

TALENT HOUSING CODE UPDATE PROJECT: Title 17 Subdivisions
Planning Commission/Advisory Committee Meeting Discussion Guide
July 18, 2019



Discussion points are summarized for proposed revisions to Title 17, which encompasses subdivision standards for land division. Questions are organized by individual chapter, with particular question areas noted in *italics* for PC/AC discussion and feedback to guide code revisions.

Development and Design Standards: Emergency Access (TMC 17.10)

1. Multiple access roads are required for larger developments with 30 or more units for single-family and duplexes, and 100 units or more for triplexes, quadplexes, and multifamily, on sites with average slope of 10% or greater.
2. Minimum road design requirements ensure minimum width and improvements for fire truck and emergency vehicle access.
3. *Proposed exception to the multiple access requirement in 17.10.065.C.1 is intended to allow for discretion: should it be revised to require Planning Commission approval of an exception, or revised with more specific, objective standards where exceptions apply?*
4. *Proposed standards address access to and within an individual development, but not “downstream” access beyond the development site itself, such as a single bridge or railroad crossing. Should standards be broadened to address off-site access limitations as well?*

Application Requirements and Approval Criteria (TMC 17.15)

1. Relatively minor changes are proposed for consistency with other changes to the code, including reviewing preliminary plats through a Type II process and locating density standards in individual zoning districts.
2. No significant changes are proposed to the preliminary plat approval criteria, but note that they will be reviewed through a Type II procedure. *Are there any of the approval criteria for subdivision preliminary plat that have been particularly contentious or nuanced for recent projects, and that should be revised to be more clear and objective?*

Final Plat Procedures (TMC 17.20)

1. Relatively minor changes are proposed for consistency with other code standards, namely reviewing final plats through a Type I review and allowing final plats to be submitted within three years of preliminary plat approval.

Special Partitions and Subdivisions: Flag Lot Partitions (TMC 17.30)

1. Existing standards allow up to one flag lot to be created from an oversized parcel that is already developed with an existing dwelling unit. Proposed changes would allow up to three new flag lots to be created per existing lot, for a total of four lots, to increase infill opportunities. The majority of existing lots with potential to use flag lot partitioning for up to three new lots are located in South Talent with RLD zoning (formerly RS-5).

2. Flag lots are currently permitted only for developed lots, not for new subdivisions. Allowing flag lots in subdivisions could increase the number of lots created, particularly for irregularly shaped properties where public street access cannot be provided for all lots, but may decrease community cohesiveness and connectivity; it may also decrease development costs in some instances where public street extension for one to three lots is cost prohibitive. *Consider whether flag lots should be permitted in new subdivisions, perhaps limited to a maximum of 10-15% of new lots, and/or restricted to situations where the additional lots increase density beyond what could otherwise be achieved given parcel configuration and topographic constraints.*
3. The draft code includes 15-foot setbacks on all sides for flag lots in the RLD zone, an existing standard. (See TMC 17.30.030.E.1.) Standard lots have 20-foot front, 10-foot rear and 5-foot side yard setbacks. With the reduced 6,000-square-foot lot size, a reduced 10-foot setback for flag lots is recommended to achieve a building envelope similar in size to that permitted on a standard lot, approximately 50% lot coverage. *Is a 10-foot flag lot setback for lots zoned RLD appropriate to allow similar development opportunities on new flag lots compared to standard lots, with the goal of increasing overall efficiency of land development?*

Chapter 17.10

DEVELOPMENT AND DESIGN STANDARDS

17.10.065 Emergency access.

A. Purpose. To ensure adequate emergency access to sites that area constrained by natural features in order to protect public health and safety.

B. Applicability. The standards of this section shall apply to development sites with an average slope of 10% or greater.

C. Multiple Access Roads Required. Developments of single-family and duplex dwellings where the number of dwelling units exceeds 30, triplex, quadplex and multiple-family residential projects having more than 100 dwelling units, and where vehicle congestion, adverse terrain conditions or other factors could limit access, as determined by the City, shall be provided with not less than two access roads meeting the requirements of this section.

1. Exception. The requirements for secondary access may be modified as approved by the City where a secondary access road cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of emergency access is approved by the City.

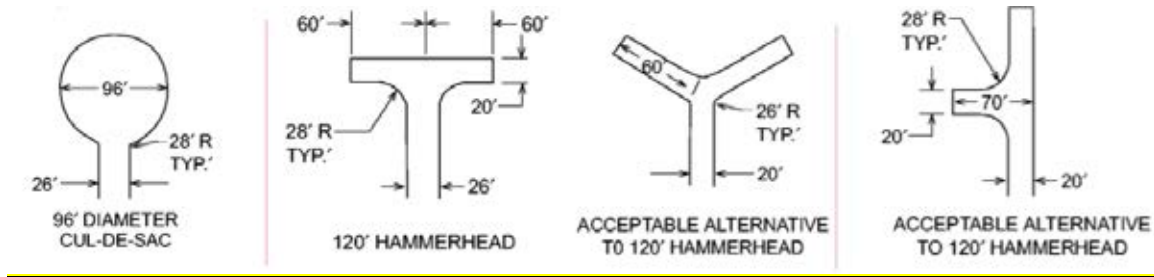
D. Access Road Design Requirements.

1. Width and Vertical Clearance. Access roads shall have an unobstructed driving surface width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet.

2. Grade. Emergency access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall have a maximum 5 percent grade with the exception of crowning for water run-off.

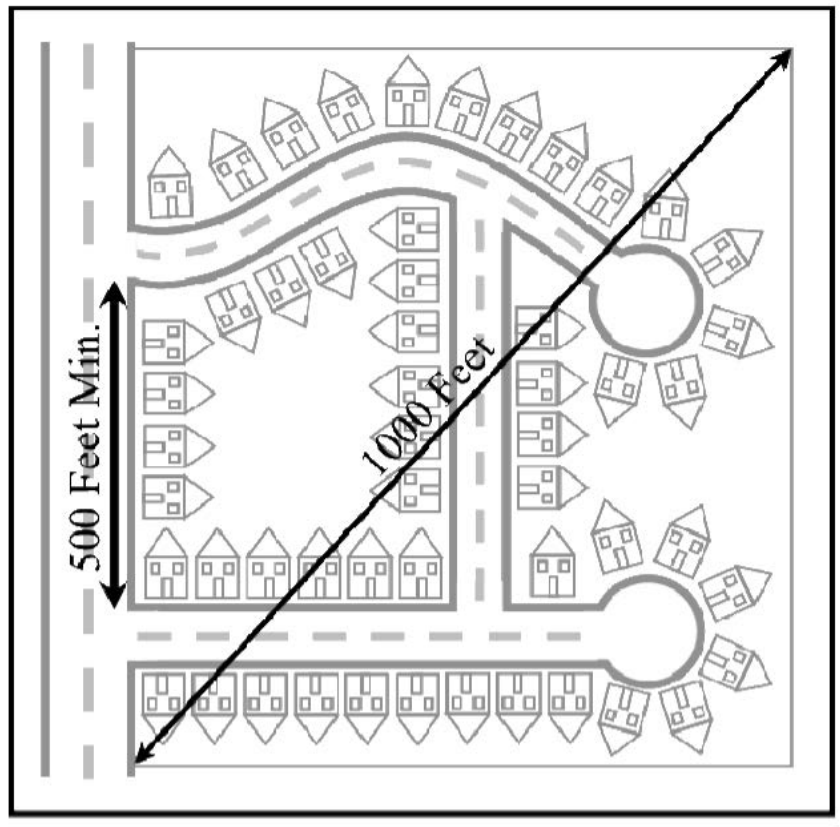
3. Turnarounds. Dead end access roads in excess of 150 feet in length shall be provided with a turnaround meeting the specifications of Figure 17.10.065-1.

Figure 17.10.065-1 Design Options for Turnarounds



E. Multiple Access Roads Separation. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or 400 feet apart, whichever is less.

Figure 17.10.065-2 Minimum Separation for Access Roads



Chapter 17.15

APPLICATION REQUIREMENTS AND APPROVAL CRITERIA

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 **including any conditions of approval 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 **and subdivision** shall be **reviewed through a Type II review consistent with TMC 18.190.040, 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 Type I review consistent with TMC 18.190.030**, 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\(j\)](#). 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 **comply with the minimum and maximum density standards permitted by the applicable zoning district.** **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.*

Commented [ED1]: Do we keep this and use to regulate density, instead of standards in the base zones?

Commented [ED2]: This exception does not appear necessary, since most subdivisions affect larger parcels of land.

Commented [ED3]: This methodology superseded by density standards in zoning districts.

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 RM-HD R2-zone, refer to TMC 18.40.060 in place of 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 maximum density permitted in the applicable zoning district. 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:

$$D = (A - N - U)RMB, \text{ where}$$

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

~~M B = maximum density permitted in the zone, 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, ~~provided that minimum lot sizes for applicable dwelling types in the zone are met unless otherwise modified consistent with TMC 17.15.030(C)(1)(a).~~

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 ~~RLD RS-5~~ and ~~RMD 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.]

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~~ three years 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~~ Final plats shall be reviewed through a Type I review consistent with TMC 18.190.030 to determine 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 (Ex. A (§ 8-2.410)); Ord. 692 § 15.]

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 lots 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 lots is are 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 No more than three flag lots is are proposed in addition to the parent lot;
3. There will be only one residence on the flag lot (except in the RM 22 zone);
4. Minimum and maximum density, minimum lot size (not including the pole), maximum height 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 in Table 17.30.030-1. Adjustments are prohibited.

Table 17.30.030-1 Flag Lot Access Pole Standards.

<u>Number of Lots Served by Access Pole</u>	<u>Maximum length</u>	<u>Total width</u>	<u>Paved width</u>
<u>1-2 Lots</u>	<u>150 feet</u>	<u>Min. 20 feet</u>	<u>Min. 15 feet</u>
<u>3-4 Lots</u>	<u>400 feet</u>	<u>Min. 25 feet</u>	<u>Min. 20 feet</u>

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.

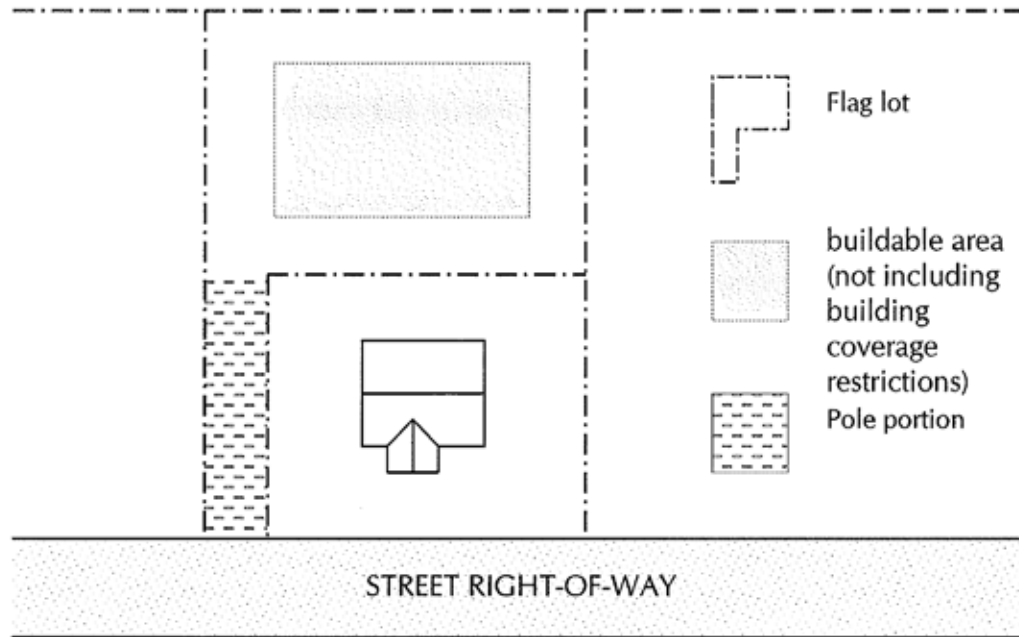
D. *Minimum Lot Dimensions.* No dimension of a flag lot may be less than 40 feet, excepting the pole portion. For the purposes of this subsection width and depth are measured at the midpoint of the opposite lot lines. All other lot dimension standards must be met.

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 for garage and carport entrances, 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 dwelling units and garages are:

Zone	Setback	Setback for Garage or Carport Entrances
RS-5-RLD	15 feet	20 feet
RS-7, RS-MH and RM-22 RMD, RMH, RHD	10 feet	20 feet

Figure 17.30.030-1. Flag Lot Setbacks



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

TALENT HOUSING CODE UPDATE PROJECT

Planning Commission/Advisory Committee Meeting Discussion Guide

June 4, 2019



Discussion points are summarized for each proposed residential zoning chapter below, with particular question areas noted in *italics* for PC/AC discussion and feedback to guide code revisions.

Residential Low Density (TMC 18.25)

1. Single-family detached, single-family common wall, duplexes, residential care homes, and ADUs proposed as permitted uses. Cluster housing, 2-3 dwellings on a lot proposed as Type II site plan review use.
2. *2-3 dwellings on a lot is an unusual standard: discuss current application and whether to maintain or remove this use.*
3. To implement efficiency measures, reduced 6,000-SF minimum lot size proposed.
4. Minimum and maximum density derived from lot size: 5.8 units/acre proposed for minimum, 7.2 units/acre effective maximum, but up to 10.8 units/acre average proposed for new subdivisions to allow mixture of single-family and duplex dwellings. Note that density measurement formulas are included in the subdivision code.
5. Dimensional standards support the reduced lot size to use the lots more effectively: 0-5 ft side yard setbacks, 40-50 ft minimum lot width, 50% building coverage.

Residential Medium Density (TMC 18.30)

1. Single-family detached, single-family common wall, single-family attached, duplexes, residential care homes, and ADUs proposed as permitted uses. Cluster housing, 2-3 dwellings on a lot, triplexes and quadplexes proposed as Type II site plan review use.
2. *Discuss what additional development standards might be developed for single-family attached, triplexes and quadplexes.*
3. *2-3 dwellings on a lot is an unusual standard: discuss current application and whether to maintain or remove this use.*
4. To implement efficiency measures, reduced 4,000-SF minimum lot size proposed. 3,000 SF for townhouses, 8,000 for triplexes and quadplexes.
5. Minimum and maximum density derived from lot size: 7.2 units/acre proposed for minimum, 10.9 units/acre effective maximum, but up to 14.5 units/acre average proposed for new subdivisions to allow mixture of dwelling types.
6. Dimensional standards support the reduced lot size to use the lots more effectively: 0-5 ft side yard setbacks, 25-40 ft minimum lot width, 60% building coverage.

Residential Manufactured Home (TMC 18.35)

1. Application of this zone to be limited through future map amendments.
2. Single-family detached and manufactured homes (to be treated equally), duplexes, residential care homes, and ADUs proposed as permitted uses.
3. Manufactured home parks proposed as Type II site plan review use. *Discuss whether additional housing types be permitted, or limited to avoid "competition" with manufactured home parks.*

4. *2-3 dwellings on a lot is an unusual standard: discuss current application and whether to maintain or remove this use.*
5. To implement efficiency measures, reduced 5,000-SF minimum lot size proposed.
6. Minimum and maximum density derived from lot size: 7.0 to 8.7 units per acre range.
7. Dimensional standards support the reduced lot size to use the lots more effectively: 0-5 ft side yard setbacks, 50% building coverage.
8. Additional standards proposed for individual manufactured homes, taken directly from ORS 197.307(8). *Discuss minimum size requirement for manufactured homes, whether to retain existing 600 SF minimum or increase up to 1,000 SF as permitted by state law.*

Residential High Density (TMC 18.40)

1. Existing (but not new) single-family detached, single-family attached, duplexes, and ADUs proposed as permitted uses. (Note: draft code incorrectly lists single-family attached as a Type II use, but was meant to be listed as a permitted use.)
2. Multifamily, cluster housing, triplexes and quadplexes, residential care facilities, and boarding houses proposed as Type II site plan review use.
3. *Discuss whether multifamily development over a certain density or height should trigger a Type III review.*
4. *Discuss what additional development standards might be developed for single-family attached, multifamily, triplexes and quadplexes.*
5. Minimum and maximum density: 18 units/acre minimum, no maximum but effective maximum through minimum lot sizes and dimensional/bulk standards.
6. Three story or 40-ft height limit proposed, 75% building coverage
7. Dimensional standards reduce impacts of increased height: 5-20 ft side yard setbacks depending on height and adjacent zone.
8. 250 SF open space required per dwelling; *discuss whether this could be reduced or modified.*

Cluster Housing (TMC 18.162, new)

1. *Discuss whether SDCs should be assessed at single-family rates, or reduced rates analogous to ADU standards. Alternatively, discuss SDCs through alternative process.*
2. Mix of dwelling unit types proposed, correlated with zone.
3. Key dimensional standards: 1,200 SF maximum size, two-story height limit. *Consider further reductions to setbacks, internal and perimeter to increase feasibility of site development.*
4. Open space requirement of 150 SF per dwelling, with development standards intending to create quality rather than quantity of open space.
5. Existing siding and roofing materials standards for single-family dwellings to apply; *discuss whether additional design standards should be applied.*

Manufactured Home Parks (TMC 18.180)

1. Revisions proposed to align with state requirements, notably requirement for a clear and objective review path for manufactured home parks as a needed housing type. Type II process proposed, with Type I final plan review.
2. *Discuss reducing application requirements, particularly those not required for any other type of development such as tree plans.*
3. Maximum density of 10 units/acre proposed for manufactured home parks; *discuss whether it should be consistent with RMH zone maximum of 8.7 units/acre.*

TALENT HOUSING CODE UPDATE PROJECT

Planning Commission/Advisory Committee Meeting Discussion Guide

June 11, 2019



Discussion points are summarized for each proposed residential zoning chapter below, with particular question areas noted in *italics* for PC/AC discussion and feedback to guide code revisions.

Land Use Classification (TMC 18.20)

1. Clarifies process to determine similar uses, including assigning authority to planning director to make determination for Type I and II uses and planning commission for Type III uses.

Commercial Neighborhood (TMC 18.45)

1. Better supports mixed-use development by expanding permitted residential uses to include ground-floor residential set back 100 feet from the street up to 50% of the total development (horizontal mixed-use), in addition to existing upper-story residential (vertical mixed-use).
2. Cleans up standards for existing residential development, including explicit permission for ADUs consistent with SB 1051 requirements. *Are the majority of existing uses single-family detached dwellings, or other types as well?*
3. *Are additional front yard setbacks for sites adjacent to residential sites necessary? CN zone allows 10-foot front setback, compared to 20-foot front setback in most residential zones. Proposed compromise is a 15-foot front setback for sites adjacent to residential for transition, but front yards are not a common transition area. Consider eliminating additional front yard setback, in favor of increased side and rear setbacks adjacent to residential sites.*
4. Maximum height increased to three stories or 40 feet, whichever is less. Height transition standards in 18.90 require additional setbacks for taller buildings.
5. Clear and objective buffering and landscape standards added to TMC 18.105.
6. Note that CN zone is currently applied to relatively few sites, future map amendments may expand application of the zone.

Central Business District (TMC 18.50)

1. Creates a mixed-use zone by expanding residential uses to include ground-floor residential set back 100 feet from the street up to 50% of the total development (horizontal mixed-use), in addition to existing upper-story residential (vertical mixed-use). *Should horizontal mixed-use allowance be expanded as proposed? Existing standards limit ground-floor residential to a single dwelling unit behind the primary commercial uses. Proposed standards allow up to 50% of the building area, while maintain commercial ground-floor uses along the street façade.*
2. Cleans up standards for existing residential, including explicit permission for ADUs consistent with SB 1051 requirements.
3. Maximum height increased to three stories or 40 feet, whichever is less. Height transition standards in 18.90 require additional setbacks for taller buildings.
4. Clear and objective buffering and landscape standards added to TMC 18.105.

General Standards (TMC 18.90)

1. Revised building height transition standards require additional setbacks adjacent to residential districts. Scope is expanded to include all side and rear property lines adjacent to RLD, RMD, and RMH residential districts, rather than limited to single-story residential uses in any district, for a clearer purpose and uniform application. Setback applies only to new development over 30 feet tall, which could include multifamily and mixed-use in the RHD, CN and CBD zones.
2. Proposed setbacks work out to 15 to 25 feet for buildings 30 to 40 feet tall, compared to 5 to 10-foot setbacks in underlying zones. *Do proposed setbacks strike the balance of providing sufficient separation between tall buildings without reducing development potential of the subject lots, or should the setbacks be adjusted?*
3. Discretionary buffer standards deleted in favor of objective standards in TMC 18.105.

