the person(s) named on it and to the location and activity for which it was issued.

8-3L.670 REVIEW AND ENFORCEMENT

The granting of a business license for a home occupation shall be, at a minimum, subject to an annual review by the City Planner or Planning Commission. If it is determined that the home occupation requirements are not being completely fulfilled, the City Planner may refer said home occupation to the Planning Commission to review in accordance with the criteria of Section 630, above.

8-3 Division L. Article 7.

DESIGN REVIEW & HISTORIC PRESERVATION

<u>Section</u>	<u>Description</u>
710	Purpose
715	Definitions
720	Architectural Review Committee
730	Design Review Process
732	Alteration, Relocation, or Demolition of Talent Landmarks
734	Alteration, Relocation, or New Construction in the Design District
740	Historic Landmark Commission; Powers and Duties
742	Survey of Historic & Cultural Resources
744	Obtaining Landmark Status
746	Public Incentives for Historic Preservation
770	Appeals
785	Enforcement and Penalties

8-3L.710 PURPOSE

The purpose of Design Review is to:

- A. Assure compatibility with the defining characteristics of the surrounding area or to preserve the integrity of existing neighborhoods or to support a unifying theme for a particular development or area in order to spur economic growth;
- B. Provide for careful review of new construction or alteration of existing structures in areas of the City where the existing built environment is expressive of the architectural traditions of Talent and the unique physical features of the area or to provide guidance in areas where there is a lack of any defining physical or aesthetic qualities but in which the City wishes to establish such qualities;
- C. To provide property owners, contractors and consultants with technical assistance and design alternatives to ensure that proposed projects conform with the applicable standards;
- D. Enhance the social, cultural, economic, environmental and aesthetic development of the community by encouraging both harmonious and innovative design;
- E. Promote orderly community growth and protect property values;

- F. Recognize that land use regulations aimed at these objectives provide not only for the health, safety and general welfare of the citizens, but also for their comfort and prosperity, and for the beauty and balance of the community.

This Article establishes the Architectural Review Committee [Committee] as the design review body and as an advisory body to the Planning Commission. The Architectural Review Committee is responsible for either the primary or the initial review, when applicable, of proposed new construction, alteration or remodeling projects, demolition applications, and other aspects of development covered by Title 8 of the City of Talent General Ordinances. Applicability is defined in Section 730.

To further the goals of this Article, the Architectural Review Committee may undertake programs seeking to educate property owners regarding the architectural history and character of Talent, including advising the Planning Commission on the identification, evaluation, and designation of historic resources as Talent Landmarks; public incentives for the preservation of designated Landmarks; and other land use regulations regarding the alteration, moving, or demolition of Talent Landmarks or resources located within the Old Town Talent.

8-3L.715 DEFINITIONS

The following definitions apply to terms used in this Article. Terms not defined have their commonly construed meaning.

Alteration, Exterior: Any addition, removal, repair, or physical modification of the exterior of a building, including but not limited to doors, windows, chimneys, and trim, and excluding paint.

Alteration, Interior: Any addition, removal, repair, or physical modification to the interior of a building that does not affect the outward appearance of the building.

Demolition: The razing, destruction, or dismantling of a structure, or any portion of a structure, to the degree that its extant character is substantially obliterated.

Design District: A designated area for which there are specific design standards. See also definition of "Old Town."

Design District, Old Town: The "Old Town" design district is the portion of the City comprising the Original Town Plat and the surrounding additions and properties that form the traditional commercial and residential core of the City (see map at the end of this Article).

Design Review: The plan review and recommendation process established in Sections 740-755 of this Article wherein the Architectural Review Committee considers proposals for all types of construction and development projects, including exterior alterations, ad-

ditions and new construction within designated design districts, for a Talent Landmark, or for any project located within 150 feet of a Talent Landmark, for large retail structures, and for projects referred to the Committee by the Planner or the Planning Commission. Design Review considerations include, but are not limited to, consistency with Article 8-3K.1 and 8-3K.2 design standards.

District, Historic: A geographic area possessing a significant concentration of sites, buildings, structures, and/or objects representing a distinct period of local history and/or a distinct architectural style that has been designated as such following the process set forth in Section 735 or that has been listed on the National Register of Historic Places.

Extraordinary Historic Significance: The quality of historic significance achieved outside the usual norms of age, association, or rarity. Generally properties less than 50 years of age must possess Extraordinary Historic Significance to be considered for designation as Talent Landmarks.

Integrity, Historic: The quality of wholeness of location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

Landmark (also *Talent Designated Landmark*) : A resource identified in the Comprehensive Plan, or individually identified via the designation process in Section 735, and as such formally recognized by the City of Talent as important to its history, or a Historic Resource of Statewide Significance as defined by OAR 660-23-100(1)e.

Landmarks Register: The list of, and record of information about, Talent Landmarks.

Multiple Property Submission: A nomination to the National Register of Historic Places that may include all or a portion of the Register-eligible historic resources identified in a specific area, city, or section of a city. Inclusion in a multiple property nomination may be based upon an element common to the properties, such as all or a portion of properties representing a particular building type, those attributed to a single architect or builder, or those representing a specific theme or event of history or prehistory.

National Register of Historic Places: The official national list of districts, sites, buildings, structures, and objects designated as significant by the Secretary of the Interior. Nominations to the National Register are submitted by the property owner(s) to the Department of the Interior (National Park Service) through the State Historic Preservation Office.

Oregon Special Tax Assessment Program : A program established in Oregon statute, ORS 358.475 through 358.545, that allows owners of National Register historic properties, as well as contributing properties within a National Register Historic district, to receive a freeze on their assessed property value. This program is separate from the Talent historic preservation program established in Section 760 of this Article.

Rehabilitation: The process of returning a historic property to a state of utility through repair or alteration that makes possible an efficient, contemporary, interior use while preserving those portions and features of the property that are significant to its historic, architectural, and cultural values.

Relocation: The removal of a structure from its original or historic site as precursor to its continued utility at another site.

Resource, Historic: A building, structure, object, site, or district that likely meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

Building—A construction made for purposes of shelter or habitation, e.g. house, barn, store, theater, train station, garage, school, etc.

Structure—A construction made for functions other than shelter or habitation, e.g. bridge, windmill, dam, boat, kiln, etc. Structures do not include streets or street improvements.

Object—A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e. g. statue, fountain, milepost, monument, sign, etc

Site—The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e. g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.

District—A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites, which are unified historically by plan or physical development, e. g. downtown, residential neighborhood, military reservation, ranch complex, etc.

Resources, Historic, of Statewide Significance: Buildings, structures, objects, sites, and districts which are listed on the National Register of Historic Places and by definition are considered Historic Resources of Statewide Significance under OAR 660-23-200(1)e. Local governments are required to protect all historic resources of statewide significance through local historic protection regulations, regardless of whether those resources are formally designated in the local plan. [OAR 660-23-200(8)]

Restoration: The process of returning a property to a condition that duplicates the historic character, appearance, or material composition of the original structure.

'Standards for Rehabilitation, Secretary of the Interior's: Federal Standards developed to guide work undertaken on historic buildings addressing the preferred treatment in restoration or rehabilitation of property to preserve features that are significant to historic, architectural, and cultural values.

State Historic Preservation Office (SHPO): The state agency that carries out the duties of the National Register Program. SHPO staff members provide information and technical support for rehabilitation and restoration projects, National Register applications, and the Oregon Special Tax Assessment Program. SHPO has review authority for proposed alterations to properties that participate in these programs.

“Survey of Historic and Cultural Resources” [Survey]: A detailed survey of historic and cultural resources, which are potentially significant in the history of Talent. The Inventory is a planning tool, evaluating the significance of resources as “primary,” “secondary” and “contributing.” Inclusion of a resource in the Inventory *does not* constitute formal designation as a Talent Landmark, although many resources within the City’s most recent inventory are in fact so designated. It forms the basis of the Old Town design district map. It was prepared in 1995 and is used herein as a resource document.

Thematic Nomination : A type of Multiple Property Submission (see above) based upon a historic theme.

8-3L.720 ARCHITECTURAL REVIEW COMMITTEE

The Architectural Review Committee acts as advisor to the City Planner and the Planning Commission on all matters covered by this Article. Refer to 8-3L.740 for description of the Committee’s composition and its role in design review.

8-3L.730 DESIGN REVIEW PROCESS

The requirements of this Section apply to all areas subject to review under the provisions of this Article.

