

Chapter 18.15

DEFINITIONS

18.15.010 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 (TMC Title [17](#)) and comprehensive plan, and any amendments thereto, are by this reference considered a part of this chapter. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3B.110, 2006.]

18.15.020 General definitions.

"Abutting" means adjoining with a common boundary line.

"Access" means the way or means by which pedestrians and/or vehicles enter and leave property or a building.

"Accessory dwelling unit (ADU)" means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

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.

Accessory Structure, Mobile Home. See "mobile home accessory building or structure."

“Accessway” means 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.

“Adjacent” means near, close; for example, an industrial zone across the street or highway from a residential zone shall be considered “adjacent.”

“Adjoining” means the same as “abutting.”

“Adult business” means 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.

“Agricultural resource” (also known as “critical rural/agricultural lands” in Talent Ordinance No. 385) means 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.

“Agriculture” or “agricultural use” means 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.

“Alley” means 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” means the same as “structural alteration.”

“Amendment” means a change in the wording, content, or substance of this title, or a change in the zone boundaries on the zoning map.

"Apartment" ~~see "Dwelling, multiple-family."~~ means 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 multifamily structure.

~~"Apartment house" means any building or portion thereof which contains three or more individual dwelling units, regardless of the ownership arrangement.~~

"Assessor" means the county assessor of Jackson County.

"Basement" means 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 title, 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.

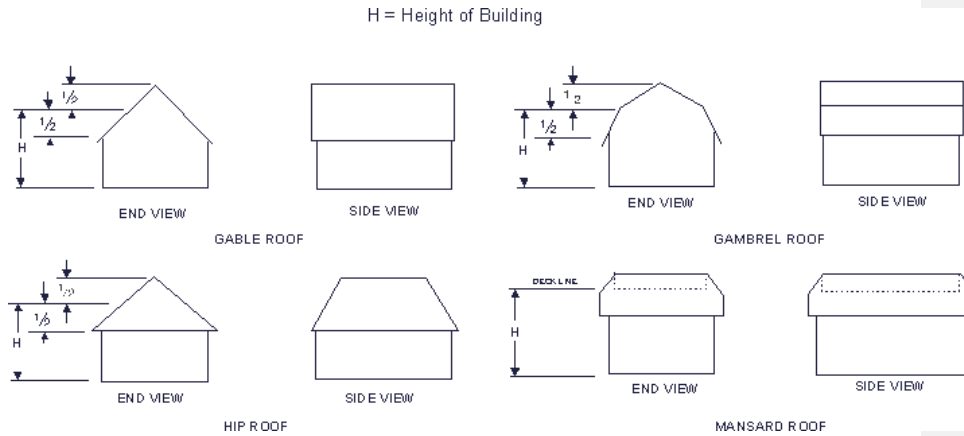
~~"Boarding house" means any building or portion thereof containing not more than five guest rooms which are occupied, or intended for occupancy, by guests in return for money, goods, labor or otherwise.~~

"Buffer" means 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" means that portion of a lot excluding the minimum setback areas.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building height" means 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).



“Building line” means a horizontal line that coincides with the front side of the main building.

“Building lot” means 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 title, and having the required frontage on a street.

“Building, main” means a building within which is conducted the principal use permitted on the lot, as distinguished from an accessory use, as provided by this title.

Building (or Structure), Legal Preexisting. 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 Chapter [18.195 TMC](#)).

“Cemetery” means 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” means 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” means the city engineer of the city of Talent.

“Clinic” means a place for group medical or dental services, not involving overnight housing of patients.

“Club” means 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.

“Cluster housing” means a cluster of four or more dwelling units around a central common space sharing site amenities such as parking and landscaping in a coherent site design, located either on a single lot or individually platted lots.

“Collocation” means the use of a wireless communications facility by more than one wireless communication provider.

“Commission or planning commission” means the planning commission of the city of Talent.

“Common area” means 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” means 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.

“Contiguous” means the same as “abutting.”

“Council or city council” means the city council of the city of Talent.

“Court” means an open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

“Craft manufactory and retail” means 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.

“Curb lot” means 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” means 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.”

“District” means the same as “zone.”

“Drive-in, drive-through, or drive-up” means 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” means a road or other accessway 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 accessway that serves more than one parcel is considered a street.

“Driveway, one-way” means a driveway where either ingress or egress, but not both, is allowed.

“Driveway, two-way” means a driveway where both ingress and egress are allowed.

~~“Duplex” means two-family dwelling.~~

~~“Dwelling, common wall single-family” means a dwelling unit that shares a common wall with one other dwelling unit with a zero lot line setback, with each dwelling unit located on a separate lot.~~

“Dwelling, conventional” refers to any dwelling or multiple-dwelling structure that is constructed on the site and in conformance with Uniform Building Code standards.

"Dwelling, duplex" means a detached building containing two residential dwelling units on a single lot.

"Dwelling group" means 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.

Commented [ED1]: Is this used? Seems to overlap with "Two or three main buildings on an individual lot" but used inconsistently. Can the whole concept be replaced with cluster housing, or are there specific situations where this is useful?

