

## Title 17 SUBDIVISIONS

Chapters:

- 17.05**      **Introduction**
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### Chapter 17.05 INTRODUCTION

Sections:

- 17.05.010**      **Purpose.**

#### **17.05.010**      **Purpose.**

A. Provide rules, regulations and standards governing the approval of land divisions and lot reconfiguration, including the following:

1. Subdivisions creating four or more lots from one parent lot, parcel or tract, within one calendar year;
2. Planned communities, mixed-use developments and multifamily developments comprising subdivisions in conjunction with applicable design standards from the Talent zoning code (TMC Title [18](#));
3. Partitions creating three or fewer lots within one calendar year;
4. Reestablishment of platted lot lines in the neighborhoods created by the Original Town Plat and Wagner Addition, under certain circumstances; and
5. Lot line adjustments to modify lot lines or parcel boundaries that do not result in the creation of new lots, and that may result in consolidation of lots.

- B. Encourage neighborhood design that creates attractive transitions and efficient connections between neighborhoods, parks, business and civic areas, as envisioned by the comprehensive plan.
- C. Encourage efficient use of land resources, carefully balancing needs for adequate land for individual housing preferences and urban open spaces with a long-term commitment to maintaining a compact town form to preserve open space and farmland on the perimeter.
- D. Develop public facilities and service capability that will minimize public subsidies of new development costs, continue to improve facilities and services for current residents, and minimize ongoing maintenance and operations costs for all citizens.
- E. Further develop a local transportation system that promotes walking, cycling and transit use in addition to an adequate street system that will minimize traffic congestion and provide safe ingress and egress in a variety of everyday and emergency situations.
- F. Design storm water management systems and protect wetlands, riparian areas and open water in Wagner and Bear Creeks to maintain high water quality standards and conserve natural systems.
- G. Provide a healthy environment for all residents by encouraging designs that provide adequate light, air, sunshine, open space and recreational opportunities and by preventing overcrowding.
- H. Build capacity for energy conservation by optimizing transportation choices and recognizing opportunities for solar and other energy conserving applications. [Ord. 818 § 2 (Exh. A (§ 8-2.110)); Ord. 692 § 1.]

## **Chapter 17.10 DEVELOPMENT AND DESIGN STANDARDS**

Sections:

<b>17.10.010</b>	<b>Open space.</b>
<b>17.10.020</b>	<b>Public facilities standards and improvements.</b>
<b>17.10.030</b>	<b>Pedestrian access and circulation.</b>
<b>17.10.040</b>	<b>Street trees.</b>
<b>17.10.050</b>	<b>Transportation facility standards.</b>
<b>17.10.060</b>	<b>Vehicular access and circulation.</b>
<b>17.10.070</b>	<b>Sanitary sewer and water service improvements.</b>
<b>17.10.080</b>	<b>Storm drainage and surface water management.</b>
<b>17.10.090</b>	<b>Utilities.</b>

### **17.10.010 Open space.**

A. *Purpose.* To preserve the character of the city and to conserve natural resources by encouraging development that incorporates open space and the natural features of the land into neighborhood design, and by allowing density distribution within the development project so that there is no penalty for creative design.

B. *Open Space Standard.* Designated locally significant wetland and riparian areas and a 50-foot "safe harbor" setback from these areas shall be maintained as permanent open space, pursuant to Chapter [18.85](#) TMC. Additional open space may also be required by the city or dedicated by the developer of a subdivision or planned unit development (PUD), in conformance with the comprehensive plan and the provisions of TMC [17.10.020\(D\)](#). The open space shall be shown on the preliminary plat (for a subdivision) or the conceptual and detailed development plans (for a PUD), and recorded with the final plat or separate instrument in accordance with one of the following methods:

1. By dedication to the city as publicly owned open space. Open space proposed for dedication to the city must be acceptable to the city council with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level-one environmental assessment), and budgetary and maintenance terms; or
2. As private open space, by leasing or conveying title (including beneficial ownership) to a corporation, homeowners association or other legal entity, with the city retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the city, and shall establish that the subject property may not be developed for any purpose other than that specified in the approved plan. (Note: This section is intended to ensure that open space is used for open space or recreational purposes only.)

C. *Uses of Required Open Space.* Subject to review and approval by the city council, an open space dedication may be used to comply with the city's wetland and riparian protection codes and ordinances (Chapters [15.15](#) and [18.85](#) TMC) and/or mitigate parks and recreation impacts related to the subject development.

D. *Open Space for Public Park Use.* If determined by the planning commission to be in the public interest in accordance with the adopted comprehensive plan, the city may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.

E. *Additional Open Space.* If the developer is required to reserve additional land area in excess of conservation areas prescribed in subsections (B) through (D) of this section, for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 24 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

(Note: When the developer is required to reserve additional land area in excess of conservation areas, Dolan v. City of Tigard findings should be in the staff report and decision to justify the exaction.)

F. *System Development Charge Credit.* Dedication of land to the city for public use areas shall be eligible as a credit toward any required system development charge for parks. [Ord. 818 § 2 (Ex. A (§ 8-2.210)); Ord. 692 § 2.]

### **17.10.020 Public facilities standards and improvements.**

A. *Purpose.* The purpose of this section is to provide planning and design standards for public and private transportation facilities and utilities.

B. *When Standards Apply.* All development shall comply with the city's public facilities standards and construction specifications. When a new subdivision uses existing streets and other public facilities, those facilities shall be improved to current standards.

C. *Standard Specifications.* The public works director and city engineer shall establish written standard construction specifications and standard construction drawings consistent with the design standards of this section and application of engineering principles. They are incorporated in this code by reference.

D. *Conditions of Development Approval.* No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact. [Ord. 818 § 2 (Ex. A (§ 8-2.220)); Ord. 692 § 3.]

### **17.10.030 Pedestrian access and circulation.**

A. *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, as well as 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 multifamily buildings in which each unit does not have its own exterior entrance, the primary entrance may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

B. *Street Connectivity.* Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by TMC [17.10.050\(J\)\(1\)](#) through [\(J\)\(5\)](#). Pathways shall also be provided where cul-de-sacs or permanent dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other existing or future developments.

Pathways used to comply with these standards shall conform to all of the following criteria:

1. All pathways shall be located within not less than 10 feet and not more than a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;
2. Pathways within subdivisions shall be lighted;
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 and/or fencing within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
5. The 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 redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded prior to the effective date of the ordinance codified in this chapter prohibit the pathway connection.

C. *Design and Construction.* Pathways shall conform to all of the standards in subsections [\(C\)\(1\)](#) through [\(C\)\(5\)](#) of this section:

1. *Vehicle/Pathway Separation.* Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot-minimum 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 that comply with the Federal Americans with Disabilities Act (ADA).
2. *Housing/Pathway Separation.* Pedestrian pathways for public use shall be separated a minimum of five 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 of Chapter [18.105](#) TMC. No pathway/building separation is required for commercial, industrial, public, or institutional uses, except as required for mixed uses when a residential use is on the ground floor.
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 concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermoplastic striping or similar type of durable application. Striping, because of ongoing maintenance costs, is not the city's preferred alternative.
4. *Pathway Surface.* Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other surface as approved by the city, at least six feet wide or as approved by the city, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 12 feet wide. (See also TMC [17.10.050](#), Transportation facility standards, for public, multi-use pathway standard.) Pathway right-of-way shall be no less than 15 feet to provide emergency vehicle access. Right-of-way of less than 15 feet may be used where a path could not otherwise be provided, but in no case may a right-of-way less than 12 feet be approved for a public path.
5. *Accessible Routes.* Pathways shall comply with the ADA, which requires accessible routes of travel. [Ord. 818 § 2 (Exh. A (§ 8-2.230)); Ord. 692 § 4.]

### **17.10.040 Street trees.**

A. *Purpose.* This section is intended to improve the comfort, safety and appearance of streets through the appropriate use of street trees. The standards in this section supplement, but do not replace, the provisions of Chapter [18.105](#) TMC.

B. *Plantings.* Street trees shall be planted in planter strips on all arterial and collector streets, for all developments that are subject to land division or site design review, except that street trees may be planted in planter wells as provided in subsection (E) of this section. Street trees are encouraged, but not required, for local streets. When provided on local streets, street trees shall be in planter strips. Additional requirements for tree planting are provided in TMC [18.105.030](#). Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks.

C. *Growth Characteristics.* Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.
2. Use low-growing trees for spaces under utility wires.
3. Select trees that can be "limbed-up" where vision clearance is a concern.
4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Select trees for their seasonal color, as desired.
9. Use deciduous trees for summer shade and winter sun.

D. *Caliper Size.* The minimum caliper size at planting shall be one and one-half inches diameter at breast height (dbh), based on the American Association of Nurserymen Standards.

E. *Spacing and Location.* If a planter strip is provided, street trees shall be planted within the planting strip. If a planter strip is not provided, trees shall be planted behind the sidewalk or in

sidewalk tree wells (e.g., downtown area) when determined in the review process to be a reasonable accommodation. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with sight distance requirements, or existing trees, retaining walls, utilities and similar physical barriers.

F. *Soil Preparation, Planting and Care.* The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first year after planting and individual homeowners or established homeowners' association will be responsible thereafter.

G. *Street Tree List.* Only trees included on the city of Talent's approved tree list shall be planted as street trees. The Pacific Power approved tree list where overhead power lines are a factor, or other native tree lists acceptable to the parks and recreation commission and tree subcommittee, will be acceptable as well. [Ord. 818 § 2 (Exh. A (§ 8-2.240)); Ord. 692 § 5.]

### **17.10.050 Transportation facility standards.**

A. *Purpose.* The purpose of this section is to ensure that developments provide a safe and efficient public street system for pedestrians and vehicles, in conformance with the city's transportation system plan and applicable ordinances.

B. *Development Standards.* No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of TMC [17.10.060](#), Vehicular access and circulation, as well as Chapter [18.115](#) TMC, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the transportation system plan standards;
2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;
3. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exists:
  - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;



- b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
- c. The improvement would be in conflict with an adopted capital improvement plan; or
- d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

C. *Variances.* A variance to the transportation design standards in this section may be granted pursuant to Chapter [18.160](#) TMC.

D. *Creation of Rights-of-Way for Streets and Related Purposes.* Streets, sidewalks and walkways shall be created through the approval and recording of a final subdivision or partition plat; except the city may approve the creation of a street, sidewalk or walkway by acceptance of a deed; provided, that the street is deemed essential by the city council for the purpose of implementing the transportation system plan, and the deeded right-of-way conforms to the standards of this code. All deeds of dedication shall be in a form prescribed by the city administrator and shall name "the public" as grantee.

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 TMC [17.10.060](#), Vehicular access and circulation. Access easements shall be created and maintained in accordance with Uniform Fire Code Section 10.207.

F. *Street Location, Width, and Grade.* Except as noted below, the location, width and grade of all streets shall conform to the transportation system plan, as applicable, and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the public works director or designee in accordance with the design standards in subsection [\(C\)](#) of this section; and
2. Where the location of a street is not shown in an existing street plan (see subsection [\(I\)](#) of this section), the location of streets in a development shall either:
  - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this section; or

b. Conform to a street plan adopted by the planning commission, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

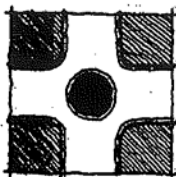
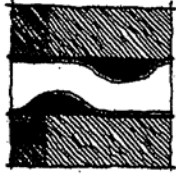
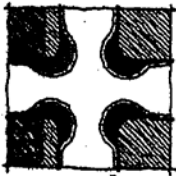
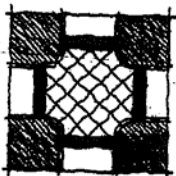
G. *Minimum Rights-of-Way and Street Sections.* Street rights-of-way and improvements shall be within the range of appropriate widths adopted in the transportation system plan. A variance shall be required to vary the standards in the transportation system plan. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

1. Street classification in the transportation system plan;
2. Anticipated traffic generation;
3. On-street parking needs;
4. Sidewalk and bikeway requirements based on anticipated level of use;
5. Requirements for placement of utilities;
6. Street lighting;
7. Proposed traffic-calming devices;
8. Minimize drainage, slope, and sensitive lands impacts, as identified by the comprehensive plan;
9. Street tree location, as provided for in TMC [17.10.040](#), Street trees;
10. Protection of significant vegetation (i.e., trees with a caliper of four inches (dbh) or greater);
11. Safety and comfort for motorists, bicyclists, and pedestrians;
12. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
13. Access needs for emergency vehicles; and
14. Transition between different street widths (e.g., existing streets and new streets) where applicable.

H. *Traffic Signals and Traffic-Calming Features.*

1. Traffic-calming features, such as traffic circles, roundabouts, curb extensions, crosswalks, speed bumps, narrow residential streets, and special paving, should be used to slow traffic in existing and planned neighborhoods and areas with high pedestrian traffic.

**Figure 17.10.050-1. Traffic-Calming Features**

<i>Drawing</i>	<i>Technique</i>	<i>Description</i>
	Traffic Circles	Circular raised islands centered within intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.
	Chicanes	Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicanes are offset from each other in mid-block locations and can be used to keep through-trucks versus local delivery off residential streets.
	Curb Bulb-Outs, Chokers/ Neckdowns	Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible. Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.
	Special Paving	Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.

2. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer’s cost and the timing of improvements shall be included as a condition of development approval.

I. *Future Street Plan and Extension of Streets.*

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other dividable parcels within 600 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather, it is intended to show potential future street extensions to serve future development.
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the planning commission determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to subsections [\(1\)\(2\)\(a\)](#) through [\(1\)\(2\)\(c\)](#) of this section:
  - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs or permanent dead-end streets since they are intended to continue as through streets when the adjoining property is developed.
  - b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the city or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
  - c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

*J. Street Alignment and Connections.*

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (offset) intersections.
3. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15

percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

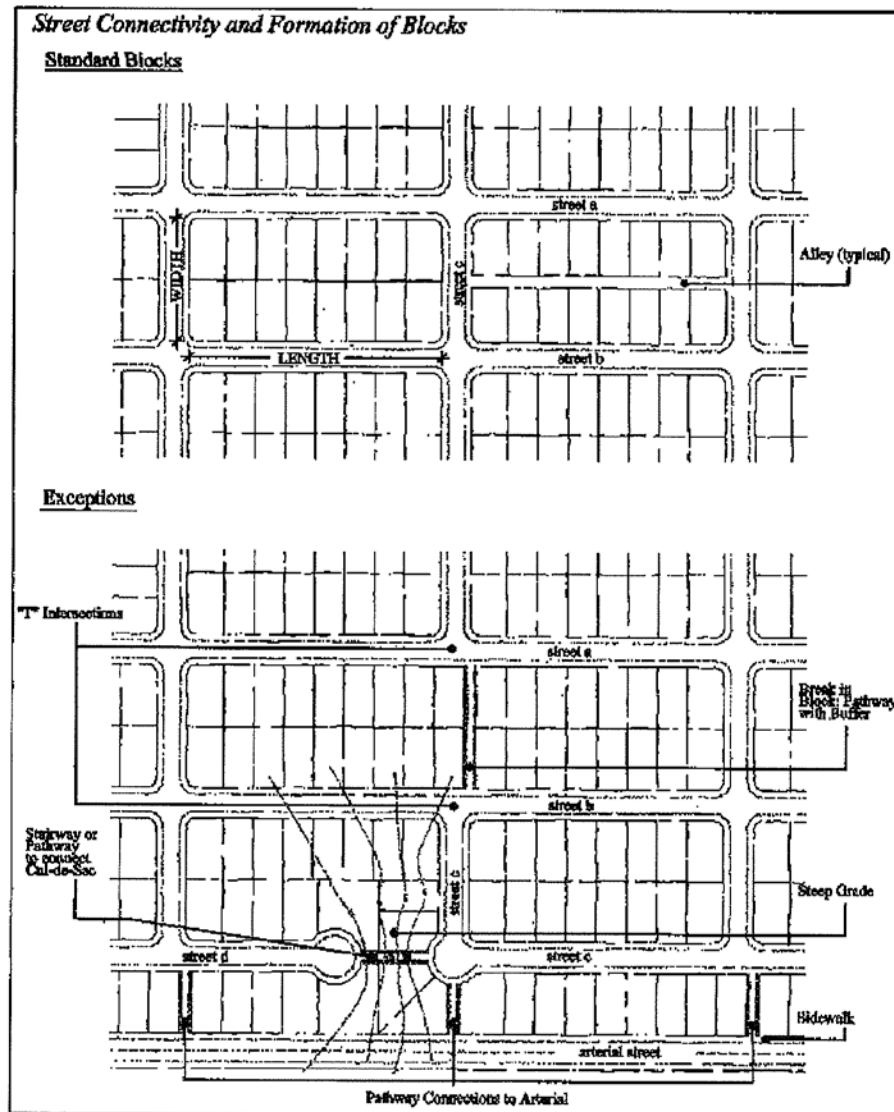
4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas, parks and transit facilities wherever possible.