Landscaping, Fencing and Hedges (TMC 18.105)

1. Reduce overall landscaping percentages for residential and mixed-use zones to free up more site area for residential development.
2. Propose clear and objective landscaping buffer standard for mixed-use and multifamily sites (CBD, CN and RHD) adjacent to low and medium-density residential sites (RLD, RMD, RMH). Ten-foot buffer with fence and trees or “living wall” required.
3. Eliminate discretionary requirement for low-density residential uses to provide a buffer along property lines shared with commercial or industrial uses. Typically, standards require the more intensive uses (commercial and industrial) to provide buffers to minimize impacts on residential uses, rather than the other way around. There may be cases where residential is developed after a commercial/industrial use has been established, however, those residential developments can develop site-specific designs to address potential conflicts. *Is this proposal consistent with development patterns in Talent, or is a clear and objective buffering requirement desired for residential uses adjacent to nonresidential uses?*
4. Recommendation to develop clear and objective landscaping buffers for commercial and industrial uses as well, but outside the scope of this project.

Off-Street Parking and Loading (TMC 18.110)

1. Create clear, limited standards for parking for single-family and duplex dwellings, with a minimum of two spaces per lot including at least one covered space in a garage or carport.
2. Provide new standard of 1.5 spaces per unit for triplexes, quadplexes, and cluster housing, which can be reduced using on-street parking credits for sites with available on-street parking. Revised parking lot development standards restrict applicability to clusters of five or more spaces, rather than three or more spaces, so that parking areas for these missing middle uses can be developed more easily.
3. Revise tiered parking minimums for multifamily housing, with one space for studios, 1.5 spaces for 1-2 bedrooms (current standard is 2 spaces), and 2 spaces for 3+ bedrooms (current is one per bedroom, though larger units less common in multifamily developments).
4. Manufactured home park minimum standard reduced to one space per unit.
5. Reduce parking minimums by 50% for residential portion of mixed-use development in CN zone, to account for shared parking opportunities.
6. Add parking requirement for new residential uses in CBD zone at 50% of required minimum; other uses in CBD zone remain exempt from off-street parking requirements.
7. Expand bike parking exemption to include quadplexes and cluster housing, in addition to single-family, duplex and triplex dwellings.

Questions are listed for each proposed zoning chapter below, with answers (if available) noted in *blue italics* for PC/AC discussion and feedback to guide code revisions.

Land Use Classification (TMC 18.20)

Q: What defines the “dispute” process for use classification?

A: A dispute in this case would involve staff making a determination that a particular use is not allowed based on the classification standards in Section 18.20.020 and a property owner or applicant disagreeing with the staff interpretation. In this case, staff would forward the classification request to the Planning Commission for consideration.

Volkart said Use Determination disputes sound like an appeal. Glass asked staff to please provide more information on the Dispute process. Glass supports a PC dispute process that is local, as opposed to something going to LUBA. Pastizzo provided his interpretation of the code: if staff follows what’s in the code, and determines the use is not allowed, and the applicant objects, the decision comes here (to the PC). Volkart asked if this is simply for addressing new uses, adding what is the appeal path if a use is disputed? If staff determines that a proposed use is not allowed, applicant can dispute, if they do, it goes before PC? Volkart asked, what is a dispute? Ponomareff suggested the City could potentially make appeals of type 1 decisions go to PC. Volkart added, currently Use Determination is solely a staff decision... do we want to change this? Glass expressed support for having a local dispute resolution process for going to the PC first. The Housing Authority recently brought forth a proposal, but a neighbor is slowing down the process in Ashland. Volkart asked for more info and to perhaps codify the Use Determination dispute process. Pastizzo recommended asking staff to clarify this process.

Residential Low Density (TMC 18.25)

Q: Can you explain where the 2 to 3 dwelling per lot allowance originated from?

A: A fair amount of research was conducted to determine the origin of this particular section, but information was found that would explain if there was a specific purpose for this addition. Staff recommends removing the language because it serves no purpose. If a lot or parcel can accommodate multiple parcels it is likely it could be divided.

Volkart explained there may be good reasons to put 2-3+ homes on a parcel. Pastizzo suggested that farmers with kids might want to provide their family a place to stay, adding, they aren’t sure it makes a lot of sense to retain. Pastizzo provided another way to look at it: try to figure out why it’s there, if the commission can’t figure out, consider...does it make sense going forward? Removing this language prevents people from getting in their own way by (by preventing future subdivision). Pastizzo added, there might be more harm leaving it in. Davis, cluster housing could accomplish this (multiple homes on one parcel). Volkart would vote against removing this language. Giesen, since there is no clear history what this code language is about, they recommended striking language, as suggested by the

consultant and Zac. Hazel agreed. Aside from Commissioner Volkart, there was consensus to strike the 2-3+ house language.

Residential Medium Density (TMC 18.30)

No questions in this section.

Residential Manufactured Home (TMC 18.35)

No questions in this section.

Residential High Density (TMC 18.40)

Q: What is the suggested density that change a multi-family dwelling review from a Type II to a Type III?

A: A tiered system with a Type II and Type III review path based on project density is not recommended because it could have a chilling effect for any projects with higher density because of the additional review requirements, which would undermine the intent of recent changes to the RM-HD zone to support higher densities. Instead, the recommendation is to offer a clear and objective, Type II review option for projects of any size or density, with a discretionary, Type III review option for projects that propose alternative or creative designs outside the clear and objective standards.

Ponomareff suggested the mindset is to encourage high density as Type-II. Volkart explained seeing a chart that illustrates what housing projects would be reviewed as a Type-I, -II -III would be helpful. Glass feels strongly about not going to Type-III review when possible as it could water down effectiveness of infill if project opposition is philosophically steadfast/stubborn. The commission agreed it would be helpful to have a chart with the types and uses laid out. Glass mentioned support for a definition of the housing types, review types and dispute processes. Volkart agreed that definitions should be made as part of the process.

Q: Is there a way to lower the open space requirements, but require the space be more specific “usable space”? Could the open space requirements for multi-family developments be the same as the cottage cluster standards?

A Yes, less open space but more usable open space could definitely be a tradeoff. The existing multifamily standard is 250 square feet per unit, and the proposed cottage cluster standard is 150 square feet per unit. It would make sense to bring those numbers closer together, since residents of both types of developments presumably have similar open space needs. The recommendation is to require 150 SF per unit for all projects, with requirements for open space improvements such as children’s play areas for multifamily projects with 20 units or more. Staff and the Consultant believe that it makes sense to only require improvements for 20 units and up, which total 3,000 SF of open space, it also makes sense to require a common green space for developments of all sizes. Cottage clusters with 4-12 units, as proposed, are required to provide it and it is a central feature.

Commercial Neighborhood (TMC 18.45)

No questions in this section.

Central Business District (TMC 18.50)

Q: Are the restrictions on residential development of no more than 50% necessary? Should we consider allowing more than 50% development in the CBD to be residential?

A: Allowing more than 50% of a commercially zoned property to be built as residential would be counter to the intent of the zone if the property is “substantially” developed as residential. There are a number of reasons that this could be problematic, but most importantly, the intent of the commercial zone is to serve as the hub of government, public services and social activities and encourages retail trade, personal and business services. Adding residential to the area is encouraged only to strengthen and enliven the downtown. If too much of the commercial land is consumed by residential uses, the City risks not having enough buildable commercial land in its core downtown area and risks losing the vibrancy that a balanced mix of uses provides. Additionally, allowing more than 50% of commercial land to be used for residential could conflict with the Economy Element and could be out of compliance with the State’s requirement to have a 20-year supply of commercial buildable lands. If the desire is to see more acreage in or near the downtown core converted to residential, it may be more appropriate to rezone the commercial land to high-density residential.

Q: Wouldn’t that meet stated goals, increase support for existing and new commercial by increasing pedestrian traffic and people in the neighborhood (vs. driving by the highway)?

A: Yes, but staff believes that at some point the high demand for residential will consume much of the downtown commercial land. Once committed to residential uses, it is unlikely to be converted back to commercial. Staff believes that a balance is necessary, unless a zone change to high-density residential can be justified through the zone change process and consistent with the Comprehensive Plan and statewide planning goals as they relate to economics.

Q: Is it realistic that Talent could end up with a deficit of commercial lands as a result of this?

A: Yes, removing residential use allowances would be difficult in the future should the City determine that too much commercial land was being consumed by residential.

General Standards (TMC 18.90)

Q: What about solar setbacks when a 3-story building is next to residential? Is there a difference in setbacks on the west or east?

A: There are no regulations for solar setbacks in the Talent Zoning Code except for those that have an easement. If the Planning Commission would like to examine this further, staff recommends that the solar setback review be completed after the code amendments have been completed.

Confusion about the solar easement process. The commission informally preferred to have this discussion prior to adoption of new code in support of the emerging Energy Element of the Comprehensive Plan.

Q: In 18.090.050 Building height (B) transitions, we discussed confusing language over the standard applying to buildings exceeding 30 feet or two stories whichever is less. We may have also had a question on the consultant comment on setbacks. Do we need to clarify these standards?

A: After clarifying, Section B and subsection 1 should read the same. The intent is to allow buildings up to 30 feet in height with not mention of number of stories. This will be corrected in the next set of revisions.

Sounds like staff and consultant are proposing to do away with the # of stories. See page 18.90, under solar setbacks. 30 feet or three stories. Pastizzo supports what staff is proposing, the Commission unofficially agreed.

Landscaping, Fencing and Hedges (TMC 18.105)

Q: A.2 states that “the type of buffer shall be considered in relation to existing and future land use. This is not clear/defined. Does this mean zoned use? The sentence goes on to state that the degree of conflict between adjacent uses would also be a consideration but does not clearly lay out one which side of a conflict the burden of buffering would fall.

A: No significant changes to the transition buffers for commercial and industrial development are proposed with this project, because we are focusing on residential standards which must be clear and objective. Future code updates could improve the commercial and industrial standards as well; generally, standards that are based on the site’s base zone are easier to interpret than ones based on use categories, if there is debate about what use category applies to a certain development.

Additional changes are recommended to create clear and objective standards for buffering on new residential development that is adjacent to existing commercial or industrial development, to replace existing 18.105.050.B. Standards will include at least two vegetative screening options, such as evergreen trees or shrubs or larger caliper trees planted every 30 feet.

Q: Are pallets an acceptable fencing material? Do any additional requirements exist for pallet fencing?

A: Pallets are not listed on the list of prohibited fence materials. However, Section 18.105.060(F)(1) states that the City can either disallow or require the elimination or mitigation of fences it finds deleterious to public health or safety or at odds with the purpose of the Fence chapter.

Q: By reducing the minimums are we primarily reducing the number of trees required for planting? How much efficiency gain is expected by reducing the minimums?

A: The City has primarily used the site percentage as a way to calculate the number of required trees and shrubs, rather than a percentage of space that cannot be developed. The recommendation is to use the existing percentages as the basis for calculating the number of required trees and shrubs, while clarifying what the minimum percentage of landscaping standard means and how it impacts site development area. This will ensure no changes to the number of trees planted, while potentially freeing up site area for more residential development.

Q: Is it clear in the code that buffering counts toward landscaping requirements?

A: As long as the buffer area is landscaped, nothing in the code prevents it from being counted towards the landscaping percentage. Standards could more explicitly permit the buffering to count if desired.

Off-Street Parking and Loading (TMC 18.110)

Q: Table 18.110.060-1 and section B under 18.110 Off Street Parking and Loading: Parking Requirements in these sections include half numbers. In the case of the table, and 50% in the latter section, what is 50% of 1 required parking space? Do we round up or down for parking requirements?

A: Typically, the code should have a statement about how to deal with fractions of spaces, requiring rounding to the nearest whole number. 1.5 spaces would be rounded to 2 and 19.2 spaces would be rounded to 19. For larger projects like multifamily, it typically isn't a problem to round. The standards for smaller residential projects could benefit from further review, specifically: should a triplex, at 1.5 spaces per unit or 4.5 spaces total, require 4 spaces or 5 spaces? Cluster housing could also run into similar issues. Additional feedback from the PC/AC would be useful to revise these parking standards and rounding preferences.

Glass, because we are looking to infill and not provide cost barriers, in favor of a standard that rounds down for cottage housing, multiplexes and duplexes. Ponomareff, as we try to encourage mass transit, to the extent we can move away from car-centric transportation seems smart. The commission seeks clarification from staff regarding the threshold of units/parking stalls when to round up vs round down? Or more generally, how to deal with fractional parking space? Glass pointed out that the impact on smaller projects are potentially much higher. Pastizzo suggested rounding down for developments of ALL sizes unless staff can come up with reason not to. Davis proposed considering road width and street parking while considering off-street parking requirements and supports ideas to defer cost to developers with regard to parking. Glass explained that the City needs housing more than parking right now. The commission informally agreed.

Q: Migrant housing was removed but is a state housing goal. Would new migrant housing development just fall under whatever type (multifamily for example) instead of this designation?

A: Yes, any housing intended for migrant households would simply be regulated by the type of housing it is, multifamily or otherwise, which is consistent with the approach throughout the rest of the code. The PC/AC could recommend a reduced parking requirement for migrant housing and/or affordable housing that could help lower development costs for these types of projects, likely codified as a percentage reduction to the number of spaces otherwise required. There is significant debate on whether lower-income households have fewer cars or not, but often the primary purpose of the reduction is to reduce upfront development costs rather than predict parking needs of future residents.

Q: Why do duplexes only require one spot per unit but triplex and quadplex require 1.5?

A: The duplex standard is intended to support integration of duplexes with single-family dwellings: the standard requires two total spaces as a minimum for a duplex, similar to the two spaces for a single-family dwelling next door. Because duplexes can be built on the same size lot as single-family residences, there may not be room for more than two total off-street spaces, and larger parking areas on such a lot could create negative visual impacts. There is also the practical matter of how to divide the spaces: 1.5 spaces per unit would result in three total spaces, which could be hard to divide between the two duplex units.

The 1.5 spaces per unit standard for a triplex and quadplex is intended to be consistent with the cluster housing and multifamily minimums. The standard could also be lowered to one space per unit as an incentive to develop these types of units and reduce the amount of paved off-street parking on these smaller sites.

In addition to the minimum number of spaces, additional development standards are recommended to reduce the visual presence of parking areas from the street. Quadplexes and triplexes could be required to have a garage or carport for some of the required spaces, with the balance provided in driveways or other paved areas. Alley access and shared driveway standards will also help minimize vehicle-related impacts.

A related recommendation is to clarify that the existing on-street parking credit in 18.110.060.F can only apply to improved streets. This recommendation would require a development adjacent to an unimproved street to bring the street frontage to current standards if the request was to have some required parking be on-street.

Q: Is 1 parking space for MH realistic?

A: The one space per unit for manufactured homes is a minimum and is intended for greater flexibility when applied to existing parks and to support a type of housing that is typically more affordable. The standards also include provisions for overflow or visit parking at a ratio of one space per 8 manufactured homes.

Q: What is the rationale behind exempting bike parking to tri and quadplexes that also have lower parking requirements?

A: Rationale is to make it triplexes and quadplexes more similar to single-family and duplex homes, and to reduce development requirements and make them easier to construct. Triplex and quadplex residents could store their bikes in a garage or accessory structure if provided.

Pastizzo does not think secure bike storage should be reduced. The City can't lower all transportation parking requirements. Volkart asked for further discussion with staff on this to see what the thought on reducing this number is and see what is logical there.

Q: Do we have proposed new language for off-street parking that we have not seen?

A: Other than what was discussed above, we do not have any proposed new language.

Q: Can you suggest more clear and objective language for section 18.110.100? "Conveniently located", "whenever possible", "creative designs are strongly encouraged", "sufficient security", "well lit" etc., appear more subjective but that may be by design.

A: Future code updates could further refine the bicycle parking standards, but they were not the primary focus of this code update.

The commission requests staff address bike parking to provide clear and objective language. Pastizzo suggested language: sheltered and secured.

Cluster Housing (TMC 18.162, new)

Is a type 2 permit review the appropriate path for cluster housing (4 to 12 units) rather than a type 3 permit review?

Q: Would an application for 12 1200sf single-family homes be a type 3 permit review while 12 cluster homes would be type 2?

A: A subdivision tentative plan would be required to create 12 new lots for single-family homes, and it would require a Type 2 review under the proposed code changes to ensure there is a non-discretionary development opportunity for all residential development.

Manufactured Home Parks (TMC 18.180)

No questions in this section?

Miscellany:

- **PLEASE CLARIFY HISTORIC DISTRICT EXEMPTION. Commission supports applying/imposing housing code changes to all areas of City.**
- **Please clarify appeal path for Type 1 applications? Per Volkart.**
- **Need an updated timeline regarding Housing Code Update.**

- **PC informally agreed important to include Old Town in HCU.**

TALENT HOUSING CODE UPDATE PROJECT: Title 18 Zoning

Planning Commission/Advisory Committee Meeting Discussion Guide

July 18, 2019



Discussion points are summarized for proposed zoning code revisions, organized by individual chapter, with particular question areas noted in *italics* for PC/AC discussion and feedback to guide code revisions.

Definitions (TMC 18.15)

1. Revisions for consistency throughout the code, including residential terms and types of housing.

Land Use Classification (TMC 18.20)

1. Establishes process to determine how proposed uses should be classified, resolving earlier PC/AC question about when staff and PC have authority to make use classifications.

Residential Lot Improvement Standards (TMC 18.95)

1. Establishes development and limited design standards for single-family, duplex, triplex and quadplex dwellings. Manufactured home parks, multiple-family dwellings, and cluster housing are subject to separate standards.
2. Recommendation to strike TMC 18.95.040.A requiring the owner of a dwelling to the owner of the tax lot, which is an unusual zoning standard and has potential for exclusionary effects. Any legal separation of ownership between dwellings and tax lots would be covered through condominium law.
3. New duplex standards proposed in TMC 18.95.045, requiring uniform design details for both units to make duplexes look more similar to single-family homes and improve integration into neighborhoods with variety of unit types.
4. *Consider additional standards for townhouses, limiting total number of attached units in a single building to 4-8, and limiting presence of driveways and garages to 50% of lot width, potentially requiring alley access or shared driveways.*
5. *Consider additional standards for triplexes and quadplexes, similar to duplex standards requiring identical design details on each unit for a more cohesive appearance, and limiting presence of driveways and garages similar to townhouses.*

Multiple-Family Design (TMC 18.96)

1. Two-track design review process for multifamily, allowing an objective or discretionary design review option to address the same design objectives. *Are there any individual standards or guidelines to adjust to improve design outcomes and reduce development barriers, or that are not clear and objective?*
2. *Consider whether to add a standard requiring windows in every room that overlook a common area to create "eyes on the street," or playground or parking lot, to deter crime. While this is a common standard for multifamily, it is not recommended here because no such similar standard exists for any other type of development, large or small, and it can perpetuate a stereotype that multifamily development is more crime-prone than other types of development.*

Site Development Plan (TMC 18.150)

1. Clearer delineation of Type II Minor Site Development Plan Review (staff) and Type III Major review (PC), with differentiated approval criteria appropriate for respective review authorities.

Procedures for Review of Applications and Appeals (TMC 18.190)

1. Table 18.190.020 summarizing type of review required is updated to reflect changes throughout the code, primarily increasing Type II reviews and decreasing Type III reviews.
2. 100-day, rather than standard 120-day, review timeline established for certain affordable housing projects to expedite development, implementing state requirements from 2017.
3. No changes are proposed to appeal procedures, which provide option to appeal Type I decisions to LUBA rather than a local appeal option. Type II and III decisions may be appealed locally to the PC or the hearings officer, respectively.
4. Neighborhood meetings prior to application submittal, in addition to public notice and/or hearings during the review process, are required for subdivisions and site plan applications within residential districts, which would include triplexes, quadplexes, cluster housing, and multifamily residential. *Consider limiting neighborhood meetings to subdivisions and larger multifamily residential (12+ or 20+ dwelling units), and exempting smaller residential projects. Which conditional uses in residential districts should require a neighborhood meeting?*

Chapter 18.15

DEFINITIONS

18.15.010 Rules of construction.

For the purpose of this chapter certain words, terms and phrases are defined as follows: Words used in the present tense include the future; the singular member includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this chapter" is used herein, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. All definitions found in the city's subdivision code (TMC Title [17](#)) and comprehensive plan, and any amendments thereto, are by this reference considered a part of this chapter. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3B.110, 2006.]

18.15.020 General definitions.

"Abutting" means adjoining with a common boundary line.

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

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

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

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

“Accessway” means the ingress and egress to a property or building; or an unobstructed way which provides vehicular and/or pedestrian access and circulation within a specific area, such as within a subdivision, shopping center, or a mobile home park.

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

“Adjoining” means the same as “abutting.”

“Adult business” means any business, including bookstores, theaters or other commercial establishments, relying on sexually explicit products or activities as a principal attraction to customers, or any massage parlor other than:

1. A licensed individual practice; or
2. A practice that is located with and accessory to a medical clinic, licensed physical therapy practice or exercise or health club.

“Agricultural resource” (also known as “critical rural/agricultural lands” in Talent Ordinance No. 385) means prime agricultural lands adjacent to the urban growth boundary and urbanizable lands across the boundary, which must be protected from the effects of use conflicts which inhibit agricultural use. Those areas designated on an LCDC-acknowledged Jackson County comprehensive plan and/or zoning map as exclusive farm use are determined to be agricultural resources. Furthermore, any other lands may be determined an agricultural resource upon a mutual city-Jackson County written agreement.