"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, axles or wheels that make them adaptable for highway transport.

"Dwelling, manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was built on or after June 15, 1976, to the standards and requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, or other federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Commented [ED2]: Update these definitions to match ORS 446.003.

"Dwelling, mobile home" means 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 is commonly designed with framing, axles, and wheels that permit its transport on public highways. Permanent placement and removal of axles and wheels have no effect on the "mobile home" designation.

"Dwelling, mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

"Dwelling, multiple-family" means a building or portion thereof, ~~designed or used as a~~ residence by three or more families or individual households, and containing ~~five~~ three or more dwelling units on a single lot. Units may be attached or detached in any configuration.

"Dwelling, quadplex" means a detached building containing four residential dwelling units on a single lot.

"Dwelling, single-family detached" means a detached building designed or used for residential purposes by not more than one family and containing a single dwelling unit on a single lot. 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.

"Dwelling, single-family attached" means an attached building containing a single dwelling unit on a single lot that shares a common or abutting wall(s) with one or more dwelling unit(s). Individual townhouse units are generally separated by common firewalls and their owners may or may not share in the ownership of a common area. Used synonymously with "townhouse" or "rowhouse."

Commented [ED3]: Modified from existing townhouse definition.

"Dwelling, triplex" means a detached building containing three residential dwelling units on a single lot.

"Dwelling, two-family" means a detached building containing two complete residential dwelling units and commonly referred to as a "duplex."

"Dwelling unit" means 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. a structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities are included in this definition.

Commented [ED4]: Updated to match Oregon model code.

"Encroachment" means any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.

"Enlarge or extend" means to increase the cubic content of a building or increase a use of land to occupy a greater area than was previously occupied.

"Family" means 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.

Commented [ED5]: Best practice is regulate dwelling units, not number of "families" to avoid potential discriminatory impacts.

“Fence, sight-obscuring” means a fence, or a fence and evergreen planting, arranged in such a way as to obstruct vision of a building or use of land.

“Floodplain” means any land area susceptible to being inundated by water from any source; particularly any area designated as being within the floodway or 100-year flood boundary in the most recent available data of the Federal Insurance Administration and referred to as such by this title or any other city ordinance.

~~“Foster home” means 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.~~

Commented [ED6]: Replaced by “residential care home”

“Frontage” means that portion of a parcel or property which abuts a public street other than an alley.

“Garage” means 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.

“Grade (ground level)” means 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 feet of a sidewalk, the ground level shall be measured at the elevation of the sidewalk.

~~“Group home” means 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.~~

Commented [ED7]: Replaced by “residential care facility”

“Guest, commercial” means 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.

“Guest house” means 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 or 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.

“Guest lodging” (includes hotels, motels, bed and breakfast inns and similar uses) means 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.

“Guest, residential” means 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 privilege.

“Guest room” means any room or rooms within a dwelling unit that are 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.

“Historic building or structure exterior remodel” means the addition to, removal of or from, or physical modification or repair of an exterior part or portion of a historic building or structure.

“Historic building, structure, site” means 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.

“Home occupation” means 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.”

“Integrated shopping center” means a shopping complex designed to provide a broad range of retail products and services in one location.

“Kennel” means any lot or premises on which four 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” means 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, sculptures, lampposts, fences, benches, and other functional or decorative features may be integral components of a landscape plan.

“Live-work building” means 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.

“Lot” means 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.

“Lot area” means 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.

“Lot coverage” means 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” means the horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

“Lot line” means the property line bounding a lot.

“Lot line, front” means 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” means 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 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” means a lot line which is not a front or rear lot line.

“Lot of record” means a lot recorded with the Jackson County recording officer and designated by a separate tax lot number in the records of the county assessor.

1. “Corner lot” means 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.
2. “Flag lot” means a lot with no direct access to a public street except via a drive contained within the tax lot boundaries of the lot.
3. “Interior lot” means a lot other than a corner lot, with only one frontage on a street other than an alley.
4. “Through lot” means an interior lot having frontage on two parallel or approximately parallel streets other than alleys.

“Lot width” means 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 (not including required yards).

“Maintain” means 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 south roof” means 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 rooftop solar collection systems.

“Major south wall” means 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.

Mobile Home. See “dwelling, manufactured or factory-built” and “dwelling, mobile home.”

“Mobile home accessory building or structure” means 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” means any lot on which two or more mobile homes are located and being used for residential purposes, other than as an 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 of the mobile homes, or to offer same in exchange for trade or services.

“Mobile home stand” means that part of a mobile home space reserved for the placement of the mobile home.

Motel. See “guest lodging.”

“Noise” means 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 relate to adjacent “noise sensitive” uses. A noise sensitive use is a residence, church, library, and school. Other noise sources, which are not subject to 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.

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

“Nonconforming use” means 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” means 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” means 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” means 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” means a permanently maintained area for the parking of one standard size automobile, with proper access and measuring not less than eight and one-half feet wide by 18 feet long.