5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the standards in TMC [17.10.060](#), Vehicular access and circulation, and block length shall not exceed the dimensions in subsections [\(J\)\(5\)\(a\)](#) through [\(J\)\(5\)\(c\)](#) of this section:

- a. Four-hundred-foot maximum block length, and 1,200-foot maximum perimeter in the residential zones;
- b. Four-hundred-foot maximum block length and 1,200-foot maximum perimeter in the central business district zone;
- c. Eight-hundred-foot maximum block length and 2,400-foot maximum perimeter in the light industrial district.

Exceptions to the above standards may be granted when the developer can clearly demonstrate that compliance is not feasible, or when a nonvehicle access way is provided at or near mid-block, in conformance with the provisions of TMC [17.10.030](#), Pedestrian access and circulation. (See examples in Figure 17.10.050-2.)

**Figure 17.10.050-2. Street Connectivity**



K. *Sidewalks, Planter Strips, Bicycle Lanes.* Sidewalks, planter strips, and bicycle lanes in a public right-of-way shall be installed in conformance with the TSP. Pathways and bike paths within subdivisions shall be designed to promote the safety of those using the path, and the privacy of adjoining property owners to the greatest extent practicable. For example, pathway connections shall be as direct as possible. Overhead street lighting shall be coordinated with pathway entrances wherever possible, and pedestrian-oriented lighting shall be considered in other areas where overhead lighting cannot be provided. Fences and landscaping may be required for privacy screening and buffering between pathways and adjacent land uses. Alternatively, grade change between pathways and adjacent uses may be a suitable buffer. Ease of maintenance of paved areas and use of native landscaping shall also be encouraged. Maintenance of sidewalks and planter strips is the continuing obligation of the adjacent property owner (ORS [105.672](#)).

L. *Intersection Angles.* Streets shall be laid out to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. No street intersection may be created within 25 feet of a street curve, and no street curve may be created within 25 feet of a street intersection (on the same street). Such intersections and curves shall have at least 25 feet of tangent between them unless topography requires a lesser distance;
2. Intersections that are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
3. Right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet.

M. *Existing Rights-of-Way.* Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, in conformance with the standards in the transportation system plan.

N. *Cul-de-sacs.* A permanent dead-end street shall be no more than 250 feet long, shall not provide access to more than 12 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a circular or hammerhead turnaround. Circular turnarounds shall have a radius of not less than 30 feet, and not more than a radius of 40 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width;
2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac pavement; and
3. Pathways shall be provided to connect cul-de-sacs in conformance with TMC [17.10.030\(B\)](#).

O. *Grades and Curves.* Grades shall not exceed 10 percent on arterials, 12 percent on collector streets, or 12 percent on any other street (except that local or residential access streets may have segments with grades up to 15 percent for distances of no greater than 250 feet), and:

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and
2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent slope or less. Landings are portions of the street within 20 feet of the edge of the intersecting street at full improvement.

P. *Curbs, Curb Cuts, Ramps, and Driveway Approaches.* Concrete curbs, curb cuts, wheelchair and bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in TMC [17.10.060](#), Vehicular access and circulation, and Americans with Disabilities Act (ADA) standards.

Q. *Streets Adjacent to Railroad Right-of-Way.* Wherever a proposed residential subdivision is adjacent to a railroad right-of-way, a street approximately parallel to such right-of-way at a distance suitable for the appropriate use of the land shall be created. Exception: This standard shall not apply where physical constraints (e.g., wetlands, slopes, etc.) make development of a road impracticable. In this situation, the subdivision shall contain adequate buffering and additional setbacks may be required, as determined by the planning commission. New railroad crossings and modifications to existing crossings are subject to review and approval by the Oregon Department of Transportation.

R. *Development Adjoining Arterial 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. To satisfy this requirement, 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 the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in TMC [17.10.060\(F\)](#), Access Options;
3. Screen planting at the rear or side property line to be contained in a nonaccess reservation (e.g., public easement or tract) along the arterial; or
4. Other treatment suitable to meet the objectives of this subsection.

S. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with TMC [17.10.060](#), Vehicular access and circulation.



T. *Alleys, Public or Private.* Alleys shall conform to the standards in the transportation system plan. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

U. *Private Streets.* A private street shall not provide access to more than two single-family residential lots. A private street shall not be used to avoid connections with public streets. Gated communities and private street systems (i.e., where a gate limits access to a development from a public street) are prohibited. Design and construction standards for grading, base rock, compaction, paving and drainage of private streets shall be the same as for public streets, except as modified through a PUD.

V. *Street Names.* No street name shall be used which will duplicate or be confused with the names of existing streets in Jackson County except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.

W. *Survey Monuments.* Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the city that all boundary and interior monuments shall be reestablished and protected. The certification shall be a signed statement submitted with the final plat.

X. *Street Signs.* The city, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

Y. *Mail Boxes.* Plans for mailboxes to be used shall be approved by the United States Postal Service.

Z. *Streetlight Standards.* Streetlights shall be installed in accordance with city standards. Street lighting shall be designed to provide necessary lighting only, with all fixtures hooded and all resulting lights projected downward, and with no light projected onto adjoining property.

AA. *Street Cross-Sections.* The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final city acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the city engineer. The final lift shall also be placed no later than when 50 percent of the structures in the new development are completed or three years from the commencement of initial construction of the development, whichever is less.

1. Sub-base and leveling course shall be of select crushed rock;
2. Surface material shall be of Class C or B asphaltic concrete;

3. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and
4. No lift shall be less than one and one-half inches in thickness. [Ord. 818 § 2 (Exh. A (§ 8-2.250)); Ord. 692 § 6.]

### **17.10.060 Vehicular access and circulation.**

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

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

B. *Applicability.* This section shall apply to all public streets within the city and to all properties that abut these streets.

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

1. Permits for access to city streets shall be subject to review and approval by the public works director based on the standards contained in this section and the provisions of TMC [17.10.050](#), Transportation facility standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
2. Permits for access to state highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the city or Jackson County. In that case, the city or county shall determine whether access is granted based on its adopted standards.
3. Permits for access to county highways shall be subject to review and approval by Jackson County, except where the county has delegated this responsibility to the city, in which case the city shall determine whether access is granted based on adopted county standards.

D. *Traffic Study Requirements.* The city or other agency with access jurisdiction may require a traffic impact study (TIS) prepared in accordance with Chapter [18.185](#), Traffic Impact Study.

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

F. *Access Options.* When vehicle access is required for development, access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider.

1. *Option 1.* Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
2. *Option 2.* Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., shared driveway). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
3. *Option 3.* Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection [\(G\)](#) of this section.
4. *Subdivisions Fronting Onto an Arterial Street.* New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots.
5. *Double-Frontage Lots.* When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the residential district, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the residential district, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner (e.g., through homeowners’ association, etc.).

G. *Access Spacing.* Driveway access shall be separated from other driveways and public and private street intersections in accordance with the following standards and procedures:

1. *Local Streets.* A minimum 10 feet of separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection [\(G\)\(3\)](#) of this section.
2. *Arterial and Collector Streets.* Access spacing on collector and arterial streets shall be determined by the public works director. Access to State Highway 99 shall be subject to review and approved by the Oregon Department of Transportation (ODOT), based on the applicable standards contained in the city's transportation system plan and policies contained in the 1999 Oregon Highway Plan.
3. *Special Provisions for All Streets.* Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections [\(G\)\(1\)](#) and [\(G\)\(2\)](#) of this section may be required by the city, county or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. (See subsection [\(I\)](#) of this section.)

Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

H. *Number of Access Points.* For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot. Alley access is strongly encouraged before other access points are considered; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), and subject to the access spacing standards in subsection [\(G\)](#) of this section. The number of street access points for multiple-family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection [\(I\)](#) of this section, in order to maintain the required access spacing, and minimize the number of access points.

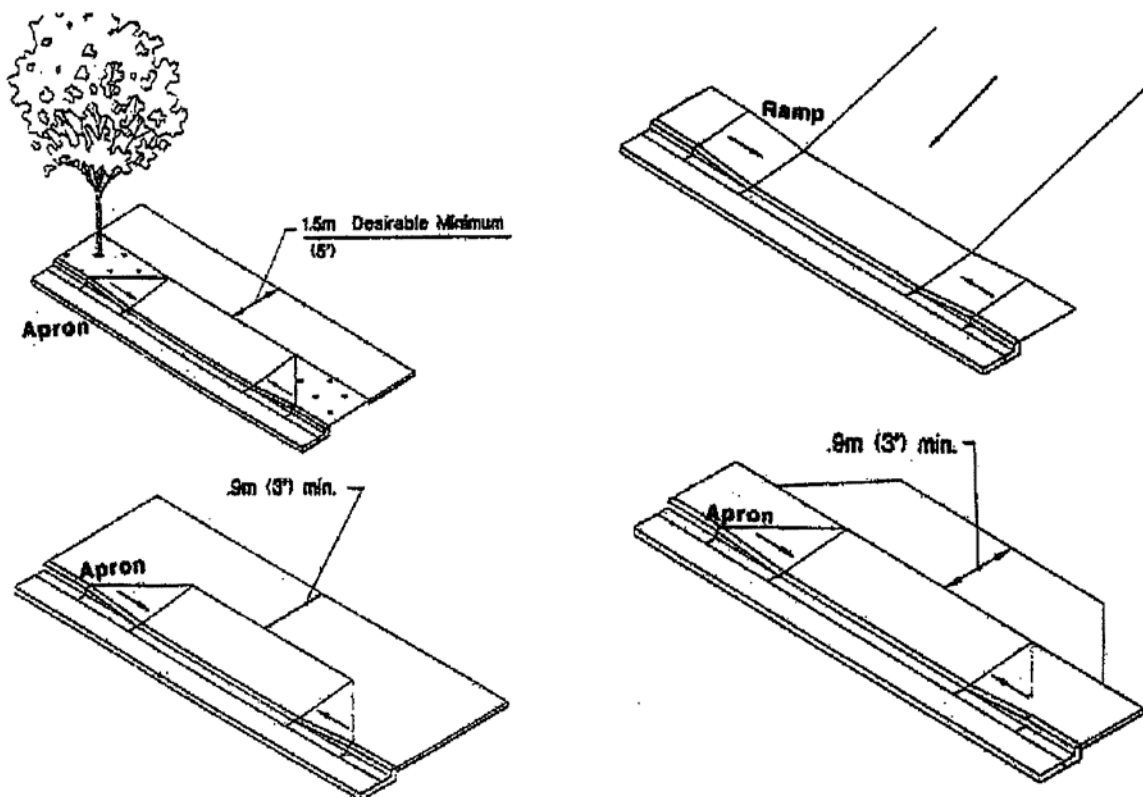
I. *Shared Driveways.* The number of driveway and private street intersections with public streets may be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they may be

stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

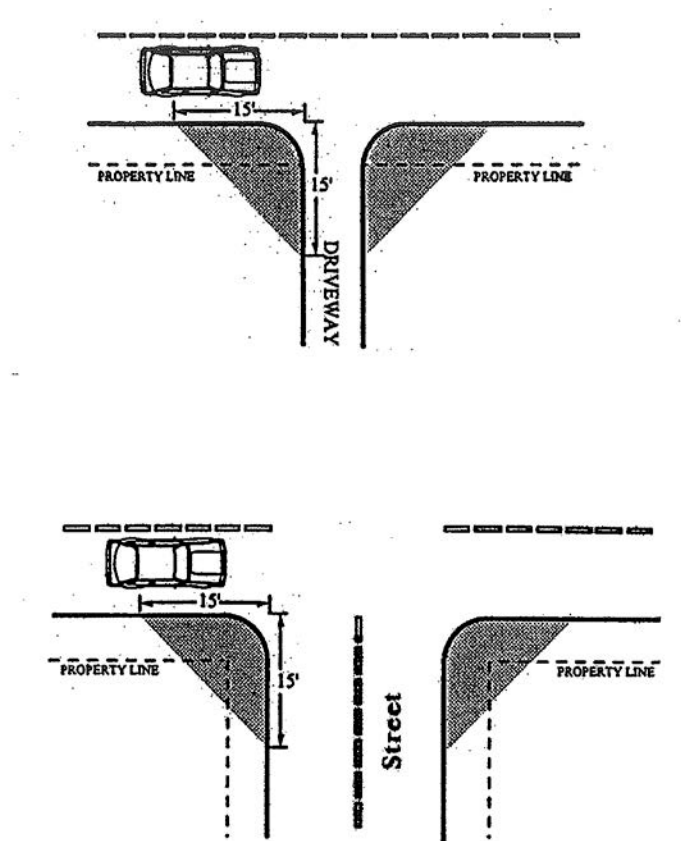
**Figure 17.10.060-1. Examples of Acceptable Driveway Openings Next to Sidewalks/Pathways**



J. *Driveway Openings/Curb Cuts.* Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single-family, two-family, and three-family uses shall have a minimum driveway opening/curb cut width of 10 feet and a maximum width of 24 feet.
  2. Multiple-family uses with between four and seven dwelling units shall have a minimum driveway opening/curb cut width of 20 feet and a maximum width of 24 feet.
  3. Multiple-family uses with more than eight dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway opening/curb cut width of 24 feet and a maximum width of 30 feet. These dimensions may be increased if the public works director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
  4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter [18.110](#) TMC.
  5. *Driveway Aprons.* Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 17.10.060-1. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous accessible route of travel, with a cross slope not exceeding two percent.
- K. *Fire Access and Parking Area Turnarounds.* A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turnaround areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to TMC [17.10.050](#), Transportation facility standards.
- L. *Vertical Clearances.* Driveways, private streets, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 13 feet six inches for their entire length and width.
- M. *Vision Clearance.* No signs, structures or vegetation in excess of three feet in height shall be placed in vision clearance areas, as shown in Figure 17.10.060-2. The minimum vision clearance area may be increased by the city engineer upon finding that more sight distance is required (e.g., due to traffic speeds, roadway alignment, etc.).