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

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

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

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

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

"Apartment" ~~see "Dwelling, multiple-family."~~ means a dwelling unit in a multiple family structure or building that is typically designed for and utilized as a rental dwelling. A condominium-type dwelling might also be referred to as an apartment, regardless of the ownership status, if it is within a multifamily structure.

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

"Assessor" means the county assessor of Jackson County.

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

Bedroom. For purposes of this title, the determination of whether a room is a bedroom shall be made by the building official of the city using the then-current building code, but generally it shall be any enclosed room in a dwelling suitable for sleeping purposes containing both a closet and an emergency egress window.

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

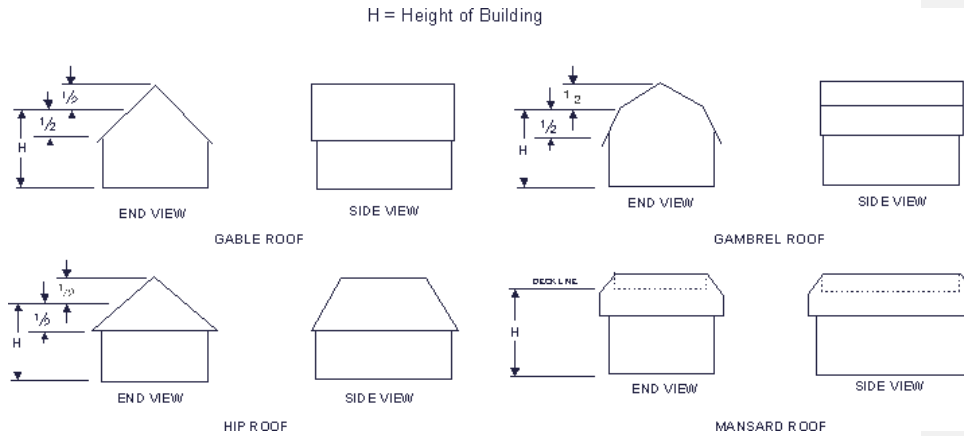
"Buffer" means a means to help reduce or prevent conflicts between incompatible land uses, including, but not limited to: special setbacks; lot coverage and height restrictions; screen plantings, berms, fencing or walls; parks and open space; and natural topography.

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

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

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

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



“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.

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

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

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

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

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

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

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

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

“Condominium” means an estate in real property, consisting of any undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building, such as an apartment, office, or store.

“Contiguous” means the same as “abutting.”

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

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

“Craft manufactory and retail” means a use established expressly for the on-site creation and retail sale of original artisan products. Each individual use is permitted no more than 15 employees at one time. The intent is that such uses are clearly retail, that they generate walk-in traffic, and that they maintain the quality of the zone while providing craftspeople the ability to run a small business and sell something on the same site. This definition does not

include bakeries or other food-production businesses; such uses are classified as either “retail” or “industrial” depending on the disposition of the product.

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

“Density” means the ratio expressed as the number of dwelling units per area of land, and computed by dividing the number of dwelling units by the acreage of the site, neighborhood, community, or other area. The result is “dwelling units per acre.”

“District” means the same as “zone.”

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

“Driveway” means a road or other accessway that is located entirely on the parcel it serves and provides vehicular access from a street or road to the off-street parking area that serves a single-family home, group of dwellings, apartment building or other structure. An accessway that serves more than one parcel is considered a street.

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

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

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

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

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

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

"Dwelling group" means a group of two or more detached buildings used for residential purposes and located on a single tax lot with yard areas shared as common areas for all dwelling group occupants.

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

"Dwelling, manufactured or factory built," also referred to herein as "manufactured home," refers to residential dwellings or multiple-dwelling structures that are constructed in total or large part at a factory and assembled at the site. Such dwellings are constructed to conform to Uniform Building Code standards and do not include a frame, axles or wheels that make them adaptable for highway transport.

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

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

"Dwelling, mobile home" means a residential dwelling that is constructed primarily in a factory in accordance with manufacturing standards established by the Department of Housing and Urban Development (HUD) for mobile homes, and which is commonly designed with framing, axles, and wheels that permit its transport on public highways. Permanent placement and removal of axles and wheels have no effect on the "mobile home" designation.

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

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

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

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

"Dwelling, single-family detached" means a detached building designed or used for residential purposes by not more than one family and containing a single dwelling unit on a single lot. A mobile home, modular home, a factory-built home, and other housing "alternatives" are also considered single-family dwellings when intended and designed for that purpose.

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

Commented [ED3]: Modified from existing townhouse definition.

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

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

"Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the Uniform Building Code, for not more than one family or household. a structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities are included in this definition.

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

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

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

"Family" means a household head and one or more other persons living in the same household who are related to the head by blood, marriage, or adoption.

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

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

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

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

~~“Foster home” means a home licensed by the state of Oregon to provide food and shelter to not more than five persons in addition to the primary owner and occupants of the dwelling unit.~~

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

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

“Garage” means a building or portion thereof in which a motor vehicle containing flammable liquids or gas in its tank is stored, repaired, or otherwise kept, or intended to be kept.

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

~~“Group home” means a licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by parents or guardians, where the number of unrelated persons living as one household commonly exceeds five.~~

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

“Guest, commercial” means any person who is temporarily occupying a room or suite in a hotel, motel, convalescent home, or other commercial facility that provides such “guest rooms” that are designed and intended to be rented or leased (short term) to persons or families. Such guests are not occupying the room or rooms as their primary residence.

“Guest house” means a building or structure on the same lot as, but appurtenant to, a primary single-family dwelling unit, and that is intended for the lodging of guests. A guest house may contain rooms and furnishings similar to those of any other dwelling except that it shall not have a designated kitchen area or kitchen facilities or appliances. A guest house shall be utilized solely for the lodging of residential guests and shall not be rented or otherwise managed for income purposes. A guest house may be used for the temporary residence of an infirm person under the care of the occupants of the primary dwelling.

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

“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

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

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.

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

“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.

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

“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.

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

“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

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

location within the city of Talent. This definition does not include the structures generally referred to as “manufactured houses,” “modular houses” or “mobile homes.”

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

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

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

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

“Retirement home” means a facility that provides living quarters, owned or rented, to persons who have attained retirement age. The facility may be a single structure or a group of structures, designed primarily for residential purposes, but often including limited medical, recreational, commercial, or health services for the residents and their guests.

“Row house” – See **“Dwelling, single-family attached.”** – means a single family dwelling with no side yards between adjacent row houses. These dwellings are generally aligned in rows, typically along a street.

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

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

“Setback” means the minimum allowable distance from a given point or line of reference – such as a street right-of-way or property line.

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

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

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

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

“Site development plan” means a plan, drawn to scale, showing accurately and with complete dimensioning all of the users proposed for a specific parcel of land, and any other information required by the applicable provisions of this title.

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

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

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

Solar Collector, Passive. This term is typically considered in terms of “techniques.” Passive solar techniques are those that deal with the orientation of vegetation and architectural features such as buildings, eaves, windows, water or rock work to allow materials to shade and to collect, store, conduct or block heat. They are generally used to heat structures in the winter and allow for natural cooling in the summer.

“Solar energy” means radiant energy received from the sun.

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

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

“Street” means the entire width between boundary lines of a public or private way to provide ingress or egress for vehicular or pedestrian traffic, and placement of utilities, to one or more lots, parcels, areas or tracts of land; including “highway,” “lane,” “place,” “avenue,” “alley,” or similar designations. The definitions for specific types of streets are set forth in TMC Title [17](#) and apply to this title.

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

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

“Structural alteration” means a change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

“Structure” means anything constructed or built which requires location on the ground or is attached to something having a location on the ground including swimming pools, covered patios, fences and walls, but not including normal plants and landscaping materials, paved outdoor areas, walks, driveways, and similar improvements.

Temporary. Unless otherwise defined or specified, such as in a condition of approval of a particular land use, the term “temporary” shall mean 30 days or less within any 12-month period of time. An extension of time may be granted by the city for certain types of temporary uses or structures.

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

“Townhouse” – See “Dwelling, single-family attached.” – means a single-family dwelling unit on a separately platted lot, with use and occupancy identical to all other single-family dwelling units, except without the required side yard setbacks. Individual townhouse units are

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

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.

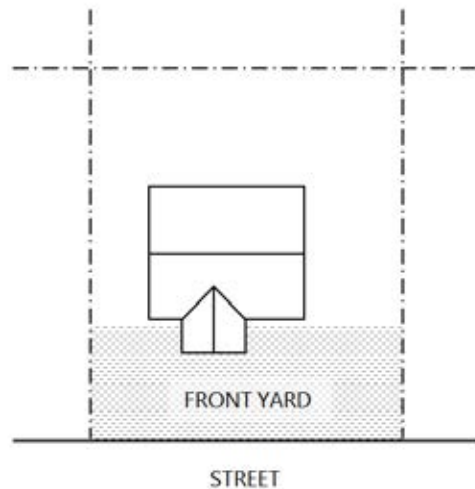
"Wireless communications facility" means any device or system for the transmitting and/or receiving of electromagnetic signals for cellular technology, personal wireless services, mobile services, paging systems and related technologies. Facilities include antennas and all other types of equipment used 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.

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

“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.

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

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

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

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

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

City Telephone: (541) 535-1566

[Code Publishing Company](#)

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

Chapter 18.20

LAND USE CLASSIFICATION

18.20.020 Classifying uses.

A. *Use Characteristics.*

1. Land uses are assigned to the use category that most closely describes the nature of the principal use. A number of the most common uses are listed under the “examples” subsection for each use category. In some zones developments may have more than one principal use. Developments may also have one or more accessory uses. For uses not listed as examples, the following is a list of factors to be considered when classifying a use into a particular category, and is also used to determine whether the activities constitute principal uses or accessory uses:

- a. The description of the use or activities in comparison to the stated characteristics of each use category;
- b. The intensity of the activity or use in comparison to the stated characteristics of each use category;
- c. The amount of site or floor area and equipment devoted to the use or activity;
- d. The presence of and amount of sales from each use or activity;
- e. The customer type for each use or activity. For example, do individual customers come to the site or does the firm primarily sell goods or services to other firms?
- f. The number of employees involved in the use or activity;
- g. The hours of operation;
- h. The building and site arrangement;
- i. The type of vehicles used for the activity;
- j. The number of vehicle trips generated by the use or activity;

- k. How the use advertises itself;
 - l. Whether the use or activity would be likely to be found independent of the other activities on the site;
 - m. Whether the use is subordinate to and serves another use in the development;
 - n. Whether a use is subordinate in area, extent or purpose to the principal building or use served;
 - o. Whether the use contributes to the comfort, convenience or necessity of occupants, customers, or employees of a principal use; and
 - p. Any other relevant evidence regarding use or activity that would help to classify a particular land use.
2. In cases where a specific use is not listed as an example, the **planning director city planner and/or building official** shall determine the appropriate category for a use based on the factors listed in subsection [\(A\)\(1\)](#) of this section.
3. In cases of dispute, the planning commission will issue a written use determination. **Additionally, the planning commission shall determine the appropriate category for all uses requiring a Type III review.**
4. Any use that cannot be clearly classified within an existing use category by the procedures noted above is prohibited, unless incorporated into this title by a development code amendment, the procedures for which are outlined in Chapter [18.190](#) TMC, Procedures for Review of Applications and Appeals. A specific use that cannot be classified into an existing use category shall not be listed as permitted or conditional in any zone without first establishing a new use category within this chapter by development code amendment.

18.20.080 Applicability.

- A. The provisions of this chapter apply only to the public lands and facilities (PLF) district (Chapter [18.75](#) TMC) until the other zoning districts are modified to be used in conjunction with this chapter. **Except, TMC 18.20.020 shall apply to all zoning districts.**

B. When the conditions of subsection [\(A\)](#) of this section are satisfied, this section shall be emended. [Ord. 846 § 2 (Exh. B); Ord. 817 § 8-3B.280, 2006.]

Chapter 18.25

RESIDENTIAL ZONE ~~SINGLE-FAMILY~~ LOW-DENSITY (~~RLDRS-5~~)

18.25.010 Description and purpose.

The residential low-density ~~single-family residential (RLD RS-5)~~ zone is intended to provide a stable, healthful and livable residential environment with a variety of residential options, 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 low-density 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. F. Accessory dwelling units on individual lots, subject to the provisions of Chapter [18.165](#) TMC, Accessory Dwelling Unit.

Commented [ED1]: ADUs are allowed per SF detached residential unit, as specified in 18.165, not a per lot basis.

D. Single-family common-wall dwellings.

Commented [ED2]: This is essentially a duplex that straddles two lots, allowing for separate ownership, which seems consistent with Council direction to permit duplexes in this zone.

E. Duplex dwellings.

F. Residential care homes.

Commented [ED3]: Residential care homes are to be allowed anywhere that single-family detached dwellings are and regulated similarly to avoid discrimination.

G. Home occupations, subject to the provisions of Chapter [18.170](#) TMC.

H. 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.

I. 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.

J. 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 ~~detached single-family dwellings~~ ~~main buildings~~ on an individual lot; provided, that there shall be a minimum of ~~6,000~~ ~~8,000~~ square feet of lot area per dwelling unit.

Commented [ED4]: This appears to be a work-around to partitioning properties, though 18.95.040.A requires that the dwelling and the tax lot be under common ownership, so application of this standard would be limited (no sale of 2nd or 3rd dwelling permitted). Review whether this use type is commonly used, or remove.

~~B. Cluster housing, subject to the provisions of Chapter 18.162 TMC.~~

C. Wireless communication antennas within the public right-of-way, subject to the provisions of TMC [18.130.010](#).

D. 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.~~

Commented [ED5]: Rely on 18.190.050 to guide the public hearing; quasi-judicial hearing is about responding to approval criteria not "suggestions" about site development.

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 **RLD 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 **RLD 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:

Commented [ED6]: Allows more flexibility on the smaller and narrower lots proposed.

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. Zero feet on one side for common-wall dwellings.

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.]

18.25.065 Density regulations.

A. Minimum Density. The minimum density shall be 5.8 units per acre.

B. Maximum Density.

1. For subdivisions recorded after (effective date of the ordinance), the maximum density for the subdivision shall be 10.8 units per acre provided that the minimum lot area standards in TMC 18.25.070.A are also met.

Commented [ED7]: Maximum density for individual development types based on minimum lot area is 7.2 units per acre for single-family detached to 14.4 units per acre for duplexes. A maximum in the midpoint of the range allows for a mix of residential types and prevents an entire subdivision of duplexes.

2. For all other development, including lots existing prior to (the effective date of the ordinance), maximum density shall be established through compliance with the minimum lot area standards in TMC 18.25.070.A.

Commented [ED8]: Check if lot averaging needs to be further limited.

C. Exceptions.

Commented [ED9]: This allows individual lots to be developed with all of the allowed housing types without exceeding the maximum density.

1. Accessory dwelling units shall not count towards the minimum or maximum density.

18.25.070 Lot area and dimensions.

In the RLD 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 Six 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 Fifty feet; reducible to 40 50 feet to permit flag lot partitioning.

D. Maximum Building Bulk.

1. Height: 30 feet.

2. Building coverage: 50 35 percent.

E. Nonconforming Lots of Record. A lot having an area of less than 6,000 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.]

Commented [ED10]: Replaced by density standards.

Commented [ED11]: Reducing the minimum lot size for all lots should reduce the number of nonconforming lots less than 8,000 SF, but this preserves development rights for any remaining nonconforming lots less than 6,000 SF.

18.25.080 Landscaping, fences, walls and signs.

In the RLD RS-5 zone, all required landscaping shall be installed in accordance with Chapter 18.105 TMC including any required perimeter buffer in accordance with TMC 18.105.050.

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.]

Commented [ED12]: Make transitional buffers non-discretionary, and reference updated standards.

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.]

Commented [ED13]: Remove discretionary standard

Chapter 18.30
RESIDENTIAL ZONE ~~SINGLE-FAMILY~~ MEDIUM-DENSITY
(~~RMDRS-7~~)

18.30.010 Description and purpose.

The medium-density ~~single-family~~ residential (~~RMD_RS-7~~) zone is intended to provide a stable, healthful and livable residential environment ~~with a variety of residential options~~ 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.210, 2006.]

18.30.020 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. F.~~ Accessory dwelling units ~~on individual lots~~, subject to the provisions of Chapter [18.165](#) TMC, Accessory Dwelling Unit.
- ~~D. Single-family common-wall dwellings.~~
- ~~E. Single-family attached dwellings, subject to the provisions of~~ [TMC 18.95.080](#).
- ~~F. Duplex dwellings.~~

Commented [ED1]: Townhouse standards to be developed.

G. Residential care homes.

H. Home occupations, subject to the provisions of Chapter [18.170](#) TMC.

I. 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 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.

J. 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.

K. Other uses determined by the planning commission to be similar to those listed above.

[Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.220, 2006.]

18.30.030 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 ~~detached single-family dwellings~~ ~~main buildings~~ on an individual lot; provided, that there shall be a minimum of ~~5,000~~ ~~6,000~~ square feet of lot area per dwelling unit.

~~B. Triplex and quadplex dwellings, subject to the provisions of~~ [TMC 18.95.070](#).

~~C. Cluster housing, subject to the provisions of Chapter 18.162 TMC.~~

D. Wireless communication antennas within the public right-of-way, subject to the provisions of TMC [18.130.010](#).

E. Other uses determined by the planning commission to be similar to those listed above or under TMC [18.30.020](#), where permitted by the planning commission after written application. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.230, 2006.]

Commented [ED2]: Additional development standards to be developed.

18.30.040 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, which 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 worship buildings.
- D. Other uses determined by the planning commission to be similar to those listed above, or under TMC [18.30.020](#) or [18.30.030](#).
- E. Relocated structures. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.240, 2006.]

18.30.050 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 [RMD_RS-7](#) 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 meet the building height transition standards in TMC [18.90.050\(B\)](#).

H. Other buildings, structures or uses that the planning commission determines to be similar to other uses permitted conditionally in the **RMD RS-7** zone. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.250, 2006.]

18.30.060 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. Zero feet for common-wall dwellings and single-family attached dwellings on side(s) with common walls.

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.260, 2006.]

18.30.065 Density regulations.

A. *Minimum Density.* The minimum density shall be 7.2 units per acre.

B. *Maximum Density.*

1. For subdivisions recorded after (effective date of the ordinance), the maximum density for the subdivision shall be 14.5 units per acre provided that the minimum lot area standards in TMC 18.30.070.A are met.

Commented [ED3]: Maximum density for individual development types based on minimum lot area is 10.9 units per acre for single-family detached to 21.8 units per acre for "plexes" and townhouses. A maximum in the midpoint of the range allows for a mix of residential types and prevents an entire subdivision of duplexes.

2. For all other development, including lots existing prior to (the effective date of the ordinance), maximum density shall be established through compliance with the minimum lot area standards in TMC 18.30.070.A.

Commented [ED4]: This allows individual lots to be developed with all of the allowed housing types without exceeding the maximum density.

C. Exceptions.

1. Accessory dwelling units shall not count towards the minimum or maximum density.

18.30.070 Lot area and dimensions.

In the RMD_RS-7 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. For single-family detached and duplex dwellings: 4,000 square feet. Six thousand square feet.

2. For single-family attached dwellings: 3,000 square feet. Corner lots: 7,000 square feet.

3. For triplex and quadplex dwellings: 8,000 square feet.

B. Minimum Lot Area per Dwelling Unit.

1. Six thousand square feet.

C. Minimum Lot Width.

1. Forty Five feet; reducible to 35 40 feet to permit flag lot partitioning.

2. For single-family attached dwellings: 25 feet.

Commented [ED5]: This is only a modest reduction that is primarily aimed at creating flexibility for larger lots built to the previous 50-foot standard, rather than to allow partitioning of lots built to the new 40-foot width.

D. Maximum Building Bulk.

1. Height: 30 feet.

2. Building coverage: 60 35 percent.

Commented [ED6]: Townhouses need narrower lots because dwellings are built from lot line to lot line with no setbacks.

E. Nonconforming Lots of Record. A lot having an area of less than 4,000 6,000 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.270, 2006.]

18.30.080 Landscaping, fences, walls, and signs.

In the **RMD_RS-7** zone, all required landscaping shall be installed in accordance with Chapter [18.105](#) TMC **including any** required perimeter buffer **in accordance with TMC 18.105.050..**

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.280, 2006.]

Commented [ED7]: Make transitional buffers non-discretionary, and reference updated standards.

~~18.30.090 — 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.290, 2006.]~~

Chapter 18.35
RESIDENTIAL ZONE ~~SINGLE FAMILY~~ MANUFACTURED HOME
(RS-MH)

18.35.010 Description and purpose.

The manufactured home zone is intended to provide a stable, healthful and livable environment, together with the full range of urban services, ~~for those choosing to reside in manufactured homes on a permanent basis or in a~~ including manufactured home parks and neighborhoods with a variety of housing types, including both manufactured homes and single-family dwellings. Small economic enterprises, such as home occupations and neighborhood commercial activity, may occur indistinguishably or compatibly with the residential character. This zone should provide residents with neighborhoods comparable in quality with low-density residential areas. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.310, 2006.]