- A. Applicability: Applications for Design Review shall be submitted prior to any other required applications, including but not limited to Zoning Permit, Site Development Plan, or Conditional Use Permit review. Design Review is required for the following:
1. Any exterior alteration in the Old Town design district.
 2. Any new structure in the Old Town design district.
 3. Any new or remodeled large retail structure meeting the applicability criteria in Section 8-3K.230.
 4. Major public improvements, when referred to the Committee by the City Council.
- B. Exemptions From Review: Review by the Architectural Review Committee is not required under the following circumstances:

1. Alteration to existing property that involves only a change in exterior paint color.
 2. Any new or replacement wall, fence, commercial sign, or awning.
 3. Changes to the interior of the structure unless interior features are cited as a significant part of a structure's nomination to the National Register, or as a significant factor in the designation of the structure as a Talent Landmark.
 4. Maintenance or repair of any exterior architectural feature that does not entail a change in design or materials.
 5. Remediation of Unsafe Conditions. Construction, reconstruction, alteration, restoration, demolition or removal of any feature when the Building Official evaluates the situation and determines that such action is required for public safety because the structure poses imminent danger that cannot be rectified otherwise is exempt.
 6. Civic infrastructure construction, upgrade and improvement, including, but not limited to, street, sidewalk, and curb; sewer, water, electric, and gas utility, except when referred to Committee by the Council, as stated above in 740 (A) (4).
- C. Application Requirements: An application for Design Review shall include the following:
1. The City's standard Design Review form.
 2. A narrative description of the project addressing each of the review criteria listed in the Design Standards or any other applicable design standards and guidelines adopted by ordinance.
 3. Accurate scale drawings of the proposed alteration or new structure, including at a minimum, elevation drawings of the proposed design. Elevations must include sufficient detail to show scale, bulk, building materials, and architectural details of the structure.
 4. Specifications of the materials to be used for exterior surfaces and trim.
 5. Illustrations of existing conditions and historic photos of the original and adjoining structures may be required for design review at the request of the Committee or the City Planner.
 6. For new structures or exterior alterations to existing structures, the application shall include an accurate plot plan showing the location of all exist-

ing and proposed structures, non-structural improvements such as driveways, trees and fences, and exterior alterations as defined in Section 715. The plot plan shall also show the distances of all new and proposed structures and other improvements from property lines.

- D. Procedure: Design Review shall be conducted by the Architectural Review Committee according to the following procedures:
1. Applicant submits an application form to the City planner, who shall review the application for completeness, then place the application on the agenda for a regularly scheduled meeting of the Committee. The planner may also recommend arranging a site visit in advance of the regular meeting. Applications are due no less than two weeks before the scheduled meeting date.
 2. The Committee shall conduct the Design Review within 45 days of submission of a complete application and shall make a recommendation to the planner or Planning Commission.
- E. Recommendation: Design Review shall conclude with one of the following:
1. A recommendation to the City Planner or Planning Commission that the project be approved as submitted. A recommendation may include suggested conditions of approval appropriate for the integrity of the district, building or site, or
 2. Findings that the project as submitted does not meet the intent and purposes of this Article, in which case the applicant may request a hearing before the Planning Commission.
- F. Use of Committee's Recommendation: Depending on the type (or level) of review, the recommendation will be used as follows:
1. Types I and II: The City Planner will consider the recommendation of the Committee and either issue or not issue a "Design Review Permit," which will detail the work that has been approved to be done and any conditions of approval. If the Planner acts contrary to the recommendation of the Committee, he or she shall detail the reasons for the decision and report the change to the Committee at the next scheduled meeting.
 2. Type III: The City Planner will include the recommendation in its report to the Planning Commission on applications over which they have jurisdiction. The Commission may make use of, use in part, or disregard the recommendation, but should detail its reasons for accepting or not accepting the recommendation when making its findings.

- G. Approval: The project may begin when the applicant has the final approval of the City, including the City Planner's signature on the construction drawing, final plot plan for the project, and, if applicable, when the Oregon Special Tax Assessment Program or other statewide incentive approval has been received from SHPO.
- H. Hearings: Nothing in this Section shall preclude the Planning Commission from scheduling a public hearing for a Design Review if the Committee, Commission or City Planner finds that the proposal warrants wider community involvement. Such hearing shall be conducted as specified in Article 8-3M.1.
- I. Appeal: The decision of the Planning Commission may be appealed as specified in Article 8-3M.1.
- J. No Permits Without Review: Building permits may not be issued for any type of construction subject to this Article without a design review consultation with the Architectural Review Committee and approval by the City Planner or Planning Commission, as described above.
- K. Special Assessment or other statewide benefits: If the property has qualified or is proposed to be qualified for the Oregon Special Tax Assessment Program, or any other incentive program available through the State of Oregon, a separate application must be filed for review by the property owner with the State Historic Preservation Office (SHPO).

**8-3L.732 ALTERATION, RELOCATION, OR DEMOLITION OF TALENT
LANDMARKS OR RESOURCES OF STATEWIDE SIGNIFICANCE**

- A. No exterior, interior, landscape, or archaeological element of a Talent Landmark or Resource of Statewide Significance, which is specified as significant in its designation shall be altered, removed, or demolished without a permit issued pursuant to this Article.
- B. No major exterior alteration, relocation, or demolition of a Landmark or Resource of Statewide Significance shall be allowed without a permit issued pursuant to this Article.
- C. Prior to submitting an application for a permit pursuant to this Section, proponents are required to request a pre-application conference with the Architectural Review Committee to review concepts and proposals. The City Planner may form ad-hoc committees for this purpose. Committee members participating in pre-application conferences shall disclose their ex parte contact at the time of a public hearing on the proposal.

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- D. The City Planner shall establish standards for a complete application. Upon acceptance of a complete application the City Planner shall schedule a public hearing pursuant to applicable state laws.
- E. In cases requiring a public hearing, the Commission shall review and act upon all applications. The burden of proof lies with the applicant. Applications may be approved, approved with conditions, or denied. The City of Talent shall include any conditions imposed by the Commission for permits issued pursuant to this Section.
- F. In order to approve an application for the alteration of a Landmark or Resource of Statewide Significance, the Commission must find that the proposal meets the Secretary of the Interior's *Standards for Rehabilitation*.
- G. In order to approve an application for the relocation or demolition of a Landmark or Resource of Statewide Significance, the Commission, in consultation with the Architectural Review Committee, must find the exemption based on one of the following:
1. No prudent and feasible alternative exists, or
 2. The designated property is deteriorated beyond repair, or
 3. The financial, social, economic, and environmental value to the community of the proposed use of the property outweighs the value of retaining the Talent Landmark or Resource of Statewide Significance. The Commission may demonstrate their decision to relocate with qualitative and quantitative findings of fact.
- H. At the hearing of an application to relocate or demolish a Landmark or Resource of Statewide Significance the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore, it may apply to the City Council for permission to continue the delay for an additional period of up to 120 days.
- I. In approving an application for the demolition of a Landmark or Resource of Statewide Significance, the Commission may impose the following conditions:
1. Photographic, video, or drawn recording of the property to be demolished, and/or
 2. Salvage and curation of significant elements, and/or
 3. Other reasonable mitigation measures.

- J. No provision of this Article shall be construed to prevent the ordinary repair or maintenance of a Landmark or Resource of Statewide Significance, when such action does not involve a change in design, materials, or appearance.
- K. No provision in this Article shall be construed to prevent the alteration, demolition, or relocation of a Landmark or Resource of Statewide Significance, when the Building Official certifies that such action is required for the immediate and urgent safety of the public.

8-3L.734 ALTERATION, RELOCATION, OR NEW CONSTRUCTION IN THE OLD TOWN DESIGN DISTRICT

- A. Alteration or Relocation.
 - 1. Remodels, alterations and relocations of buildings and structures in the Old Town design district are subject to the standards in Section 8-3K.120.
- B. New Construction
 - 1. New commercial construction in the Old Town design district is subject to the standards in Section 8-3K.130 and, as applicable, 8-3K.2.
 - 2. New residential construction in the Old Town design district is subject to the standards in Section 8-3K.140.
 - 3. New civic construction in the Old Town design district is subject to the standards in Section 8-3K.130 and, as applicable, 8-3K.2.

8-3L.740 HISTORIC LANDMARK COMMISSION; POWERS AND DUTIES

The Planning Commission is designated as the City's Historic Landmark Commission, and shall have the review authority for *all* provisions and activities covered within this Article.

- A. The Commission, in consultation with the Architectural Review Committee, may develop and publish, or adopt, written and graphic guidelines and example materials to clarify the criteria in this Article and to assist applicants in developing complete and viable applications.
- B. Employing the procedures and criteria in Section 730 of this Article, in consultation with the Architectural Review Committee, the Commission shall periodically identify and evaluate the historic resources of Talent to update and maintain the Survey of Historic and Cultural Resources. At such time as surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.

- C. Employing the procedures and criteria in Section 735 of this Article, in consultation with the Architectural Review Committee, the Commission shall, as necessary, maintain and revise the Landmarks Register, by adding or deleting properties.
- D. Employing the procedures and criteria in Sections 740 and 750 of this Article, in consultation with the Architectural Review Committee, the Commission shall review and act upon applications for the alteration, relocation, or demolition of Talent Landmarks, and/or the exterior alteration, relocation, or demolition of Historic Resources of Statewide Significance.
- E. Employing the procedures and criteria in Sections 740 and 755 of this Article, in consultation with the Architectural Review Committee, the Commission shall review and act upon applications for alteration, relocation, or new construction in the Old Town.

8-3L.742 SURVEY OF HISTORIC AND CULTURAL RESOURCES

- A. The Planning Commission, in consultation with the Architectural Review Committee, shall determine and periodically revise priorities for the identification and evaluation of historic resources.
- B. Unless the Planning Commission finds extraordinary historic importance, only properties over fifty years of age shall be considered for inclusion in the Survey of Historic and Cultural Resources.
- C. The Planning Commission, in consultation with the Architectural Review Committee and City Planner, shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for listing on the Talent Landmarks Register. Owners of surveyed properties will be provided written notice of these findings.
- D. Documentation of properties in the Survey shall be recorded on forms compatible with the Statewide Inventory of Historic Properties maintained by the State Historic Preservation Office, and upon completion, copies of any new inventory forms shall be supplied to the State Historic Preservation Office.
- E. Records concerning archaeological sites shall not be made available to the public.