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

“Planning commission” means the planning commission of the city of Talent, authorized under Chapter [2.20](#) TMC.

“Planning office/department” means 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 created or designated, reference thereto herein shall mean the city council.

“Plot plan” means 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 this title or TMC Title [17](#).

“Premises” means the lot or plot of land upon which a structure or use is located.

“Public facilities and services” means 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 accessway” means a state highway, other road or accessway that has been dedicated for use by the public for roadway purposes, not including an alley. Also referred to as a “public street,” or simply a “street.”

“Recreation area” means 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” means 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.

“Recreational vehicle park or campground” means an area designed to accommodate recreational vehicles and/or tent campers and to provide related and needed facilities and services.

“Relocated structure” means 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 a 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.”

“Residential care home” means a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.)

Commented [ED8]: Updated term to match Oregon model code and replaces “foster home” definition.

“Residential care facility” is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880: residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

Commented [ED9]: Updated term to match Oregon model code and replaces “group home” definition.

“Retirement home” means a facility that provides living quarters, owned or rented, to persons who 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.

“Row house” – See **“Dwelling, single-family attached.”** – means 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” means 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” means a place of 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” means the minimum allowable distance from a given point or line of reference – such as a street right-of-way or property line.

“Shaded” means 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” means the area on the ground surface or structures or objects which is shaded during a specified time.

“Short-term rental” means where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days. Short-term rentals, also called transient rentals, are defined in Chapter [3.05](#), Transient Room Tax.

“Site development plan” means 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 title.

“Solar access” means the ability of something to receive solar energy without being shaded.

“Solar collector” means a device, or combination of devices, structures, or part of a device or structure, that transforms solar energy into thermal, mechanical, chemical or electrical energy that satisfies a structure’s (or swimming pool’s) 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” means radiant energy received from the sun.

“Staff advisor” means a member of the planning department designated to advise the planning commission and/or city council on planning matters.

“Story” means 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” means 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 TMC Title [17](#) and apply to this title.

“Street improvements” means 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” means a lot line separating a street from other land.

“Structural alteration” means 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.

“Structure” means 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.

Temporary. Unless otherwise defined or specified, such as in a condition of approval of a particular land use, the term “temporary” shall mean 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.

“Tent” means 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” – See “Dwelling, single-family attached.” – means 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.

Trailer. See "dwelling, manufactured or factory-built," "recreation vehicle" and "travel trailer."

"Travel trailer" means 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 "recreation vehicle."

"Undevelopable land" means 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 manmade 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.

"Uniform Building Code standards" means the Uniform Building Code (UBC) standards promulgated by the International Conference of Building Officials (ICBO), as adopted by the city of Talent.

"Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

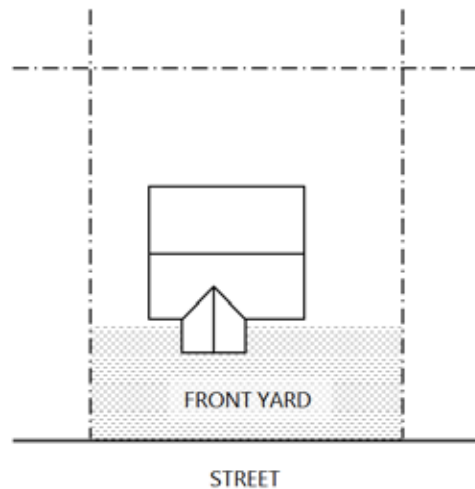
"Wireless communications antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Does not include any support structure upon which an antenna is mounted.

"Wireless communications facility" means 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.

“Wireless communications tower” means 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.

“Yard” means 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” means 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 principal building that faces a front lot line.



“Yard, rear” means 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” means 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” means a yard extending from the front yard to the rear yard on the street side of a corner lot.

“Zone” means a district established by this title and shown on the zoning map, within which specified buildings and uses of land are permitted as set forth herein. [Ord. 943 § 1 (Exh. A), 2018; Ord. 902 § 1 (Exh. A), 2015; Ord. 847 § 4 (Exh. B), 2008; Ord. 844 § 2 (Exh. B); Ord. 817 § 8-3B.120, 2006.]

The Talent Municipal Code is current through Ordinance 948, passed September 19, 2018.

Disclaimer: The city recorder’s office has the official version of the Talent Municipal Code. Users should contact the city recorder’s office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityoftalent.org](http://www.cityoftalent.org)

City Telephone: (541) 535-1566

[Code Publishing Company](#)

Chapter 18.95

RESIDENTIAL LOT IMPROVEMENT STANDARDS

18.95.010 Purpose.

The purpose of this chapter 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. [Ord. 817 § 8-3J.210, 2006.]

18.95.020 Applications.

A. The provisions of this chapter shall not apply to:

1. Manufactured home parks, which shall be designed and constructed in accordance with the minimum standards contained in OAR Chapter 814, Division 28, and other provisions contained in this title that pertain to manufactured home parks, including TMC 18.180.030.

2. Multiple-family dwellings, which shall be consistent with all provisions contained in this title that pertain to multiple-family dwellings, including TMC 18.96.