Commented [ED1]: This zone is expected to be applied primarily to existing manufactured home parks and mixed dwelling neighborhoods, and is modeled off the RMD zone.

18.35.020 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. Manufactured home or single-family dwelling on an individual lot.

~~B. Manufactured home park, subject to the supplementary provisions of Chapter 18.180 TMC, and including common use recreation and laundry facilities.~~

Commented [ED2]: Moved to Type II site plan review use.

~~B. Duplex dwellings.~~

Commented [ED3]: Duplexes are proposed consistent with other residential zones, but additional missing middle types are not proposed since the zone is primarily intended for manufactured home parks and mixed neighborhoods with manufactured homes.

C. Residential care homes.

D. Home occupation, subject to the provisions of Chapter [18.170](#) TMC.

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

F. Accessory buildings and structures, including private garages, accessory living quarters and guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy-conserving devices and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or commission. Accessory structures that are not separated from a manufactured home are subject to the additional restrictions of TMC [18.35.100\(F\)](#) or [18.180.050\(U\)](#), as applicable.

G. Accessory dwelling units ~~on single-family lots~~, subject to the provisions of Chapter [18.165](#) TMC. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.320, 2006.]

Commented [ED4]: Because manufactured homes on individual lots (outside of parks) are treated the same as site-built homes, ADUs must be permitted with both residential types

18.35.030 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. ~~Manufactured home park, subject to the supplementary provisions of Chapter [18.180](#) TMC.~~

B. ~~Two or three main buildings on a detached~~ single-family or manufactured home ~~dwellings on an individual~~ lot; provided, that there shall be ~~5,000~~ ~~6,000~~ square feet of lot area per ~~single-family or manufactured~~ dwelling.

Commented [ED5]: Revise consistent with any changes to this use category in other zones, potentially deleting or replacing it.

C. ~~Wireless communication antennas within the public right-of-way, subject to the provisions of TMC [18.130.010](#).~~

Commented [ED6]: Triplexes, quadplexes and cluster housing could also be added here if the zone remains broadly applied across the city; however, if zoning district extent is restricted to primarily neighborhoods with manufactured homes and parks, additional missing middle uses are not necessarily recommended, to avoid “competition” with manufactured housing as the primary purpose of the zone.

D. Other uses similar to those listed above or under TMC [18.35.020](#), where permitted by the planning commission after written application. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.330, 2006.]

18.35.040 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 which 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, as to the best methods to perform or develop the use.~~

A. Parks and playgrounds.

B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs; provided, that each side yard on an interior lot shall be a minimum of 20 percent of the property width but not less than 10 feet.

C. Churches, except rescue missions and temporary revivals held outside of church buildings.

~~D. Rental apartments within existing dwellings that contain at least 2,000 square feet of floor space, including garages, where off-street parking space is provided as set forth in Chapter [18.110](#) TMC and where the exterior of the building visible from the street is not changed.~~

Commented [ED7]: This appears to be superseded by ADU standards.

~~E. A second detached single family dwelling, provided all setbacks, parking, buffering and lot coverage requirements are met and no dwelling contains less than 6,000 square feet of floor area.~~

Commented [ED8]: This seems to overlap with TMC 18.35.030.A above.

F. Travel trailer or recreation vehicle accommodations in a manufactured home park.

G. Grocery stores, drugstores, restaurants, beauty and barber shops, and other compatible uses to provide services in a manufactured home park to the occupants of the park.

H. Bins or containers along streets used for temporary storage of garbage or material for recycling.

I. Other uses similar to those listed above, or under TMC [18.35.020](#) or [18.35.030](#), where permitted by the planning commission after written application. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.340, 2006.]

18.35.050 Buildings and uses permitted subject to conditional use review.

The planning commission may grant or deny a conditional use permit in accordance with the procedures set forth in Chapter [18.155](#) TMC. The following uses permitted conditionally in the RS-MH zone meet the description and purpose set forth in Chapter [18.155](#) TMC:

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

Commented [ED9]: Updated term

B. Kindergartens, day nurseries and preschools.

C. Public and private elementary, junior high and high schools and colleges.

D. Manufactured home for the infirm, subject to the supplemental provisions of TMC [18.155.070\(B\)](#).

E. Golf courses, country clubs, tennis clubs and community swimming pools.

F. Community centers, fraternal or lodge buildings.

G. Cemeteries.

H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to residences on adjacent properties.

I. Buildings over two and one-half stories or 30 feet in height, whichever is the lesser.

J. Other buildings, structures or uses that the planning commission determines to be similar to other uses permitted conditionally in the RS-MH zone. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.350, 2006.]

18.35.060 Manufactured home park regulations generally.

Additional regulations pertaining to manufactured home parks are contained in Chapter [18.180](#) TMC. The following regulations apply to manufactured homes located on individual lots in the ~~RS~~-MH zone. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.360, 2006.]

18.35.070 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.370, 2006.]

18.25.065 Density regulations.

A. *Minimum Density.* The minimum density shall be 7.0 units per acre.

B. *Maximum Density.* The maximum density shall be 8.7 units per acre.

C. *Exceptions.*

1. Accessory dwelling units shall not count towards the minimum or maximum density.

2. Duplexes shall count as a single unit for density calculations.

18.35.080 Lot area and dimensions.

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

A. *Minimum Lot Area.* (For rules on lot averaging, refer to TMC [17.15.030\(C\)\(1\)\(a\)](#).)

1. Six Five thousand square feet.

2. ~~Corner lots: 7,000 square feet.~~

~~B. *Minimum Lot Area per Dwelling Unit.*~~

~~1. Six thousand square feet.~~

C. *Minimum Lot Width.*

1. Fifty feet; reducible to 40 feet to permit flag lot partitioning.

D. *Maximum Building Bulk.*

1. Height: 30 feet.

2. Building coverage: ~~35~~ 50 percent.

E. *Nonconforming Lots of Record.* A lot having an area of less than ~~5,000~~ 6,000 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.380, 2006.]

18.35.090 Landscaping, fences, walls and signs.

In the RS-MH 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 and in accordance with Chapter [18.120](#) TMC. [Ord. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.390, 2006.]

18.35.100 Additional standards for individual manufactured homes installation and occupancy in the RS-MH zone.

(See also Chapter 18.95 TMC). Installation and occupancy of manufactured homes on individual lots will be subject to the following additional requirements:

A. Size. The manufactured home shall be multisectional and enclose a space of not less than 600 square feet.

B. Foundation. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

C. Roof Pitch. The manufactured home shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve feet (12') in width.

D. Siding and Roofing Requirements. The manufactured home shall comply with siding and roofing standards in TMC 18.95.040.

E. Thermal Performance. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.

F. Nothing in this section shall allow a manufactured home to be placed on residential land immediately adjacent to a designated historic landmark or historic resource as defined in Chapter 18.175 TMC, or any other property with a historic designation for tax or assessment purposes.

G. Manufactured homes shall also meet applicable standards of Chapter 18.95 TMC.

A. The manufactured home shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.

B. No manufactured home shall be occupied until it is connected with the public water and sewer systems.

Commented [ED10]: These standards are taken from the state standards allowed for manufactured dwellings in ORS 197.307(8), to prevent discrimination against manufactured homes and ensure provision of this needed housing type. Standards can be less strict than these, but not more restrictive.

Commented [ED11]: The existing minimum is 600 SF, which is more permissive than the 1,000 SF allowed by state statute.

C. The manufactured home shall have its wheels removed and be placed on a concrete, concrete block, or similar foundation and, unless the foundation is continuous, shall have continuous skirting (conforming to state standards) installed within 60 days of occupancy.

D. Installation of a manufactured home on a lot shall be limited to a lot owned by the owner of the manufactured home.

E. If the manufactured home is removed from its foundation and not replaced with another manufactured home, the owner shall remove the foundation and permanently disconnect the sewer, water and other utilities. If the owner fails to accomplish this work within 45 days from the date the manufactured home is removed from its foundation, the city may perform the work and place a lien against the property for the cost of the work.

F. Any manufactured home accessory building or structure that is not visually separated from a manufactured home shall be constructed with material and appearance compatible with the manufactured home. This does not apply to patios, porches and decks, or out-buildings that are separated from the manufactured home.

G. The manufactured home shall be in a condition that conforms to one of the following construction standards:

1. A manufactured home constructed after April 1972 shall bear the Oregon insignia of compliance to standards in effect in Oregon at the time of construction.

2. A manufactured home constructed prior to April 1972 shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after April 1972, as determined by the building official.

H. The manufactured home shall have a minimum area of 600 square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.

Space within a manufactured home accessory structure shall not be included in the computation of minimum area. [Ord. 943 § 1 (Exh. A), 2018; Ord. 847 § 4 (Exh. B), 2008; Ord. 817 § 8-3C.395, 2006.]

Chapter 18.40
RESIDENTIAL ZONE – ~~MULTIPLE-FAMILY~~ HIGH-DENSITY (~~RHD~~
~~RM-22~~)

18.40.010 Description and purpose.

The residential ~~multiple-family~~ high-density (~~RHD_RM-HD~~) zone is intended to provide a healthful and livable residential environment, together with the full range of urban services, for a variety of housing units at densities higher than provided for in other residential zones. This zone is also intended to accommodate housing alternatives to conventional housing and an area where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur indistinguishably or compatibly with the residential character. It is generally intended that high-density residential zones will be situated in close proximity to activity centers and major streets. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.410, 2006.]

18.40.020 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. Use of existing structures for the permitted uses listed in TMC [18.40.030](#) and [18.40.040](#), where all the provisions of this title and any amendment thereto are met.
- B. Home occupations, subject to the provisions of Chapter [18.170](#) TMC.
- C. Alteration or expansion of and existing single-family dwellings.

D.E. Accessory dwelling units ~~on single-family lots~~, subject to the provisions of Chapter [18.165](#) TMC.

E. Duplex dwellings.

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

[Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.420, 2006.]

18.40.030 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 plan review process in Chapter [18.150](#) TMC:

- A. Multiple-family dwellings ~~(up to four dwelling units on a single parcel)~~
- B. Attached single-family dwellings developments ~~(up to four condominiums, row houses and townhouses on a single parcel) provided the minimum density of 13.7 units/net acre is achieved (net acre is the total development acreage net of undevelopable lands and a 24 percent reduction allowing for infrastructure).~~
- C. Triplex and quadplex dwellings, subject to the provisions of TMC [18.95.070](#).
- D. Cluster housing, subject to the provisions of Chapter [18.162](#) TMC.
- E. Residential care facilities.
- F. Boarding and rooming houses ~~not exceeding accommodations for five residents.~~
- G. Conversion of existing single-family dwellings to multifamily units, up to four dwelling units, provided each unit shall have no less than 450 square feet of living area and 250 square feet of open space in compliance with the provision of TMC [18.40.070](#).
- H. Wireless communication antennas within the public right-of-way, subject to the provisions of TMC [18.130.010](#).
- I. Other uses determined by the Planning Commission to be similar to those listed above or under TMC [18.40.020](#). [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.430, 2006.]

Commented [ED1]: A clear and objective review option for multifamily development of any size should be provided, rather than limited to small-scale projects. If there is concern about intensity of development, consider requiring CUP or Type III review for projects over a certain height or density.

Commented [ED2]: Density addressed below.

Commented [ED3]: Similar to residential care homes, the larger residential care facilities must be permitted in any zone where multifamily development is permitted.

Commented [ED4]: The boarding house definition already limits the use to five rooms.

18.40.040 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, which 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 whether and how the use can be located on the designated site.~~

~~A. Multiple family dwellings (more than four dwelling units on a single parcel).~~

~~B. Attached single family dwelling developments (more than four condominiums, row houses and townhouses on a single parcel) provided the minimum density of 13.7 units/net acre is achieved (*net acre* is the total development acreage net of undevelopable lands and a 24 percent reduction allowing for infrastructure). Any use in Section 430, above, that exceeds the size thresholds listed.~~

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 no less than 10 feet.

C. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.

D. Kindergartens, day nurseries and preschools.

E. Other uses determined by the Planning Commission to be similar to those listed above, or under TMC [18.40.020](#) or [18.40.030](#). [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.440, 2006.]

18.40.050 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 [RHD, RM-22](#)-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. Public and private elementary, junior high, and high schools and colleges.
- C. Community centers, fraternal or lodge buildings.
- D. Business, technical, art or music schools.
- E. Professional offices for accountants, attorneys, engineers, architects, landscape architects, surveyors, designers, planners and similar professionals.
- F. Studios for interior decorators, photographers, artists and draftsmen.
- G. Antique stores.
- H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area.
- I. Mobile home for the infirm, subject to the supplemental provisions of TMC [18.155.070\(B\)](#).
- J. Building over [three two and one-half](#) stories or [40-30](#) feet in height, whichever is less. Such buildings must also meet the building height transition standards in TMC [18.90.050\(B\)](#).
- K. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the [RHD, RM-22](#)-zone. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.450, 2006.]

18.40.060 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 one to two the first story structures, plus five three feet for three-story buildings over 18 feet in height; zero feet for attached single-family dwellings. 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.

D. Additional setbacks adjacent to residential uses. To provide compatible building scale and privacy between developments, buildings in the RHD zone shall provide additional setbacks or "step-downs" adjacent to lower-density residential development.

1. This standard applies to new and vertically expanded buildings that exceed 30 feet or two stories, whichever is less, on lots adjacent to lots zoned RLD, RMD, or RMHP.

2. The minimum side or rear yard setback shall be equal to the height of the proposed building less 15 feet. For example, a 35 foot-tall building would require a 20-foot setback.

3. Building height may "step-down" within the additional setback area provided that no portion of the building exceeds the allowed ratio in Section (D)(2) and the building meets the minimum side and rear yard setbacks otherwise required in this section.

[Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.460, 2006.]

18.30.065 Density regulations.

A. Minimum Density. The minimum density shall be 18 units per net acre.

Net Acre: For the purposes of this Section, a *net acre* is the total development acreage net of undevelopable lands (as defined in Chapter 18.15 TMC) and a 24-percent reduction allowing for infrastructure. Development projects less than 1.5 acres in size do not need to subtract

infrastructure allowance. Development proposals 1.5 acres or larger may not exempt 1.5 acres from calculating infrastructure allowance.

B. *Maximum Density*. There shall be no maximum density, provided lot area and dimensional standards in TMC 18.40.070 are met.

18.40.070 Lot area and dimensions.

In the RM-HD zone, the minimum density shall be 18 units per net acre.

Commented [ED5]: Relocated to above density section.

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

A. *Minimum Lot Area*.

1. For single-family detached (existing) and duplex dwellings: 2,500 square feet.
2. For single-family attached dwellings: 1,800 square feet.
3. For triplex, quadplex and multiple-family dwellings: 5,000 square feet.

B. *Maximum Building Coverage*.

1. Seventy-five percent. Apartment: 40 percent.

C. *Minimum Lot Width*.

1. For single-family detached (existing) and duplex dwellings: 25 feet.
2. For single-family attached dwellings: 20 feet.
3. For triplex, quadplex and multiple-family dwellings Apartment: 50 feet.

D. *Maximum Building Height Bulk*.

1. Forty feet or three stories, whichever is less. Height: 30 feet.

D. *Nonconforming Lots of Record.* A lot having an area of less than ~~2,500~~ ~~5,000~~ square feet of record at the time of the passage of the ordinance codified in this title may be occupied by one single-family dwelling or one duplex dwelling if all other dimensional requirements of the zone are complied with. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.470, 2006.]

18.40.080 Recreation area for ~~multiple~~-family dwellings.

~~In addition to the required landscaped open space (see TMC 18.40.090),~~ A minimum of 250 square feet of usable recreation area shall be provided for each ~~multiple-family dwelling unit.~~ The recreation area may be in one or more locations, and may include recreation buildings, but no area with any minimum dimension of less than 15 feet – except for bicycle paths – shall be counted toward this requirement. ~~Recreation area may be counted towards the required landscaped open space in TMC 18.105.020.~~ [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.480, 2006.]

Commented [ED6]: Use consistent terminology. Also note this exempts triplexes and quadplexes, for greater flexibility with those smaller scale developments.

Commented [ED7]: Allowing recreation area to count towards minimum landscaping create additional site development flexibility and more space for housing units.

18.40.090 Landscaping, fences, walls and signs.

In the ~~RHD RM-HD~~ zone, all required landscaping shall be installed in accordance with Chapter [18.105](#) TMC ~~including any~~ required perimeter buffer ~~in accordance with TMC 18.105.050.~~ 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.482, 2006.]

Commented [ED8]: Make perimeter buffers non-discretionary, and reference updated standards.

~~18.40.100 Buffering.~~

~~When a development or use is proposed on property in the RM-HD 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. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.484, 2006.]

Chapter 18.45 COMMERCIAL ZONE – NEIGHBORHOOD (CN)

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, with opportunities for residential uses to create mixed-use sites. This commercial zone is typically appropriate to small shopping clusters or integrated shopping or mixed-use 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 within proximity to residential neighborhoods and accessible by walking, bicycling or other alternative modes of transportation 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. Accessory buildings and structures, including private garages, guest houses, accessory dwelling units subject to TMC 18.165, 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 director.

Commented [ED1]: These are assumed to be largely single-family detached homes, that predate the zoning code and zoning map. Density reference is superfluous; any increase in density would be a new use subject to additional review.

Commented [ED2]: DLCD has provided guidance that adding ADUs to existing single-family detached homes should be permitted as a modification of the permitted residential use rather than an expansion or intensification.

~~B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this chapter.~~

Commented [ED3]: Captured by specific uses in Type II uses below. Though listed as a Type I here, these upper-story uses would require review with a commercial use under the Type II provisions below so Type II is appropriate for both residential and commercial uses.

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.]

Commented [ED4]: Vague standard, replaced with specific list of residential accessory uses above.

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.

~~A. Residential uses, including multiple-family dwellings, attached single-family dwellings, and triplex and quadplex dwellings, subject to the provisions of TMC 18.45.120.~~

- 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.

Commented [ED5]: Modify consistent with use determination language.

- 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.]

Commented [ED6]: Discretionary and inapplicable, since no low-density residential uses will be permitted under this section.

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 be 15 feet, 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.

Commented [ED7]: 15 feet offers a transition between the 20-ft setbacks in residential zones and 10 feet in commercial zones. Almost all CN properties will be abutting residential property and 20-ft setbacks would significantly reduce buildable area.

D. *Existing Residential Uses.* For existing residential structures or uses, setbacks in conformance with the RHD 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, in the CN zone there shall be no minimum lot size or lot width. [Ord. 817 § 8-3D.170, 2006.]

Commented [ED8]: Because there is no maximum density limit for residential uses, minimum lot sizes are not needed. Lot sizes for new residential uses are addressed in proposed 18.45.120.E.

18.45.080 Lot coverage restrictions.

In the CN zone there shall be no lot coverage restrictions except as provided in the yard setback, [minimum landscaped area per TMC 18.105.020](#), 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. Perimeter buffers shall be provided in accordance with TMC [18.105.050](#). [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.196, 2006.]

18.45.120 Additional residential standards.

A. All new residential uses shall be proposed along with any nonresidential use allowed in the CN district in a single development application, unless previously developed nonresidential uses already exist on the site.

B. All ground-floor residential uses, with the exception of entrances for upper-story residential uses, shall be set back a minimum of 100 feet from the property line along the highest classification road.

C. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage onsite. There shall be no limitation on upper-story residential building square footage.

D. Ground-floor residential uses shall achieve a minimum density of 18 units per net acre, with no maximum density. There shall be no minimum density requirement for upper-story residential uses.

Net Acre: For the purposes of this Section, a *net acre* is the total development acreage net of undevelopable lands (as defined in Chapter 18.15 TMC) and a 24-percent reduction allowing for infrastructure. Development projects less than 1.5 acres in size do not need to subtract

Commented [ED9]: Practically speaking, upper-story residential can't exceed 66% assuming one floor nonresidential use and two upper stories of residential use.

Commented [ED10]: This provides more flexibility to incentivize this upper story use.

infrastructure allowance. Development proposals 1.5 acres or larger may not exempt 1.5 acres from calculating infrastructure allowance.

E. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the RHD zone for the proposed residential use type.

F. The maximum allowed height for all residential uses including mixed-use buildings with residential and nonresidential uses shall be three stories or 40 feet, whichever is less. TMC 18.45.050.C shall not apply.

Chapter 18.50 COMMERCIAL ZONE – CENTRAL BUSINESS DISTRICT (CBD)

18.50.010 Description and intent.

The central business district (CBD) zone shall serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBD shall be pedestrian oriented and shall highlight and incorporate historic places and structures, parks and public transit facilities and opportunities. [Ord. 817 § 8-3D.210, 2006.]