8-3L.744 OBTAINING LANDMARK STATUS

- A. Properties listed on the National Register of Historic Places, including all properties within any National Register Historic District boundaries, are eligible for au-

automatic listing on the Talent Landmarks Register provided the owner of such a property requests such listing. As Resources of Statewide Significance, all such properties are subject to the regulations in Section 750 of this Article, pursuant to Oregon Administrative Rule 660-023-200 whether included in the Landmark Register or not. However, only properties listed on the Landmarks Register shall be eligible for public incentives and code considerations pursuant to this Article.

- B. Any individual or group, including the Commission acting on its own initiative, or upon the advice and recommendation of the Architectural Review Committee, may nominate a historic resource for inclusion on or removal from the Landmarks Register by submitting a complete application to the City Planner. The burden of proof lies with the applicant. No property shall be so designated without the written consent of the owner, or in the case of multiple owners, a majority of the owners.
- C. The City Planner shall establish standards for a complete application. Upon acceptance of a complete application the City Planner shall schedule a public hearing pursuant to applicable local and state laws.
- D. In order to be included on the Landmarks Register the Commission must find that the historic resource has been listed on the National Register of Historic Places or is over fifty years of age, possesses sufficient historic integrity, and meets at least one of the following standards:
 - 1. Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history;
 - 2. Is associated with the lives of persons, or groups of people, significant in local, state, or national history;
 - 3. Embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master craftsman or technician, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - 4. Has yielded or is likely to yield information which is important in local, state, or national history.
- E. Resources of less than 50 years of age must be of extraordinary historic significance, retain sufficient integrity, and successfully meet one of criterion 1 through 4, above.
- F. The Commission shall develop findings to support its decisions. These findings shall indicate those elements of a property, including interior, landscape, and ar-

chaeological features, that are included in the designation and subject to regulation under the provisions of this Article.

8-3L.746 PUBLIC INCENTIVES FOR HISTORIC PRESERVATION

The City Planner, in consultation with the Architectural Review Committee, may develop incentive programs for preservation, restoration, and new development that meets the intent and purpose of the this Article and the related goals and objectives of the adopted Comprehensive Plan. Incentive programs may include but are not limited to financial, expedited design review, fee waivers, and any other incentives deemed appropriate by the City Planner, City Administrator, and Architectural Review Committee. Any such incentives will be reviewed and adopted by City Council as an amendment to this Article.

8-3L.770 APPEALS

- A. Decisions of the Planning Commission are appealable to the hearings Officer. Decisions of the Hearings Officer are appealable to the Land Use Board of Appeals.
- B. Procedures for appeals to the hearings Officer shall be the same as those for appeals of Planning Commission decisions. (8-3M.1)

8-3L.785 ENFORCEMENT AND PENALTIES

- A. If The City Planner, Building Official, or designated Code Enforcement Officer of the Talent Police Department finds that any of the provisions of this Article are not being complied with, the following corrective actions may taken:
 - 1. A "Stop Work Order" may be issued;
 - 2. A certified letter may be issued and mailed to the offender and/or property owner that details the provisions of the Article out of compliance and provide explicit instructions for correcting the improper actions;
 - 3. If the offender does not comply with Paragraph (2), a citation to appear in court may be issued under applicable local and state codes and statutes.

[Amended by Ordinance No. 09-851; 9/08/09]

CITY OF TALENT

“Old Town” Design Review District



Not to Scale

8-3 Division L. Article 8.

**MANUFACTURED HOME PARK
Development Standards and Procedures**

8-3L.810 STATE AND LOCAL LAW

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

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

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

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

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

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

- A. Following receipt of the site and development plan, the staff advisor to the Planning Commission shall prepare a report including information on compliance with ordinance requirements, the City Comprehensive Plan, any other adopted City plan and any other data as appears pertinent to the Planning Commission's review of the plan.
- B. Planning Commission shall hold a public hearing on the proposed MH park. Notice of the public hearing shall be provided as set forth in Section 8-3M.130.
- C. The Planning Commission shall take action to approve, disapprove or conditionally approve the plan within sixty (60) days from the first regular Planning Commission

meeting following submission of the site and development plan, unless an extension of such time limit is mutually agreed upon by an extension of such time limit is mutually agreed upon by the applicant and the Commission. The plan shall be approved if it contains all of the information required in subsection B, above, and the proposed MH park conforms with the provisions of law and the standards set forth in this Article. Approval of the site and development plan shall indicate approval of the final plan provided there is no change from the approved plan and there is full compliance with all requirements of this Article.

8-3L.840 FINAL APPROVAL

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

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

8-3L.850 STANDARDS AND IMPROVEMENTS

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

- A. Certificate of sanitation. A MH park shall have a certificate of sanitation issued by the State Department of Commerce, and must comply with all state requirements for MH parks.
- B. Area. A MH park shall not be less than two (2) acres nor more than thirty (30) acres in area. MH parks which would accommodate housing for residents numbering more than five percent (5%) of Talent's population (based on 2.5 people per MH) shall be staged or phased so that the population increase that would be created in any one year by the MH park will amount to less than five percent (5%) of the City's population.
- C. Permitted uses in a MH park. Uses permitted outright and uses permitted subject to site development plan review and conditional use processes in a MH park are listed in Sections 8-3C.320, 330, 340, and 350.
- D. MH park access.
1. All MH parks shall have at least two hundred (200) feet of frontage on a public street. All parks over ten (10) acres in size shall be located so as to have principal access on a street designated by the City as a collector or arterial street.
 2. At least two (2) pedestrian exits and one vehicular exit shall be provided in every MH park, and shall be located no closer than one hundred and fifty (150) feet from any other exit.
- E. Density of MHs. No more than eight (8) MH units shall be located per net acre (net acreage includes MH spaces and common open space and recreational uses, but does not include roads, parking areas or commercial uses).
- F. Parking. Two (2) off-street parking spaces shall be provided at each MH site. Additional parking space shall be provided in parking lots distributed around the park to accommodate at least one (1) space per eight (8) MHs, but not more than one (1) additional space per MH. In addition, sufficient off-street parking shall be provided for MH park employees. Parking facilities shall conform to the requirements of Article 8-3J.5.
- G. Streets and accessways.
1. Each MH park site shall have an accessway of at least thirty-six (36) feet in width which connects to an existing public street.
 2. The first fifty (50) feet of an accessway, measured from the public street, shall be surfaced to a width of at least twenty-eight (28) feet, with no on-street parking permitted. Where a MH park street intersects an existing public street, the MH park developer shall improve the park street to the center line of the existing City street.
 3. Exterior streets abutting the MH park which are not improved to subdivision standards shall be improved as set forth in 8-2.260(B).
 4. For MH park accessways, beyond the first fifty (50) feet, the minimum surfaced width of the roadway within the park shall be ten (10) feet for each travel lane and eight (8) feet for each parking lane.

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

- playgrounds, playfields, swimming pools, bicycle paths, community gardens and/or joint use recreation buildings, or other approved recreation uses for the common use of MH park residents. Required parking areas and pedestrian walkways may not be counted as part of the recreation area requirement.
- N. Storage of Unoccupied MHs, Recreation Vehicles and Boats. Unoccupied MHs, recreation vehicles and boats may be stored only in areas designated and suitable for such purposes. They shall not be stored in accessways, required parking spaces, or areas designated for another purpose.
- O. Orientation of MH Pads and Spaces. MH pads and spaces shall be oriented to provide as many mobiles a major south wall of uninterrupted solar access as possible.
- P. MH Location and Setbacks. Occupied MHs shall be parked only on MH stands, shall be set back at least ten (10) feet from any park roadways, at least fifteen (15) feet from any other MH or park building, at least ten (10) feet from any separate accessory structure, and at least twenty-five (25) feet from any public street. No MH space within a MH park shall be located in such a manner that a public street must be used to place a MH in the space.
- Q. Buffering. Buffering beyond the perimeter requirements set forth in this section shall be required when necessary to conform to the buffering standard set forth in the Subdivision Code (8-2).
- R. Improvements Required for Each MH Space or Site. Each MH space or site shall have the following improvements:
1. A MH foundation stand, which shall be improved to provide adequate support for the placement and tie-down of the MH. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and shall be constructed so that it will not heave, shift or settle unevenly under the weight of the MH due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Each stand design shall be approved by the Building Inspector. The stand must be at least as large as the MH placed on it.
 2. A patio or combination of patios of concrete, asphalt, flagstone, wood or other equivalent material with an area of not less than 150 square feet and no dimension less than seven (7) feet.
 3. Two (2) paved parking spaces and at least fourteen (14) feet of direct access to a park street.
 4. A deciduous tree shall be planted on the south side of each MH site where active solar collectors will not be utilized.
- S. MHs Permitted. Only MHs meeting the following requirements will be permitted as an outright use:
1. Every occupied MH shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.