**Figure 17.10.060-2. Vision Clearance Areas**



N. *Construction.* The following construction standards shall apply to all driveways and private streets:

1. *Surface Options.* Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete or comparable surfacing, or a durable nonpaving material that will support emergency vehicles may be used to reduce surface water runoff and protect water quality.
2. *Surface Water Management.* When a paved surface is used, all driveways, parking areas, aisles and turnarounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.
3. *Driveway Aprons.* When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See also subsection [\(J\)\(5\)](#) of this section.) [Ord. 912 § 1 (Exh. A), 2016; Ord. 818 § 2 (Exh. A (§ 8-2.260)); Ord. 796; Ord. 692 § 7.]

**17.10.070 Sanitary sewer and water service improvements.**

- A. *Sewers and Water Mains Required.* Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the city's construction specifications and the applicable comprehensive plan policies.
- B. *Sewer and Water Plan Approval.* Development permits for sewer and water improvements shall not be issued until the city engineer has approved all sanitary sewer and water plans in conformance with city standards.
- C. *Oversizing.* Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the comprehensive plan. The developer shall be entitled to system development charge credits for the oversizing. (Note: Dolan v. City of Tigard findings should accompany any decision to require oversizing.)
- D. *Permits Denied.* Development permits may be restricted by the city where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building or development moratoriums shall conform to the criteria and procedures contained in ORS [197.505](#). [Ord. 818 § 2 (Exh. A (§ 8-2.270)); Ord. 692 § 8.]

**17.10.080 Storm drainage and surface water management.**

- A. *General Provisions.* The city shall issue a development permit only where adequate provisions for storm water and surface water runoff have been made pursuant to Resolution 517, Storm Drainage Design Standards.
- B. *Accommodation of Upstream Drainage.* Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, as designated in the city of Talent storm water master plan, whether inside or outside the development. Such facilities shall be subject to review and approval by the public works director or city engineer.
- C. *Effect on Downstream Drainage.* Where it is anticipated by the public works director or designee that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold permits of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused



by the development in accordance with city standards. Any applicable procedures in state development moratorium statutes shall be followed.

D. *Easements.* Where a watercourse, drainage way, channel, or stream traverses a development, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance. Development within designated locally significant wetland and riparian areas shall be in conformance with the requirements in Chapter [18.85](#) TMC, natural areas, parks and floodplains.

[Ord. 818 § 2 (Exh. A (§ 8-2.280)); Ord. 692 § 9.]

### **17.10.090 Utilities.**

A. *Underground Utilities.* All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground and shall provide for future expansion of services, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed aboveground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or higher. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. All aboveground equipment shall not obstruct vision clearance areas for vehicular traffic (Chapter [18.115](#) TMC);
2. The city reserves the right to approve the location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets;
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made; and
5. Adequate capacity for communications services shall be provided. Underground conduit for communications lines, or oversized conduit for phone or other compatible utilities, shall be installed whether or not provision of such services is planned at the time of development.

B. *Easements.* Recorded easements shall be provided for all underground utility facilities.

C. *Exception to Undergrounding Requirement.* The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, or existing development conditions, when demonstrated by the applicant. [Ord. 818 § 2 (Exh. A (§ 8-2.290)); Ord. 692 § 10.]

## **Chapter 17.15**

### **APPLICATION REQUIREMENTS AND APPROVAL CRITERIA**

Sections:

<b>17.15.010</b>	<b>Review procedures and approval process.</b>
<b>17.15.020</b>	<b>Preliminary plat submission requirements.</b>
<b>17.15.030</b>	<b>Approval criteria – Preliminary plat.</b>
<b>17.15.040</b>	<b>Variances authorized.</b>

#### **17.15.010 Review procedures and approval process.**

A. *Subdivision and Partition Approval through Three-Step Process.* Applications for subdivision or partition approval shall be processed through a three-step process: the pre-application conference, the preliminary plat, and the final plat.

1. A pre-application conference is required for all partitions and subdivisions.
2. The preliminary plat for a partition and subdivision shall be approved by the planning commission before the final plat can be submitted for approval consideration.
3. The final plat shall include all conditions of approval of the preliminary plat.

B. The preliminary plat for a partition shall be an administrative review with public notice. The preliminary plat for a subdivision shall be a quasi-judicial hearing with public notice.

C. All preliminary plats shall be reviewed using approval criteria contained in TMC [17.15.030](#), Approval criteria – Preliminary plat.

D. *Review of Final Plat.* Review of a final plat for a subdivision or partition shall be processed as a ministerial review, using the approval criteria in TMC [17.20.010](#), Final plat submission requirements and approval criteria.

E. *Preliminary Plat Approval Period.* Preliminary plat approval shall be effective for a period of three years from the date of approval. The preliminary plat approval shall lapse if a final plat has not been submitted within three years of the preliminary plat approval.

F. *Modifications and Extensions.* The applicant may request changes to the approved preliminary plat or conditions of approval.

1. To change the design or conditions of approval of a preliminary plat approval, the applicant must file for an amendment. The process for approval of an amendment is the same as for the original application, subject to the following:

- a. Only the conditions, details, or features proposed to be changed will be considered in the review of the amendment application;
- b. The applicant shall demonstrate that the proposed amendment will not create conflicts with other conditions of the original approval; and
- c. The amendment application complies with all applicable city ordinances and standards (i.e., those that are in effect when the application is accepted by the city).

2. The applicant may apply for an extension of time for submittal of the final plat. The applicant must submit a written request for an extension of time within one year of preliminary approval. The city planner shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year, if all of the following criteria are satisfied:

- a. An extension of time will not prevent the lawful development of abutting properties;
- b. There have been no changes to the applicable code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
- c. The extension request is made before expiration of the original approved plat.

3. Failure to file a final plat within the one-year extension period will result in the preliminary approval becoming void.

G. *Phased Development.*

1. The city may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets)

for any partition or subdivision phase be greater than three years without reapplying for a preliminary plat;

2. The criteria for approving a phased land division proposal are:

- a. Public facilities shall be constructed in conjunction with or prior to each phase;
- b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require city council approval. Temporary facilities shall be approved only upon city receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with TMC [17.20.060](#), Performance guarantee. A temporary public facility is any facility not constructed to the applicable city or district standard;
- c. The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
- d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

H. *Compliance with ORS Chapter 92.* All subdivision and partition proposals shall be in conformance to state regulations set forth in ORS Chapter [92](#), Subdivisions and Partitions. [Ord. 818 § 2 (Exh. A (§ 8-2.310)); Ord. 692 § 11.]

### **17.15.020 Preliminary plat submission requirements.**

A. *Preliminary Plat Information.* The preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. *General Information.*

- a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with county surveyor);
- b. Date, north arrow, and scale of drawing;

- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site, including vicinity;
- d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor, and the date of the survey; and
- e. Identification of the drawing as a "preliminary plat."

## 2. *Site Analysis.*

- a. *Streets.* Location, name, present width of all existing streets, alleys and rights-of-way on and abutting the site;
- b. *Easements.* Width, location and purpose of all existing easements of record on and abutting the site;
- c. *Utilities.* Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
- d. Ground elevations shown by contour lines at five-foot vertical intervals for ground slopes exceeding 10 percent and at two-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the county surveyor. This requirement may be waived for partitions of one acre or less with grades, on average, less than five percent;
- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
- f. Potential natural hazard areas, including any floodplains, areas subject to high water table, landslide areas, and areas having substantial erosion potential;
- g. Sensitive lands, including wetland areas, streams, wildlife habitat, greenways, and other areas identified by the city or natural resource regulatory agencies as requiring protection (see Chapter [18.85](#) TMC);
- h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
- i. Designated historic and cultural resources on the site and adjacent parcels or lots. Note that documentation of pre-settlement cultural resources may not be made a part of the

public record as a matter of law, and shall be submitted in a sealed envelope addressed to the city planner for the subject application;

j. The location, size and species of trees having a caliper (diameter) of four inches (dbh) or greater at four feet above grade;

k. Lighting plan, mailbox plan; and

l. Other information, as deemed appropriate by the city planner or city administrator. The city may require studies or exhibits prepared by qualified professionals, such as a traffic study, anticipated water use and conservation study, cultural resource study, tree report and preservation study, wetland delineation, or similar study, to address specific site features and code requirements.

3. *Proposed Improvements.*

a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

b. *Easements.* Location, width and purpose of all easements;

c. *Lots and Private Tracts (e.g., Private Open Space, Common Area, or Street).* Approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts (e.g., "Lot 1," "Tract 1");

d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;

e. Proposed improvements, as required by Chapter [17.10](#), Development and Design Standards, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

f. The proposed source of domestic water;

g. The proposed method of sewage disposal, and method of surface water drainage and treatment if required;

h. The approximate location and identity of other utilities, including the locations of street lighting fixtures;

- i. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation and the Public Utility Commission related to proposed changes to railroad crossing(s);
- j. Proposed changes to navigable streams or other watercourses. The only changes that will be considered within the bed and banks of Bear Creek and Wagner Creek will be new or modified storm water outfalls designed to reduce the adverse impacts of storm water flows and protect water quality in conformance with applicable laws. Modifications to these areas, including provision or closure of public access, shall be shown on the preliminary plat and evidence of contact with the Division of State Lands and Army Corps of Engineers shall be provided, as applicable;
- k. Identification of the base flood elevation for development in floodplains. Evidence of contact with the National Flood Insurance Program to initiate a floodplain map amendment shall be required when development is proposed to modify a designated 100-year floodplain. Elevation certificates are required for all construction in floodplains prior to occupancy;
- l. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the state's jurisdiction;
- m. Evidence of contact with the applicable natural resource regulatory agency(s) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Chapter [18.85](#) TMC;
- n. A future street plan that conforms to the provisions of TMC [17.10.050\(I\)](#). The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 600 feet surrounding and adjacent to the proposed land division; and
- o. Proposed irrigation ditch crossings, if any, and evidence of contact with the Talent Irrigation District related to existing or proposed irrigation ditch crossings. [Ord. 818 § 2 (Exh. A (§ 8-2.320)); Ord. 692 § 12.]

### **17.15.030 Approval criteria – Preliminary plat.**

A. *General Approval Criteria.* The city may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this chapter and the provisions of the underlying zoning district shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter [18.160](#) TMC, Variances;
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter [92](#);
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects; and are consistent with the city's transportation system plan. All proposed public improvements and dedications are identified on the preliminary plat; and
4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

B. *Residential Density.*

1. *Minimum and Maximum Density Requirements.* When lots are created through a planned unit development or subdivision, the development shall achieve a minimum of 40 percent and a maximum of 100 percent of the dwelling unit density permitted by the applicable zoning district. The minimum density provision shall not apply to parcels that are smaller than one acre. For purposes of this section, the minimum number of dwelling units required shall be determined by multiplying the maximum density by 0.4. The result shall be rounded up for any product with a factor of 0.5 or greater and rounded down for any product with a fraction of less than 0.5.
2. *Residential Density Calculation Procedure.*
  - a. The number of dwelling units permitted on a parcel of land is calculated after determining how much of the area is unconstrained. Constraints include undevelopable lands, area devoted to street rights-of-way and other infrastructure, and area devoted to nonresidential uses. Dedicated parkland (when accepted by the city) is not considered constrained land for the purposes of calculating density. TMC Title [18](#) permits limited density transfers in the case of steep slopes (TMC [18.80.040](#)) and wetlands and riparian setbacks (TMC [18.85.040](#)), subject to conditions described in those sections. The following steps describe how to calculate density. (For density calculation in the R2 zone, refer to TMC [18.40.060](#). Do not use the method below for the RM-22 zone.)



- i. *Step 1.* Determine the amount of land, in acres, intended for development.
- ii. *Step 2.* Subtract areas either devoted to or to be developed as commercial and other nonresidential developed uses.
- iii. *Step 3.* Subtract undevelopable lands (as defined in Chapter [18.15](#) TMC).
- iv. *Step 4.* Multiply the result of Step 3 by 0.76 to account for a 24-percent standard deduction for infrastructure.
- v. *Step 5.* Multiply the result of Step 4 by the gross base density, which is determined by dividing 43,560 (one acre) by the minimum lot size of the zone in question (e.g., in the RS-5 zone, gross base density is 5.445; in the RS-7 and RS-MH zones it is 7.26).
- vi. *Step 6.* Round the result of Step 5 to nearest whole number.

b. The preceding steps may expressed by the following formula:

$D = (A - N - U)RB$ , where

D = density permitted (in number of dwelling units)

A = total site area (in acres)

N = area devoted to nonresidential uses (not including parks, open space, infrastructure or undevelopable lands)

U = undevelopable lands

R = 0.76 standard deduction for right-of-way and other infrastructure

B = base density (43,560 divided by the minimum lot size of the zone).

The resulting density (D) is the number of units that may be distributed on the developable portions of the site.

C. *Block and Lot Standards.* All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zone district, and the standards of TMC [17.10.050\(J\)](#), Street Alignment and Connections.

a. Single-family residential lot sizes may be averaged to allow lots less than the minimum lot size in the RS-5 and RS-7 residential districts, as long as the average area for all lots is not less than allowed by the district. In order to prevent exceeding the maximum allowable densities, no lot shall be created that can be divisible in the future unless a redivision plan is filed for the subject lot, pursuant to subsection (F) of this section. No lot created under this provision shall be less than 85 percent of the minimum lot size allowed in the zone. For example, in the RS-5 zone the following three lots could be created from a 24,000-square-foot tract: 6,800 square feet; 8,000 square feet; and 9,200 square feet.

b. In the high-density S&MF residential (RM-22) zoning district, individual lots may not be created that are too small to provide a residential building footprint, adequate access, any required undeveloped or landscaped areas, and covered off-street parking for at least two dwelling units.

2. Setbacks shall be as required by the applicable zoning district, unless a PUD is approved with different setbacks.

3. Each lot shall conform to the standards of TMC [17.10.060](#), Vehicular access and circulation.

4. Landscape or other screening may be required to maintain privacy for abutting uses and buffering for pathways, through lots abutting an arterial or collector street, grade changes and retaining walls, development on flag lots, and similar situations, consistent with the provisions of TMC Titles [17](#) and [18](#) and Chapter [18.105](#) TMC.

5. In conformance with the Uniform Fire Code, a 20-foot-wide fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also TMC [17.10.060](#), Vehicular access and circulation.

6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement, which will ensure access and maintenance rights, shall be recorded with the approved subdivision or partition plat.

D. *Conditions of Approval.* City staff, planning commission, or city council may attach such conditions as are necessary to carry out provisions of this code and other applicable ordinances and regulations. When not voluntarily accepted by the applicant, conditions shall be roughly proportional to the impact of development, and the written findings and decision shall include findings of proportionality.

E. The city may require that reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.

F. *Future Redivision Plan.* When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the city shall require that the lots be of such size, shape, and orientation as to facilitate future redivision in accordance with the requirements of the zoning district and this code. A redivision plan shall be submitted that identifies:

1. Potential future lot division(s) in conformance with the housing and density standards of the underlying zoning district;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;
3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the city or property owners, except as may be required through conditions of land division approval. Development activities that prevent implementation of the redivision plan shall not be permitted unless they achieve the housing densities and street connections required by the applicable zoning district and this chapter. The city may require dedication and improvement of rights-of-way within the future plan area to provide needed secondary access and circulation.

G. *Compliance.* All submittals shall demonstrate compliance with Chapter [17.10](#) TMC, Development and Design Standards, and Chapter [18.85](#) TMC. [Ord. 818 § 2 (Exh. A (§ 8-2.330)); Ord. 793; Ord. 777; Ord. 692 § 13.]