3. Cluster housing, which shall be consistent with all provisions contained in this title that pertain to cluster housing, including TMC 18.97.

B. The provisions of this chapter shall apply to:

1. Single-family dwellings, including detached, attached, and common-wall dwellings, and individual manufactured homes outside of a manufactured home park.

2. Duplex dwellings.

3. Triplex and quadplex dwellings.

~~all new residential subdivisions, whether intended for "conventional" site-built dwellings, modular homes, prefabricated homes, factory-built homes, manufactured homes, or mobile homes. Such subdivisions shall be developed in accordance with the requirements of the TMC Title [17](#) and any other applicable codes.~~

~~C. The provisions of this chapter 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 units that is moved in the city, relocated within the city, rehabilitated or remodeled to an extent greater than 50 percent of its appraised market value shall be made to conform to the requirements of this chapter 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 Chapter [18.15](#) TMC as "dwelling, manufactured or factory-built" 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 title 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 months. [Ord. 817 § 8-3J.220, 2006.]

18.95.030 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 [III](#) of this title.

B. All proposed residential land uses in all residential zoning districts of the city of Talent shall be reviewed for compliance with this chapter prior to issuance of a building permit or, in

the case of a manufactured home, a manufactured home placement or installation permit, unless exempted from compliance with this chapter under TMC 18.95.020.A. [Ord. 817 § 8-3J.230, 2006.]

18.95.040 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, multiple-family dwellings, and cluster housing:

- 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 TMC [18.95.020\(D\)](#).
- 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 manufacturer's 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 18 inches.
- F. Crawl space access of a least 18 inches by 24 inches 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 12 inches above the finished backfilled grade.~~

H. *Garages or Carports.* Single-family and duplex-dwellings shall have a garage or carport with capacity for a minimum of one vehicle. The garage shall be accessed by a driveway with a minimum width of 10 feet. To minimize impervious surfaces, the driveway may be constructed with parallel tracks, leaving the space between unpaved. 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.

I. *Siding.* Exterior siding may include shall consist of painted or stained wood siding, fiber cement or composite siding, or aluminum or vinyl siding that is textured to simulate wood. or that is otherwise Other materials that are similar to the established architectural style or character of the neighborhood may be approved by the planning director.

J. *Roofs.* All residential dwellings shall be designed with gable, mansard, or other pitched roofs 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 TMC [18.90.060](#) shall meet all setback and building coverage requirements for the zone. However, up to two 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. [Ord. 868 § 1, 2013; Ord. 817 § 8-3J.240, 2006.]

18.95.045 Additional standards for duplex dwellings.

In addition to the other standards in this chapter, duplexes shall also comply with the following standards.

A. The exterior finish of the structure must be the same for both units.

B. The eaves must be uniform for the entire structure.

C. The window and door trim must be the same in type, size, and location for the entire structure.

D. Windows must match in proportion and orientation for the entire structure.

E. For duplexes on corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, one main entrance with internal access to both units is allowed.

F. For duplexes facing one frontage, only one entrance is required to face the frontage.

18.95.050 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 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 eyesore 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 60 days after the removal of the dwelling to perform the requirements of subsections (A) and (B) of this section, 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 10 days from the date of the notice and that the cost will be liened against the property unless the owner, within the 10-day period, initiates the work described in subsections (A) and (B) of this section. [Ord. 817 § 8-3J.250, 2006.]

Chapter 18.96

MULTIPLE-FAMILY DESIGN

18.96.010 General provisions.

A. Purpose and intent. It is the policy of the city of Talent to provide for multiple-family dwellings that provide diverse housing options with units to accommodate a range of household sizes and income ranges; incorporate good site and building design, contribute to livability, safety, and sustainability; create a stronger community; and foster a quality environment for residents and neighbors.

The guidelines and standards are intended to achieve the following principles that the City encourages for multiple-family development:

- 1. Livability.* Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian connections, and providing open spaces for outdoor use.
- 2. Compatibility.* Development should have a human scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Talent.
- 3. Functionality.* Development should be functional, by providing desirable amenities for residents and by creating a circulation system that prioritizes pedestrian safety.

18.96.020 Applicability and required review.

A. Applicability. The design standards and design guidelines in this chapter apply to all multiple-family dwellings in any zoning district.

B. Review Process. An applicant for multiple-family dwellings may elect to use either the objective or discretionary process. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.

1. Projects reviewed through the objective process will be evaluated through a Type II site development plan review, pursuant to Chapter 18.150 TMC and shall comply with the design standards in TMC 18.96.030.
2. Projects reviewed through the discretionary process will be evaluated through a Type III site development plan review, pursuant to Chapter 18.150 TMC and shall comply with the design guidelines in TMC 18.96.040.
3. A project can be reviewed using only one of the two review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines in one application.