18.50.020 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, or any expansion of use, floor area or improvements.

1. Except: Accessory dwelling units subject to TMC 18.165 are permitted with existing single-family detached dwellings.

B. Dwelling units, provided the units are above nonresidential uses and the ground floor is devoted entirely to a commercial use or uses permitted in this chapter. One dwelling unit is allowed at ground level behind a nonresidential use, and cannot exceed 50 percent of the total ground floor space of buildings on the parcel.

C. Use of existing structures for the permitted uses listed in TMC [18.50.030](#) and [18.50.040](#), where all the provisions of this title and any amendment thereto are met.

Commented [ED1]: DLCD has provided guidance that adding ADUs to existing single-family detached homes should be permitted as a modification of the permitted residential use rather than treated as an expansion or intensification.

Commented [ED2]: Since residential uses are required along with nonresidential uses, all of which require a Type II or III review, it is more consistent to allow residential uses through a combined Type II review.

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

Commented [ED3]: Revised consistent with proposed zoning district names.

E. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of Chapter [18.110](#) TMC. If a question arises as to conformance with said provisions, the city planner shall subject the project to a site plan review without a public hearing. [Ord. 817 § 8-3D.220, 2006.]

18.50.030 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, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Chapter [18.150](#) TMC and review by the planning department:

- A. Any use permitted subject to site plan review without a required public hearing in the neighborhood commercial zone (CN).
- B. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services, not including automotive repair. Such uses may not exceed 6,000 square feet. Automotive parts and sales are permitted; provided, that the activity happens fully within enclosed buildings.
- C. Eating and drinking establishments (which may include entertainment) not exceeding 6,000 square feet.
- D. Churches and other religious institutions not exceeding 6,000 square feet.
- E. Guest lodging, not exceeding 10 rooms.
- F. Performing arts theaters and motion picture theaters (not including drive-ins), not exceeding 6,000 square feet.
- G. Public and commercial off-street parking lots or structures, not exceeding 200 parking spaces.

- H. Wireless communication antennas subject to the provisions of TMC [18.130.010](#).
- I. Other uses similar to those listed above, as determined by the planning director consistent with TMC 18.20.020, where permitted by the city planner after written application. Where there is question as to similarity, the planner shall refer the matter to the planning commission for a determination.
- J. Uses and structures customarily incidental to the above uses.
- K. Live-work units.
- L. Dwelling units, subject to the provisions of TMC 18.50.120.

18.50.040 Buildings and uses permitted 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, which shall not include drive-in, drive-through or drive-up facilities. 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. Any use permitted subject to site plan review with a required public hearing in the neighborhood commercial zone (CN), excluding utility substations.
- B. Any use listed in TMC [18.50.030](#) that exceeds the listed size/capacity threshold.
- C. Craft manufactory and retail, provided the structure housing the manufactory is sound and suitable for the intended use (refer to definition in Chapter [18.15](#) TMC for further information).
- D. Public parks, playgrounds and other similar publicly owned recreational areas.
- E. Passenger terminals for bus or rail.
- F. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, and government offices. Such uses, which may be developed in campus-like settings, are exempt from the dimensional requirements of the zone, except for parking lot setbacks.

G. Other uses similar to those listed above, or under TMC [18.50.020](#) or [18.50.030](#), as determined by the planning commission consistent with TMC [18.20.020](#), where permitted by the planning commission after written application.

H. Uses and structures customarily incidental to the above uses. [Ord. 817 § 8-3D.240, 2006.]

18.50.050 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.

A. Any uses permitted conditionally in the neighborhood commercial zone (CN).

B. Brewery, distillery, or winery not exceeding 6,000 square feet (pub or tasting room required).

C. Commercial or trade schools.

D. Wireless communication towers.

~~E. Buildings over two and one-half stories or 30 feet in height, whichever is the lesser. Buildings more than 30 feet in height are permitted only if they include residential uses.~~

~~1. The maximum height allowed through conditional use review is 40 feet. The proposed building must include site design and architectural elements such that it is compatible with the small town character of Talent. Building elements to be considered include, but are not limited to, size, proportion, massing, articulation, detailing and location. Landscaping, buffering, fencing and similar elements may also be considered, but not as the only method of ensuring compatibility.~~

F. Temporary uses.

G. Pump stations and water reservoirs.

H. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBD zone as determined by the planning commission consistent with TMC [18.20.020](#). [Ord. 817 § 8-3D.250, 2006.]

Commented [ED4]: A taller height limit is proposed for all buildings with residential uses without a conditional use review, so this category no longer applies.

18.50.060 Yard regulations.**A. Front Yard.**

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

B. Side Yard.

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

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

D. General Provision Applying to All Setbacks. Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.

E. Adjacency to Residential Zones. Where lots abut residentially zoned lots, all setbacks shall be ~~10 feet~~ 20 feet on the side(s) abutting said lots. ~~This includes front setbacks in order to provide a transition. The setback area shall include all buffers required by TMC 18.105.050.~~

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

[Ord. 817 § 8-3D.260, 2006.]

Commented [ED5]: Reduce setbacks and link to increased buffering standards within the setback to balance preservation of development area on the lot with screening for adjacent residential uses.

18.50.070 Lot area and dimensions.

~~For dwelling units above the ground floor of a business, there shall be a minimum of 1,200 square feet of total lot area for each dwelling unit. For all other permitted uses, in the CBD zone there shall be no minimum lot size or lot width.~~ [Ord. 817 § 8-3D.270, 2006.]

Commented [ED6]: Update consistent with changes to lift maximum density standards for the RHD zone.

18.50.080 Lot coverage restrictions.

In the CBD zone there shall be no lot coverage restrictions except as provided in the yard setback, **minimum landscaped area per TMC 18.105.020**, and off-street parking regulations. [Ord. 817 § 8-3D.280, 2006.]

18.50.090 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.290, 2006.]

18.50.100 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. In all cases, and at all times, they shall not exceed four feet in height within front and street-side yards. Signs shall be permitted in accordance with Chapter [18.120](#) TMC. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.295, 2006.]

18.50.110 Buffering.

~~When a development or use is proposed on property within the CBD zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer~~ **Buffers shall be provided** in accordance with TMC [18.105.050](#). The planning commission may waive buffering that would otherwise be

required by TMC 18.105.050(B) if it finds that the need to fulfill the intent of the CBD zone outweighs the need for buffering. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.296, 2006.]

18.50.120 Additional residential standards.

A. All new residential uses shall be proposed along with any nonresidential use allowed in the CBD district in a single development application, unless previously developed nonresidential uses already exist on the site.

B. All ground-floor residential uses, with the exception of entrances for upper-story residential uses, shall be set back a minimum of 100 feet from the property line along the highest classification road.

C. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage onsite. There shall be no limitation on upper-story residential building square footage.

D. Ground-floor residential uses shall achieve a minimum density of 18 units per net acre, with no maximum density. There shall be no minimum density requirement for upper-story residential uses.

Net Acre: For the purposes of this Section, a net acre is the total development acreage net of undevelopable lands (as defined in Chapter 18.15 TMC) and a 24-percent reduction allowing for infrastructure. Development projects less than 1.5 acres in size do not need to subtract infrastructure allowance. Development proposals 1.5 acres or larger may not exempt 1.5 acres from calculating infrastructure allowance.

F. The maximum allowed height for all residential uses including mixed-use buildings with residential and nonresidential uses shall be three stories or 40 feet, whichever is less.

Commented [ED7]: Currently, ground floor residential is limited to one unit, not to exceed 50% of the square footage. Is the single-unit limitation important, or does the 50% limitation effectively create the desired balance?

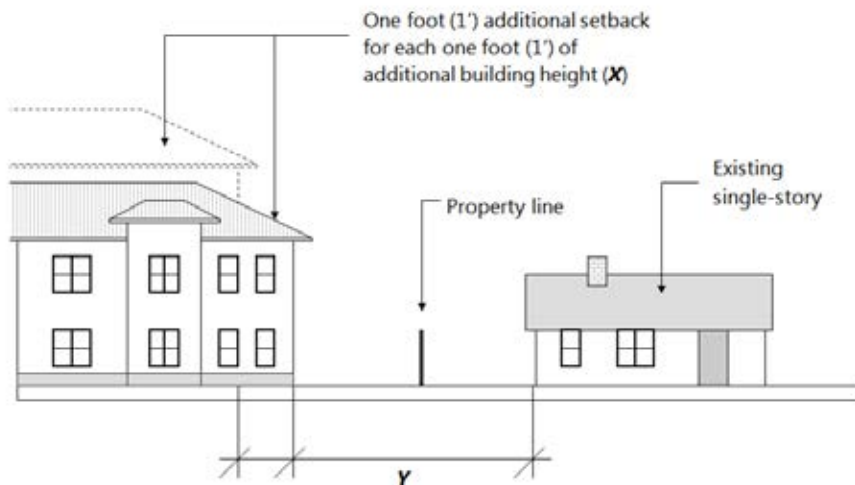
Commented [ED8]: Practically speaking, upper-story residential can't exceed 66% assuming one floor nonresidential use and two upper stories of residential use.

Commented [ED9]: This provides more flexibility to incentivize this upper story use.

Chapter 18.90 GENERAL PROVISIONS

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 exceeding the maximum height allowed in each zone 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 in any zone that exceed 30 feet shall provide additional setbacks or "step-downs" adjacent to lower-density residential development, to create a building height transition to adjacent single-story building(s) in residential zones.

Commented [ED1]: Delete graphic, no longer needed.

Commented [ED2]: Revise to provide a more uniform height transition standard that is based on adjacent zoning, not whether adjacent development is built at one or two stories. Provides a consistent way to measure required setbacks from the property line, rather than measuring setbacks on adjacent lot as well.

1. This standard applies to new and vertically expanded buildings located within that exceed 30 feet or two stories, whichever is less, on lots adjacent to lots zoned RLD, RMD, or RMHP, (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.

2. The minimum side or rear yard setback shall be equal to the height of the proposed building less 15 feet. For example, a 35 foot-tall building would require a 20-foot setback.

3. Building height may "step-down" within the additional setback area provided that no portion of the building exceeds the allowed ratio in Section (D)(2) and the building meets the minimum side and rear yard setbacks otherwise required in the zone. [Ord. 817 § 8-3J.123, 2006.]

Commented [ED3]: Resulting setbacks range from 15 feet for 30 feet to 25 feet for 40-foot high building, compared to 0-10-foot side and rear setbacks in base zones. Are the proposed setbacks reasonable for transition purposes, or do they require too much land?

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. Cluster housing is exempt from this requirement. [Ord. 817 § 8-3J.126, 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.]

Commented [ED4]: Specific matrix of standards proposed in 18.105 instead, to reduce redundancy.

Chapter 18.95

RESIDENTIAL LOT IMPROVEMENT STANDARDS

18.95.010 Purpose.

The purpose of this chapter is to provide specific guidelines and requirements for the development of residential dwellings of all kinds within the city of Talent in order to better ensure the health and safety of community residents and also to better ensure the quality, appearance, aesthetic values, and property values of all residential neighborhoods. [Ord. 817 § 8-3J.210, 2006.]

18.95.020 Applications.

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

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

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

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

B. The provisions of this chapter shall apply to:

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

2. Duplex dwellings.

3. Triplex and quadplex dwellings.

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

~~C. The provisions of this chapter shall also apply to all new residential development that is constructed, assembled, or placed upon any legal tax lot in any residential zoning district of the city of Talent, with the exception of manufactured home parks.~~

D. Any building or structure containing one or more residential dwelling units that is moved in the city, relocated within the city, rehabilitated or remodeled to an extent greater than 50 percent of its appraised market value shall be made to conform to the requirements of this chapter and to the minimum standards for the construction of that type of dwelling that are in effect at the time of subject action or activity.

1. All residential dwellings that are defined in Chapter [18.15](#) TMC as “dwelling, manufactured or factory-built” shall comply with the current minimum construction standards for manufactured homes, as administered by the Department of Housing and Urban Development (HUD), and any amendments to that code.
2. All residential dwelling units, ~~including multiple family buildings,~~ other than manufactured homes, shall comply with the provisions of the Uniform Building Code, as adopted by the city of Talent.

E. Any residential dwelling unit or residential structure that is subject to the requirements of this title shall be brought into compliance with all applicable requirements prior to occupancy of that dwelling and in no case shall a dwelling unit remain uninhabitable longer than six months. [Ord. 817 § 8-3J.220, 2006.]

18.95.030 Location by housing type.

A. The location of any particular type of residential structure is controlled by the provisions of each zoning district and specified in the lists of permitted and conditional uses in Division [III](#) of this title.

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

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

18.95.040 Residential development standards.

The following development standards shall apply to all residential development in the city of Talent, with the exception of manufactured homes located within manufactured home parks, multiple-family dwellings, and cluster housing:

- A. The owner of any residential dwelling shall also be the owner of the tax lot on which the dwelling is constructed or placed. No lots or portions of lots shall be rented or leased to another party for the temporary placement of a dwelling unit.
- B. All newly constructed or placed dwelling units shall meet the construction codes for that type of structure that are in effect at the time of construction or placement, as stated in TMC [18.95.020\(D\)](#).
- C. Any dwelling unit that was not totally constructed on the site shall remove all appliances or other attachments that were necessary for its transport to the site, but that are not necessary for the residential use of that structure, including wheels, axles, tongues, trailers, etc.
- D. All homes, other than manufactured homes, shall be placed on permanent perimeter foundations and shall be attached thereto. Manufactured homes shall be sited, at a minimum, according to the manufacturer's specifications and shall have the perimeter of the structure enclosed with cement block or cement footing wall style skirting.
- E. All residential structures shall be constructed or placed with a minimum clear space under the lowest structural floor support beam of 18 inches.
- F. Crawl space access of a least 18 inches by 24 inches shall be provided in a location that is convenient to sewer, water or other under-structure connections, but not at a location which may be a low point or water collection point.
- ~~G. All manufactured homes, modular homes, or other "manufactured" or "factory built" dwellings shall be recessed to achieve a low profile. The depth of the recess shall be no more than 12 inches above the finished backfilled grade.~~

H. *Garages or Carports.* Single-family and duplex-dwellings shall have a garage or carport with capacity for a minimum of one vehicle. The garage shall be accessed by a driveway with a minimum width of 10 feet. To minimize impervious surfaces, the driveway may be constructed with parallel tracks, leaving the space between unpaved. Garages shall be constructed to conform to the construction code of the type of residence it will serve and may have either a single double width door or two single width doors. The exterior finishes of garages or carports shall conform in pattern, shape, texture, and color to the materials used on the primary dwelling structure, including the siding, roofing, and any architectural decorative trim.

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

J. *Roofs.* All residential dwellings shall be designed with gable, mansard, or other pitched roofs having an average slope of no less than 1:4 and covered with asphalt, fiberglass, or wood shingles, shakes, or tile. Accessory structures, such as garages, carports, sheds, etc., shall have the same roofing type. An exception may be made by the planning commission without a variance for roofs that are designed to be flat, or that may be unsuitable for the specified roofing materials for some other documented reasons. Metal or similar roofing materials may only be used on flat or slightly sloping roofs that are not visible from the street or surrounding properties and are not suitable for shingles or other materials.

K. *Sewer.* All residential dwellings shall be connected to the public sewer system at the time of construction, placement, or major rehabilitation.

L. Any structural addition to an existing residential structure shall meet the following requirements:

1. Any addition shall be designed to conform to the design and construction of the original building. An exception may be made in the case of a total structural remodel which will change the original design.
2. The roof type and pitch of any new addition shall conform to the type and pitch of the main structure.

3. Exterior building materials shall be the same basic type, texture and color as those of the primary building.
4. Any addition to an existing dwelling shall include an extension of the foundation along the perimeter of the new addition.
5. Such additions as porches, awnings, patios, patio covers, decks, or storage sheds may be permitted if designed and constructed as required above. In no case shall a "ramada" be approved. (A ramada is a stationary structure having a roof extending over the dwelling unit, primarily for protection from sun and rain, and usually associated with old deteriorated manufactured homes.)

M. An under-structure drainage system must be constructed to ensure that water does not collect beneath the structure, but drains property to the street or other approved storm drain system.

N. *Accessory Structures.* As defined in TMC [18.90.060](#) shall meet all setback and building coverage requirements for the zone. However, up to two accessory structures with a combined total area of 200 square feet or less are not required to have rear or side yard setbacks, provided such structures shall be placed at least 40 feet from any right-of-way, shall not exceed 10 feet in height and shall not exceed 20 feet in any horizontal dimension. Storm water from the roof of the exempted structures shall not flow onto the neighboring property. No accessory structure excepted under this provision shall be used as an apiary or for the keeping of livestock, including the housing of bees, swine, horses, chickens or rabbits. Conversion of accessory structures into accessory residential units is prohibited unless in compliance with the zone's standard setbacks. Maintenance of accessory structures without yard setbacks shall be the responsibility of the structure's property owner. [Ord. 868 § 1, 2013; Ord. 817 § 8-3J.240, 2006.]

18.95.045 Additional standards for duplex dwellings.

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

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

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

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

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

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

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

18.95.050 Removal of a dwelling or residential structure.

A. When a dwelling unit, regardless of type or size, is removed from its site, the owner of the property shall, within 60 days of the dwelling's removal, ensure the removal of all foundations, supports, blocks, piers, and other materials that will not be necessary for the future development and use of the property and that may, in the interim, be a hazard or neighborhood nuisance, or an eyesore that may adversely affect the community's or the neighborhood's appearance.

B. Following removal of a dwelling from its site, the owner of the property shall immediately disconnect all utility services to the property, cap the sewer connection and well or other water source and cover or fill an excavation or basement that may be a hazard.

C. Should the property owner fail within 60 days after the removal of the dwelling to perform the requirements of subsections (A) and (B) of this section, the city of Talent is authorized to perform the work and thereafter record a lien against the real property. Prior to the initiation of the work, the city of Talent shall deliver or mail by certified mail notice to the last known address of the owner specifying that the work will be initiated by the city of Talent within 10 days from the date of the notice and that the cost will be liened against the property unless the owner, within the 10-day period, initiates the work described in subsections (A) and (B) of this section. [Ord. 817 § 8-3J.250, 2006.]

Chapter 18.96

MULTIPLE-FAMILY DESIGN

18.96.010 General provisions.

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

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

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

18.96.020 Applicability and required review.

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

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

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

18.96.030 Design standards.

A. Building orientation and entrances.

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

B. Building mass and façade.

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

C. Building Design.

1. Building materials. Permitted building materials shall include:

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

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

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

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

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

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

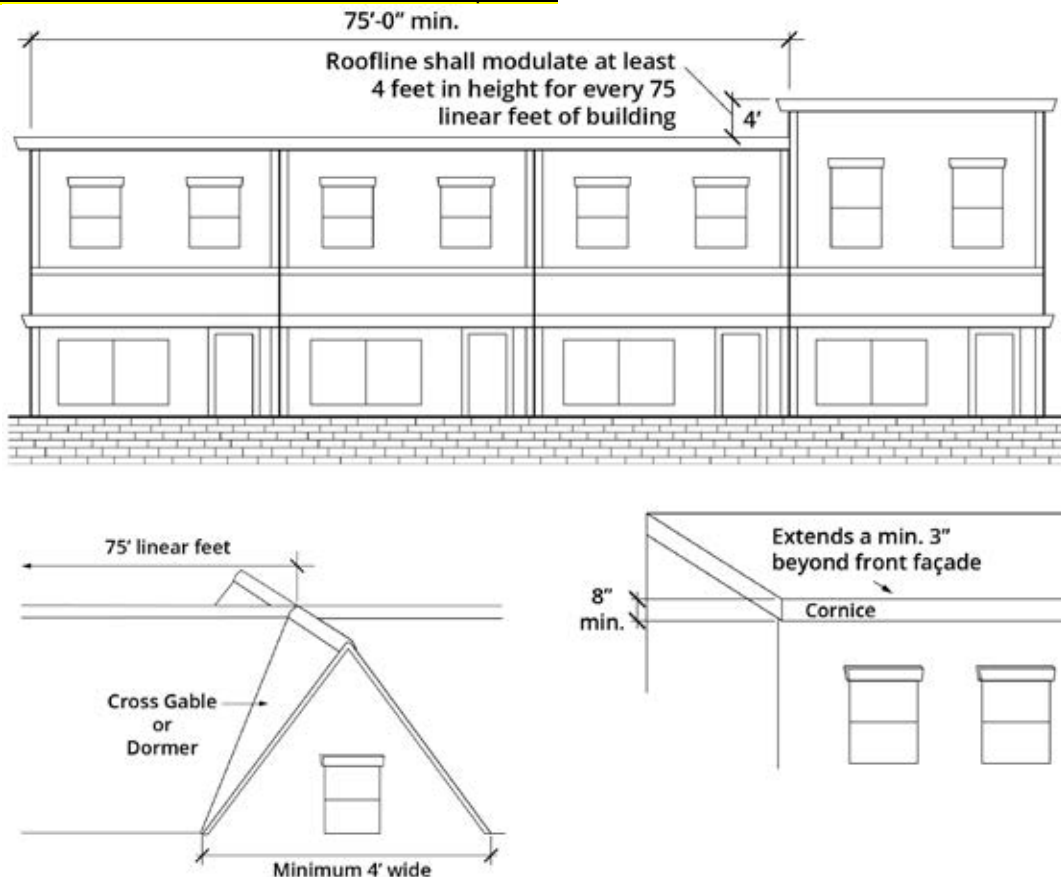
vary from the other wall surfaces by a minimum of 2 feet, and shall have a minimum width of 6 feet.