### **17.15.040 Variances authorized.**

Adjustments to the standards of this chapter shall be processed in accordance with Chapter [18.160](#) TMC, Variances. Applications for variances shall be submitted prior to or at the same time as an application for land division, PUD, or lot line adjustment is submitted. [Ord. 818 § 2 (Exh. A (§ 8-2.340)); Ord. 692 § 14.]

## **Chapter 17.20 FINAL PLAT PROCEDURES**

Sections:

**17.20.010**                      **Final plat submission requirements and approval criteria.**

<b>17.20.020</b>	<b>Public improvements.</b>
<b>17.20.030</b>	<b>Easements.</b>
<b>17.20.040</b>	<b>Construction plan approval and assurances.</b>
<b>17.20.050</b>	<b>Installation.</b>
<b>17.20.060</b>	<b>Performance guarantee.</b>
<b>17.20.070</b>	<b>Filing and recording.</b>
<b>17.20.080</b>	<b>Replatting and vacation of plats.</b>

### **17.20.010 Final plat submission requirements and approval criteria.**

A. *Submission Requirements.* Final plats shall be reviewed and approved by the city prior to recording with Jackson County. The applicant shall submit the final plat to the city within one year of the approval of the preliminary plat as provided by TMC [17.15.010](#), Review procedures and approval process. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the city planner.

B. *Approval Criteria.* Unless planning commission review is included as a condition of approval, the city planner shall conduct an administrative review of the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the public works director. Alternatively, the developer has provided a performance guarantee in accordance with TMC [17.20.060](#), Performance guarantee;
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The streets and roads held for private use have been approved by the city as conforming to the preliminary plat;
5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage, riparian areas and water supply systems, as applicable;

6. The applicant has provided copies of all recorded homeowners association codes, covenants, and restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
7. The plat and subject property comply with the applicable sections of this code;
8. Certification by the city or Bear Creek Valley Sanitary Authority that water and sanitary sewer service is available to each and every lot or parcel depicted on the plat; or bond, contract or other assurance has been provided by the subdivider or partitioner to the city that such services will be installed in accordance with TMC [17.10.020](#), Public facilities standards and improvements, and the bond requirements of TMC [17.20.040](#), Construction plan approval and assurances. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the city;
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter [92](#), and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location;
10. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. All new lots are buildable without requiring any structural development or storage of vehicles or equipment, or construction materials, within 35 feet of the floodway. Development in a 100-year floodplain shall comply with the requirements of the National Flood Insurance Program and Talent floodplain management ordinance requirements (Chapter [15.15](#) TMC). Structural measures are preferred to filling to elevate structures above the base flood elevation;
11. Where a development site is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it has been prepared by a qualified professional, as determined by the city engineer;
12. All lots or parcels created through land division have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable;
13. All subdivision and partition proposals have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required per storm water design standards; and

14. Compliance with Chapter [18.85](#) TMC. [Ord. 818 § 2 (Exh. A (§ 8-2.410)); Ord. 692 § 15.]

### **17.20.020 Public improvements.**

Before city approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider shall provide a performance guarantee, in accordance with TMC [17.20.060](#), Performance guarantee. [Ord. 818 § 2 (Exh. A (§ 8-2.420)); Ord. 692 § 16.]

### **17.20.030 Easements.**

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the recorded deed restrictions. The developer or applicant shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for public main line utility easements shall be as specified by the city engineer. [Ord. 818 § 2 (Exh. A (§ 8-2.430)); Ord. 692 § 17.]

### **17.20.040 Construction plan approval and assurances.**

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the city, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the city for construction and other services in connection with the improvement. The permit fee shall be set by the city council. The city may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. [Ord. 818 § 2 (Exh. A (§ 8-2.440)); Ord. 692 § 18.]

### **17.20.050 Installation.**

A. *Conformance Required.* Improvements installed by the developer, either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the city.

- B. *Adopted Installation Standards.* The Standard Specifications for Public Works Construction, Oregon chapter A.P.W.A., Talent public works standard drawings, and Talent storm water design standards are adopted herein as the city's installation standard(s). Other standards may also be required upon recommendation of the city engineer.
- C. *Commencement.* Work shall not begin until the city has been notified in advance.
- D. *Resumption.* If work is discontinued for more than one month, it shall not be resumed until the city is notified.
- E. *City Inspection.* Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under TMC [17.15.010](#). Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.
- F. *Engineer's Certification and As-Built Plans.* A registered civil engineer shall provide written certification in a form required by the city that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to city acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide three sets of "as-built" plans, in conformance with the city engineer's specifications, for permanent filing with the city planning, public works, and engineering departments. [Ord. 818 § 2 (Exh. A (§ 8-2.450)); Ord. 692 § 19.]

### **17.20.060 Performance guarantee.**

- A. *Performance Guarantee Required.* When a performance guarantee is required by the city, the subdivider shall file an assurance of performance with the city supported by one of the following:
1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
  2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the city in writing that it may be terminated; or
  3. Cash.

B. *Determination of Sum.* The assurance of performance shall be for a sum determined by the city as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. *Itemized Improvement Estimate.* The developer shall furnish to the city an itemized improvement estimate, certified by a registered civil engineer, to assist the city in calculating the amount of the performance assurance contingency.

D. *Agreement.* An agreement between the city and developer shall be recorded with the final plat that stipulates all of the following:

1. Specifies the period within which all required improvements and repairs shall be completed;
2. A provision that if work is not completed within the period specified, the city may complete the work and recover the full cost and expenses from the applicant;
3. Stipulates the improvement fees and deposits that are required; and
4. May provide for the construction of the improvements in stages and for an extension of time under specific conditions therein stated in the contract.

The agreement may be prepared by the city, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and city administrator.

E. *When Developer Fails to Perform.* In the event the developer fails to carry out all provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond, cash deposit or letter of credit for reimbursement.

F. *Termination of Performance Guarantee.* The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the city. [Ord. 818 § 2 (Exh. A (§ 8-2.460)); Ord. 692 § 20.]

### **17.20.070 Filing and recording.**

A. *Filing Plat with County.* Within 60 days of the city approval of the final plat, the applicant shall submit the final plat to Jackson County for signatures of county officials as required by ORS Chapter [92](#).



B. *Proof of Recording.* Upon final recording with the county, the applicant shall submit to the city a mylar copy and three paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

C. *Prerequisites to Recording the Plat.*

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter [92](#);
2. No plat shall be recorded until it is approved by the county surveyor in the manner provided by ORS Chapter [92](#). [Ord. 818 § 2 (Exh. A (§ 8-2.470)); Ord. 692 § 21.]

### **17.20.080 Replatting and vacation of plats.**

A. *Replatting and Vacations.* Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. *Procedure.* All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process.

C. *Basis for Denial.* A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria, including but not limited to setbacks and conflicts with existing easements.

D. *Recording of Vacations.* All approved plat vacations shall be recorded in accordance with TMC [17.20.070](#), Filing and recording, and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications identified or described on the plat.

E. *After Sale of Lots or Parcels.* When lots or parcels have been sold, the plat may be vacated only in the manner herein; and provided, that all of the owners of lots or parcels within the platted area consent in writing to the plat vacation.

F. *Vacation of Streets*. All street vacations shall comply with the procedures and standards set forth in ORS Chapter [271](#). [Ord. 818 § 2 (Exh. A (§ 8-2.480)); Ord. 692 § 22.]

## **Chapter 17.25**

### **LOT LINE ADJUSTMENTS**

Sections:

**17.25.010**            **Lot line adjustments.**

#### **17.25.010**    **Lot line adjustments.**

Lot line adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approval process is as follows:

A. *Approval through a Two-Step Process*. Applications for lot line adjustment approval shall be processed through a two-step process: (1) pre-application conference and (2) recordation of lot line adjustment.

B. *Submission Requirements*.

1. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined; existing fences and walls; and any other information deemed necessary by the city planner for ensuring compliance with city codes.

2. A letter naming all affected property owners, including all owner signatures authorizing the lot line adjustment.

3. Verification that all property tax payments are current for all affected properties by the Jackson County assessor's office.

C. *Approval Process*.

1. *Decision-Making Process*. Lot line adjustments are subject to administrative staff review and the approval criteria contained in subsection [\(D\)](#) of this section.

2. *Time Limit on Approval.* The lot line adjustment approval shall be effective for a period of 60 days from the date of approval, during which time it must be recorded.

3. *Lapsing of Approval.* The lot line adjustment approval shall lapse if:

- a. The lot line adjustment is not recorded within the time limit in subsection [\(C\)\(2\)](#) of this section;
- b. The lot line adjustment has been improperly recorded with Jackson County without the satisfactory completion of all conditions attached to the approval; or
- c. The final recording is a departure from the approved plan.

D. *Approval Criteria.* The city planner shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment, however the number of lots or parcels may be reduced;
2. *Lot Standards.* All lots and parcels comply with the applicable lot standards of the underlying zoning district including lot area and dimensions;
3. *Access.* All lots and parcels comply with the standards or requirements of TMC [17.10.060](#), Vehicular access and circulation;
4. *Setbacks.* The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district; and
5. *Exemptions from Dedications and Improvements.* A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

E. *Recording Lot Line Adjustments.*

1. *Recording.* Upon the city's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Jackson County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the city, to be filed with the approved application.
2. *Time Limit.* The applicant shall submit the copy of the recorded lot line adjustment survey map to the city within 15 days of recording and prior to the issuance of any building permits on the reconfigured lots.

F. *Extension.* The city shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed 60 days; provided, that:

1. No changes are made on the original plan as approved by the city;
2. The applicant can show intent of recording the approved partition or lot line adjustment within the extension period;
3. There have been no changes in the applicable code or plan provisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made in writing before expiration of the original approved plan.  
[Ord. 818 § 2 (Exh. A (§ 8-2.510)); Ord. 692 § 23.]

## **Chapter 17.30**

### **SPECIAL PARTITIONS AND SUBDIVISIONS**

Sections:

<b>17.30.010</b>	<b><i>Repealed.</i></b>
<b>17.30.020</b>	<b>Reestablishment of platted property lines in the original town plat area.</b>
<b>17.30.030</b>	<b>Flag lot partitions.</b>

#### **17.30.010 Planned unit developments.**

*Repealed by [Ord. 847](#).* [Ord. 818 § 2 (Exh. A (§ 8-2.610)); Ord. 692 § 24.]

#### **17.30.020 Reestablishment of platted property lines in the original town plat area.**

Preexisting lots (i.e., lots existing prior to adoption of the zoning code, TMC Title [18](#)) in the Wagner Butte Addition, Original Town Addition, and Gibson Street Historic District areas may be reestablished through an administrative staff review, subject to the following criteria:

- A. Vehicle access shall be via a public way (street or alley).

- B. Existing structures must meet setbacks for newly created property lines.
- C. Public services shall be available to serve the/all new lot(s) created.
- D. Minimum lot width of 30 feet.
- E. Minimum lot area of 4,500 square feet. [Ord. 818 § 2 (Exh. A (§ 8-2.620)); Ord. 692 § 25.]

### **17.30.030 Flag lot partitions.**

The following standards apply to flag lots in all residential zones:

- A. *Purpose.* These standards allow the creation of a single flag lot out of a parent lot in limited circumstances. The limitations minimize the negative impacts of flag lots on an area while allowing land to be divided when other options are not achievable.
- B. *When a Flag Lot Is Allowed.* A flag lot is allowed only when the following are met:
  - 1. An existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width standard of its zoning district;
  - 2. Only one flag lot is proposed;
  - 3. There will be only one residence on the flag lot (except in the RM-22 zone);
  - 4. Minimum density, minimum lot size and maximum building coverage requirements of the zone will be met; and
  - 5. In the interest of protecting existing neighborhood context, structures taller than 16 feet will not be allowed if more than 50 percent of the lots sharing common lot lines, not including the parent lot, have houses on them that are less than 16 feet tall. Lots without houses on them will not be considered.
- C. *Flag Lot Access Pole.* The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
  - 1. The pole must connect to a street and must be at least 13 feet wide at the street and for its entire length, or 24 feet if the length from the centerline of the street right-of-way to the flag portion is more than 150 feet or if there will be more than one residence on the flag lot;

2. The pole portion must be part of the flag lot and must be under the same ownership as the flag portion;
3. The access drive must be at least 12 feet wide (or 24 feet; see subsection [\(C\)\(1\)](#) of this section) and paved with concrete or asphalt. The drive must be designed so that storm water runoff is directed toward an appropriate location and not onto neighboring properties;
4. The flag lot and the existing lot will share the flag lot access pole for common access to the two lots unless the city planner finds such a setup physically impractical.

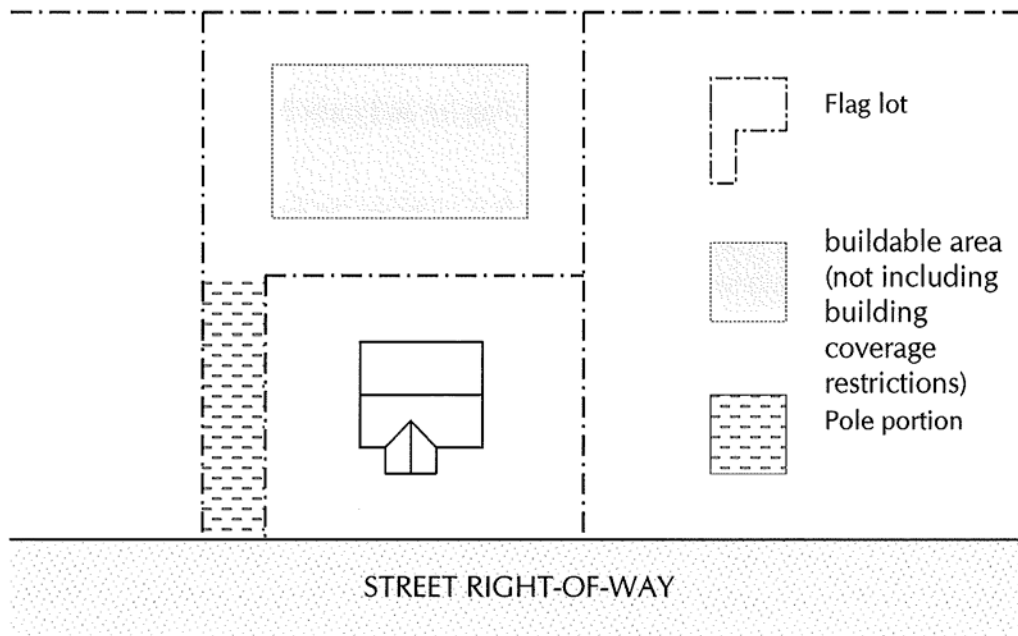
D. *Minimum Lot Dimensions.* No dimension of a flag lot may be less than 40 feet, excepting the pole portion. For the purposes of this subsection width and depth are measured at the midpoint of the opposite lot lines. All other lot dimension standards must be met.

E. *Flag Lot Development Standards.* The following standards apply to development on flag lots:

1. *Setbacks.* (See Figure 17.30.030-1.) Flag lots have required building setbacks that are the same along all lot lines, except that the setback on the pole portion side shall be at least 13 or 24 feet, as appropriate, plus an additional 20 feet for garage entrances, or more if there is a possibility the pole may someday become part of a larger public right-of-way. The city reserves the right to require greater setbacks in such cases for garages and/or entire structures. The required setbacks for primary structures, including houses and garages, are:

<b>Zone</b>	<b>Setback</b>
RS-5	15 feet
RS-7, RS-MH and RM-22	10 feet

**Figure 17.30.030-1. Flag Lot Setbacks**



[Ord. 818 § 2 (Exh. A (§ 8-2.630)); Ord. 796.]