2. The MH shall be in a condition that conforms to one of the following construction standards:
 - a. A MH constructed after April 1972 shall bear the Oregon insigne of compliance to standards in effect in Oregon at the time of construction.
 - b. A MH constructed prior to April 1972 shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after April 1972, as determined by the Building Inspector.
3. The MH shall have a minimum area of four hundred (400) square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a MH accessory structure shall not be included in the computation of minimum area.

T. MH Placement and Exterior Finishing.

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

U. Accessory Buildings and Structures.

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

Fences, Walls, Hedges and Screen Plantings and Signs. All fences, walls, hedges and screen plantings shall conform to the requirements of 8-3J.4, except as may be permitted in Section 8-3L850(A)(23), below, and be properly maintained. Signs shall be permitted and in conformance with 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

V. Landscaping and Screening.

1. Perimeter Landscaping and Buffering. The outer perimeter of the MH park shall be improved with:
 - a. A sight-obscuring fence or wall at least six (6) feet in height, set back at least fifteen (15) feet from the front property line; and at least five (5) feet from the side and rear property lines if it exceeds six feet in height; or

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

W. Licensing of MH Parks.

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

- X. Upgrading of Pre-Existing MH Parks for Fire Protection. Within three (3) years of the date of enactment of this ordinance, every pre-existing MH park shall either install fire hydrants or provide adequate access to fire hydrants, so that every MH is located within two hundred fifty (250) feet of an accessible fire hydrant. Conformance with this requirement will be

determined by the Talent Fire Chief. Any MH park that does not meet this requirement will be ineligible for renewal of the MH park license.

- Y. Building Permits. No building permit shall be issued for the development of a new MH park until the development plans have received final approval by the Planning Commission.
- Z. MH Set-Up Permits. No MH shall be moved onto a MH space or lot until a MH set-up permit has been issued.

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

- A. Space Utilization. Building separation in a MH park for each MH and its accessory structures shall be in accordance with the following:
 - 1. The distance between MHs shall in no case be less than ten (10) feet end to end or side to side. All HUD-approved MHs may be ten (10) feet from adjacent MHs on both sides.
 - 2. The distance between non-HUD-approved MHs placed parallel to each other may be ten (10) feet on one side but must be at least fourteen (14) feet on the other.
- B. Exceptions.
 - 1. Non-HUD-approved MHs may be placed ten (10) feet apart in MH parks that comply with the Fire Safety Standards listed in Appendix "A".
 - 2. Parallel non-HUD approved MHs with less than half their lengths side by side may be ten (10) feet apart on both sides.
 - a. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD-approved MHs may be ten (10) feet apart on both sides but must be at least fourteen (14) feet apart for half their length.
 - b. Adjacent MHs in all parks must be placed at least fourteen (14) feet apart where a flammable or combustible fuel storage vessel is located on or between units.
 - c. A MH may not be closer than ten (10) feet to a park building within the MH park, or closer than five (5) feet to a park property line. The area occupied by the MH, accessory buildings, and structures on a MH lot shall not exceed seventy-five (75%) of the lot area.

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

8-3 Division L. Article 9.
TRAFFIC IMPACT STUDY

8-3L.910 PURPOSE AND AUTHORITY

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

8-3L.920 APPLICABILITY

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

8-3L.930 TRAFFIC IMPACT STUDY REQUIREMENTS

- A. The TIS shall be prepared by a certified professional transportation engineer acceptable to the City. The engineer must be currently licensed and otherwise qualified to perform the work under applicable professional and community standards and must have no financial interest in the project whatsoever and no past or current pecuniary association of any kind with the developer other than occasional work as an independent contractor performing traffic impact studies. The TIS shall determine the impact of the proposed development on existing and proposed transportation facilities and assess the applicant's plans to mitigate such impacts.
- B. **Contents.** The TIS will include the following:
1. Study area. The study area shall be the Area of Influence of the proposed action or development and all segments of the surrounding transportation system where users are likely to experience a change in the quality of traffic flow, including:
 - a. All site access intersections
 - b. Nearest intersecting collector or arterial street upstream and downstream of the proposed action or development.
 - c. Any other collector or arterial street intersection that would experience an increase of fifty (50) additional net peak hour trips.
 - d. Additional intersections requested by staff

2. Description of the proposal, phasing, if applicable, time schedule, intended use of the site(s), and intensity of use.
 3. Study timeframes
 - a. Existing conditions.
 - b. Build-out year or completion year of each significant phase of development.
 - c. 20-years from existing (for comprehensive plan and zoning amendments).
 4. Tables
 - a. Trip Generation (including phase breakdown if applicable)
 - b. LOS Table (LOS for every analysis scenario at every study area intersection. Report LOS, delay, v/c ratio, 95% vehicle queue, and any additional pertinent analysis results)
 5. Figures
 - a. Vicinity Map
 - b. Site or Tentative Plan Map
 - c. Background Traffic Volumes (all study intersections, all analysis years)
 - d. Trip Distribution and Assignment
 - e. Total (Background + Site Generated) Traffic Volumes (all study intersections, all analysis years)
 6. The stamp and signature of a qualified registered professional Engineer with a license valid in the State of Oregon.
- C. The Community Development Director or his/her designee may waive or reduce the scope of the TIS if the impacts from the development area are reasonably known and do not provide reasonable justification for the estimated cost of the analysis and report preparation. In waiving or limiting the scope of a transportation impact analysis that would otherwise be required by subsection B. above, the Community Development Director or his/her designee shall make a written determination that potentially affected intersections will not fall below the performance standards in the Talent TSP or the intersections have been adequately analyzed already in research and reports available to the City. The Community Development Director or his/her designee shall coordinate with ODOT and/or Jackson County as appropriate prior to waiving or reducing the scope of a transportation impact analysis for any development impacting a state or county maintained roadway.

8-3L.940 ANALYSIS METHODOLOGY

- A. All traffic analysis shall be prepared using analysis software programs following the most recent Highway Capacity Manual procedures.
- B. Existing condition. The following data shall be collected and reported:
 1. An infrastructure inventory shall be conducted that addresses all travel modes (streets as well as pedestrian, bicycle, and transit facilities).

2. Traffic volumes shall be measured within the previous twelve months for the weekday peak traffic period. A weekend peak period analysis shall be required at the discretion of the Community Development Director or his/her designee if weekends are the peak traffic period for either the existing street or the proposed development.
 3. Existing peak hour intersection operations shall be evaluated and performance indicators including volume-to-capacity ratio and level of service shall be reported.
- C. Background condition. Analysis must include:
1. Background traffic forecasts shall be prepared for the peak hour for the Buildout Year of the proposed project. Background forecasts shall be based on a traffic growth rate agreed upon by the Community Development Director or his/her designee. Trips generated by any permitted development that has not been constructed but has had a Traffic Impact Analysis prepared shall be added to the Background forecasts.
 2. Background peak hour intersection operations shall be evaluated and performance indicators including volume-to-capacity ratio and level of service shall be reported.
- D. Total condition. Analysis must include:
1. Total traffic forecasts shall be provided for the peak hour for Buildout Year of the proposed project. Total traffic shall be calculated by adding the trips generated by the project to the background traffic forecast. Trip generation estimates for the proposed development shall be based on ITE's Trip Generation Manual (latest published edition). The Community Development Director or his/her designee may approve different trip generation rates when trip generation rates are not available in ITE's Trip Generation Manual or different rates are justified. Trips generated by the proposed development shall be logically distributed and assigned to the street system based on analysis of local traffic patterns, the regional travel demand forecasting model, or on alternative methodology approved by the Community Development Director or his/her designee.
 2. Total peak hour intersection operations shall be evaluated and performance indicators including volume-to-capacity ratio and level of service shall be reported.
 3. Safety considerations shall be evaluated. Potential safety problems resulting from conflicting turning movements between and among driveways, intersections, and internal traffic shall be addressed. Distance to the nearest driveways on both sides of streets fronting the site and in both directions from site access points shall be shown. On-site driveway stacking and queuing impacts shall be assessed. The potential for shared access with adjacent development shall be assessed.

8-3L.950 APPROVAL CRITERIA

- A. The Community Development Director's or his/her designee assessment of the TIS will be used as the basis for requiring mitigation and imposing conditions of approval.

1. Intersections.
 - a. The Community Development Director or his/her designee shall evaluate the intersection analyses provided in the TIS for safety and queuing deficiencies and compliance with the Transportation Planning Rule and the Talent TSP.
 - b. Intersections under the jurisdiction of the Oregon Department of Transportation shall also be evaluated for compliance with the Oregon Highway Plan.
 - c. Intersections that do not comply with the criteria listed in those documents may be required to be mitigated.
2. The Community Development Director or his/her designee will determine if the development or study area has adequate transportation facilities to support the proposed land use action or development based on compliance with the operations standards.
3. The Community Development Director or his/her designee shall evaluate the crash histories and crash rates provided to identify any queuing issues.
4. The Community Development Director or his/her designee shall approve all proposed traffic distribution prior to the completion of the traffic study.

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

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

3. Where planned local street connectivity is required to improve local circulation for the betterment of interchange function, local street system improvements will be required.
 4. Mitigation measures may also include additional street connections and street extensions, turn lanes, signalization, signal modifications, installation of medians, shared access and other access management strategies, geometric improvements such as lane geometry improvements, and intersection realignments.
- F. The TIS shall demonstrate how the recommended mitigations are roughly proportional to the identified impacts.