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

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

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

Figure 18.96.030-1. Roofline Modulation Options.



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

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

a. Indoor or covered recreation space.

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

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

d. Required setback and buffer areas.

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

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

a. Covered pavilion

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

c. Ornamental or food gardens.

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

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

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

G. Parking areas and site access.

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

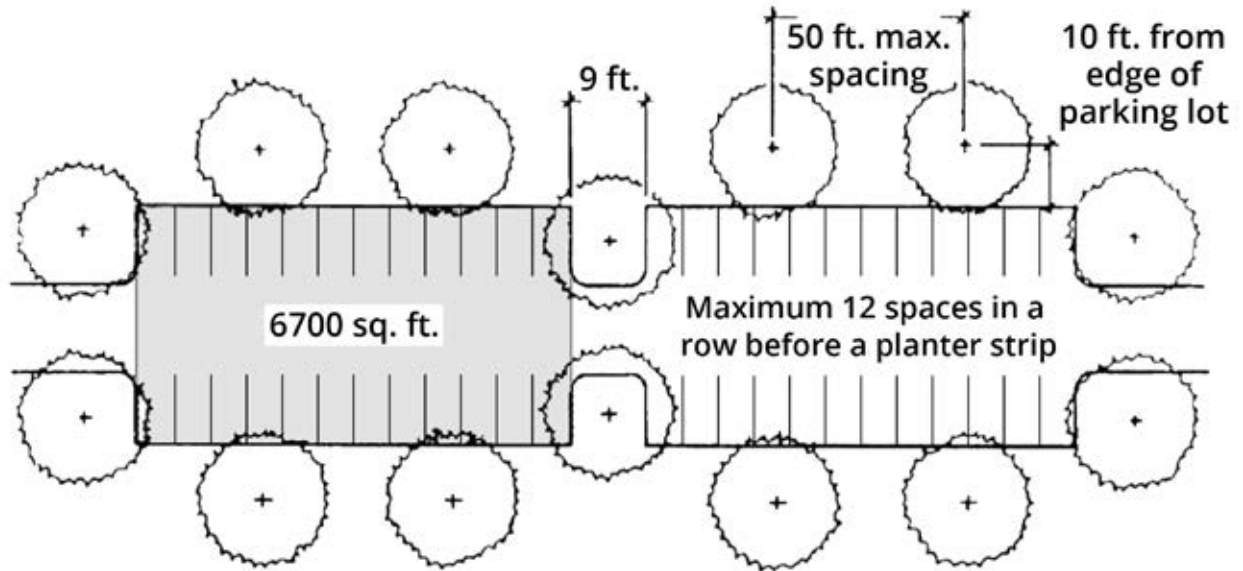
2. Parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of 9 feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 18.96.030-2).

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

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

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

Figure 18.96.030-2. Conceptual Parking Area Layout



H. Pedestrian circulation.

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

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

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

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

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

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

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

18.96.040 Design guidelines.

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

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

C. Building design.

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

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

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

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

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

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

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

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

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

Chapter 18.105 LANDSCAPING, FENCING AND HEDGES

18.105.010 Description and purpose.

The purpose of this chapter is to provide for the regulation of planting, maintenance, and removal of landscaping within the city of Talent. All yards, required buffers or screening areas, and parking areas shall be landscaped in accordance with this chapter. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.410, 2006.]

18.105.020 Minimum landscaped area.

A. The minimum percentage of required landscaping is as follows:

1. *Residential Zones*. ~~Twenty~~ Thirty percent of each lot for residential developments.
2. *Central Business District (CBD) and Commercial Neighborhood (CN) Central Business Highway (CBH) Zones*. ~~Fifteen~~ Twenty percent of the site.
3. *Commercial Highway (CH) Central Business Highway (CBH) and Commercial Interchange (CI) Zones*. Twenty percent of the site.
4. *Industrial Zones (IL)*. Fifteen percent of the site.
5. When the above requirements conflict with landscaping requirements found elsewhere in this title, the standard which maximizes landscaped area shall apply. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.420, 2006.]

Commented [ED1]: Frees up more site area for mixed-use development.

18.105.030 Minimum vegetation and ground cover.

A. Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:

1. One tree, minimum two-inch caliper.

2. Four five-gallon shrubs or accent plants.

B. *Minimum Percentage Ground Cover.* All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with nonplant material as defined in subsection (C) of this section, shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy unless a xeriscape plan is approved.

C. *Landscape Materials.* Permitted landscape materials include trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three or more years after planting. The landscape materials below may be modified as part of an approved xeriscape plan.

1. *Existing Vegetation.* Existing noninvasive vegetation may be used in meeting landscape requirements.
2. *Plant Selection.* A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the city's water supply.
3. *Plant Establishment.* Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two years to ensure viability.
4. *Soil Amendment.* When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.
5. "Invasive" plants shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.
6. *Hardscape Features.* May cover up to 10 percent of the required landscape area (unless a xeriscape plan is approved); except in the downtown area where publicly accessible hardscape features may cover up to 80 percent of the required landscape

area, subject to approval through site development plan review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.

7. *Nonplant Ground Covers.* Bark dust, chips, aggregate, or other nonplant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Nonplant ground covers cannot be a substitute for ground cover plants unless approved as part of a xeriscape plan. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.430, 2006.]

18.105.050 Buffer and screening.

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

A. *Commercial and Industrial Transition Buffers.* The following standards shall be considered during any land use review that includes commercial or industrial uses in commercial or industrial zones adjacent to sites zoned RLC, RMD, RMH or RHD a residential use:

1. The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use.
2. The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired.
3. Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography or other features. In the case that a proposed building is directly adjacent to the required setbacks, a fence or wall is not an appropriate buffer and a hedge per subsection (A)(3)(b) of this section shall be required.
 - a. When a fence or wall is being proposed as a buffer it shall be sight-obscuring. In order to be "sight-obscuring," fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall.
 - b. Hedges shall be of an evergreen species which will meet and maintain year-round 75 percent opacity. Opacity shall be obtained within three years of planting.

Commented [ED2]: Consider developing more clear and objective standards here for landscaping and buffers, with specifications for landscaping materials, fences and/or berms, similar to the residential standards proposed.

Commented [ED3]: Apply buffering according to adjacent zones, not existing uses.

c. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case-by-case basis at the discretion of the community development director or planning commission.

B. *Mixed-Use and Multifamily Transition Buffers.* The following buffers are required for development in the CN and CBD zones that includes residential uses and multifamily development in the RHD zone.

1. A minimum 10-foot wide transition buffer shall be provided along all property lines adjacent to sites zoned RLD, RMD, or RMH.

2. The buffer shall include either:

a. A minimum of one tree, minimum 2 inches caliper, and three five-gallon shrubs or accent plants for every 30 linear feet of required buffer, with a minimum six-foot tall, masonry wall (stucco, stone, rock, brick, or similar quality material), or "see-through" fence (wrought iron or similar quality material); or

b. A "living wall" where a combination of trellises and plants provide a 95 percent opaque vegetative screen to a minimum height of six feet. The living wall shall be coupled with trees planted 30 feet on center planted within 10 feet of the living wall. A five-foot-wide planted strip that has continuous landscaping consisting of ground cover(s), shrubs that have potential to reach minimum six feet in height and be 95 percent opaque, and trees planted 30 feet on center.

3. Landscaping within the buffer shall count towards minimum landscaped area and vegetation required by TMC 18.105.020 and 18.105.030.

B. *Single-Family Transition Buffers.* The following buffers may be required during any land-use reviews that include single-family development adjacent to a nonresidential zone:

1. The planning commission may require application of the same buffering standards as are required of commercial development (subsection (A) of this section).

2. In addition to the general provisions of subsection (A) of this section, the planning commission may require one or more of the following types of buffering fences, walls and landscaping:

Commented [ED4]: Creates a clear and objective standard for buffering of higher density residential and mixed-use sites.

Commented [ED5]: Burden of landscaping and buffering should be met by the more intensive use, being the adjacent commercial and industrial use, not the low-density residential use.

a. A masonry wall (stucco, stone, or similar quality material), coupled with trees planted 30 feet on center, planted within six feet of the wall.

b. A "see-through" wall (wrought iron or similar quality material), coupled with trees planted 30 feet on center.

c. A "living wall" where a combination of trellises and plants provide a 95 percent opaque vegetative screen to a minimum height of six feet. The living wall shall be coupled with trees planted 30 feet on center, planted within 10 feet of the living wall. A five-foot wide planted strip that has continuous landscaping consisting of ground cover(s), shrubs that have potential to reach minimum six feet in height and be 95 percent opaque, and trees planted 30 feet on center.

C. *Agricultural Buffers.* To implement the agricultural buffering standards of the Greater Bear Creek Valley regional plan, buffering provisions in TMC [18.215.200](#) shall be addressed when urban development on land along the urban growth boundary abutting land zoned exclusive farm use is proposed. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.450, 2006.]

Chapter 18.110 OFF-STREET PARKING AND LOADING

18.110.010 Description and purpose.

The purpose of this chapter is to set forth the off-street parking and loading requirements for the various buildings and uses permitted in the city. [Ord. 817 § 8-3J.510, 2006.]

18.110.020 General.

No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements set forth below are to be fulfilled, and that property is and will be available for exclusive use as off-street parking and loading space. Every use hereafter inaugurated and every building hereafter erected or substantially altered or enlarged shall have permanently maintained parking spaces in accordance with the provisions of this chapter. The subsequent use of the property for which a building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter. [Ord. 817 § 8-3J.515, 2006.]

18.110.030 Off-street loading.

Every hospital, institution, hotel, commercial or industrial building hereafter erected or established, and every existing structure enlarged or changed for these uses within any zone of the city, having a gross floor area of 10,000 square feet or more, shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area. Any use requiring one-half or more of a loading space shall be deemed to require the full space. Each loading space shall be at least 10 feet in width, 25 feet in length, and have 14 feet vertical clearance. [Ord. 817 § 8-3J.520, 2006.]

18.110.040 Permit and review required of all off-street parking lot surfacing and resurfacing projects.

No parking lot shall be surfaced or resurfaced without a building permit and until the project plans have been submitted to the city planning office for review to ensure conformance with the provisions of this chapter. If the staff advisor determines that the project plans conform to the provisions of this chapter, this person shall so certify on a copy of plans, retain one copy in the planning office files, and return a copy to the applicant. If a question arises as to the project's conformance with the provisions of this chapter, the staff advisor shall subject the project to a site development plan review without a public hearing. [Ord. 817 § 8-3J.525, 2006.]

18.110.050 Off-street parking applicability.

Off-street parking spaces shall be provided and maintained as set forth in this chapter for all uses in all zoning districts, except as provided in subsection C below in the central business district zone (CBD), or as otherwise provided at the time:

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

C. The following uses shall be subject to limited application of this chapter:

1. Single-family residential dwellings and duplex dwellings in any zone shall provide parking consistent with spaces required in TMC 18.110.060 and developed consistent with standards in TMC 18.110.115, and are exempt from other standards of this chapter.
2. All uses in the central business district zone (CBD) are exempt from providing off-street parking consistent with this chapter, except that residential uses shall provide off-street parking consistent with this chapter at a ratio of 50 percent of the spaces otherwise required in TMC 18.110.060. [Ord. 817 § 8-3J.530, 2006.]

18.110.060 Number of parking spaces required.

A. The number of off-street parking spaces required shall be not less than as set forth in Table 18.110.060-1, except as otherwise provided in this chapter.

Table 18.110.060-1. Parking Requirements by Use

Use	Standard
Residential Uses	
Single-family dwelling (detached, attached, common wall, and individual manufactured homes)	2 spaces per dwelling unit or 1 space per dwelling unit with alley-loaded parking
Duplex	1 space per dwelling unit
Triplex and quadplex dwelling	1.5 space per dwelling unit
Cluster housing	1.5 space per dwelling unit
Multiple-family dwelling:	
Studio dwelling units	1 space per dwelling unit
One- and two-bedroom dwelling units	1.5-2-spaces per dwelling unit
Three-bedroom or larger dwelling units	2 spaces per dwelling unit
Greater than two-bedroom dwelling units	2 spaces plus 1 space per additional bedroom, up to 5 spaces
Rooming or Boarding house Migrant housing Residential care home and residential care facility	2 spaces for each 3 guest rooms, or 1 per 3 beds, whichever is more
Mobile Manufactured home park	1-2 spaces for each mobile manufactured home site, plus one per 8 manufactured homes as required by TMC 18.180
Institutional and Public Uses	
Auditorium or meeting rooms	1 space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, 1 space for each 4 seats or 8 feet of bench length
Child care centers having 13 or more children,	1 space per 2 employees, a minimum of 2 spaces; 1

Commented [ED1]: Requirement can be met with one garage and one driveway space; exemption for alley-loaded parking in recognition that such lots will not have driveway parking. Also provides incentive for alley-loaded development, with corresponding benefits for streetscape, walkability, and increased availability of on-street parking due to lack of curb cuts.

Commented [ED2]: Allows minimum of two total spaces, to reduce impact of parking and increase consistency with single-family dwellings. Not allowed to reduce parking spaces with on-street credits.

Commented [ED3]: Could be further lowered to 1 space per unit to further encourage these missing middle housing options; proposed at 1.5 spaces with the idea that it could be reduced on some sites through the on-street parking credits.

Commented [ED4]: Tiered requirements more consistent with standard practice, reduces requirements for dwellings of all sizes particularly the largest ones.

Commented [ED5]: Update terms; migrant housing not used anywhere else in code. This use category likely to be used in limited situations

Commented [ED6]: Update for consistency with TMC 18.180 terms and parking requirements.

Use	Standard
Kindergartens, equivalent parochial or private schools	driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading
Churches	1 space for every 5 seats or every 10 feet of bench length in the main auditorium (sanctuary or place of worship)
Clubs and lodges	Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.
Hospitals	1.5 spaces for each bed; when fractioned, next higher full unit
Libraries, museums, art galleries	1 space for each 400 square feet of floor area
Schools	
Elementary or junior high schools and equivalent private and parochial schools	1.5 spaces per classroom, or 12 feet of bench length in the auditorium or assembly room, whichever is greatest
High schools and equivalent private school and parochial schools	1.5 spaces per classroom plus 1 space for each 10 students capacity, or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater
Colleges, universities; commercial schools for adults; institutions of higher learning; technical, music or art schools; equivalent private or parochial schools	1 space for each 10 students classroom capacity
Welfare or correctional institutions	1 space for each 5 beds
Passenger terminals (bus, rail)	2 spaces for each 2,000 square feet floor space for the first 10,000 square feet, with 1 additional space for each additional 10,000 square feet
Government offices	1 space for every 450 square feet of gross floor area
Commercial Uses	
Banks, office buildings, business and professional offices, including medical and dental	Medical and dental offices – 1 space per 350 square feet of gross floor area; general offices – 1 space per 450 square feet of gross floor area
Barber and beauty shops, pharmacies	1 space for every 200 square feet of gross floor area

Use	Standard
Recreational or entertainment establishments	
Stadiums, theaters, assembly halls	1 space for each 60 square feet of gross floor area, or 1 space per 4 seats or 8 feet of bench length, whichever is greater
Skating rinks, dance halls, pool halls, bowling alleys, arcades	1 space for each 100 square feet of gross floor area
Hotels and motels	1 space per guest room plus 1 space for the manager
Retail establishments, except as otherwise provided herein	1 space for each 400 square feet of gross floor area
Nursing homes, homes for the aged, group care homes , assisted living facilities, and like uses	1 space for each 2 beds for patients and/or residents
Restaurants, taverns or bars	1 space per 4 seats or 1 space for each 100 square feet of gross floor area, whichever is less
Service or repair shops; retail stores exclusively handling bulky merchandise (e.g., automobiles, furniture)	1 space for each 750 square feet of gross floor area
Industrial Uses	
Industrial uses listed as permitted in the light industrial zone	2 spaces minimum, plus 1 space per 2 employees on the maximum shift, or 1 space for each 700 square feet of gross floor area, whichever is less, plus 1 space per company vehicle

Commented [ED7]: Created new category in residential uses section.

B. *Maximum Number of Parking Spaces.* The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this section by more than ~~50 to~~ 10 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

Commented [ED8]: Provides greater flexibility for development to exceed minimums, so that minimum can be set lower.

C. The following parking shall be provided for disabled persons, in conformance with the Americans with Disabilities Act (Table 18.110.060-2). Disabled parking is in addition to the minimum number of required parking spaces in subsection (A) of this section.

Table 18.110.060-2. Minimum Number of Accessible Parking Spaces – ADA Standards for Accessible Design

Total Number of Parking Spaces Provided (per Lot)	Total Minimum Number of Accessible Parking Spaces (60" and 96" Aisles)	Van Accessible Parking Spaces with Min. 96" Wide Access Aisle	Accessible Parking Spaces with Min. 60" Wide Access Aisle
	Column A		
1 – 25	1	1	0
26 – 50	2	1	1
51 – 75	3	1	2
76 – 100	4	1	3
101 – 150	5	1	4
151 – 200	6	1	5
201 – 300	7	1	6
301 – 400	8	1	7
401 – 500	9	2	7
501 – 1,000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1,001 and over	20 plus 1 for each 100 over 1,000	1/8 of Column A*	7/8 of Column A**

* One out of every 8 accessible spaces

** 7 out of every 8 accessible spaces

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

D. The number of employee off-street parking spaces may be reduced by the planning commission if the applicant for a development can demonstrate such a reduction is supported by adequate mass transit service or that organized carpooling or company-provided transportation is available.

E. The number of off-street parking spaces may be reduced by the planning commission when the developer can demonstrate that the driving characteristics of the development clientele do not necessitate full parking space requirements, that mass transit service is available, and/or that company-provided transportation is provided.

F. *Credit for On-Street Parking*. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. **On-street parking credits may not be used to reduce parking requirements for single-family or duplex dwellings.** On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by city of Talent standards. The following constitutes an on-street parking space:

Commented [ED9]: This standard can reduce residential parking requirements where on-street parking exists.

1. Parallel parking, each 24 feet of uninterrupted curb;
2. Forty-five-degree diagonal parking, each with 12 feet nine inches of curb;
3. Sixty-degree diagonal parking, each with 10 feet five inches of curb;
4. Ninety-degree (perpendicular) parking, each with 10 feet of curb;
5. Curb space must be connected to the lot which contains the use;
6. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
7. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted. [Ord. 817 § 8-3J.540, 2006.]

18.110.070 Parking requirements for uses not listed.

Other uses not specifically listed above shall furnish parking as required by the planning commission. The planning commission shall use the above list as a guide for determining the requirements for said other uses. [Ord. 817 § 8-3J.550, 2006.]

18.110.080 Facilities for mixed uses.

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

B. In the CN zone, sites developed with a mix of residential and nonresidential uses are presumed to have reduce peak parking demands and shall be allowed to reduce required residential parking spaces under TMC 18.110.060 by 50 percent at a minimum. Further reductions may be approved by planning commission consistent with subsection A. [Ord. 817 § 8-3J.552, 2006.]

Commented [ED10]: Support mixed-use development in the CN zone by establishing a by-right parking reduction for mixed uses, with further discretionary reduction possible.

18.110.090 Joint use of parking facilities.

The planning commission may, upon application by the owners or operators of the uses, encourage and authorize the joint use of parking facilities required by two or more uses, structures or parcels of land, to the extent that it can be shown by the owners or operators of the uses that time does not overlap, and the parking facility is no further than 500 feet from the buildings or uses required to provide parking. If the uses, structures, or parcels are under separate ownership, a right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate document to establish the joint use; such instrument must be approved as to form and content by the city attorney, recorded in the office of the county recorder and copies thereof filed with the city recorder. Joint parking facilities are encouraged in the central business district zone, as well as along arterials and collectors to promote access management standards. [Ord. 817 § 8-3J.555, 2006.]

18.110.100 Bicycle parking facilities.

Commercial, industrial facilities and multiple-family dwellings shall provide adequate, safe and conveniently located parking facilities for bicycles. All uses, which are subject to site design review, shall provide bicycle parking, in conformance with the following standards, which are evaluated during site design review:

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

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

Commented [ED11]: Update for consistency with multifamily standards, which are now 5 units or above; exempt smaller developments and missing middle housing from these standards.

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

B. *Exemptions.* This section does not apply to single-family dwellings, two-family, and three-family housing (attached, detached or manufactured housing), duplex, triplex or quadplex dwellings, cluster housing, home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces. Further exemptions may be approved only by the planning commission.