**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

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# **Title 18 ZONING**

Chapters:

## **Division I. Title, Purpose and Establishment of Zones**

- 18.05 Title and Purpose**
- 18.10 Establishment of Zones**

## **Division II. Definitions**

- 18.15 Definitions**
- 18.20 Land Use Classification**

## **Division III. Residential Zones**

- 18.25 Residential Zone – Single-Family – Low-Density (RS-5)**
- 18.30 Residential Zone – Single-Family – Medium-Density (RS-7)**
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## **Division IV. Commercial Zones**

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**Prior legislation:** Ords. 423, 435, 436, 455, 459, 460, 492, 502, 507, 524, 530, 552, 562, 572, 576, 577, 583, 586, 601, 607, 632, 653, 654, 683, 694, 695, 699, 706, 707, 714, 735, 751, 772, 776, 777, 782, 793, 794, 802, 808, 810.

## **Division I. Title, Purpose and Establishment of Zones**

### **Chapter 18.05 TITLE AND PURPOSE**

Sections:

<b>18.05.010</b>	<b>Title.</b>
<b>18.05.020</b>	<b>Purpose.</b>

#### **18.05.010 Title.**

A. This title 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 title and TMC Title [17](#).

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 June 24, 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 title should arise, the text shall prevail. [Ord. 817 § 8-3A.110, 2006.]

#### **18.05.020 Purpose.**

The purpose of this title 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. [Ord. 817 § 8-3A.120, 2006.]

## Division II. Definitions

### Chapter 18.15 DEFINITIONS

Sections:

<b>18.15.010</b>	<b>Rules of construction.</b>
<b>18.15.020</b>	<b>General definitions.</b>

#### **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" 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.

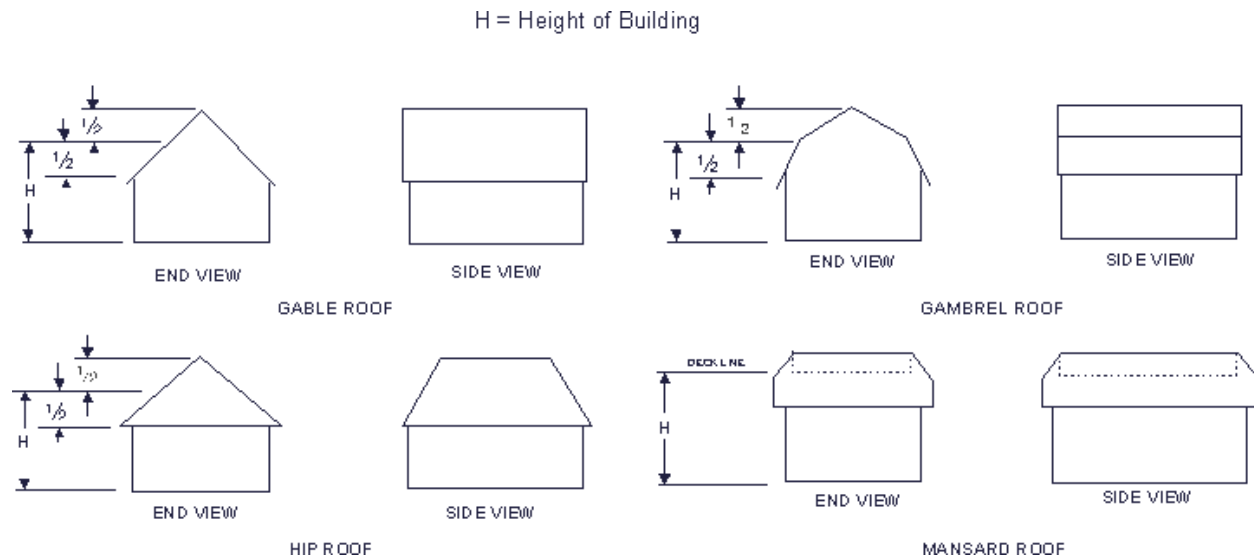
"Boarding house" means any building or portion thereof containing not more than five guest rooms which are occupied, or intended for occupancy, by guests in return for money, goods, labor or otherwise.

"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.

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

"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.

"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, 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, multiple-family” means 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.

“Dwelling, single-family” means 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.

“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.

“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.

“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.

“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.

“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."

"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” 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" 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.

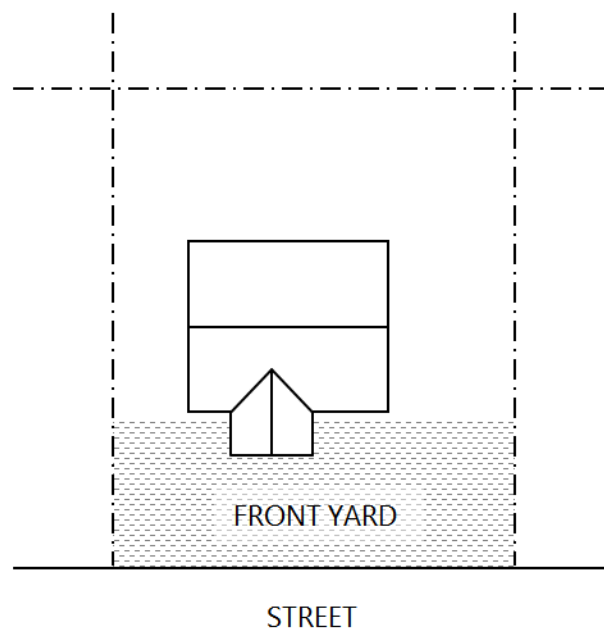
"Wireless communications antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Does not include any support structure upon which an antenna is mounted.

"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.]

## Division III. Residential Zones

### Chapter 18.25

### RESIDENTIAL ZONE – SINGLE-FAMILY – LOW-DENSITY (RS-5)

Sections:

<b>18.25.010</b>	<b>Description and purpose.</b>
<b>18.25.020</b>	<b>Buildings and uses permitted subject to Type I permit review.</b>
<b>18.25.030</b>	<b>Buildings and uses permitted subject to Type II site development plan review.</b>
<b>18.25.040</b>	<b>Buildings and uses permitted subject to Type III site development plan review.</b>
<b>18.25.050</b>	<b>Buildings and uses permitted subject to conditional use review.</b>
<b>18.25.060</b>	<b>Yard regulations.</b>
<b>18.25.070</b>	<b>Lot area and dimensions.</b>
<b>18.25.080</b>	<b>Landscaping, fences, walls and signs.</b>
<b>18.25.090</b>	<b>Single-family transitions.</b>

#### **18.25.010 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. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.110, 2006.]

#### **18.25.020 Buildings and uses permitted subject to Type I 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 Chapter [18.170](#) TMC.
- D. 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 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.
- E. Accessory buildings and structures, including private garages, 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.
- F. Accessory dwelling units on individual lots, subject to the provisions of Chapter [18.165](#) TMC, Accessory Dwelling Unit.
- G. Other uses determined by the planning commission to be similar to those listed above. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.120, 2006.]

### **18.25.030 Buildings and uses permitted subject to Type II 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 Chapter [18.150](#) TMC:

- 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 antennas within the public right-of-way, subject to the provisions of TMC [18.130.010](#).
- C. Other uses determined by the planning commission to be similar to those listed above or under TMC [18.25.020](#). [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.130, 2006.]

### **18.25.040 Buildings and uses permitted subject to Type III 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 Chapter [18.150](#) TMC and TMC [18.190.050](#). 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 of the property width but not less than 10 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 TMC [18.25.020](#) or [18.25.030](#).
- D. Relocated structures. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.140, 2006.]

### **18.25.050 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 Chapter [18.155](#) TMC. The following uses permitted conditionally in the RS-5 zone meet the description and purpose set forth in Chapter [18.155](#) TMC:

- 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 TMC [18.155.070\(B\)](#).
- 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 one-half stories or 30 feet in height, whichever is the lesser. Such buildings must additionally meet the building height transition standards in TMC [18.90.050\(B\)](#).
- 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. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.150, 2006.]

### **18.25.060 Yard regulations.**

- A. *Front Yard.* The front yard shall have a depth of not less than 20 feet for dwellings and 24 feet for garages and carport entrances.
- B. *Side Yard.*
  - 1. Five feet for the first story, plus three feet for buildings over 18 feet in height. The following additional provisions shall also apply to side setbacks:

- a. Ten feet for street-facing side yards on corner lots when side street is a local or an alley; 15 feet when side street is a collector or arterial; 20 feet for garage and carport entrances.
- b. Ten feet on one side for zero-lot-line lots.

C. *Rear Yard*. Ten feet; five feet for alley-access garages; and 20 feet for double-frontage lots. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.160, 2006.]

### **18.25.070 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 TMC [17.15.030\(C\)\(1\)\(a\)](#).)

1. Eight thousand square feet.
2. Corner lots: 9,000 square feet.

B. *Minimum Lot Area per Dwelling Unit*.

1. Eight thousand square feet.

C. *Minimum Lot Width*.

1. Sixty-five feet; reducible to 50 feet to permit flag lot partitioning.

D. *Maximum Building Bulk*.

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

E. *Nonconforming Lots of Record*. A lot having an area of less than 8,000 square feet of record at the time of the passage of the ordinance codified in this title (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.170, 2006.]



### **18.25.080 Landscaping, fences, walls and signs.**

In the RS-5 zone, all required landscaping shall be installed in accordance with Chapter [18.105](#) TMC. Fences and walls shall be permitted in accordance with Chapter [18.105](#) TMC. Signs shall be permitted in accordance with Chapter [18.120](#) TMC. [Ord. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.180, 2006.]

### **18.25.090 Single-family transitions.**

Single-family development that is adjacent to nonresidential zones may be required to provide a transitional buffer in accordance with TMC [18.105.050\(B\)](#). [Ord. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.190, 2006.]

## **Division IV. Commercial Zones**

### **Chapter 18.45 COMMERCIAL ZONE – NEIGHBORHOOD (CN)**

Sections:

<b>18.45.010</b>	<b>Description and purpose.</b>
<b>18.45.020</b>	<b>Buildings and uses permitted subject to Type I permit review.</b>
<b>18.45.030</b>	<b>Buildings and uses subject to Type II site development plan review.</b>
<b>18.45.040</b>	<b>Buildings and uses permitted subject to Type III site development plan review.</b>
<b>18.45.050</b>	<b>Buildings and uses permitted subject to conditional use review.</b>
<b>18.45.060</b>	<b>Yard regulations.</b>
<b>18.45.070</b>	<b>Lot area and dimensions.</b>
<b>18.45.080</b>	<b>Lot coverage restrictions.</b>
<b>18.45.090</b>	<b>Parking and loading requirements.</b>
<b>18.45.100</b>	<b>Landscaping, fences, walls and signs.</b>
<b>18.45.110</b>	<b>Buffering.</b>

**18.45.010 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. [Ord. 817 § 8-3D.110, 2006.]

**18.45.020 Buildings and uses permitted subject to Type I 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 chapter.
- C. Use of existing structures for the permitted uses listed in TMC [18.45.030](#) and [18.45.040](#), where all the provisions of this title 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. [Ord. 817 § 8-3D.120, 2006.]

**18.45.030 Buildings and uses subject to Type II 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 Chapter [18.150](#) TMC:

- 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 retail 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 nonflammable 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 antennas subject to the provisions of TMC [18.130.010](#).
- 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. [Ord. 817 § 8-3D.130, 2006.]

#### **18.45.040 Buildings and uses permitted subject to Type III 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 Chapter [18.150](#) TMC and TMC [18.190.050](#). 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 percent of the property width but no less than 10 feet.
- F. Other buildings or uses similar to those listed above, or under TMC [18.45.020](#) or [18.45.030](#), where permitted by the planning commission after written application. [Ord. 817 § 8-3D.140, 2006.]

### **18.45.050 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 Chapter [18.155](#) TMC. The following uses permitted conditionally in the CN zone meet the description and purpose set forth in Chapter [18.155](#) TMC:

- A. Passenger terminals (bus or rail).
- B. Temporary medical hardship, subject to the supplemental provisions of TMC [18.155.070\(B\)](#).
- C. Buildings over two and one-half stories or 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. [Ord. 817 § 8-3D.150, 2006.]

### **18.45.060 Yard regulations.**

- A. *Front Yard.* The front yard shall have a depth of not less than 10 feet, including a parking setback of not less than 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 10 feet.

3. A side yard abutting a street and/or alley shall have a depth of not less than 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 10 feet.

D. *Existing Residential Uses.* For existing residential structures or uses, setbacks in conformance with the medium-density single-family residential (RS-7) zone shall apply. [Ord. 817 § 8-3D.160, 2006.]

### **18.45.070 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 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. [Ord. 817 § 8-3D.170, 2006.]

### **18.45.080 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. [Ord. 817 § 8-3D.180, 2006.]

### **18.45.090 Parking and loading requirements.**

A. Off-street loading spaces shall be provided as prescribed in Chapter [18.110](#) TMC. 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 Chapter [18.110](#) TMC.

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. [Ord. 817 § 8-3D.190, 2006.]

### **18.45.100 Landscaping, fences, walls and signs.**

All required landscaped areas shall be installed in accordance with Chapter [18.105](#) TMC. Fences, walls, hedges and screen plantings shall be permitted in accordance with Chapter [18.105](#) TMC. Signs shall be permitted and in conformance with Chapter [18.120](#) TMC. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.195, 2006.]

### **18.45.110 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 TMC [18.105.050](#). [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.196, 2006.]

## **Division V. Industrial Zones**

### **Chapter 18.70 INDUSTRIAL ZONE – LIGHT (IL)**

Sections:

<b>18.70.010</b>	<b>Description and purpose.</b>
<b>18.70.020</b>	<b>Buildings and uses permitted subject to Type I permit review.</b>
<b>18.70.030</b>	<b>Buildings and uses subject to Type II site development plan review.</b>
<b>18.70.040</b>	<b>Buildings and uses subject to Type III site development plan review.</b>
<b>18.70.050</b>	<b>Buildings and uses permitted subject to conditional use review.</b>
<b>18.70.060</b>	<b>Yard regulations.</b>
<b>18.70.070</b>	<b>Lot area and dimensions.</b>
<b>18.70.080</b>	<b>Lot coverage restrictions.</b>
<b>18.70.090</b>	<b>Landscaping, fences, walls and signs.</b>
<b>18.70.100</b>	<b>Conditions required of all uses in the light industrial zone.</b>
<b>18.70.110</b>	<b>Maintenance of grounds.</b>
<b>18.70.120</b>	<b>Procedures and requirements.</b>
<b>18.70.130</b>	<b>Site development plan.</b>

**18.70.140 Administration and enforcement.****18.70.010 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. [Ord. 817 § 8-3F.110, 2006.]

**18.70.020 Buildings and uses permitted subject to Type I 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 chapter.
- C. Use of existing structures for the permitted uses listed in TMC [18.70.030](#) and [18.70.040](#), where all the provisions of this title 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 title. If a question arises as to conformance with the provisions of this title, the staff advisor shall subject the project to a site development plan review without a public hearing. [Ord. 817 § 8-3F.120, 2006.]