18.96.030 Design standards.

A. Building orientation and entrances.

1. *Building orientation.* Multiple-family residential buildings located within 40 feet of a front lot line shall have their primary orientation toward the street.
2. *Building entrances.* The main entrance(s) of any residential building located within 40 feet of a street must face the front lot line. Main entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. The following exceptions shall apply:
 - a. On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.
 - b. For buildings that have more than one entrance serving multiple units, only one entrance must meet this requirement.

B. Building mass and façade.

1. *Maximum building dimension.* The maximum length of any building shall not exceed 150 feet.
2. *Windows.* Street facades shall contain windows covering a minimum of 15% of the façade on each story.

C. Building Design.

1. Building materials. Permitted building materials shall include:

- a. Painted or stained wood siding or shingles, fiber cement or composite siding or shingles, or aluminum or vinyl siding that is textured to simulate wood.
- b. Brick or stone, not including plain concrete or concrete block.
- c. Stucco.

2. Design features. The primary façade shall incorporate at least three of the following architectural features:

- a. Window trim: minimum four-inch width.
- b. Eaves: overhang of not less than 12 inches.
- c. Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof.
- d. Bay window: one per dwelling unit that projects from front elevation by 12 inches.
- e. Dormers: one per dwelling unit.
- f. Balcony: one per dwelling unit.
- g. Other: feature not listed but providing visual relief or contextually appropriate design similar to options a-j, as approved by the planning director through a Type II procedure.

3. Entrances. The main building entrance(s) shall incorporate a minimum of one of the following options:

- a. A covered front porch not less than six feet deep and not less than 30 percent of the width of the building.
- b. A recessed entrance not less than three feet deep.
- c. An awning, canopy or portico not less than six feet deep.

D. Building Articulation. To preclude large expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as offsets, projections, balconies, bays, windows, entries, porches, porticos, or similar elements. These features shall

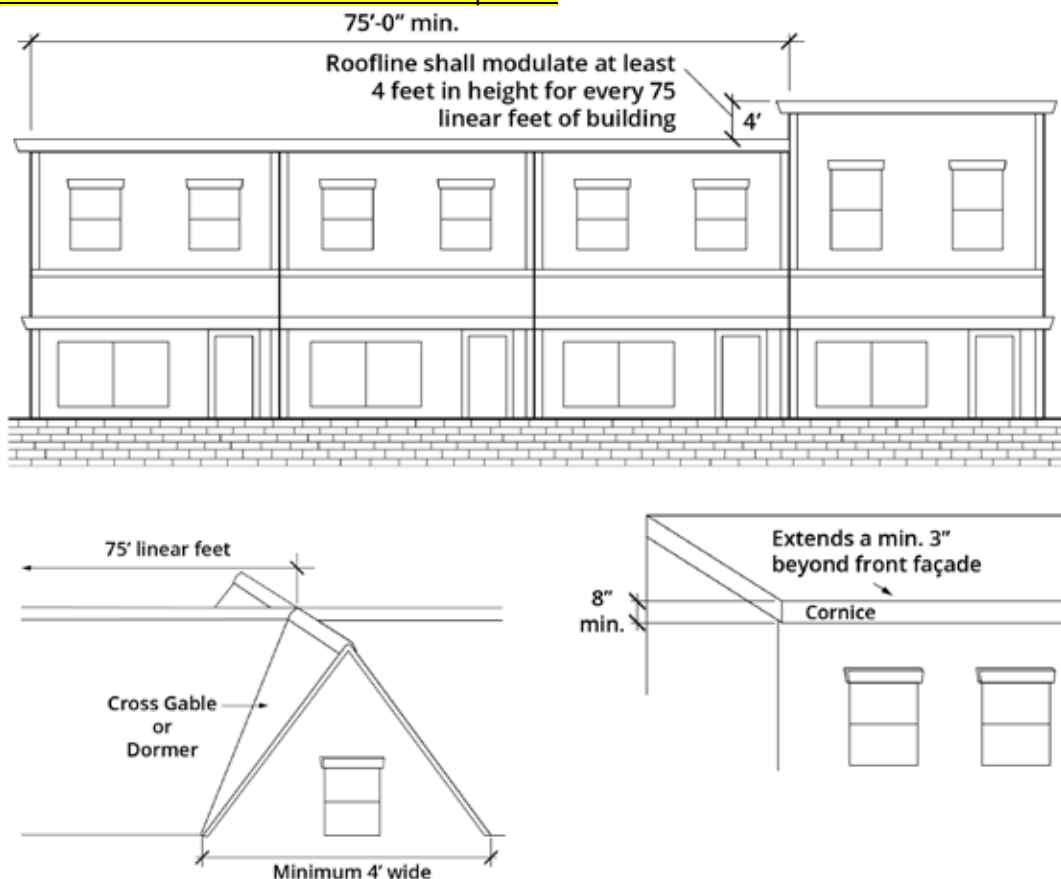
vary from the other wall surfaces by a minimum of 2 feet, and shall have a minimum width of 6 feet.

1. Horizontal surface: At least two of the design features outlined above shall be incorporated along the horizontal face (side to side) of the structure, to be repeated at intervals of no more than 30 feet.