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

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

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

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

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

H. *Hazards.* Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter [18.115](#) TMC). [Ord. 817 § 8-3J.560, 2006.]

18.110.110 Location and use of off-street parking spaces.

A. *Location of Parking Facilities.* Off-street parking spaces for existing and proposed dwellings shall be located on the same lot with said structure. Other required parking spaces shall be located on the same parcel or on another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building. The burden of proving such existence of such off-premises parking arrangements rests upon the person who has the responsibility of providing parking.

B. *Use of Parking Facilities.* Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

C. *Parking, Front Yard.* ~~Unless otherwise provided, Required parking and loading space shall not be located in a required front yard setback, except in the case of single family dwellings and mobile homes on individual lots;~~ but such space may be located within a required side or rear yard. [Ord. 817 § 8-3J.565, 2006.]

18.110.115 Residential parking design standards.

A. *Applicability.* The standards of this section apply to all single-family residential dwellings and duplex dwellings in any zone.

B. *Dimensions.* Off-street parking spaces shall be a minimum of 9 feet wide by 19 feet deep.

C. *Location.* Off-street parking spaces shall be located on the same lot as the residential dwelling(s), and may be located in a garage or carport meeting the standards of TMC 18.95.040.H. Parking spaces may not be located within the front yard or street side yard setbacks, with the exception of spaces located in a driveway within those setbacks.

D. *Driveways.* The minimum driveway width shall be 10 feet and the maximum width shall be 24 feet. Driveways shall comply with standards in TMC 17.10.060.J.

E. *Materials.* Parking, driveway and maneuvering areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, parallel driveway tracks leaving the space between unpaved, or an

in-ground grid or lattice surface is encouraged to minimize impervious surface and reduce stormwater runoff.

18.110.120 Parking area design standards.

A. A driveway for a single or two family dwelling or a mobile home shall have a minimum width of 10 feet. To minimize impervious surfaces, the driveway may be constructed with parallel tracks, leaving the space between unpaved.

Commented [ED12]: Single-family and duplex dwellings standards consolidated above.

B. Groups of three five or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required.

Commented [ED13]: Provides some additional flexibility for clusters of 1-4 parking spaces for triplexes, quadplexes and cluster housing, without triggering full parking lot design which can be incompatible with neighborhood character.

C. In cases where a lot fronts on a major or minor arterial street, parking spaces shall be arranged so that no backward movement in the public right-of-way or other maneuvering of a vehicle, including any trailer being towed by a vehicle, within the arterial street shall be required.

D. The planning commission may allow 35 percent of the required off-street parking spaces to be reduced to seven feet six inches by 15 feet to accommodate compact or hybrid electric cars.

E. *Parking Stall Standard Dimensions and Compact Car Parking.* All off-street parking stalls shall be improved to conform to city standards for surfacing, storm water management, and striping. Standard parking spaces shall conform to the dimensions below (Figure 18.110.120 and Table 18.110.120). Disabled parking shall conform to the standards in TMC [18.110.060\(C\)](#).

Figure 18.110.120.

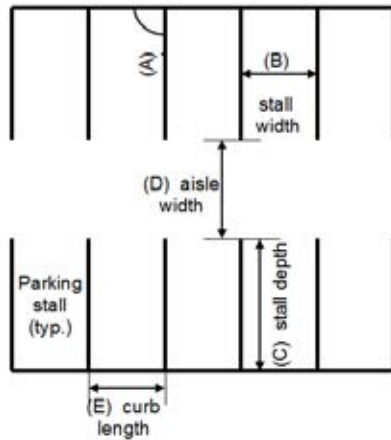


Table 18.110.120. Minimum Parking Space and Aisle Dimensions

A		B	C	D		E
Angle	Type	Stall Width (in feet)	Stall Depth (in feet)	1-Way Aisle Width (in feet)	2-Way Aisle Width (in feet)	Curb length perpendicular to Aisle (D) (in feet)
0° (parallel)	standard	8.0	8.0	12.0	24.0	22.5
	compact	7.5	7.5	12.0	24.0	19.5
30°	standard	9.0	17.0	12.0	24.0	18.0
	compact	7.5	14.0	12.0	24.0	15.0
45°	standard	9.0	19.0	12.0	24.0	12.5
	compact	7.5	16.0	12.0	24.0	10.5
60°	standard	9.0	20.0	18.0	24.0	10.5
	compact	7.5	16.5	15.0	24.0	8.5
90°	standard	9.0	19.0	24.0	24.0	9.0
	compact	7.5	15.0	22.0	24.0	7.5

[Ord. 817 § 8-3J.570, 2006.]

18.110.130 Parking area improvements.

All public and private parking areas, which contain **three five** or more off-street parking spaces, **except for single and two family dwellings and mobile homes on individual lots,** shall be improved according to the following:

Commented [ED14]: These uses are already exempted from compliance with this section.

A. All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, or other materials approved by the city engineer. The use of pervious asphalt paving in parking areas is encouraged to meet on-site storm water standards that may significantly reduce the requirement for drainage facilities.

B. All parking areas, aisles, turnarounds, and outdoor vehicle sales areas shall be graded so as not to drain storm water over sidewalks, public rights-of-way, and abutting private property. Storm water runoff generated beyond that which is normal for the site in its natural state shall, as much as possible, be retained on the site. Direct flow in stream channels is to be avoided. Methods to accomplish this provision include exhausting the possibilities of grading and draining parking lots into one or more of the following: percolation wells, trenches or ponds; vegetated or landscaped swales; natural drainage channels other than creek channels; and, for peak rainfall or runoff periods, seldom-used portions of the parking lot itself. It is the responsibility of the property owner to maintain the storm water system on his property in an operational manner so as to maintain the public safety and welfare; failure to maintain such a system in good repair may be constituted as a public nuisance in accordance with the provisions of any city ordinance regarding public nuisances. At least, drainage systems shall be conducted to public storm water sewers and ditches. (Please see Storm Drainage Design Standards (Res. 517).)

C. All spaces shall be permanently and clearly marked.

D. Wheel stops and bumper guards shall be provided where appropriate for all spaces abutting property lines or buildings, and where necessary to protect trees or other landscaping; and no vehicle shall overhang a public right-of-way.

E. Where parking facilities or driveways are located adjacent to residential or agricultural uses, school yards, or similar institutions, a sight-obscuring fence, wall or evergreen hedge not less than five feet and not more than six feet in height (except that such wall, fence or screen planting may exceed six feet in height if located beyond the required yard setbacks), and adhering to any vision clearance requirements and the yard requirements of the zone in which it is located, shall be provided on the property line, or between the property line and

the parking area or driveway. Screen plantings shall be of such size and number as to provide the required screening at maturity, and shall be planted within 12 months of the issuance of the building permit required in subsection (H) of this section.

F. *Trees and Landscaping.*

1. A minimum of 40 percent of the outdoor parking area shall be shaded by trees within 15 years of planting, and buildings at noon on August 21st, Pacific Daylight Time. Noon on August 21st constitutes a 58-degree solar altitude and shadow lengths shall be calculated by multiplying the height of a shadow-casting object by 0.625. Shadow patterns will be cast in a due north direction from the object.
2. Trees shall be retained and/or planted in landscaped areas, which shall cover not less than seven percent of the area devoted to outdoor parking facilities. Such landscaping shall be uniformly distributed throughout the parking area and may consist of trees plus shrubs, ground cover or related material. The intent is to break up large expanses of asphalt and thus provide shade in the warmer months and pervious surfaces for storm water, and aesthetic relief. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for sustainable plant growth, with appropriate timing devices to encourage water conservation.
3. Irrigation facilities or other provisions for the continuing care of the vegetation and protective curbs or raised wood headers shall be provided for landscaped areas.
4. Trees shall be of a type and distribution to reduce the reflection of heat by paved surfaces and should have an adequate lifespan, be pollution tolerant and have low maintenance requirements in order to save long-term costs. An approved recommended tree list will be provided to the applicant.
5. Trees shall be planted in a manner that will minimize interference with the solar access of adjacent properties.

G. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect light away from any abutting or adjacent residential district and limit excessive light pollution.

H. Building permits are required for all parking lot construction, repair or resurfacing. [Ord. 817 § 8-3J.575, 2006.]

18.110.140 Miscellaneous parking provisions – Flag drives and recreation vehicles.

A. *Parking Prohibited on Flag Drives.* No parking or storage of vehicles will be permitted on flag drives, unless area is provided for parking in addition to the paved width required for access to a flag lot. A flag drive is generally the narrow portion used for access of a flag lot defined in TMC Title [17](#).

B. *Recreation Vehicles.* The following regulations apply to recreation vehicles parked outside of recreation vehicle parks:

1. It shall be unlawful to occupy a recreational vehicle parked on a public street for sleeping or living purposes for any period of time exceeding three hours.
2. No owner or person in charge of premises within the city shall occupy or allow the occupancy of a recreation vehicle upon the premises as permanent living quarters, except where specifically permitted as a use within a mobile home park.
3. A recreation vehicle may be parked on private property and used for sleeping and/or cooking purposes by guests visiting the residents of the premises, for a period not to exceed 15 days; provided, that the vehicle has self-contained sewage facilities or the occupants are utilizing the facilities in the residence on the premises.
4. Nothing in this title shall prevent the parking of an unoccupied recreation vehicle, not in daily use, upon the premises of the owner thereof. [Ord. 817 § 8-3J.580, 2006.]

Chapter 18.150 SITE DEVELOPMENT PLAN

Sections:

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

18.150.010 Description and purpose.

Whereas the zoning map establishes only zone boundaries and the text of this title establishes the permitted uses of land in the various zones and the conditions applicable to such uses, the site development plan provides a means for applying the provisions and objectives as they apply to a particular site. Review of the site development plan is not intended to deny a development, but to determine and establish compliance with the objectives of this title in those zones where inappropriate development may cause a conflict between uses in the same or an adjacent zone; to determine the conformance with any city plan; to encourage the best utilization of land in order to preserve the public safety and general welfare; and, when public hearings are required, to obtain points of view from adjoining property owners as to the best methods to carry out the provisions of this chapter and title. [Ord. 817 § 8-3L.110, 2006.]

18.150.020 Site development plan review required.

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

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

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

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

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

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

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

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

18.150.030 Procedure.

A. *Fee.* Accompanying the requirements of subsection (B) of this section shall be a nonrefundable fee. The amount of the fee shall be established, and may be changed, by general resolution or ordinance by the city council. In addition, the applicant shall be liable for the costs to the city for engineering and legal services rendered by the city engineer and attorney in the reviewing of the documents and plans, conducting inspections and other services necessary to fulfill the requirements and conditions provided for in this chapter.

~~B. *Plans and Review.* The site development plan shall be submitted to the planning office at least 30 days prior to the planning commission meeting at which review is requested. A site development plan shall not be considered "submitted" until the staff advisor determines that the application adequately addresses the required data listed in TMC 18.150.040 and the required findings in TMC 18.150.050. [Ord. 817 § 8-3L.130, 2006.]~~

18.150.040 Site development plan – Required data.

The site development plan shall be drawn to scale and shall indicate clearly the following information:

- A. Name and address of applicant;
- B. Assessor's map number and tax lot number of the property concerned;
- C. North point and scale of drawing;
- D. Dimensions and orientation of the lot or parcel;
- E. Location, size, height and proposed use of all buildings, both existing and proposed, and relationship to existing development on immediately adjacent properties;
- F. Location, dimensions and layout of all off-street parking and loading facilities, including bicycle parking; internal circulation pattern; access points for pedestrians, bicycles and motor vehicles; required standards and improvements of TMC [18.110.120](#) and [18.110.130](#), if any;
- G. Location and nature of exterior lighting;
- H. Location, height and construction materials of walls and fences;
- I. Location, materials and maintenance of proposed landscaping, including the location, names, mature height, crown diameter, and growth rate of mature trees and shade trees;
- J. A plan showing the shadow patterns of all buildings, fences, walls and trees at their mature heights between the hours beginning at 9:00 a.m. and ending at 3:00 p.m. Pacific Standard Time on November 21st existing or proposed on the property; determination of shadow patterns is set forth in TMC [18.125.040\(C\)](#);
- K. Street improvements;
- L. Yards and open space between buildings and in setbacks;
- M. Proposed method of buffering, where indicated;
- N. Existing natural features, including all trees with a circumference of 14 inches or greater, measured at a point three feet above grade at the base of the tree;

- O. The location and methods taken to mitigate noise sources to and from adjacent properties;
- P. Location and type of natural hazards occurring on the site including, but not limited to, floodplains and floodways, soils and areas with erosion, shrink-swell, high runoff, mass movement and high groundwater characteristics; with a description of how any hazards will be mitigated;
- Q. Location and size of all existing and proposed water, sewer and public safety facilities and existing street right-of-way and roadway widths adjacent to the property;
- R. Location and dimensions of existing and proposed easements;
- S. Any other data as may be required by this chapter to permit the **review authority** **planning commission** to make the necessary findings;
- T. Where an attachment, minor addition or appurtenant building to an existing building, recycling facilities, storage drop-off boxes, or a road approach permit is proposed, the site development plan shall indicate the relationship of said proposal to the existing development, parking facilities and access points on the property and immediately adjacent properties, but need not include other data required in subsections [\(A\)](#) through [\(R\)](#) of this section, unless required by the staff advisor or planning commission;
- U. For a relocated structure, the applicant shall provide the city with photographs of the structure being proposed for relocation;
- V. For a relocated structure, the applicant shall provide the city with a detailed list, prepared by a licensed building inspector, architect or engineer, detailing the necessary improvements to assure compliance with the current edition of the Uniform Building Code. Such listing shall be accompanied by a cost estimate for all required work, said estimate to be prepared by a licensed contractor or estimator;
- W. For relocated structures, an estimated schedule of completion shall be provided. In no case shall the time required for completion exceed the time limit specified by TMC [18.95.020\(E\)](#);
- X. For relocated structures, the applicant shall post a bond(s) adequate to insure completion of all required upgrading. The applicant and contractor may jointly post such a bond(s). The required bond(s) shall be drawn in favor of the city of Talent;

Y. If approval for relocation is given, and upon issuance of the proper building permits, the applicant shall notify the building official, at least three days prior to the movement of the structure, of the date and time of the move so that the building official can, at the applicant's expense, witness the move to ensure that the approved structure is being relocated. If the building official is not satisfied that the proper structure is being moved he shall take the appropriate steps to ensure that the structure is not brought into the city. [Ord. 817 § 8-3L.140, 2006.]

18.150.045 Required findings for approval of minor site development plan.

After an examination of the site, the review authority shall approve, or approve with conditions, the minor site development plan if all of the following findings are made:

A. All provisions of this chapter and other applicable city ordinances and agreements are complied with:

B. The proposed development will be in conformance with the standards of the zone in which it will be located:

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

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

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

E. The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this title and the applicable portions of TMC Title 17, or has provided for a required security arrangement with the city to ensure that such improvements will be made.

18.150.050 Required findings for approval of major site development plan.

After an examination of the site, the planning commission shall approve, or approve with conditions, the major site development plan if all of the following findings are made:

- A. All provisions of this chapter and other applicable city ordinances and agreements are complied with;
- B. The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;
- C. All applicable portions of the city comprehensive plan or other adopted plan are complied with;
- D. The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area;
- E. That no wastes, other than normal water runoff, will be conducted into city storm and wastewater facilities;
- F. The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:
 - 1. Buildings, structures, and improvements;
 - 2. Vehicular and pedestrian ingress and egress, and internal circulation;
 - 3. Parking and loading facilities;

4. Setbacks and views from structures;
5. Walls, fences, landscaping and street and shade trees;
6. Lighting and signs; and
7. Noise generation facilities and trash or garbage depositories;

G. The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this title and the applicable portions of TMC Title [17](#), or has provided for an **required adequate** security arrangement with the city to ensure that such improvements will be made. [Ord. 817 § 8-3L.150, 2006.]

18.150.060 Conditions and restrictions.

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

18.150.070 Compliance.

A. Any development subject to the provisions of this chapter shall be carried out in accordance with the approved plans and any conditions imposed by the **review authority planning commission**, and shall be maintained in conformance as a continuous condition of use and occupancy. The written findings of the **review authority planning commission** shall be retained in the city's planning files.

B. The building official of the city shall not grant a certificate of use and occupancy or release utilities until satisfied that all improvements and conditions imposed by the **review authority planning commission** on the approved plans have been complied with or until an agreement for improvements and a financial security arrangement, as set forth in TMC [17.20.060\(A\)](#), has been approved by the city council and filed with the city recorder.

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

18.150.080 Revisions to a plan.

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

18.150.090 Appeal.

Any decision on a site development plan ~~made by a site development review committee~~ may be appealed ~~to the planning commission~~. ~~Any decision made by the planning commission may be appealed to a hearings officer~~. Appeals shall be filed and processed according to the provisions of Chapter [18.190](#) TMC. [Ord. 817 § 8-3L.190, 2006.]

Chapter 18.162
CLUSTER HOUSING

18.162.010 General provisions.

A. Purpose and intent. It is the policy of the city of Talent to provide for cluster housing that allows more flexible development as an alternative to traditional housing types. Cluster housing is intended to:

1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.
5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.

18.165.020 Permits – Eligibility and application.

A. Authorization for Cluster Housing by Zoning District. Cluster housing is permitted in residential districts as permitted by individual zoning districts.

B. Approval Process.

1. Cluster housing shall be reviewed as a Type II site plan review consistent with Chapter 18.150 TMC and TMC 18.190.040.

2. If the cluster housing development includes dwellings on individual lots to be created through land division, the site plan review and tentative plan may be reviewed concurrently, with the condition of approval that the site plan review approval shall only become effective after the final plat is recorded.

C. *Systems Development Charges.* For the purposes of calculating systems development charges (SDCs), cluster dwellings shall be regarded as apartments and all SDCs shall be assessed accordingly, except the following modifications will be factored into the calculations:

1. Rogue Valley Sewer Services or its successor shall determine SDCs for sanitary sewer. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3L.520, 2006.]

Commented [ED1]: This is slightly modified from the ADU chapter, on the premise that cluster dwellings could be more similar in size to apartments than single-family detached homes, though cluster dwellings can be larger than the largest ADUs, capped at 800 SF. Any reduced SDCs for clusters would be an incentive for this type of housing. Alternatively, the city could assess existing SDCs for single-family homes, or develop a revised SDC methodology with rates for all different types of developments.

18.162.030 Development standards

A. *Applicability.* Where there is a conflict between these standards and standards elsewhere in the code, the Cluster Housing standards shall apply.

B. *Permitted Housing Types.*

- 1. Residential Low Density District: Units may be single-family detached or duplexes.
- 2. Residential Medium Density District: Units may be single-family detached, duplexes, or up to four units attached.
- 3. Residential High Density District: Units may be single-family detached, duplexes or up to 12 units attached.

C. *Dimensional Standards.*

- 1. Maximum average gross floor area: 1,200 square feet per dwelling unit.
- 2. Maximum height for dwellings: 25 feet or two stories, whichever is less.
- 3. Units Per Cluster:
 - a. Residential Low Density District: There may be 4-12 units per development.
 - b. Residential Medium Density District: There may be 4-12 units per development.

c. Residential High Density District: There may be 4-12 units per cluster with no limit on the number of clusters per development.

4. Minimum Lot Size

	Minimum lot size for cluster development on a single lot	Minimum lot size for development with individual lots
RLD	15,000 square feet	3,000 square feet
RMD	10,000 square feet	2,000 square feet
RHD	8,000 square feet	1,500 square feet

5. Minimum lot dimensions: Minimum lot width for individual lots shall be 20 feet, with a minimum lot depth of 50 feet.

6. Minimum setbacks from site perimeter: Same as the base zone.

7. Minimum setbacks for single-family and duplex dwellings on individual lots within a Cluster Housing development:

	Setback
Front	10 ft.
Porch or stairs	5 ft.
Side	3 ft.
Rear	5 ft.

8. Maximum building coverage: Same as the base zone.

9. Minimum distance separating dwelling units (excluding attached dwellings and accessory structures): 6 feet.

D. Density

1. For developments in the RLD and RMD districts: Minimum density standards shall be met. Maximum density shall be twice the maximum density permitted in the base zone.

2. For developments in the RHD district: The minimum density shall be met as established in TMC 18.40.065.A. No maximum density standard applies.

3. For purposes of this section, density may be calculated based on the total development site acreage, after subtracting undevelopable land. No percentage reduction for infrastructure is required.

Commented [ED2]: The RHD standards exempt sites of 1.5 acres or less from infrastructure deductions, and most cluster development will be similarly sized. Further, little to no public infrastructure will be crated because cluster developments do not require public streets or ROW dedication.