[Amended by Ord. No. 912; 2/17/16] [Effective 3/18/16]

CITY OF TALENT ZONING CODE

General Ordinances, Title 8, Chapter 3

DIVISION M. ADMINISTRATION

- Article 1. Review Procedures
- Article 2. Non-Conforming Uses, Structures and Land
- Article 3. Annexation
- Article 4. Address Assignments & Changes
- Article 5. [Reserved for Vacation procedures]

8-3 Division M. Article 1.

PROCEDURES FOR REVIEW OF APPLICATIONS AND APPEALS

8-3M.110 PURPOSE

This Article specifies the procedures for accepting, reviewing, approving, denying, or approving with conditions any request for a land use permit, and the procedures for appealing such decisions. This Article is organized by grouping specific applications under review “Types,” which determines the level of administrative and quasi-judicial review by the City of Talent. Unless otherwise noted, the number of days always refers to calendar days.

8-3M.120 DESCRIPTION OF PERMIT PROCEDURE

There are four types of permit/decision-making procedures: Types I, II, III, and IV. These procedures are described in the following subsections. In addition, Table 1 lists all of the City’s land use and development applications and their required permit procedure(s).

- A. **Type-I Procedure (Ministerial).** Type-I decisions are made by the City Planner, or someone he or she officially designates, without public notice and without a public hearing. The Type-I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no use of discretion;
- B. **Type-II Procedure (Administrative).** Type-II decisions are made by the City Planner with public notice and an opportunity for a public hearing. The Planning Commission hears the appeal of a Type-II decision;
- C. **Type-III Procedure (Quasi-Judicial).** Type-III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the Hearings Officer. Type-III decisions generally use discretionary approval criteria; and
- D. **Type-IV Procedure (Legislative).** Type-IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and Comprehensive Plan amendments which apply to entire districts). Type-IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

*Table 1*Summary of Development Decisions/Permits by
Type of Decision-making Procedure*

Access Permit (public street)	Type I	8-3J.6	Access and Circulation
Accessory Dwelling Unit	Type II	8-3L.5	ADU
Annexation	Type IV	1-12, 8-1 and	City/County IGA
Comprehensive Plan Amendment	Type IV	8-3M.1, 8-1	
Conditional Use Permit	Type III	8-3L.2	Conditional Uses
Design Review	Type II, III	8-3L.7	Historic Preservation
Home Occupation	Type I	8-3L.6	Home Occupations
Lot Line Adjustment	Type I	8-2.510	
Minor Land Partition	Type II	8-2	Subdivision Code
Non-Conforming Use	Type I	8-3M.2	Non-Conforming Lots, Uses and Structures
Planning Inquiry	Type I		
Public Tree Removal	Type I	8-3J.4	Trees and Landscaping
Rezoning	Type IV	8-3M.1	Procedures
Sign Permit	Type I, III	8-3J.7	Signs
Site Development Plan Review	Type II, III	8-3L.1	Site Development Plan Review
Subdivision	Type III	8-2	Subdivision Code
Temporary Use Permit	Type II, III	various	
Variance	Type III, IV	8-3L.4	
Zoning Clearance or Permit	Type I	8-3M.130	
Zoning Code Amendment	Type IV	8-3M.160	Procedures

*Note: The Articles referenced above in the right-hand column describe the types of land uses and development activity that require permits under each type of decision-making procedure.

8-3M.130 TYPE-I PROCEDURE (MINISTERIAL)

- A. Application Requirements.
1. Application Forms. Type-I applications shall be made on forms provided by city staff.
 2. Application Requirements. Type-I applications shall include:
 - a. The information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.
- B. Administrative Decision Requirements. The City Planner's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the City Planner shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.
- C. Final Decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The decision is the final decision of the City. It cannot be appealed to City officials.
- D. Effective Date. The decision is effective the day after it is final.
- E. Type-I Permits and Procedures. Ministerial Decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to, Sign Permit approval, Lot Line Adjustments, and Zone Clearances on submitted Site Plans for development not subject to Site Development Plan Review. Approval or denial shall be by letter or by staff signature on forms provided by the City for the specific action. In addition to those listed in Table 1, the following shall apply to a Type-I Procedure:
- Zoning Clearance/Permit and Planning Inquiry: Some planning requests are simply requests for information regarding a specific property that require staff time in excess of that necessary to answer land use questions on the phone or over the counter. These activities are not land use decisions requiring notice or an opportunity to appeal.
1. A Zoning Clearance/Permit is a written statement of facts regarding the application of this Chapter or other land use ordinance(s) to a specific parcel or tract of land. Answering Zoning Clearance questions is a basic service of the Community Development Department. The City shall charge a fee reasonably related to the amount of time needed to state staff findings in writing and maintain those findings in the property Address File. For example, an applicant who wishes to build an addition or open a new business would need a zoning clearance.
 2. A Planning Inquiry is a request for a written statement of information about a specific parcel or tract of land. Such information may be in response to a specific question, or may be in response to a general question about the history or characteristics of the site. The City shall charge a fee reasonably related to the cost of staff time to research the question at hand and to make a written statement of findings that will be maintained in the property Address File.

8-3M.140 TYPE-II PROCEDURE (ADMINISTRATIVE)

- A. Pre-application conference. A pre-application conference is required for Type-II applications. Pre-application conference requirements and procedures are in Section 180(C), below.
- B. Application requirements.
1. Application Forms. Type-II applications shall be made on forms provided by the City Planner;
 2. Submittal Information. The application shall include:
 - a. The information requested on the application form;
 - b. Be filed with 3 copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;
 - c. Be accompanied by the required fee;
- C. Notice of Application for Type-II Administrative Decision.
1. Before making a Type-II Administrative Decision, the City Planner shall mail notice to:
 - a. All owners of record of real property within 250 feet of the subject site;
 - b. All City recognized neighborhood groups or associations whose boundaries include the site;
 - c. Any person who submits a written request to receive a notice; and
 - d. Any governmental agency, which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies, as appropriate, for review of the application. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type-II decision is made. The goal of this notice is to invite people to participate early in the decision-making process; and
 2. Notice of a pending Type-II Administrative Decision shall:
 - a. Provide a 14-day period for submitting written comments before a decision is made on the permit;
 - b. List the relevant approval criteria by name and number of code sections;
 - c. State the place, date, and time the comments are due, and the person to whom the comments should be addressed;
 - d. Include the name and telephone number of a contact person regarding the Administrative Decision;
 - e. Identify the specific permits or approvals requested;

- f. Describe the street address or other easily understandable reference to the location of the site;
 - g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
 - h. State that all evidence relied upon by the City Planner to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - i. State that after the comment period closes, the City Planner shall issue a Type-II Administrative Decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
 - j. Contain the following notice: “Notice to mortgagee, lienholder, vendor, or seller: The City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.”
- D. Administrative Decision Requirements. The City Planner shall make Type-II written decisions addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the City Planner shall approve, approve with conditions, or deny the requested permit or action.
- E. Notice of Decision.
- 1. Within five working days after the City Planner signs the decision, notice shall be sent by mail to:
 - a. Any person who submits a written request to receive notice, or provides comments during the application review period;
 - b. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;
 - c. Any governmental agency, which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies, which were notified or provided comments during the application review period.
 - 2. The City Planner shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted, and shall demonstrate that the notice was mailed to the people and within the time required by law.
 - 3. The Type-II Notice of Decision shall contain:
 - a. A description of the applicant’s proposal and the City’s decision on the proposal (i.e., may be a summary);
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;

- c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed;
 - e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;
 - f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process; and
 - g. A statement that either the appellant (the person who files the appeal) is the applicant, someone who has standing to appeal, or is a person adversely affected or aggrieved. Additional evidence related to the planning action and the conditions of approval listed in the Notice of Appeal (See subsection below) may be submitted by any person with standing to appeal during the appeal hearing, subject to any rules of procedure adopted by the Planning Commission.
4. Final decision and effective date. A Type-II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type-II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.
5. Appeal. A Type-II administrative decision may be appealed to the Planning Commission as follows:
- a. Who May Appeal. The following people have legal standing to appeal a Type-II Administrative Decision:

- (1) The applicant;
 - (2) Any person who was mailed written notice of the Type-II administrative decision;
 - (3) Any other person who participated in the proceeding by submitting written comments.
 - (4) Any person who is adversely affected or aggrieved.
- b. Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type-II Administrative Decision by filing a Notice of Appeal according to the following procedures:
- c. Time for filing. A Notice of Appeal shall be filed with the City Planner within 14 days of the date the Notice of Decision was mailed;
- d. Content of notice of appeal. The Notice of Appeal shall contain:
- (1) An identification of the decision being appealed, including the date of the decision;
 - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
6. A statement explaining the specific issues raised on appeal; and
7. Filing fee.
- a. The amount of the filing fee shall be established by the City. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.
8. Scope of appeal. The appeal of a Type-II Administrative Decision by a person with standing shall be any issue raised during the written comment period, and any other evidence submitted to the hearings body that allows additional evidence or testimony concerning any other relevant issue during a *de novo* hearing. The appeal shall be a *de novo* hearing and shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals.
9. Appeal procedures. Type-II notice and hearing procedures shall be used for all Type-II Administrative Appeals, as provided in Section 140(E);
- a. Appeal to Hearings Officer. The decision of the Planning Commission regarding an appeal of a Type-II Administrative Decision is the final decision of the City unless appealed to a hearings officer. An appeal to a hearings officer, appointed by the City Council, shall follow the same notification and hearing procedures as for the Planning Commission appeal. The appeal shall be limited to the issues raised during the initial notice and the first evidentiary hearing before the Planning Commission.