2. Vertical surface: At least two of the design features outlined above shall be incorporated along the vertical face (top to bottom) of the structure, to be repeated at intervals of no more than 15 feet.

E. Roofline Modulation. To increase visual interest and break up large expansive roof lines, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 75 feet without providing differences in elevation of at least four feet in height. Alternatively, the building may be designed with a cross gable or dormer at least four feet wide or a cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade.

Figure 18.96.030-1. Roofline Modulation Options.



F. Common Open Space. Common open space shall be provided in all newly constructed multiple-family developments as follows:

1. A minimum of 20 percent of the gross site area shall be provided in designated and permanently reserved open space. The following may count towards the required open space:

a. Indoor or covered recreation space.

b. Private open space. Private open spaces not more than 5 feet above finished grade shall measure a minimum of 96 square feet with a minimum horizontal dimension for all sides of 6 feet. Private open spaces 5 feet or more above finished grade shall measure a minimum of 48 square feet with a minimum horizontal dimension for all sides of 6 feet.

c. Natural areas, floodplains, steep slopes greater than 25 percent, may be included provided that such areas do not exceed 25 percent of the required common open space.

d. Required setback and buffer areas.

2. At least one common open space area shall be provided within developments of 12 units or more that has a minimum area size of 750 square feet plus an additional 250 square feet for every 12 units, or portion thereof, over 12 units. The minimum dimension for all sides of the required common open space is 25 feet.

3. The total amount of open space may be reduced by up to 25 percent if the development provides improved open space. Improved open space shall meet the minimum size requirements of TMC 18.96.030.F.2 and incorporate at least one of the following types of features, or combination of features:

a. Covered pavilion

b. Picnic areas with tables and/or benches, including the tables and clear ground space immediately surrounding each table.

c. Ornamental or food gardens.

d. Developed and equipped children's play areas, with a minimum 30-inch tall fence to separate children's play areas from any parking lot, drive aisle, or street.

e. Sports courts (tennis, handball, volleyball, etc.).

f. Swimming pools, spas and adjacent patios and decks.

G. Parking areas and site access.

1. Parking and vehicle use areas shall be located behind or beside buildings and structures, such that no more than 50 percent of the site's buildable width shall be occupied by parking or vehicle use areas at the setback line. Parking areas shall not be located between buildings and the street.

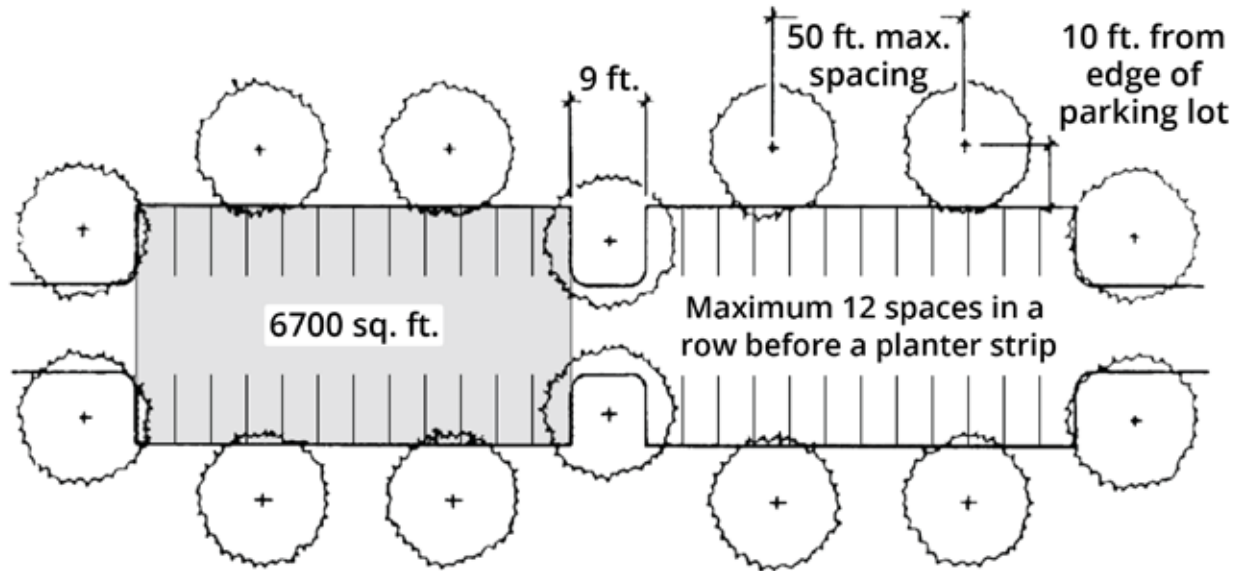
2. Parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of 9 feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 18.96.030-2).

3. A minimum of one tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within 10 feet of the edge of the parking area (see Figure 18.96.030-2).

a. A minimum of one tree shall be planted within each planter bay.

b. A landscaped planter bay a minimum of 9 feet in width shall be provided at a minimum spacing of one for every 12 spaces. Individual parking areas may be connected by an aisle or driveway.