### **18.70.030 Buildings and uses subject to Type II 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 Chapter [18.150](#) TMC:

- A. Wireless communication antennas subject to the provisions of TMC [18.130.010](#). [Ord. 817 § 8-3F.130, 2006.]

### **18.70.040 Buildings and uses subject to Type III 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 Chapter [18.150](#) TMC. The planning commission may, at its discretion, conduct a public hearing subject to the provisions of TMC [18.190.050](#). 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. Bins 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 the 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. [Ord. 817 § 8-3F.140, 2006.]

### **18.70.050 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 Chapter [18.155](#) TMC 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 35 feet in height.
- E. Buildings not meeting required yard setbacks.
- F. Wireless communication towers. [Ord. 817 § 8-3F.150, 2006.]

### **18.70.060 Yard regulations.**

- A. *Front Yard.* The front yard shall have a depth of not less than 20 feet.
- B. *Side Yard.* There shall be a side yard on each side of the building of not less than 10 feet.

- C. *Rear Yard*. The rear yard shall have a depth of not less than 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 walls 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 20 feet; except that a yard adjacent to an arterial street shall have a depth of not less than 25 feet.
- F. Any yard adjacent to residentially or agriculturally zoned property shall have a depth of not less than 35 feet.
- G. Lot requirements for parking, loading and accessways 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. [Ord. 817 § 8-3F.160, 2006.]

### **18.70.070 Lot area and dimensions.**

There shall be no minimum lot area, lot width or lot depth in the light industrial zone. [Ord. 817 § 8-3F.170, 2006.]

### **18.70.080 Lot coverage restrictions.**

There shall be no maximum lot coverage except as provided in the yard setback and off-street parking regulations. [Ord. 817 § 8-3F.180, 2006.]

### **18.70.090 Landscaping, fences, walls and signs.**

All required landscaped areas shall be installed in accordance with Chapter [18.105](#) TMC. Fences, walls, hedges and screen plantings shall be permitted in accordance with Chapter [18.105](#) TMC. Signs

shall be permitted and in conformance with Chapter [18.120](#) TMC. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3F.190, 2006.]

### **18.70.100 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 OAR 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, or 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 sight-obscuring hedge or fence permanently maintained and at least six 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 Chapter [18.115](#) TMC.
- I. As every light industrial development contains circumstances 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. [Ord. 817 § 8-3F.195, 2006.]

**18.70.110 Maintenance of grounds.**

- A. Properties abutting residentially zoned properties shall provide and maintain a buffer in accordance with TMC [18.105.050](#) or with measures as prescribed by the planning commission during the site development plan review process.
- B. Yards adjacent to streets and those abutting residentially zoned properties shall be continuously maintained in lawn or live ground cover, with trees or shrubs, in a manner providing a park-like character.
- C. Other yards and unused property shall be maintained in lawn or other suitable live ground cover. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3F.196, 2006.]

**18.70.120 Procedures and requirements.**

Any industrial development shall be subject to the following procedures and requirements set forth in TMC Title [17](#), including any amendments that may be made to these sections:

- A. Chapter [17.15](#) TMC, where a land division is involved.
- B. Applicable sections of Chapter [17.10](#) TMC.
- C. TMC [17.10.050](#), when applicable to the land parcel. [Ord. 817 § 8-3F.197, 2006.]

**18.70.130 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 Chapter [18.150](#) TMC. 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. [Ord. 817 § 8-3F.198, 2006.]

### **18.70.140 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 chapter, it shall be declared a public nuisance and shall be dealt with as prescribed in Chapter [8.10](#) TMC. [Ord. 817 § 8-3F.199, 2006.]

## **Division VI. Public Lands and Facilities**

### **Chapter 18.75 PUBLIC LANDS AND FACILITIES (PLF)**

Sections:

<b>18.75.010</b>	<b>Description and purpose.</b>
<b>18.75.020</b>	<b>Buildings and uses permitted subject to Type I permit review.</b>
<b>18.75.030</b>	<b>Buildings and uses subject to Type II site development plan review.</b>
<b>18.75.040</b>	<b>Buildings and uses subject to Type III site development plan review.</b>
<b>18.75.050</b>	<b>Buildings and uses permitted subject to conditional use review.</b>
<b>18.75.060</b>	<b>Yard regulations.</b>
<b>18.75.070</b>	<b>Lot area and dimensions.</b>
<b>18.75.080</b>	<b>Landscaping, fences, walls and signs.</b>

**18.75.090 Conveyance and rezoning provisions.****18.75.010 Description and purpose.**

The public land and 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. [Ord. 817 § 8-3G.110, 2006.]

**18.75.020 Buildings and uses permitted subject to Type I 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. [Ord. 817 § 8-3G.120, 2006.]

**18.75.030 Buildings and uses subject to Type II 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 Chapter [18.150](#) TMC:

- A. Commercial parking lots.
- B. General office up to 4,000 square feet (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 TMC [18.130.010](#). [Ord. 817 § 8-3G.130, 2006.]

### **18.75.040 Buildings and uses subject to Type III 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 Chapter [18.150](#) TMC 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 and yard.
- C. Parks and open space (new park establishment).
- D. General office more than 4,000 square feet (operated by a government, sub-unit thereof, or a utility). [Ord. 817 § 8-3G.140, 2006.]

### **18.75.050 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 Chapter [18.155](#) TMC for the following uses:

- A. Water quality or detention facility.
- B. Educational facility (publicly owned).
- C. Wireless communication towers. [Ord. 817 § 8-3G.150, 2006.]

### **18.75.060 Yard regulations.**

- A. *Front Yard.*

1. Minimum: 10 feet.

B. *Side Yard.*

1. Minimum: 10 feet.
2. Minimum: 10 feet on street-facing sides.
3. Parking lots: 10 feet, which shall be landscaped to provide screening.

C. *Rear Yard.*

1. Minimum: 10 feet.

D. *Adjacency to Residential Zones.* Where lots abut residentially zoned lots, all setbacks shall be 10 feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.

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. [Ord. 817 § 8-3G.160, 2006.]

### **18.75.070 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 40 feet. [Ord. 817 § 8-3G.170, 2006.]

### **18.75.080 Landscaping, fences, walls and signs.**

All required landscaped areas shall be installed in accordance with Chapter [18.105](#) TMC. Fences, walls, hedges and screen plantings shall be permitted in accordance with Chapter [18.105](#) TMC. Signs shall be permitted and in conformance with Chapter [18.120](#) TMC.

A. Properties abutting residentially zoned properties shall provide and maintain a buffer in accordance with TMC [18.105.050](#) or with measures as prescribed by the planning commission during the site development plan review process.

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



C. Other yards and unused property shall be maintained in lawn or other suitable live ground cover. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3G.180, 2006.]

### **18.75.090 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 TMC [18.190.060](#).

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 TMC [18.190.060](#).

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. [Ord. 817 § 8-3G.190, 2006.]

## **Division VII. Overlay Zones**

### **Chapter 18.80 OVERLAY ZONE – STEEP SLOPES (OSS)**

Sections:

<b>18.80.010</b>	<b>Description and purpose.</b>
<b>18.80.020</b>	<b>General.</b>
<b>18.80.030</b>	<b>Permitted uses, yard and lot regulations.</b>
<b>18.80.040</b>	<b>Density transfer.</b>
<b>18.80.050</b>	<b>Standards of development in the OSS zone.</b>
<b>18.80.060</b>	<b>Application for a building permit and cut-and-fill projects.</b>
<b>18.80.070</b>	<b>Standards for building and cut-and-fill projects.</b>
<b>18.80.080</b>	<b>Engineer and attorney fees.</b>

## **18.80.090 Maintenance of improvements.**

### **18.80.010 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 10 percent. Slopes that exceed 10 percent prove costly to build upon. In addition, slopes in excess of 15 percent contain soils with erosion, slide and high runoff potential. The purpose of this chapter 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. [Ord. 817 § 8-3H.110, 2006.]

### **18.80.020 General.**

- A. The provisions and requirements of the OSS zone and of this chapter apply in addition to the provisions and requirements of the underlying zone and of TMC Title [17](#).
- B. In those instances where there is a conflict between the provisions and requirements of this chapter and those of the underlying zone or TMC Title [17](#), the provisions and requirements of this chapter supersede.
- C. Areas shown on the OSS overlay map show the approximate location of 10 percent slope. Exact locations shall be determined with each development proposal. [Ord. 817 § 8-3H.120, 2006.]

### **18.80.030 Permitted uses, yard and lot regulations.**

- A. *Permitted Uses.* Those uses and buildings permitted in the underlying zone shall be permitted.
- B. *Yard Regulations.* 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 TMC [18.80.040](#). [Ord. 817 § 8-3H.130, 2006.]

### **18.80.040 Density transfer.**

Calculate density as regulated by TMC [17.15.030\(B\)](#). Slopes in excess of 25 percent are deducted from available land for purposes of determining permitted density. The lot regulations set forth in TMC [18.80.030\(C\)](#) 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 Chapter [18.215](#) TMC) 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 TMC [17.15.030\(C\)](#). [Ord. 817 § 8-3H.140, 2006.]

### **18.80.050 Standards of development in the OSS zone.**

In addition to the standards and improvements set forth in TMC Title [17](#), 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 15 percent provided they do not exceed 200 feet in length, whereby they must be reduced to 10 percent or less for a minimum length of 20 feet. The overall grade shall not exceed 10 percent.
- e. Culverts, bridges and other drainage structures shall be placed as to encourage drainage in established drainage ways and as provided in TMC [17.10.080](#). 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.
- 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 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:
- i. Minimum travel service width: 12 feet.
  - ii. Minimum vertical clearance: 14 feet.
  - iii. Minimum horizontal clearance: 16 feet.
  - iv. Maximum intermittent grade: 15 percent for 200 feet.
  - v. Maximum sustained grade: 10 percent.
- 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 chapter.

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 ensure 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 nonuse areas; or
- b. Improved 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 subsections [\(A\)\(1\)](#) and [\(A\)\(4\)\(b\)](#) of this section, 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 chapter.

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 subsection [\(B\)\(3\)\(a\)](#) of this section:
  - i. Poles without overhead lines and used exclusively for fire or police alarm boxes, lighting purposes, or traffic control.
  - ii. 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.
  - iii. 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, 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.  
[Ord. 817 § 8-3H.150, 2006.]

### **18.80.060 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 or 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, indicating 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 chapter 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 with this chapter, this title, 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 chapter, this title 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 TMC [18.80.070](#).

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 subsection [\(C\)](#) of this section have been or will be complied with. The city engineer may make inspections as necessary to ensure compliance. For applications for cut-and-fill projects only, the city engineer is responsible for inspection to assure compliance. [Ord. 817 § 8-3H.160, 2006.]

### **18.80.070 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 TMC [18.80.050\(A\)\(4\)\(b\)](#) and [\(B\)\(2\)](#).
- 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. [Ord. 817 § 8-3H.165, 2006.]

### **18.80.080 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 chapter. [Ord. 817 § 8-3H.170, 2006.]

### **18.80.090 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. [Ord. 847 § 4 (Exh. B), 2008; Ord. 817 § 8-3H.180, 2006.]

## **Division VIII. Site Development Standards**

### **Chapter 18.90 GENERAL PROVISIONS**

Sections:

- 18.90.010**            **Foregoing regulations subject to this chapter.**
- 18.90.020**            **Maintenance of minimum requirements.**
- 18.90.030**            **Setback requirements.**
- 18.90.040**            **Building coverage.**



<b>18.90.050</b>	<b>Building height.</b>
<b>18.90.060</b>	<b>Accessory buildings, structures or uses.</b>
<b>18.90.070</b>	<b>Distance between buildings.</b>
<b>18.90.080</b>	<b>Minimum frontage requirement.</b>
<b>18.90.090</b>	<b>Adequacy of public facilities and services.</b>
<b>18.90.100</b>	<b>Installation, standards and specifications of public facility and service improvements.</b>
<b>18.90.110</b>	<b>Building permits.</b>
<b>18.90.120</b>	<b>Business licenses.</b>
<b>18.90.130</b>	<b>Inspection and right of entry.</b>
<b>18.90.140</b>	<b>Abatement.</b>
<b>18.90.150</b>	<b>Penalties.</b>
<b>18.90.160</b>	<b>Enforcement.</b>
<b>18.90.170</b>	<b>Interpretation.</b>
<b>18.90.180</b>	<b>Uses not permitted in all zones.</b>
<b>18.90.190</b>	<b>Buffering.</b>
<b>18.90.200</b>	<b>Residential development requirements.</b>

### **18.90.010 Foregoing regulations subject to this chapter.**

Divisions [I](#) through [VII](#) of this title are subject to the provisions of this chapter. [Ord. 817 § 8-3J.110, 2006.]

### **18.90.020 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 title 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. [Ord. 817 § 8-3J.120, 2006.]

### **18.90.030 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 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 feet into any required setback.
4. Chimneys projecting not more than two 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 feet into a required front setback or four feet into a required side or rear setback.
6. An unenclosed, covered front porch may extend into the required front setback area by eight 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 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.
7. Planting boxes or masonry planters, not exceeding three and one-half feet in height, and window boxes extending not more than 12 inches into any required setback.

8. Landscaping, and fences or walls conforming to the regulations of Chapter [18.105](#) TMC.

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.*

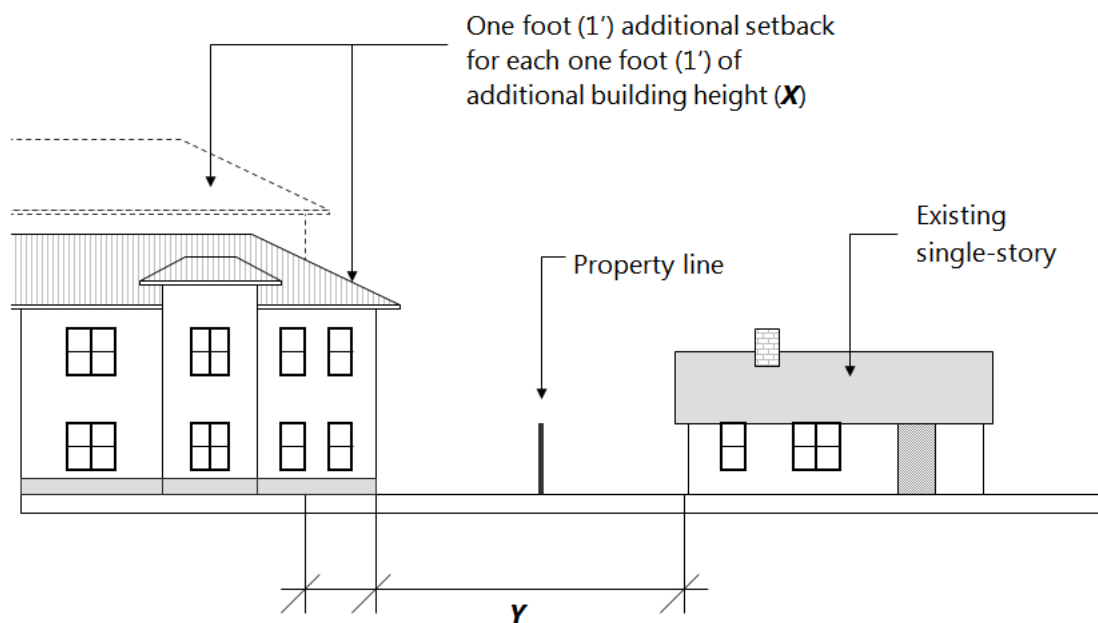
1. A building or structure shall not be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the setbacks provided and maintained in connection with such building or structure have a width and/or depth of that portion of the lot needed to complete the road width plus the width and/or depth of the setbacks required on the lot by this title. 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 title, shall relate to the future street boundaries as determined by said precise plans. [Ord. 817 § 8-3J.121, 2006.]