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

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

[Amended by Ord. No. 911; 2/17/16, Effective: 3/18/16]

C. Notice of Hearing.

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

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

- d. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body may grant the request by scheduling a date to finish the hearing (a “continuance”) per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
2. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
 3. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection E of this section;
 - a. When the Planning Commission re-opens the record to admit new evidence or testimony, any person may raise new issues, which relates to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to this Section is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
 - c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence.
 4. The record.
 - a. The record shall contain all testimony and evidence that is submitted to the City and the hearings body and not rejected;
 - b. The hearings body may take official notice of judicially recognizable facts under the applicable law. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts; and
 - c. The review authority shall retain custody of the record until the City issues a final decision.

5. Participants in the appeal of a Type-II Administrative decision or a Type-III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts (see Subsection 6 below) as reasonably possible. However, the public has a countervailing right to hear and present arguments at a public hearing. Therefore:
 - a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing *ex parte* contacts (as defined in Subsection 6 below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
 - b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a financial interest: Their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
 - c. Disqualification of a member of the hearings body as a result of contacts or conflict may be ordered by a majority of the voting members present. The person who is the subject of the motion may not vote on the motion to disqualify;
 - d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall not be re-qualified to make a decision;
 - e. If a member of the hearings body abstains or is disqualified, the City may provide a substitute in a timely manner to make a quorum, subject to the impartiality rules in Subsection 6; and
 - f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.
6. *Ex parte* communications.
 - a. Members of the hearings body shall not:
 - (1) Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing, except upon giving notice, per Subsection 5 above; and
 - (2) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
 - b. No decision or action of the hearings body shall be invalid due to *ex parte* contacts, if the person receiving contact:
 - (1) Places in the record the substance of any written or oral *ex parte* communications

concerning the decision or action; and

(2) Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.

c. A communication between City staff and the hearings body is not considered an *ex parte* contact.

7. Presenting and receiving evidence.

a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section 150(D), above; and

c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize him or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

E. The Decision Process.

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

2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

3. Form of decision. The hearings body shall issue a final written order containing the findings and conclusions stated in subsection 2, which approves, denies, or approves with specific conditions. The hearings body may also issue appropriate intermediate rulings when more than one permit or decision is required; and

4. Decision-making time limits. A final order for any Type-II Administrative Appeal or Type-III action shall be written and filed by the City Planner within thirty calendar days after the close of the deliberation.

- F. Appeal Procedures. An appeal of a Type-III application to a hearings officer, appointed by the City Council, shall be heard through a *de novo* hearings procedure. Only those with standing to appeal may present arguments, but can submit new evidence into the record. The hearings officer may place conditions of approval to meet the applicable criteria or deny an application based on applicable criteria not met, but must be supported by findings of fact in the record. An appeal of a hearings officer decision may be appealed by those with standing to the state Land Use Board of Appeals within 21 days of the date of the notice of decision or order, whichever is later.
- G. Notice of Decision. Written notice of a Type-II Administrative Appeal decision or a Type-III decision shall be mailed to the applicant and to all participants of record within five business days after the final order of the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- H. Final Decision and Effective Date. The decision of the hearings body on any Type-II appeal or any Type-III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the designated hearings body. The notification and hearings procedures for Type-III applications on appeal to the hearings officer shall be the same as for the initial hearing.

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

- A. Pre-Application conference. A pre-application conference is required for all Type-IV applications. The requirements and procedures for a pre-application conference are described in Section 180(C).
- B. Timing of requests. The City Planner shall not review non-City-sponsored or State-required proposed Type-IV actions more than five times annually, based on a City Council Resolution-approved schedule for such actions.
- C. Application requirements.
1. Application forms. Type-IV applications shall be made on forms provided by the City Planner;
 2. Submittal Information. The application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee; and
 - d. Three copies of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.
 - e. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application. The records of the Jackson County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list. [Alternatively, the applicant may pay a fee for the City

to prepare the public notice mailing];

- f. Include all relevant data and narrative materials to support the land use application. Data may include an impact study to quantify or assess the effect of the requested change on public facilities and services. A traffic impact study shall be required if the proposal exceeds the thresholds of Section 8-3L.9 Traffic Impact Study. The study shall be consistent with the provisions of Section 8-3L.9.

[Amended by Ord. No. 911; 2/17/16, Effective: 3/18/16]

D. Notice of Hearing.

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type-IV applications, except annexations where only a hearing by the City Council is required.
2. Notification requirements. Notice of public hearings for the request shall be given by the City Planner in the following manner:
 - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the Comprehensive Plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 (Measure 56) and mailed to:
 - (1) Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a Comprehensive Plan amendment shall be notified if a zone change would be required to implement the proposed Comprehensive Plan amendment);
 - (2) Any affected governmental agency;
 - (3) Recognized neighborhood groups or associations affected by the ordinance;
 - (4) Any person who requests notice in writing; and
 - (5) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - b. At least 10 days and not more than 14 calendar days before the scheduled Planning Commission public hearing date, and at least 10 days and not more than 14 calendar days before the City Council hearing date, notice shall be published in a newspaper of general circulation in the City.
 - c. The City Planner shall:
 - (1) each mailing of notice, file an affidavit of mailing in the record as provided by Subsection a; and
 - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
 - d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be

received.

- e. Notifications for annexation shall follow the provisions of this Article.
3. Content of notices. The mailed and published notices shall include the following information:
- a. The number and title of the file containing the application, and the address and telephone number of the City Planner office where additional information about the application can be obtained;
 - b. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area;
 - c. A description of the proposal in enough detail for people to determine that a change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
 - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See subsection E below); and
 - e. Each mailed notice required by this Section shall contain the following statement: “Notice to mortgagee, lienholder, vendor, or seller: The City of talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.”
4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
- a. Personal notice is deemed given when the notice is deposited with the United States Postal Service;
 - b. Published notice is deemed given on the date it is published.

E. Hearing Process and Procedure.

1. Less otherwise provided in the rules of procedure adopted by the City Council:
- a. The Chairperson of the Planning Commission and the Mayor shall have the authority to:
 - (1) Regulate the course, sequence, and decorum of the hearing;
 - (2) Direct procedural requirements or similar matters; and
 - (3) Impose reasonable time limits for oral presentations.
 - b. No person shall address the Commission or the Council without:

- (1) Receiving recognition from the presiding officer; and
 - (2) Stating their full name and residence address for the public record.
- c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Planning Commission and the City Council, shall conduct the hearing as follows:
 - a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
 - b. The City Planner's staff report and other applicable reports shall be presented;
 - c. The public shall be invited to testify;
 - d. The public hearing may be continued to allow additional testimony or it may be closed; and
 - e. The body's deliberation may include questions to the staff, comments from staff, and inquiries directed to any person present.
- F. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.
- 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);
 2. Comments from any applicable federal or state agencies regarding applicable statutes or regulations;
 3. Any applicable intergovernmental agreements; and
 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.
- H. Approval Process and Authority.
1. The Planning Commission shall:
 - a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

- b. Within 10 calendar days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the City Planner.
 2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Planner before the City Council public hearing on the proposal. The City Planner shall send a copy to each Council member and place a copy in the record;
 3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 30 days of its first public hearing on the proposed change, the City Planner shall:
 - a. Report the failure together with the proposed change to the City Council; and
 - b. Provide notice and put the matter on the City Council's agenda, a public hearing to be held, and a decision to be made by the Council. No further action shall be taken by the Planning Commission.
 4. The City Council shall:
 - a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
 - b. Consider the recommendation of the Planning Commission; however, it is not bound by the Commission's recommendation; and
 - c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.
- I. **Vote Required for a Legislative Change.**
 1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
 2. A vote by a majority of the qualified voting members of the City Council present is required to decide any motion made on the proposal.
- J. **Notice of Decision.** Notice of a Type-IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within five business days after the City Council decision is filed with the City Planner. The City shall also provide notice to all persons as required by other applicable laws.
- K. **Final Decision and Effective Date.** A Type-IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

- L. Record of the Public Hearing.
1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented, as a part of the hearing, shall be part of the record;
 2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
 3. The official record shall include:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the City Planner to the hearings body regarding the application;
 - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
 - d. The final ordinance;
 - e. All correspondence; and
 - f. A copy of the notices, which were given as required by this Article.

8-3M.170 REVIEW BY THE CITY ENGINEER

The City Engineer has the authority to apply standard engineering practices, the Stormwater Design Standards, the Flood Plain Damage Prevention Ordinance, the City's Standard Drawings, and other applicable technical standards to the designs and specifications of all development within City rights-of-way, facilities to be dedicated to public use, and private improvements that tie in to, or otherwise have an impact on, public infrastructure. The City Engineer may also be asked to review complex projects in conjunction with the Building Official by the Community Development Department or the Planning Commission. A decision of the City Engineer may be appealed to the City Council within 10 calendar days of the written decision of the City Engineer, subject to the requirements for a City Council appeal hearing.