Figure 18.96.030-2. Conceptual Parking Area Layout



H. Pedestrian circulation.

1. To ensure safe pedestrian access throughout the site, pedestrian pathways shall be provided that connect to and between buildings, common open space, parking areas, and to the public sidewalks.

2. To ensure safe pedestrian access to adjacent public sidewalks, direct pedestrian access from the street to individual units, clusters of units, or common interior lobbies shall be provided for residential buildings located within 20 feet of a public street.

3. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.

4. Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 feet wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-foot-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

I. Screening. Mechanical and communication equipment and outdoor garbage and recycling areas shall be screened so they are not visible from streets and other ground-level private open space and common open spaces.

1. Appropriate screening for rooftop equipment includes parapet walls or architecturally compatible fabricated enclosures such as panels and walls.

2. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment shall be not be located within 5 feet of a front entrance and shall be screened with sight-obscuring materials.

18.96.040 Design guidelines.

A. Building orientation and entrances. Buildings shall be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances shall be well-defined and easily identifiable.

B. Building mass and façade. The development shall be designed to reinforce human scale and incorporate transparency through appropriately placed windows that do not compromise residents' privacy.

C. Building design.

1. Building materials. Buildings shall be constructed with architectural materials that provide a sense of permanence and high quality. Street-facing façades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood and similar siding, and wood and similar shingles.

2. Design features. Buildings with long monotonous exterior walls shall be avoided and shall instead incorporate varied architectural elements and facade materials arranged in a way to provide interest and a harmonious, balanced design.

3. Entrances. Architecturally defined and covered entryways shall be incorporated into the design of buildings.

D. Building articulation. The appearance of building bulk shall be minimized by incorporating changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration to create simple and visually interesting buildings.

E. Roofline modulation. Building roofs shall be modulated to provide variety and contribute to residential character of the neighborhood.

F. Common open space. The development shall provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.

G. Parking areas and site access. Vehicle parking shall be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Parking areas shall be located to minimize their visibility from the public right-of-way. Parking areas shall be designed to minimize the expanse of continuous parking and trees shall be distributed throughout the interior, and planted along the perimeter, of parking areas.

H. Pedestrian circulation. Site design shall promote safe, direct, and usable pedestrian facilities and connections throughout the development and to adjacent streets and pedestrian facilities.

I. Screening. Mechanical equipment, garbage collection areas, and other site equipment and utilities shall be screened so they are not visible from the street and open spaces. Screening shall be visually compatible with other architectural elements in the development.

Chapter 18.150 SITE DEVELOPMENT PLAN

Sections:

- 18.150.010 Description and purpose.
- 18.150.020 Site development plan review required.
- 18.150.030 Procedure.
- 18.150.040 Site development plan – Required data.
- 18.150.050 Required findings for approval of plan.
- 18.150.060 Conditions and restrictions.
- 18.150.070 Compliance.
- 18.150.080 Revisions to a plan.
- 18.150.090 Appeal.

18.150.010 Description and purpose.

Whereas the zoning map establishes only zone boundaries and the text of this title establishes the permitted uses of land in the various zones and the conditions applicable to such uses, 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 this title 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 the 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 chapter and title. [Ord. 817 § 8-3L.110, 2006.]

18.150.020 Site development plan review required.

- A. Types of Site Development Plan Review. Before any building permit shall be issued for development as set forth in any zone prescribed in this title, or as set forth in any other

applicable provisions of this title (e.g., road approach permits along arterial streets or surfacing projects of parking lots), except as provided in subsection (B) of this section, a site development plan for the total parcel or development shall be prepared and submitted ~~to the planning commission~~ for review and approval.

1. Minor Site Development Plan Review shall be reviewed through a Type II process consistent with TMC 18.190.040.

1. Major Site Development Plan Review shall be reviewed through a Type III process consistent with TMC 18.190.050.

B. The requirements of this chapter do not apply to:

1. A modification of a structure which does not change the use or intensity of operation or does not increase the floor area.

2. Accessory dwelling units, single-family dwellings of any type, or duplex dwellings.

C. The requirements of this chapter shall not be construed to be a substitution for more detailed review requirements set forth by this title for any specific zone or use. [Ord. 817 § 8-3L.120, 2006.]

18.150.030 Procedure.

A. *Fee.* Accompanying the requirements of subsection (B) of this section 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 chapter.

~~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 TMC 18.150.040 and the required findings in TMC 18.150.050. [Ord. 817 § 8-3L.130, 2006.]~~

18.150.040 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 TMC [18.110.120](#) and [18.110.130](#), 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 TMC [18.125.040\(C\)](#);
- 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 14 inches or greater, measured at a point three 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, floodplains 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 chapter to permit the **review authority** **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 is 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 [\(R\)](#) of this section, 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 TMC [18.95.020\(E\)](#);
- 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 days prior to the movement of the structure, of the date and time of the move so that the building official can, at the applicant's expense, witness the move to ensure 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 ensure that the structure is not brought into the city. [Ord. 817 § 8-3L.140, 2006.]