E. *Open Space.* Cluster housing developments shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:

1. Located on land with less than a 5 percent slope.
2. Cleared sufficiently of trees, brush and obstructions so that recreational use is possible.
3. Not used for temporary or regular parking of automobiles or other vehicles.
4. Includes at least 150 square feet of area for each dwelling unit.
5. Provides at least 50% of open space in the form of a single compact, contiguous, central open space that:
 - a. Has a minimum dimension of 20 feet.
 - b. Abuts at least 50 percent of the dwellings in a cluster housing development.
 - c. Has dwellings abutting on at least two sides.
6. The common open space shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, or a community building built for the sole use of the cluster housing residents. Impervious elements of the common open space, excluding community buildings, shall not exceed 30 percent of the total open space.
 - a. Shared non-recreational facilities such as shared laundry or storage facilities shall not count towards the open space requirement.
7. If private open space is provided for dwelling units, it shall be adjacent to each dwelling unit. Private open space may include landscaping, porches and decks. The minimum dimension for private open spaces shall be 10 feet, except that porches shall have a minimum dimension of 5 feet.

F. *Siding and Roofing Requirements.* Cluster dwellings shall comply with siding and roofing standards in TMC 18.95.040.

G. *Existing dwelling unit onsite.* One existing single-family dwelling incorporated into a Cluster Housing Development that does not meet the requirements of this chapter is permitted to remain on a site developed for cluster housing and shall be considered a dwelling in the development. The existing single-family dwelling unit shall not be part of the average gross floor area calculations.

Chapter 18.180

MANUFACTURED HOME PARK DEVELOPMENT STANDARDS AND PROCEDURES

18.180.010 State and local law.

A manufactured home (MH) park shall be built to all state standards in effect at the time of construction and shall comply with the additional provisions of this chapter. The following statutes, as they now read or are hereafter amended to read, are hereby adopted by reference and made a part of this chapter: ORS [446.003](#) through [446.145](#). Construction and maintenance of a new MH park and expansion or reconstruction of existing MH park shall be in conformance with the standards established by this chapter. [Ord. 817 § 8-3L.810, 2006.]

18.180.020 ~~Submittal requirements Site and development plan and fee.~~

~~No land within the city of Talent shall be developed for use as a MH park, and no plan for a MH park shall be filed or recorded, until submitted to and approved by the planning commission. All Applications submitted for approval of a new MH park or expansion, modification or reconstruction of an existing MH park shall consist of eight copies of a development plan and a nonrefundable filing fee. The amount of the fee shall be established, and may be changed, by general resolution or ordinance of the city council. In addition to the nonrefundable fee, the applicant shall be liable for the expense of engineering services provided by the city engineer in reviewing the plans and for any other reasonable services rendered. The plan shall be submitted at least 15 days before the planning commission meeting at which consideration is requested, and~~ shall contain at least the following information:

- A. Name of person who prepared the plan.
- B. Name(s) and address(es) of person(s) owning and/or controlling the land proposed for a MH park.

-
- C. Name of MH park and address.
 - D. Date, scale and north point of the plan.
 - E. Boundaries and dimensions of the MH park.
 - F. Vicinity map showing relationship of MH park to adjacent properties and surrounding zoning.
 - G. Location and dimensions of each MH site, with each site designated by number, letter or name.
 - H. Location and dimensions of each existing and proposed building.
 - I. Location and width of MH park streets, bicycle ways and pedestrian ways.
 - J. Location of each lighting fixture for lighting the park.
 - K. Location of recreational areas and buildings and common areas.
 - L. Location and type of trees, landscaping, fences, walls or combination of any of these, or other methods of screening or buffering proposed.
 - M. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
 - N. Location of existing and proposed fire hydrants.
 - O. A drainage plan.
 - P. Topography of the park site with contour intervals of not more than five feet.
 - Q. The plan shall indicate positions of the MHs on the MH sites, so that the commission may determine adequacy of entrances, setbacks, solar orientation and access, etc.
 - R. Enlarged plot plan of a typical MH space, showing location of the stand, storage space, parking, sidewalk, utility connections and landscaping.
 - S. Natural features, including all trees with a circumference of 14 inches or greater, measured at a point three feet above grade at the base of the tree.

T. Location and types of natural hazards occurring on the site, including, but not limited to, floodplains and floodways; soils and areas with erosion, shrink-swell, high runoff, mass movement and high ground water characteristics; with a description of how any hazards will be mitigated.

U. Names, location, mature heights, crown diameters, growth rates, shadow patterns between the hours beginning at 9:00 a.m. and ending at 3:00 p.m. Pacific Standard Time on November 21st, and maintenance facilities of and for existing and proposed street and shade trees.

V. Any other data as may be required to permit ~~review of the application the planning commission to make the necessary findings for approval.~~ [Ord. 817 § 8-3L.820, 2006.]

Commented [ED1]: This seems like an onerous review requirement not required of other comparable development; consider deleting.

18.180.030 ~~Planning commission r~~ Review of site and development plan.

~~A. MH parks shall be reviewed subject to a Type II site plan review process in Chapter 18.150 TMC and the provisions of TMC 18.190.040.~~

~~A. Following receipt of the site and development plan, the staff advisor to the planning commission shall prepare a report including information on compliance with ordinance requirements, the city comprehensive plan, any other adopted city plan and any other data as appears pertinent to the planning commission's review of the plan.~~

~~B. Planning commission shall hold a public hearing on the proposed MH park. Notice of the public hearing shall be provided as set forth in TMC [18.190.050](#).~~

~~C. The planning commission shall take action to approve, disapprove or conditionally approve the plan within 60 days from the first regular planning commission meeting following submission of the site and development plan, unless an extension of such time limit is mutually agreed upon by the applicant and the commission. The plan shall be approved if it contains all of the information required in TMC [18.180.020](#), and the proposed MH park conforms with the provisions of law and the standards set forth in this chapter. Approval of the site and development plan shall indicate approval of the final plan provided there is no change from the approved plan and there is full compliance with all requirements of this chapter. [Ord. 817 § 8-3L.830, 2006.]~~

Commented [ED2]: Nondiscretionary review of manufactured home parks, as needed housing, is required per ORS 197.303(1)(c) and 197.312

18.180.040 Final approval.

Planning ~~director~~ ~~commission~~ will grant final approval of MH park plans ~~through a Type I review subject to TMC 18.190.030~~ when all of the following conditions are met:

- A. A site and development plan has been approved.
- B. Detailed plans for the construction of roadways, pedestrian walkways, bicycle paths, parking areas, MH stands, sewer and water facilities, and drainage systems have been approved by the city engineer as being in compliance with the standards of this section, the ~~approved~~ plans ~~approved by the planning commission~~, and other applicable chapters of this title. The applicant shall be liable to the city for the expense of plan review and inspection of improvements by the city engineer.
- C. A detailed tree planting landscaping and buffering plan is submitted ~~and approved by the planning commission~~, showing information about landscape and fencing or wall materials to be used, spacing, size and botanical names of plants, and maintenance systems for landscaped areas.
- D. If final approval is not granted within one year of site and development plan approval or conditional approval, the site and development plan must be resubmitted ~~to the planning commission and reviewed following the procedure prescribed in TMC 18.180.030~~.
- E. Final approval granted ~~by the planning commission~~ pursuant to this section shall expire in one year from the date of such approval unless the plan is substantially implemented.
- F. Any final approval of MH park plans granted ~~by the planning commission~~ prior to the effective date of this title shall expire in one year from the effective date of this title unless substantially implemented. [Ord. 817 § 8-3L.840, 2006.]

18.180.050 Standards and improvements.

The following standards and improvement requirements shall be required for the development of a MH park or the expansion or reconstruction of an existing MH park. In the case of an expansion of an existing park, the requirements shall apply to the expanded portion only, unless the improvements within the existing part of the park are less than the standards in effect when the park was originally approved. In that case, the improvements

shall be brought into compliance with those standards, in the preexisting portion of the park, within one year of ~~the planning commission's~~ approval of the park expansion.

A. *Certificate of Sanitation.* A MH park shall have a certificate of sanitation issued by the State Department of Commerce, and must comply with all state requirements for MH parks.

B. *Area.* A MH park shall not be less than ~~one acre, two acres nor more than 30 acres in area.~~ MH parks which would accommodate housing for residents numbering more than five percent of Talent's population (based on 2.5 people per MH) shall be staged or phased so that the population increase that would be created in any one year by the MH park will amount to less than five percent of the city's population.

Commented [ED3]: ORS 197.314(5) establishes one acre as the greatest permissible minimum size for MH parks.

C. *Permitted Uses in a MH Park.* Uses permitted outright and uses permitted subject to site development plan review and conditional use processes in a MH park are listed in TMC [18.35.020](#), [18.35.030](#), [18.35.040](#) and [18.35.050](#).

D. *MH Park Access.*

1. All MH parks shall have at least 200 feet of frontage on a public street. All parks over 10 acres in size shall be located so as to have principal access on a street designated by the city as a collector or arterial street.
2. At least two pedestrian exits and one vehicular exit shall be provided in every MH park, and shall be located no closer than 150 feet from any other exit.

E. *Density of MHs.* No more than ~~eight~~ ten MH units shall be located per net acre (net acreage includes MH spaces and common open space and recreational uses, but does not include roads, parking areas or commercial uses).

Commented [ED4]: UO research concludes that average MH park density is approximately 8 units per acre, but varies greatly from 3 to 20 units per acre. A slightly higher density provides for greater flexibility.

F. *Parking.* Two off-street parking spaces shall be provided at each MH site. Additional parking space shall be provided in parking lots distributed around the park to accommodate at least one space per eight MHs, but not more than one additional space per MH. In addition, sufficient off-street parking shall be provided for MH park employees. Parking facilities shall conform to the requirements of Chapter [18.110](#) TMC.

G. *Streets and Accessways.*

1. Each MH park site shall have an accessway of at least 36 feet in width which connects to an existing public street.

2. The first 50 feet of an accessway, measured from the public street, shall be surfaced to a width of at least 28 feet, with no on-street parking permitted. Where a MH park street intersects an existing public street, the MH park developer shall improve the park street to the centerline of the existing city street.
3. Exterior streets abutting the MH park which are not improved to subdivision standards shall be improved as set forth in TMC [17.10.060](#).
4. For MH park accessways, beyond the first 50 feet, the minimum surfaced width of the roadway within the park shall be 10 feet for each travel lane and eight feet for each parking lane.
5. All roadways shall be paved with crushed rock base and asphalt concrete surfacing according to structural specifications prescribed by the city (refer to city of Talent standard details).
6. Streets shall be oriented in a manner that permits MH pads and spaces to provide maximum solar access to MHs.

H. *Pedestrian Ways.* Pedestrian walkways shall be separated from vehicular ways and shall be developed and maintained to provide safe and convenient movement to all parts of the park walkways leading to destinations outside the park. Pedestrian walkways shall be surfaced with concrete at least three inches thick, to a width of at least three feet.

I. *Bicycle Ways.* Bicycle paths shall be provided, where determined appropriate by the planning commission for the public convenience, to provide safe and convenient movement to locations in the park and to connect to bicycle routes or streets which can be utilized safely by bicyclists outside of the park. Bicycle ways shall be improved to standards approved by the city.

J. *MH Park Perimeter Setbacks.* All MHs, MH park buildings, and required parking areas shall be located at least 25 feet from the property line abutting upon a public street or highway and at least 15 feet from other MH park boundary lines.

K. *Utilities.*

1. *Undergrounding of Utilities.* All utilities shall be installed underground, according to the provisions of TMC Title [17](#).

2. *Water and Sewer.* Each MH site shall be connected to the public water and sewer system, and each occupied MH shall be connected to same.
 3. *Electricity.* Each MH site shall have an electrical connection with service adequate for electric cooking and other household appliances.
 4. *Fire Hydrants.* Each MH shall be located within 250 feet of an accessible fire hydrant. Determination of accessibility shall be made by the fire chief.
 5. *Telephone Service.* Public telephone service shall be available in every MH park.
 6. *Safety Lighting.* Vehicular and pedestrian accessways shall be adequately lighted by a safety lighting plan utilizing underground wiring.
- L. *Drainage.* The MH park shall be well-drained and provisions for drainage shall be made according to plans approved by the city engineer. The condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.
- M. *Recreation Area.* In a MH park, not less than six percent of the net park area shall be developed for recreation use. The recreation area may be in one or more locations, none of which shall be less than 2,500 square feet in area or less than 25 feet in width, with the exception of bicycle paths which may be counted toward the recreation area requirement. Recreation areas shall be developed and maintained as usable open space, playgrounds, playfields, swimming pools, bicycle paths, community gardens and/or joint-use recreation buildings, or other approved recreation uses for the common use of MH park residents. Required parking areas and pedestrian walkways may not be counted as part of the recreation area requirement.
- N. *Storage of Unoccupied MHs, Recreation Vehicles and Boats.* Unoccupied MHs, recreation vehicles and boats may be stored only in areas designated and suitable for such purposes. They shall not be stored in accessways, required parking spaces, or areas designated for another purpose.
- O. *Orientation of MH Pads and Spaces.* MH pads and spaces shall be oriented to provide as many mobiles a major south wall of uninterrupted solar access as possible.
- P. *MH Location and Setbacks.* Occupied MHs shall be parked only on MH stands, shall be set back at least 10 feet from any park roadways, at least 15 feet from any other MH or park

building, at least 10 feet from any separate accessory structure, and at least 25 feet from any public street. No MH space within a MH park shall be located in such a manner that a public street must be used to place a MH in the space.

Q. *Buffering.* Buffering beyond the perimeter requirements set forth in this section shall be required when necessary to conform to the buffering standard set forth in TMC Title [17](#).

R. *Improvements Required for Each MH Space or Site.* Each MH space or site shall have the following improvements:

1. A MH foundation stand, which shall be improved to provide adequate support for the placement and tie-down of the MH. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and shall be constructed so that it will not heave, shift or settle unevenly under the weight of the MH due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Each stand design shall be approved by the building inspector. The stand must be at least as large as the MH placed on it.
2. A patio or combination of patios of concrete, asphalt, flagstone, wood or other equivalent material with an area of not less than 150 square feet and no dimension less than seven feet.
3. Two paved parking spaces and at least 14 feet of direct access to a park street.
4. A deciduous tree shall be planted on the south side of each MH site where active solar collectors will not be utilized.

S. *MHs Permitted.* Only MHs meeting the following requirements will be permitted as an outright use:

1. Every occupied MH shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.
2. The MH shall be in a condition that conforms to one of the following construction standards:
 - a. A MH constructed after April 1972 shall bear the Oregon insigne of compliance to standards in effect in Oregon at the time of construction.

b. A MH constructed prior to April 1972 shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after April 1972, as determined by the building inspector.

3. The MH shall have a minimum area of 400 square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a MH accessory structure shall not be included in the computation of minimum area.

T. *MH Placement and Exterior Finishing.*

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

U. *Accessory Buildings and Structures.*

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

V. *Fences, Walls, Hedges and Screen Plantings and Signs.* All fences, walls, hedges and screen plantings shall conform to the requirements of Chapter [18.105](#) TMC, except as may be permitted in subsection [\(W\)](#) of this section, and be properly maintained. Signs shall be permitted and in conformance with Chapter [18.120](#) TMC.

W. *Landscaping and Screening.*

1. *Perimeter Landscaping and Buffering.* The outer perimeter of the MH park shall be improved with:

- a. A sight-obscuring fence or wall at least six feet in height, set back at least 15 feet from the front property line; and at least five feet from the side and rear property lines if it exceeds six feet in height; or
- b. Maintained evergreen landscaping that is at least 10 feet in depth and which will reach at least six feet in height within a period of five years, set back at least 15 feet from the front property line, and at least five feet from side and rear property lines if over six feet in height; or
- c. A combination of subsections [\(W\)\(1\)\(a\)](#) and [\(W\)\(1\)\(b\)](#) of this section.
- d. Where perimeter landscaping is set back from the property boundary line, a yard containing lawn or other suitable ground cover, flowers, and shrubs and/or trees shall be established and maintained between the boundary lines and the chosen screening.

2. *Landscaping within the MH Park.* All open areas and recreation areas within the park not otherwise used shall be suitably landscaped and maintained. Prominent aspects such as rock outcroppings, trees with circumferences of 14 inches or greater (measured at a point three feet above grade at the base of the tree), and other natural landscaping features are encouraged to be worked into the landscaping plan. The maintenance of open spaces is necessary to the continued renewals of the MH park license.

X. *Licensing of MH Parks.*

1. *License Required.* No use or occupancy of any MH park, or building or facility in connection therewith, shall be permitted within the city of Talent until a MH park license is issued.
2. *Application for License.*
 - a. *New MH Parks.* An application for a license to operate a new MH park shall be submitted to the city council after final approval of the development plans by the planning commission. An enlargement of a MH park or an increase in the number of MH spaces in an existing park shall be subject to the provisions of this section regulating new parks.
 - b. *Existing Parks.* Application for the renewal of a business license for an existing MH park shall be made to the city and will be granted as long as the park conforms

to all applicable state laws and any conditions set forth at the time the MH park was approved, and provided the condition set forth in subsection (Y) of this section is met.

3. *License Fee.* The annual license fee for a MH park shall be the same as prescribed by the city of Talent for business licenses.

4. *Term of License.* MH park licenses shall be valid for a period not to exceed one year, unless a longer time is noted and approved by the planning commission on the signed copies of the development plan, and such time period is approved by the city council.

Y. *Upgrading of Preexisting MH Parks for Fire Protection.* Within three years of the date of enactment of the ordinance codified in this title, every preexisting MH park shall either install fire hydrants or provide adequate access to fire hydrants, so that every MH is located within 250 feet of an accessible fire hydrant. Conformance with this requirement will be determined by the Talent fire chief. Any MH park that does not meet this requirement will be ineligible for renewal of the MH park license.

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

AA. *MH Set-Up Permits.* No MH shall be moved onto a MH space or lot until a MH set-up permit has been issued. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3L.850, 2006.]

18.180.060 Addendum – New MH park rules – Design and land use (OAR 814-28-060(1)).

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

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

B. *Exceptions.*

1. Non-HUD-approved MHs may be placed 10 feet apart in MH parks that comply with current fire safety standards.
2. Parallel non-HUD-approved MHs with less than half their lengths side by side may be 10 feet apart on both sides.
 - a. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD-approved MHs may be 10 feet apart on both sides but must be at least 14 feet apart for half their length.
 - b. Adjacent MHs in all parks must be placed at least 14 feet apart where a flammable or combustible fuel storage vessel is located on or between units.
 - c. A MH may not be closer than 10 feet to a park building within the MH park, or closer than five feet to a park property line. The area occupied by the MH, accessory buildings, and structures on a MH lot shall not exceed 75 percent of the lot area.
[Ord. 817 § 8-3L.860, 2006.]

18.190.020 Description of permit procedure.

There are four types of permit/decision-making procedures: Types I, II, III, and IV. These procedures are described in the following subsections. In addition, Table 18.190.020 lists all of the city's land use and development applications and their required permit procedure(s).

A. *Type I Procedure (Ministerial)*. Type I decisions are made by the city planner, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying city standards and criteria requires no use of discretion;

B. *Type II Procedure (Administrative)*. Type II decisions are made by the city planner with public notice and an opportunity for a public hearing. The planning commission hears the appeal of a Type II decision;

C. *Type III Procedure (Quasi-Judicial)*. Type III decisions are made by the planning commission after a public hearing, with appeals reviewed by the hearings officer. Type III decisions generally use discretionary approval criteria; and

D. *Type IV Procedure (Legislative)*. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the planning commission with final decisions made by the city council.

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

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

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

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

[Ord. 817 § 8-3M.120, 2006.]

18.190.080 General provisions.

A. *One-Hundred-Twenty-Day Rule.* The city shall take final action on permit applications, which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete. Any exceptions to this rule shall conform to the provisions of ORS [227.178](#). (The 120-day rule does not apply to Type IV legislative decisions – comprehensive plan and development code amendments – under ORS [227.178](#).)

B. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:

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

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

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

18.190.090 Special procedures.

A. *Expedited Land Divisions.* An expedited land division (ELD) shall be defined and may be used as in ORS [197.360](#), which is expressly adopted and incorporated by reference here.

1. *Selection.* An applicant who wishes to use an ELD procedure for a partition or subdivision, instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;

2. *Review Procedure.* An ELD shall be reviewed in accordance with the procedures in ORS [197.365](#);

3. *Appeal Procedure.* An appeal of an ELD shall be in accordance with the procedures in ORS [197.375](#).

B. *Neighborhood Meeting Requirement.* Applicants shall meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. After a pre-application conference, the applicant shall meet with any adjacent property owners within 250 feet of subject property, prior to the city's acceptance of an application as complete. The city will furnish a form letter to the applicant to be mailed to all property owners within 250 feet of the subject property that provides due notice of the scheduled neighborhood meeting. The applicant shall be responsible for any costs associated with the mailing. The city's intent is to include neighbors in the design process, as well as improving communication among the city, neighbors, and applicant and, as a result, facilitating the public approval process.

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

1. Subdivision tentative plans.
2. Site plan review applications within a residential zoning district.
3. Other Type III development applications, such as conditional uses, which are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts). [Ord. 847 § 4 (Exh. B), 2008; Ord. 817 § 8-3M.190, 2006.]