8-3M.180 GENERAL PROVISIONS

- A. 120-day Rule. The City shall take final action on permit applications, which are subject to this Article, including resolution of all appeals, within 120 days from the date the application is deemed as complete. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type-IV legislative decisions – Comprehensive Plan and development code amendments - under ORS 227.178.)
- B. Time Computation. In computing any period of time prescribed or allowed by this Article, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.
- C. Pre-application Conferences.

1. Participants. When a pre-application conference is required, the applicant shall meet with the City Planner or his/her designee(s);
2. Information provided. At such conference, the City Planner shall:
 - a. Cite the Comprehensive Plan policies and map designations applicable to the proposal;
 - b. Cite the development code provisions, including substantive and procedural requirements applicable to the proposal;
 - c. Provide available technical data and assistance, which will aid the applicant;
 - d. Identify other governmental policies and regulations that relate to the application; and
 - e. Reasonably identify other opportunities or constraints concerning the application.
3. Disclaimer. Failure of the City Planner or his/her designee to provide any of the information required by this Subsection C shall not constitute a waiver of any of the standards, criteria, or requirements for the application;
4. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

D. Applications.

1. Initiation of applications: Applications for approval under this Article may be initiated by:
 - a. Resolution of City Council;
 - b. Resolution of the Planning Commission;
 - c. The City Planner;
 - d. A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
 - e. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.
2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type-II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
 - a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: (1) City Planner, (2) the Planning Commission, and (3) the City Council. Joint meetings between governing bodies may be held to streamline the decision process.

- b. When proceedings are consolidated:
 - (1) The notice shall identify each application to be decided;
 - (2) The decision on a plan map amendment shall precede the decision on a proposed land use change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and
 - (3) Separate findings and decisions shall be made on each application.
- 3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:
 - a. Acceptance. When an application is received by the City, the City Planner shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;
 - (1) The required form;
 - (2) The required fee;
 - (3) The signature of the applicant on the required form, and signed written authorization of the property owner of record if the applicant is not the owner.
 - b. Completeness.
 - (1) Review and notification. After the application is accepted, the City Planner shall review the application for completeness. If the application is incomplete, the City Planner shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information;
 - (2) When an application is deemed complete for review. In accordance with the application submittal requirements of this Article, the application shall be deemed complete by the City Planner upon the receipt of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planner in (1), above. For the refusal to be valid, the refusal shall be made in writing and received by the City Planner no later than 14 days after the date on the City Planner's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on the 31st day after the City Planner first accepted the application.
 - (3) Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted unless the applicant takes more than 180 days to complete, in which case the application will be based on the standards and criteria effective when the application is deemed complete.

4. Changes or additions to the application during the review period. Once an application is deemed complete:
 - a. All documents and other evidence relied upon by the applicant shall be submitted to the City Planner at least fourteen days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by the City Planner, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;
 - b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;
 - c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see 180(A)(3d), below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change; and
 - d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:
 - (1) Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;
 - (2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Subsection 180(A), above) on the existing application. If the applicant does not consent, the City shall not select this option; and
 - (3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;

- e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. City Planner's Duties. The City Planner shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's Comprehensive Plan, and implementing ordinance provisions;
2. Accept all development applications, which comply with applicable ordinances and procedures;
3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;
4. Prepare a notice of the proposal decision:
 - a. In the case of an application subject to a Type I or II review process, the City Planner shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;
 - b. In the case of an application subject to a hearing (Type III or IV process), the City Planner shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 150 (Type II), (Type III), or Section 160 (Type IV);
5. Administer the hearings process;
6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;
7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and
8. Administer the appeals and review process.

F. Amended Decision Process.

1. The purpose of an amended decision process is to allow the City Planner to correct typographical errors, rectify inadvertent omissions and/or make other minor changes, which do not materially alter the decision.
2. The City Planner may issue an amended decision after the notice of final decision has been issued, but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 10 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.
3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the individual procedures of applicable ordinances. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.

G. Re-submittal of Application Following Denial. An application which has been denied, or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy which would change the outcome, as determined by the City Manager.**8-3M.190 SPECIAL PROCEDURES**A. Expedited Land Divisions. An Expedited Land Division (ELD) shall be defined and may be used as in ORS 197.360, which is expressly adopted and incorporated by reference here.

1. Selection. An applicant who wishes to use an ELD procedure for a partition or subdivision, instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;
2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;
3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

B. Neighborhood Meeting Requirement. Applicants shall meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. After a pre-application conference, the applicant shall meet with any adjacent property owners within 250 feet of subject property, prior to the City's acceptance of an application as complete. The City will furnish a form letter to the applicant to be mailed to all property owners within 250 feet of the subject property that provides due notice of the scheduled neighborhood meeting. The applicant shall be responsible for any costs associated with the mailing. The City's intent is to include neighbors in the design process, as well

as improving communication among the City, neighbors, and applicant, and as a result, facilitates the public approval process.

A Neighborhood Meeting shall be required for the following Type-III applications:

1. Subdivisions
2. Site Plan Review applications within a Residential Zoning District.
3. Other Type-III development applications, such as conditional uses, which are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts).
[amended 5 March 2003; Ord. No. 735 and 15 October 2008; Ord. No. 847]

8-3 Division M. Article 2.

NON-CONFORMING USES, LOTS AND STRUCTURES

8-3M.210 INTENT

Within the zones established by this Chapter, or amendments thereto, there exist lots, structures, and uses of land and structures which were lawful before this Chapter was enacted or amended by ordinance, but which would be prohibited, regulated, or restricted under the terms of this Chapter or amendments thereto. Such uses are generally considered to be incompatible with the permitted uses in the zone in which they are located, and their continuance shall therefore be permitted only in strict compliance with the restrictions of this Article. However, existing single-family residential uses shall not be treated as non-conforming uses, unless such use is voluntarily discontinued [amended by Ord. no. 777; 12/01/2004]. Subject to the provisions of this Article, a non-conforming structure or use may be continued and maintained in reasonable repair, but shall not be altered or extended except as provided herein. The extension of a non-conforming use to a portion of a structure, which was arranged or designed for the non-conforming use at the time of passage of this ordinance, is not considered an enlargement or expansion of a non-conforming use.

A use or structure which, on the date this ordinance takes effect and Ordinance Number 146 and amendments thereto are repealed, violates that ordinance as it then reads, shall not be regarded as non-conforming but shall remain in violation under this ordinance.

8-3M.220 NON-CONFORMING LOTS OF RECORD

In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the Zoning Chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both. Yard dimensions and other requirements not involving area or width or both shall conform to the regulations for the zone in which such lot is located. For purposes of this Section, the pre-existing status of a lot must be clearly established by separate tax lot in the records of the Jackson County Assessor. No division of any parcel shall be permitted which leaves remaining any lot with width or areas below the requirements stated in this Chapter.

8-3M.230 NON-CONFORMING STRUCTURES

A structure that houses a conforming use, but that does not conform with height, setback, lot coverage, or structural requirements, may be altered or extended, if the alteration or extension does not deviate further from the standards of this Chapter. If a structure that does not meet minimum setback requirements is altered or extended under this provision, special construction standards may be required for fire safety, pursuant to the building code.

8-3M.240 NON-CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Chapter, lawful use of land exists that is made no longer permissible under the terms of this Chapter, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter; and
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Chapter; and

- C. If any such non-conforming use of land ceases for any reason for a period of more than forty-five (45) days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the zone in which such land is located.

8-3M.250 NON-CONFORMING USES OF STRUCTURES AND PREMISES

A lawful use of a structure, or of structure and premises in combination, existing at the effective date of adoption or amendment of this Chapter, and which does not conform to the use regulations for the zone in which it is located, shall be deemed to be a non-conforming use and may be continued only in compliance with the following regulations:

- A. Completion of structure. Nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit was issued prior to the effective date of this Chapter and upon which construction has commenced, provided the building, if non-conforming or intended for a non-conforming use, is completed and in use within one (1) year of the date of issuance of the building permit.
- B. Repairs and maintenance. Routine maintenance and repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on structures and premises, the use of which is non-conforming. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official.
- C. Change of non-conforming use. If a non-conforming use involving a structure is replaced by another use, the new use shall conform to this Chapter unless the planning commission determines that the proposed use is of the same or of a more restrictive classification, that the proposed use is of the same or of a more restrictive classification, that the proposed use will not affect the character of the area in which it is proposed to be located more adversely than the existing or pre-existing use, and that the change of use will not result in the enlargement of the cubic space occupied by a non-conforming use, except as provided in subsection (d) below. An application for a change of use must be filed in accordance with the provisions of Article 16, including the payment of required fee.
- D. Enlargement of non-conforming use. No existing structure that is wholly or partially occupied by a non-conforming use shall be structurally altered, move, extended, constructed, reconstructed, or enlarged in cubic space unless the alteration or enlargement will result in the elimination of non-conforming use; except that such building may be enlarged when authorized in accordance with the procedure and provisions set forth in Article 16, including the payment of the required fee.
- E. Discontinuance of non-conforming use.
1. Any structure, or structure and premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the requirements for the zone in which such structure is located, and the non-conforming use may not thereafter be resumed.
 2. If a non-conforming use of a structure is discontinued for a period of more than ninety (90) days, the further use of the property shall conform to this Chapter.
- F. Destruction of Non-Conforming Use. If a structure containing a non-conforming use is destroyed by fire, flood, explosion or other calamity to an extent exceeding seventy-five percent (75%) of the appraised value of the structure, as determined by the records of the county assessor for the year

preceding destruction, a future structure or use on the property shall conform to the regulations for the zone in which it is located.