18.150.045 Required findings for approval of minor site development plan.

After an examination of the site, the review authority shall approve, or approve with conditions, the minor 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 standards of the zone in which it will be located:

C. The proposed development will be in conformance with the following standards, as applicable:

1. TMC 18.90, General Provisions.
2. TMC 18.95, Residential Lot Improvement Standards.
3. TMC 18.100, Tree Preservation and Protection.
4. TMC 18.105, Landscaping, Fencing and Hedges.
5. TMC 18.110, Off-Street Parking and Loading.
6. TMC 18.115, Access, Circulation and Street Improvements.
7. TMC 18.120, Signs, Billboards and Advertisements.
8. TMC 18.125, Solar Energy and Access.
9. TMC 18.135, Public Trees.

D. That no wastes, other than normal water runoff, will be conducted into city storm and wastewater facilities; and

E. 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 title and the applicable portions of TMC Title 17, or has provided for a required security arrangement with the city to ensure that such improvements will be made.

18.150.050 Required findings for approval of major site development plan.

After an examination of the site, the planning commission shall approve, or approve with conditions, the major 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 title and the applicable portions of TMC Title [17](#), or has provided for an **required adequate** security arrangement with the city to ensure that such improvements will be made. [Ord. 817 § 8-3L.150, 2006.]

18.150.060 Conditions and restrictions.

In approving a site development plan or the substantial alteration of an existing development plan, the **review authority planning commission** may impose conditions and require the installation of improvements which it considers necessary to conform to the provisions of this title and to permit the necessary findings set forth in TMC [18.150.050](#) to be made. [Ord. 817 § 8-3L.160, 2006.]

18.150.070 Compliance.

A. Any development subject to the provisions of this chapter shall be carried out in accordance with the approved plans and any conditions imposed by the **review authority planning commission**, and shall be maintained in conformance as a continuous condition of use and occupancy. The written findings of the **review authority 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 **review authority 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 TMC [17.20.060\(A\)](#), has been approved by the city council and filed with the city recorder.

C. Any approval or permit granted pursuant to this chapter shall be deemed automatically revoked if substantial construction or development in conformance with the plan has not occurred within one year of the date of approval, unless an extension of up to six months is granted by the ~~review authority~~ ~~planning commission~~, after written application stating the reasons that the extension is requested. [Ord. 817 § 8-3L.170, 2006.]

18.150.080 Revisions to a plan.

Revisions to an approved site development plan shall be made pursuant to the requirements of TMC [18.150.040\(T\)](#). [Ord. 817 § 8-3L.180, 2006.]

18.150.090 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 Chapter [18.190](#) TMC. [Ord. 817 § 8-3L.190, 2006.]

18.190.020 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 18.190.020 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 18.190.020. Summary of Development Decisions/Permits by Type of Decision-Making Procedure*

Access Permit (Public Street)	Type I	Chapter 18.115 TMC	Access and Circulation
Accessory Dwelling Unit	Type II	Chapter 18.165 TMC	ADU
Annexation	Type IV	Chapter 18.200 TMC and city/county IGA	
Comprehensive Plan Amendment	Type IV	Chapter 18.190 TMC, comprehensive plan	
Conditional Use Permit	Type III	Chapter 18.155 TMC	Conditional Uses

Design Review	Type II, III	Chapter 18.175 TMC	Historic Preservation
Home Occupation	Type I	Chapter 18.170 TMC	Home Occupation
Lot Line Adjustment	Type I	TMC 17.25.010	
Minor Land Partition	Type II	TMC Title 17	Subdivision Code
Nonconforming Use	Type I	Chapter 18.195 TMC	Nonconforming Lots, Uses and Structures
Planning Inquiry	Type I		
Public Tree Removal	Type I	Chapter 18.100 TMC	Trees and Landscaping
Rezoning	Type IV	Chapter 18.190 TMC	Procedures
Sign Permit	Type I, III	Chapter 18.120 TMC	Signs
Site Development Plan Review	Type II, III	Chapter 18.150 TMC	Site Development Plan Review
Subdivision	Type II, III	TMC Title 17	Subdivision Code
Temporary Use Permit	Type II, III	various	
Variance	Type III, IV	Chapter 18.160 TMC	
Zoning Clearance or Permit	Type I	TMC 18.190.030	
Zoning Code Amendment	Type IV	TMC 18.190.060	Procedures

* **Note:** The code provisions referenced above in the third column describe the types of land uses and development activity that require permits under each type of decision-making procedure.

[Ord. 817 § 8-3M.120, 2006.]

18.190.080 General provisions.

A. *One-Hundred-Twenty-Day Rule.* The city shall take final action on permit applications, which are subject to this chapter, 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. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:

1. The project includes five or more residential units, including assisted living facilities or group homes;

2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Jackson County or for the state, whichever is greater; and

3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.

18.190.090 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, facilitating the public approval process.

A neighborhood meeting shall be required for the following **Type III** applications:

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1. Subdivision tentative plans.
 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). [Ord. 847 § 4 (Exh. B), 2008; Ord. 817 § 8-3M.190, 2006.]