### **18.90.040 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 of the total lot area. [Ord. 817 § 8-3J.122, 2006.]

### 18.90.050 Building height.

A. *Limitations and General Exceptions.* The maximum height of any structure shall be two and one-half stories or 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 30 feet shall “step-down” to create a building height transition to adjacent single-story building(s) in residential zones.

1. This standard applies to new and vertically expanded buildings located within 30 feet (as measured horizontally) of an existing building with a height of 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 foot of height for every one foot separating the two buildings (Y), as shown above. [Ord. 817 § 8-3J.123, 2006.]

**18.90.060 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 devices 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 guest houses, which are clearly subordinate to the main dwelling on the lot. [Ord. 817 § 8-3J.124, 2006.]

**18.90.070 Distance between buildings.**

A minimum distance of six feet shall be maintained between buildings on the same lot that are designed for living purposes. [Ord. 817 § 8-3J.125, 2006.]

**18.90.080 Minimum frontage requirement.**

Every lot shall have at least 20 feet of frontage on a street. Alleys are not considered to be streets for the purposes of this requirement. [Ord. 817 § 8-3J.126, 2006.]

**18.90.090 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. [Ord. 817 § 8-3J.130, 2006.]

### **18.90.100 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 title will be at least the equivalent of the standards and improvements set forth in TMC [17.10.020](#) and [17.20.020](#), except as otherwise provided by this title. 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 [\(C\)](#) of this section 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. [Ord. 817 § 8-3J.135, 2006.]

### **18.90.110 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 title.

B. *Plot Plan.* No building permit shall be issued unless the application is accompanied by a sketch showing at 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 names and widths of all abutting streets;
4. The location of trees with circumference of 14 inches or greater, measured three feet above grade at the base of the tree;

5. The location of proposed construction in relation to other structures on the same lot; and
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 chapters of this title. [Ord. 817 § 8-3J.140, 2006.]

### **18.90.120 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 Chapter [18.170](#) TMC. No business license shall be issued unless or until the city building official is satisfied of substantial compliance with the provisions of this title or any approved development plans with any required conditions thereof and/or has granted a certificate of use of occupancy. [Ord. 817 § 8-3J.150, 2006.]

### **18.90.130 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 title, officials responsible for enforcement or administration of this title, 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. [Ord. 817 § 8-3J.160, 2006.]

### **18.90.140 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. [Ord. 817 § 8-3J.161, 2006.]



**18.90.150 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 title 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. 817 § 8-3J.162, 2006.]

**18.90.160 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 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 title.

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 title. [Ord. 817 § 8-3J.163, 2006.]

**18.90.170 Interpretation.**

Where the conditions imposed by a provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or any other city ordinance, resolution or regulation, the provisions that are more restrictive shall govern. [Ord. 817 § 8-3J.170, 2006.]

**18.90.180 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. [Ord. 817 § 8-3J.173, 2006.]

### **18.90.190 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 buffer 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. [Ord. 817 § 8-3J.180, 2006.]

### **18.90.200 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 Chapter [18.180](#) TMC.

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 Chapter [18.95](#) TMC. [Ord. 817 § 8-3J.190, 2006.]

## **Division IX. Architectural Design Standards**

### **Chapter 18.140 DESIGN STANDARDS – OLD TOWN DESIGN DISTRICT**

Sections:

<b>18.140.010</b>	<b>Purpose.</b>
<b>18.140.020</b>	<b>Remodeling of existing structures.</b>
<b>18.140.030</b>	<b>Commercial structures.</b>
<b>18.140.040</b>	<b>Residential structures.</b>
<b>18.140.050</b>	<b>General regulations in Old Town design district.</b>
<b>18.140.060</b>	<b>Applicability.</b>

### **18.140.010 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 occur.

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 respect Talent's history and build 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 Chapter [18.175](#) TMC.

The following standards shall be used as part of the land use approval process when new development and exterior renovation are 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 Chapter [18.175](#) TMC. [Ord. 851 § 1; Ord. 817 § 8-3K.110, 2006.]

### **18.140.020 Remodeling of existing structures.**

A. *Remodeling Standard (A) – Original Elements.* Elements that are original to a vintage, traditional or historic structure (defined in this standard as primary, secondary, contributing, noncontributing-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 (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 (C) – Weatherization and 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. [Ord. 851 § 1; Ord. 817 § 8-3K.120, 2006.]

### **18.140.030 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 (A) – Volume and Mass.*

1. *Setbacks.*

a. *Setback.* Minimum two feet, maximum five 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 feet, maximum 20 feet for the primary facade facing the public open space. No parking or vehicular drive aisle 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 aisles are to be considered legally grandfathered, but nonconforming. 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 facade 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.* 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 subsection (E) of this section, 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 (B) – Openings.* To maintain and ensure a pedestrian-friendly scale within Talent's traditional commercial core, storefronts and upper facades shall reflect the following:

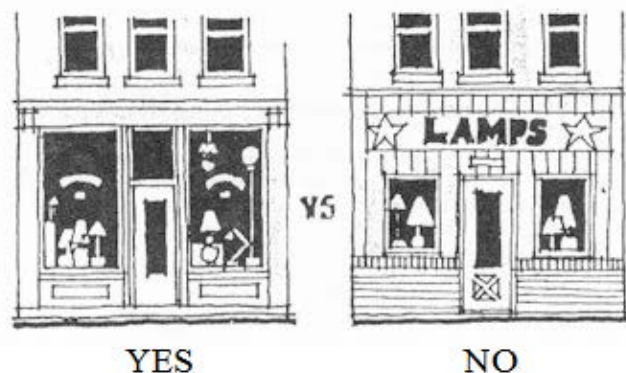
1. *Verticality.* All facade window openings shall have a generally vertical proportion (i.e., a height-to-width ratio of 1.5:1 or greater; for example, a 24-inch-wide window would be at least 36 inches tall). An exception to this standard is allowed for large, fixed storefront windows. In such cases, transom panels spanning the entire storefront glazed area are encouraged.

2. *Transparency.* Ground floor storefronts should be predominately “transparent,” with a minimum of 75 percent glazed surface area, including entry doors (see Figure 18.140.030-1).

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 18.140.030-1. A good example vs. a bad example of transparency.**



C. *Commercial Standard (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 two and one-half stories nor shall exceed 30 feet in height. A half story as defined herein is the floor area above the second floor. No half story shall be larger than 60 percent of the total square footage of the second floor and shall be

recessed a minimum of one-half the total height of the primary facade 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 treatment that visually separates the facade from adjacent buildings, such as a column, pilaster or post.

D. *Commercial Standard (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 18.140.030-4.

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 (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 feet 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-foot-wide bays. An 80-foot structure may be divided into two 30-foot bays and one 20-foot bay or into four 20-foot 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 feet in width or less. For example, the facade of a 100-foot-wide structure may be divided into three 30-foot bays and one 10-foot bay, four 25-foot bays, two 30-foot bays and two 20-foot bays or any multiple thereof providing no single bay exceeds 30 feet 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 subsection [\(C\)\(3\)](#) of this section regarding the use of projecting elements.) For structures that do not extend from sideline to sideline (as per subsection [\(A\)\(3\)](#) of this section), the outermost building corner will be treated as the edge for compliance with this standard.

**Figure 18.140.030-2. Positive modern example of horizontal and vertical facade rhythm.**



F. *Commercial Standard (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 percent 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 feet in depth.

**Figure 18.140.030-3. Collection of buildings that employs vertical and horizontal changes, cornice variations, and a range of window styles. Note that most of the ground floor openings have lots of glass, which is desirable.**

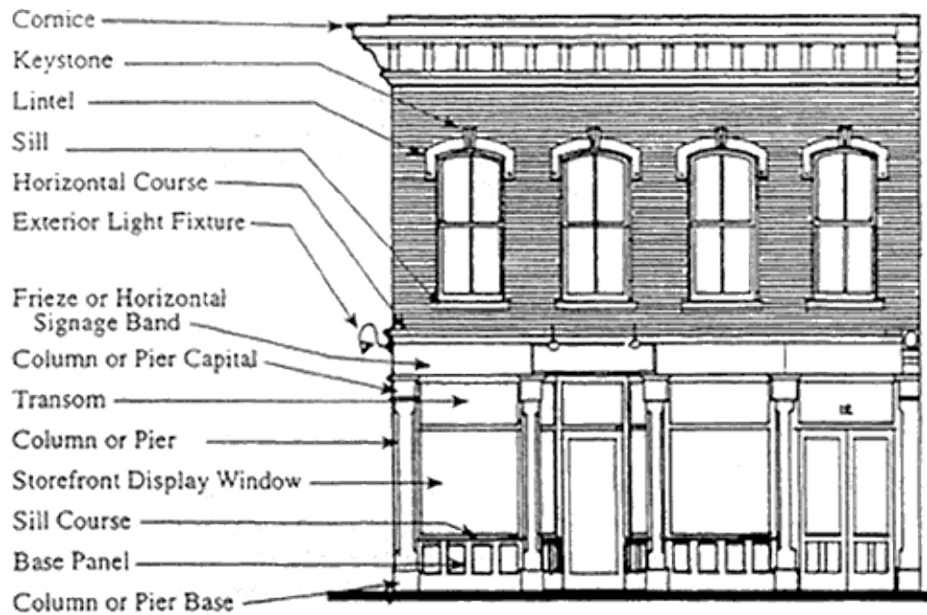


G. *Commercial Standard (G) – Roof Forms.* Traditional commercial roof forms, including flat, single-slope, or bowstring and other trussed roofs, are all typical of downtown Talent. Other roof forms, particularly gables, were commonly screened from the public right-of-way.

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 (H) – Exterior Surface Materials.* Exterior building materials shall be consistent with those traditionally used in commercial construction in Talent.

**Figure 18.140.030-4. Anatomy of commercial facade. Like the preceding images, it contains a strong horizontal and 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 gray 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 four-foot by eight-foot sheet materials, unless the material is rough-sawn and one-and-one-half- to three-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 (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 subsection [\(E\)\(2\)](#) of this section) 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 (J) – Secondary Elevations.* By nature, nonstreet 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 subsection (F) of this section. 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 be treated as the "facades" for purposes of these standards. When a storefront has a visible sidewall elevation, that elevation shall be treated as a facade in addition to the primary facade.

K. *Commercial Standard (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 nondocumented 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 include 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 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. *Noncompatible Materials.* Repair of existing noncompatible materials is exempt from subsection [\(K\)\(1\)](#) of this section. Rear-facing additions to existing buildings may continue the use of these noncompatible 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 (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 cannot 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 nonconforming 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 (M) – 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 aisle serving a single side of parking spaces which generally has a width of 43 feet (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. [Ord. 851 § 1; Ord. 817 § 8-3K.130, 2006.]

### **18.140.040 Residential structures.**

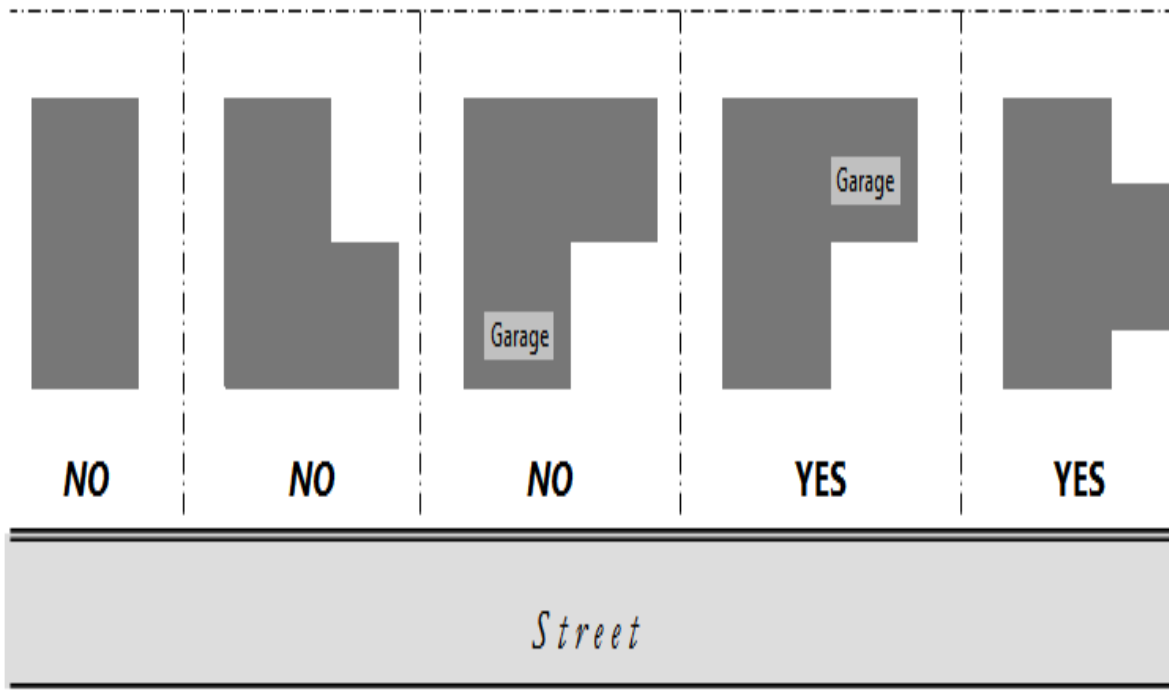
Historically, the Old Town area contained both commercial and residential structures, often intermixed on the same block. Today, many of the city's oldest residential structures remain as private dwellings while others have been converted to professional office or other commercial uses. The following 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 (A) – Volume and 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 18.140.040). A separate porch roof meets the requirement.

#### **Figure 18.140.040-1. Illustration of "complexity" as per TMC 18.140.040(A)(2)**





3. *Height.* No building may be greater than two and one-half 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.)

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 setbacks are five feet for buildings less than 18 feet high and five feet plus one-half foot for each additional foot of height.

B. *Residential Standard (B) – Roof Forms and Materials.* Roofs play a significant role in the overall character of a structure and, in combination with subsection (A) of this section, 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 subsection [\(A\)\(2\)](#) of this section, single large roof forms are prohibited.

3. *Materials.*

a. *Acceptable.*

i. Asphalt shingle.

ii. Wood shingle.

iii. Wood shake.

iv. Other historically acceptable materials, as determined by the architectural review committee.

b. *Prohibited (When in View of a Public Street Right-of-Way).*

i. Metal roofing (exemptions permitted per TMC [18.140.020\(C\)](#)).

ii. Concrete tile roofing.

iii. Hot-mopped asphalt.

iv. Terra cotta tiles and other nonhistoric materials, unless documented as historically an element of the design.

C. *Residential Standard (C) – Siding/Exterior Cladding.*

1. *Permitted Exterior Materials.*

a. Horizontal wood siding, maximum eight inches exposed to weather. Smaller exposure of six inches 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 inches exposed to weather).

- c. Board-and-batten vertical wood siding, painted.
- d. Brick and/or stone (structural or veneer). (See subsection [\(C\)\(3\)](#) of this section.)

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 four by eight sheet materials, unless the material is rough-sawn and one-and-one-half- to three-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 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 (D) – Trim and Architectural Detailing.* The vernacular residential architecture of Talent reflects the construction techniques of the late 19th and early 20th centuries, 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.