8-3M.260 IMPROVEMENT OF CERTAIN NON-CONFORMING USES

A use which is non-conforming with respect to provision for screening or buffering shall provide such screening or buffering within a period of three (3) years from the date this Chapter is adopted.

8-3M.270 CERTAIN USES NOT CONSIDERED NON-CONFORMING

Any use for which a conditional use permit or variance has been granted shall not be deemed a non-conforming use, and may be conducted only on the terms of the original permit and subject to all limitations under which the permit or variance was awarded.

8-3 Division M. Article 3. ANNEXATION

8-3M.310 PROCEDURE

Annexation is a legislative procedure governed by Section 8-3M.160. In addition to other affected agencies, it is a requirement of the Talent Urbanization Program to notify Jackson County Planning Department.

8-3M.320 PETITION

Except for annexations initiated by the council pursuant to Section 330, a petition to annex shall include the following information:

- A. Consent to annexation which is non-revocable for a period of one year from the date of its signing.
- B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510.
- C. Boundary description and map prepared in accordance with ORS 308.225. A registered land surveyor shall prepare such description and map. Subsequent to Council approval of the proposed annexation the boundaries shall be surveyed and monumented as required by statute.
- D. Written findings addressing the criteria in Section 340.
- E. Written request by the property owner for a rezoning. Provided, however, no written request shall be necessary if the annexation has been approved by a majority vote in an election meeting the requirements of Section 11g of Article XI of the Oregon Constitution (Ballot Measure No. 47).

8-3M.330 INITIATION BY COUNCIL

- A. The Council may initiate a proposal for annexation by resolution and will follow the provisions of ORS 222.111–125 or 222.750.
- B. When the Council initiates an annexation the approval standards in Section 340 shall still apply, except in the following cases:
 - 1. The annexation is initiated because of current or probable public health hazard owing to a lack of full City sanitary sewer or water services; or
 - 2. The lot or lots proposed for annexation comprise an “island” completely surrounded by lands within the city limits.

8-3M.340 APPROVAL STANDARDS

An annexation may be approved if the proposed request for annexation conforms to the following approval criteria, or can be made to conform through the imposition of conditions:

- A. The land is in the City’s urban growth boundary (UGB).
- B. The land is currently contiguous for a distance of 60 feet or more with the present city limits.

- C. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map and/or adopted Master Plan map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- D. The following infrastructure can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff:
1. Adequate facilities for the provision of water to the site, as determined by the Public Works Department and/or City Engineer;
 2. Adequate transport of sewage from the site to the waste water treatment plant, as determined by Rogue Valley Sewer Services;
 3. Adequate storm drainage as determined by the Public Works Department and/or City Engineer.
- E. Adequate transportation can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff. The purpose of this standard is to ensure that transportation facilities are extended to adjacent lands that are also available for annexation, though they may not be immediately eligible. For the purposes of this section “adequate transportation” for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
1. A 20-foot-wide paved access exists for vehicular transportation, or can and will be constructed, along the full frontage of or through the project site to the nearest fully improved collector or arterial street.
All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot-wide driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards.
 2. Where future street dedications are indicated on the City’s “Required Street Connections” maps in the Transportation System Plan, or an adopted master plan, or when required by the City, provisions shall be made for the dedication and improvement of these streets and be included with the petition to annex.
 3. For bicycle transportation, safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
 4. For pedestrian transportation, safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by code on all streets within the annexed area.

Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.

5. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.

F. One or more of the following standards are met:

1. The proposed annexation area will be zoned a Residential district in accordance with the Comprehensive Plan, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. “Redevelopable land” means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be calculated from the most current adopted vacant and redevelopable land inventory, or the inventory in the Housing Element of the Comprehensive Plan under the direction and approval of the City Planner; OR
2. The proposed lot or lots will be zoned a Commercial district under the Comprehensive Plan, and that the petitioner will obtain Site Development Plan Review approval for an outright permitted use, or conditionally permitted use, concurrent with the annexation request; OR
3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; OR
4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; OR
5. The area proposed for annexation has existing City of Talent water or sanitary sewer service extended, connected, and in use, and a signed “consent to annexation” agreement has been filed and accepted by the City of Talent; OR
6. There is inadequate infrastructure that is unduly preventing development of UGB lands and annexation will provide a means to extend infrastructure; OR
7. The lot or lots proposed for annexation are an “island” completely surrounded by lands within the city limits.

8-3M.350 BOUNDARY CHANGE REQUIRED BY CITY

- A. When an annexation is initiated by a private individual, the Planning Director may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City of Talent.
- B. The Director, in a report to the Commission and Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed.
- C. The purpose of this Section is to permit the Planning Commission and Council to make more logical and orderly extensions of the City’s boundaries.

8-3M.360 FILING AND WITHDRAWAL

It is the duty of the City Recorder, or assign, to file all records, transcripts, and reports of annexations as required by statute (ORS 222.010), and to ascertain the need for, and take action to institute, any proceedings to withdraw annexed areas from special service districts within the time prescribed by law.

8-3M.370 ANNEXATION BY ELECTORATE VOTE

As per the City Charter, Chapter X, Section 36, the decision authority transfers from the City Council to the electors of the City of Talent if:

- A. Within thirty (30) days of the Council's decision to annex a verified petition requests a majority vote of the electorate. The petition must be signed by either 100 qualified voters or one (1%) percent of qualified voters in the City and the annexation territory, whichever is greater; or
- B. A majority of the City Council favors referring the decision to the voters; or
- C. When required by State law.

Article 8-3M.3 adopted on 8/20/2008 by Ordinance No. 845
Effective Date: 9/9/2008

8-3 Division M. Article 4.

ADDRESS ASSIGNMENT AND CHANGES

8-3M.410 NUMBERING REQUIRED—GENERALLY

All buildings within the City of Talent, now or hereafter occupied for any purpose, and having access to a public street shall be numbered for street address as provided in this ordinance. It shall be the duty of the owner of the building to post, and maintain, the assigned number in a manner provided in this Article. It shall be the duty of the owner of the building to post, and maintain, the assigned number in a manner provided in this Article. For the purposes of this Article, the “owner” shall be deemed to include occupant and any person who appears as owner on the property tax records of Jackson County, and any notice required under this Article shall be sufficient if mailed to the address to which tax statements are sent.

8-3M.420 NUMBERING—ASSIGNING—CHANGING AND RECORDING

- A. Street numbers will be assigned by the City Planner. For purposes of this Article, “City Planner” shall mean any member of the Talent Planning Department or any other department as determined by City Council. Street numbers will be assigned in accordance with a policy adopted by resolution of the council, designed to provide a logical and uniform system consistent with other systems generally in use. The City Planner shall prepare a map of the city and indicate there the numbers used to designate the premises, which map shall be maintained on file with the City Recorder.
- B. If the City Council determines that any street number in actual use is out of sequence or incorrect, a street number change may be initiated by motion of the council and a new number assigned. Before assigning a correct number, the council will give notice to the owner of the premises and an opportunity to be heard at its next council meeting. Thereafter, the council shall take such action as it deems appropriate and forthwith notify the owner in writing of the number assigned, in the event of a change.
- C. For all buildings hereafter completed or occupied for the first time, numbers will be assigned by the City Planner. For new construction, the number will be assigned when the building permit is issued. For new occupancies, a number will be assigned on an application of the owner or occupant prior to occupancy; or in the event that no such application is made, the number shall be assigned by the City Planner and written notice given to the owner or occupant.
- D. Assigned numbers shall be posted on each existing building within ninety (90) days of the date of enactment of this ordinance. Buildings hereafter erected or occupied will be provided and posted with the assigned numbers not later than thirty (30) days after completion, and in any event prior to occupancy of the building.
- E. The numbers shall be placed on either side of the main entrance, upon the porch or piazza, or on the gateway, or in such manner that the same may be plainly seen from the street in front of the property and will not be hidden from view from the street in front of the property by any tree, bushes, shrubs or other obstructions. The numbers shall be of such size and color that they will be easily read from the street by a person with reasonable vision.

8-3M.430 ENFORCEMENT

Any owner or occupant who fails to place street numbers in accordance with this Article within the times herein specified, or who occupies or permits a building to be occupied without such number being posted, may be penalized by fine not exceeding one hundred dollars (\$100).

In addition, or in lieu of such fine or penalty, the City may cause the number to be posted as in this Section provided. The City of Talent Utilities Department shall mail to the owner or occupant a notice of the obligation to post the assigned number and if said number is not posted within fifteen (15) days after the date of the notice, the department shall go upon the premises and post the number in compliance with the provisions of this ordinance, at a cost not to exceed fifteen (\$15), which amount is to be billed the legal owner of the property by mail, payable to the city no later than thirty (30) days from the date of billing. The charge may be waived or reduced by the city council to avoid unreasonable economic hardship. It shall be unlawful for any owner or occupant of any premises to resist a representative of the City of Talent Utilities Department engaged in carrying out his or her duties under this section.

8-3 Division M. Article 5.
VACATION

[Reserved]