**Figure 18.140.040-2. Brackets**



All residential construction shall employ at least four of the following elements to meet this standard:

1. Watertable or decorative foundation treatments (including stucco).
2. Corner boards.
3. Eave returns.

**Figure 18.140.040-3. Eave Return**



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.

E. *Residential Standard (E) – Openings.* Doors and windows form the “eyes” and “mouth” of a building and play a significant role in forming its character.

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.

**Figure 18.140.040-4. Muntins**



1. *Windows.*

- a. *Verticality.* All windows will be vertically oriented with a width-to-height ratio of one and one-half to two, or greater (e.g., a 24-inch-wide window must be a minimum 36 inches tall).

In order to form larger window openings, group multiple window sashes; do not use large "picture windows" (see also subsection [\(E\)\(1\)\(b\)\(iv\)](#) of this section).

b. *Permitted Window Types.*

- i. Single- and double-hung.
- ii. Hopper and transom.
- iii. Casement.
- iv. Any combination of the above, including groupings containing a central single-pane fixed window flanked by two or more operable windows.
- v. Glass block.
- vi. Fixed leaded or stained glass panels.

c. *Prohibited Window Types.*

- i. Fixed pane windows (when not within a grouping, as in subsection [\(E\)\(1\)\(b\)\(iv\)](#) of this section).
- ii. Horizontal slider windows (when visible from the public right-of-way).

d. *Window Details and Materials.*

- i. *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.

ii. *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.

iii. *Mirror Glazing.* The use of "mirror" or reflective glass visible from the public right-of-way is prohibited.

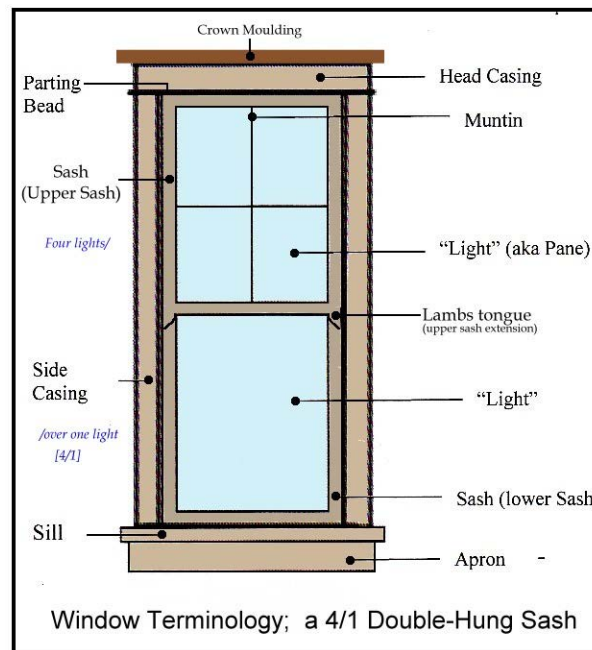
## 2. Doors.

a. *Complexity.* Solid, flat, single-panel doors are prohibited. Multi-panel wood and wood/glass doors are consistent with the traditional Old Town character.

b. *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.

## 3. Trim.

**Figure 18.140.040-5.**



a. *Sills.* All windows will have a projecting sill and apron.

b. *Side and Head Casing.* Door and window trim will include side and head casing that sits no less than one-half inch proud of the surrounding wall surface. Trim mounted in plane with siding is not permitted. Trim mounted atop siding is not recommended.

c. *Other Trim Elements.* As described in subsection (D) of this section, 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 is encouraged, particularly on the primary facade:

- i. Simple window "hoods," mounted over the window opening. Such features are traditionally treated as pents and clad with roofing material.
- ii. Parting bead, across the width, between the side and head casings.
- iii. Crown moldings.
- iv. Decorative corner elements at the head, apron, or both.
- v. Single or dual flanking sidelights at entryways.
- vi. Transom windows above the major door or window openings.

F. *Residential Standard (F) – Porches and 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 feet deep. Projecting covered stoops should be a minimum of three feet deep.
2. *Width.* Projecting or recessed porches should be a minimum of 10 feet wide or 25 percent of the primary facade width, whichever is the lesser.

Projecting covered stoops should be a minimum of five feet wide.

3. *Supports.* To assure appropriate visual weight for the design, vertical porch supports shall have a "base" of no less than six inches square in finished dimension from floor level to a minimum 32-inch height. Upper posts shall be no less than four 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 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 inches square.

G. *Residential Standard (G) – Landscape, Fencing and 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 Chapter [18.105](#) TMC 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 feet. Pickets or wood slats should provide a minimum one-half-inch 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 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 feet provided they are less than eight feet in overall height, are located more than 10 feet from any public intersection, and do not otherwise reduce pedestrian or vehicular safety.

H. *Residential Standard (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 nondocumented elements outside the traditional vernacular character, such as towers, turrets, elaborate surface decoration and similar “earlying-up,” is prohibited.

2. *Attachment.* Additions should be discernible as such, and be clearly differentiated from the original portion of the structure by being offset from the original volume a minimum of four 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. *Noncompatible Materials.* Repair of existing noncompatible materials is exempt from subsection [\(H\)\(1\)](#) of this section. 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 (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 aisle serving a single side of parking spaces which generally has a width of 43 feet. Double row parking is permissible within enclosed buildings or on second floor parking structures and within a basement area. [Ord. 851 § 1; Ord. 817 § 8-3K.140, 2006.]

### **18.140.050 General regulations in Old Town design district.**

A. *General Regulations (A) – Driveway Access.* Vehicular access to lots within the CBD zone shall be in accordance with TMC [18.115.030](#).

B. *General Regulations (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 (three or more spaces) in order to best utilize the resource and minimize underutilized parking lots.

C. *General Regulation (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 (D) – Reconversion of Residential Structures.* Historical residential structures may revert from commercial to residential as long as it meets building codes. [Ord. 851 § 1; Ord. 817 § 8-3K.150, 2006.]

### **18.140.060 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 Chapter [18.160](#) TMC.

The Old Town design standards shall supersede the applicable standards in Chapter [18.95](#) TMC when applied to new construction in the Old Town design district. [Ord. 851 § 1; Ord. 817 § 8-3K.160, 2006.]

## **Division X. Development Review and Approval Procedures**

### **Chapter 18.150 SITE DEVELOPMENT PLAN**

Sections:

**18.150.010**      **Description and purpose.**

<b>18.150.020</b>	<b>Site development plan review required.</b>
<b>18.150.030</b>	<b>Procedure.</b>
<b>18.150.040</b>	<b>Site development plan – Required data.</b>
<b>18.150.050</b>	<b>Required findings for approval of plan.</b>
<b>18.150.060</b>	<b>Conditions and restrictions.</b>
<b>18.150.070</b>	<b>Compliance.</b>
<b>18.150.080</b>	<b>Revisions to a plan.</b>
<b>18.150.090</b>	<b>Appeal.</b>

### **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. 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.

B. The requirements of this chapter 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 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 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.]

### **18.150.050 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 title and the applicable portions of TMC Title [17](#), or has provided for an 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 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 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 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 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.]

## **Division XI. Administration**

### **Chapter 18.190 PROCEDURES FOR REVIEW OF APPLICATIONS AND APPEALS**

Sections:

<a href="#">18.190.010</a>	<a href="#">Purpose.</a>
<a href="#">18.190.020</a>	<a href="#">Description of permit procedure.</a>



<b>18.190.030</b>	<b>Type I procedure (ministerial).</b>
<b>18.190.040</b>	<b>Type II procedure (administrative).</b>
<b>18.190.050</b>	<b>Type III procedure (quasi-judicial).</b>
<b>18.190.060</b>	<b>Type IV procedure – Legislative.</b>
<b>18.190.070</b>	<b>Review by the city engineer.</b>
<b>18.190.080</b>	<b>General provisions.</b>
<b>18.190.090</b>	<b>Special procedures.</b>

### **18.190.010 Purpose.**

This chapter 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 chapter is organized by grouping specific applications under review types, which determine 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. [Ord. 817 § 8-3M.110, 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 <a href="#">18.115</a> TMC	Access and Circulation
Accessory Dwelling Unit	Type II	Chapter <a href="#">18.165</a> TMC	ADU
Annexation	Type IV	Chapter <a href="#">18.200</a> TMC and city/county IGA	
Comprehensive Plan Amendment	Type IV	Chapter <a href="#">18.190</a> TMC, comprehensive plan	
Conditional Use Permit	Type III	Chapter <a href="#">18.155</a> TMC	Conditional Uses
Design Review	Type II, III	Chapter <a href="#">18.175</a> TMC	Historic Preservation
Home Occupation	Type I	Chapter <a href="#">18.170</a> TMC	Home Occupation
Lot Line Adjustment	Type I	TMC <a href="#">17.25.010</a>	
Minor Land Partition	Type II	TMC Title <a href="#">17</a>	Subdivision Code
Nonconforming Use	Type I	Chapter <a href="#">18.195</a> TMC	Nonconforming Lots, Uses and Structures
Planning Inquiry	Type I		
Public Tree Removal	Type I	Chapter <a href="#">18.100</a> TMC	Trees and Landscaping
Rezoning	Type IV	Chapter <a href="#">18.190</a> TMC	Procedures
Sign Permit	Type I, III	Chapter <a href="#">18.120</a> TMC	Signs
Site Development Plan Review	Type II, III	Chapter <a href="#">18.150</a> TMC	Site Development Plan Review
Subdivision	Type III	TMC Title <a href="#">17</a>	Subdivision Code
Temporary Use Permit	Type II, III	various	
Variance	Type III, IV	Chapter <a href="#">18.160</a> TMC	

Zoning Clearance or Permit	Type I	TMC <a href="#">18.190.030</a>	
Zoning Code Amendment	Type IV	TMC <a href="#">18.190.060</a>	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.]

### **18.190.030 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 18.190.020, the following shall apply to a Type I procedure:

1. *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.

a. A zoning clearance/permit is a written statement of facts regarding the application of this title 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.

b. 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. [Ord. 817 § 8-3M.130, 2006.]

### **18.190.040 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 TMC [18.190.080\(C\)](#).

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 three 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 [\(E\)\(5\)](#) of this section) 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:
  - i. The applicant;
  - ii. Any person who was mailed written notice of the Type II administrative decision;
  - iii. Any other person who participated in the proceeding by submitting written comments;
  - iv. Any person who is adversely affected or aggrieved.
- b. *Notice of Appeal.* Any person with standing to appeal, as provided in subsection [\(E\)\(5\)\(a\)](#) of this section, may appeal a Type II administrative decision by filing a notice of appeal according to the following procedures:
  - i. *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;

ii. *Content of Notice of Appeal.* The notice of appeal shall contain:

(A) An identification of the decision being appealed, including the date of the decision;

(B) A statement demonstrating the person filing the notice of appeal has standing to appeal;

(C) A statement explaining the specific issues raised on appeal; and

(D) *Filing Fee.* 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.

c. *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.

d. *Appeal Procedures.* Type II notice and hearing procedures shall be used for all Type II administrative appeals, as provided in this subsection [\(E\)](#).

i. *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. [Ord. 817 § 8-3M.140, 2006.]

### **18.190.050 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 TMC [18.190.080\(C\)](#). 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 three 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 Chapter [18.185](#) TMC, Traffic Impact Study. The study should be consistent with the provisions of Chapter [18.185](#) TMC. In situations where TMC Title [17](#) and/or this title 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.

C. *Notice of Hearing.*

1. *Mailed Notice.* Notice of a Type III application hearing or Type II appeal hearing (TMC [18.190.040\(E\)](#)) 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:
    - i. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
    - ii. All property owners of record within 250 feet of the site;

- iii. 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;
  - iv. Any neighborhood or community organization recognized by the city council and whose boundaries include the property proposed for development;
  - v. Any person who submits a written request to receive notice;
  - vi. For appeals, the appellant, all persons who provided written and oral testimony, and any person adversely affected or aggrieved; and
  - vii. 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 [\(C\)\(2\)](#) of this section. 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 subsection [\(C\)\(1\)](#) of this section 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 subsection [\(D\)\(2\)](#) of this section, or by leaving the record open for additional written evidence or testimony per subsection [\(D\)\(3\)](#) of this section.

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 reopens the record to admit new evidence or testimony, any person may raise new issues which relate 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 are 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 [\(D\)\(6\)](#) of this section) 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 [\(D\)\(6\)](#) of this section) 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, have 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 requalified 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 [\(D\)\(6\)](#) of this section; 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:

- i. 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 [\(D\)\(5\)](#) of this section; and
  - ii. 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:
  - i. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
  - ii. 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 subsection [\(D\)](#) of this section; 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 himself 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 this title, TMC Title [17](#), 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 [\(E\)\(2\)](#) of this section, 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 30 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. [Ord. 911 § 2 (Exh. A), 2016; Ord. 817 § 8-3M.150, 2006.]

### **18.190.060 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 TMC [18.190.080\(C\)](#).

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;
  - 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); and
  - 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 Chapter [18.185](#) TMC, Traffic Impact Study. The study shall be consistent with the provisions of Chapter [18.185](#) TMC.

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:
    - i. 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);
    - ii. Any affected governmental agency;
    - iii. Recognized neighborhood groups or associations affected by the ordinance;
    - iv. Any person who requests notice in writing; and
    - v. 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:
    - i. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection [\(D\)\(2\)\(a\)](#) of this section; and

- ii. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection [\(D\)\(2\)\(b\)](#) of this section.
  - 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 chapter.
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 [\(E\)](#) of this section); 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. Unless 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:
    - i. Regulate the course, sequence, and decorum of the hearing;
    - ii. Direct procedural requirements or similar matters; and
    - iii. Impose reasonable time limits for oral presentations.
  - b. No person shall address the commission or the council without:
    - i. Receiving recognition from the presiding officer; and
    - ii. 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 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 this title that implement the comprehensive plan. Compliance with this section 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 chapter. [Ord. 911 § 2 (Exh. A), 2016; Ord. 817 § 8-3M.160, 2006.]

### **18.190.070 Review by the city engineer.**

The city engineer has the authority to apply standard engineering practices, the Storm Drainage Design Standards (Res. 517), the floodplain 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. [Ord. 817 § 8-3M.170, 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. *Time Computation.* In computing any period of time prescribed or allowed by this chapter, 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 chapter 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: (i) the city planner, (ii) the planning commission, and (iii) the city council. Joint meetings between governing bodies may be held to streamline the decision process.

b. When proceedings are consolidated:

i. The notice shall identify each application to be decided;

ii. 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

iii. 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:

i. The required form;

ii. The required fee;

iii. 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.*

i. *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;

ii. *When an Application Is Deemed Complete for Review.* In accordance with the application submittal requirements of this chapter, 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 subsection [\(D\)\(3\)\(b\)\(i\)](#) of this section. 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 thirty-first day after the city planner first accepted the application.

iii. *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 14 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 subsection [\(D\)\(4\)\(d\)](#) of this section),

and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

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:

i. 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;

ii. 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 [\(A\)](#) of this section) on the existing application. If the applicant does not consent, the city shall not select this option; and

iii. 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; and

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 nonconformance 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 TMC [18.190.040](#) (Type II), TMC [18.190.050](#) (Type III), or TMC [18.190.060](#) (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. *Resubmittal 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. [Ord. 817 § 8-3M.180, 2006.]

### **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:

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). [Ord. 847 § 4 (Exh. B), 2008; Ord. 817 § 8-3M.190, 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

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