

Chapter 18.15

DEFINITIONS

Sections:

~~18.15.010 — Rules of construction.~~

~~18.15.020 — General 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 ~~1717~~) and comprehensive plan, and any amendments thereto, are by this reference considered a part of this chapter. [Ord. ~~952 § 1 (Exh. A), 2019; 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, Mobile Home. See "~~mobile home accessory building or structure.~~"

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

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

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

"Alteration" means the same as "structural alteration."

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

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

~~"Apartment" – see "Dwelling, multiple-family."~~

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

"Assessor" means the county assessor of Jackson County.

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

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

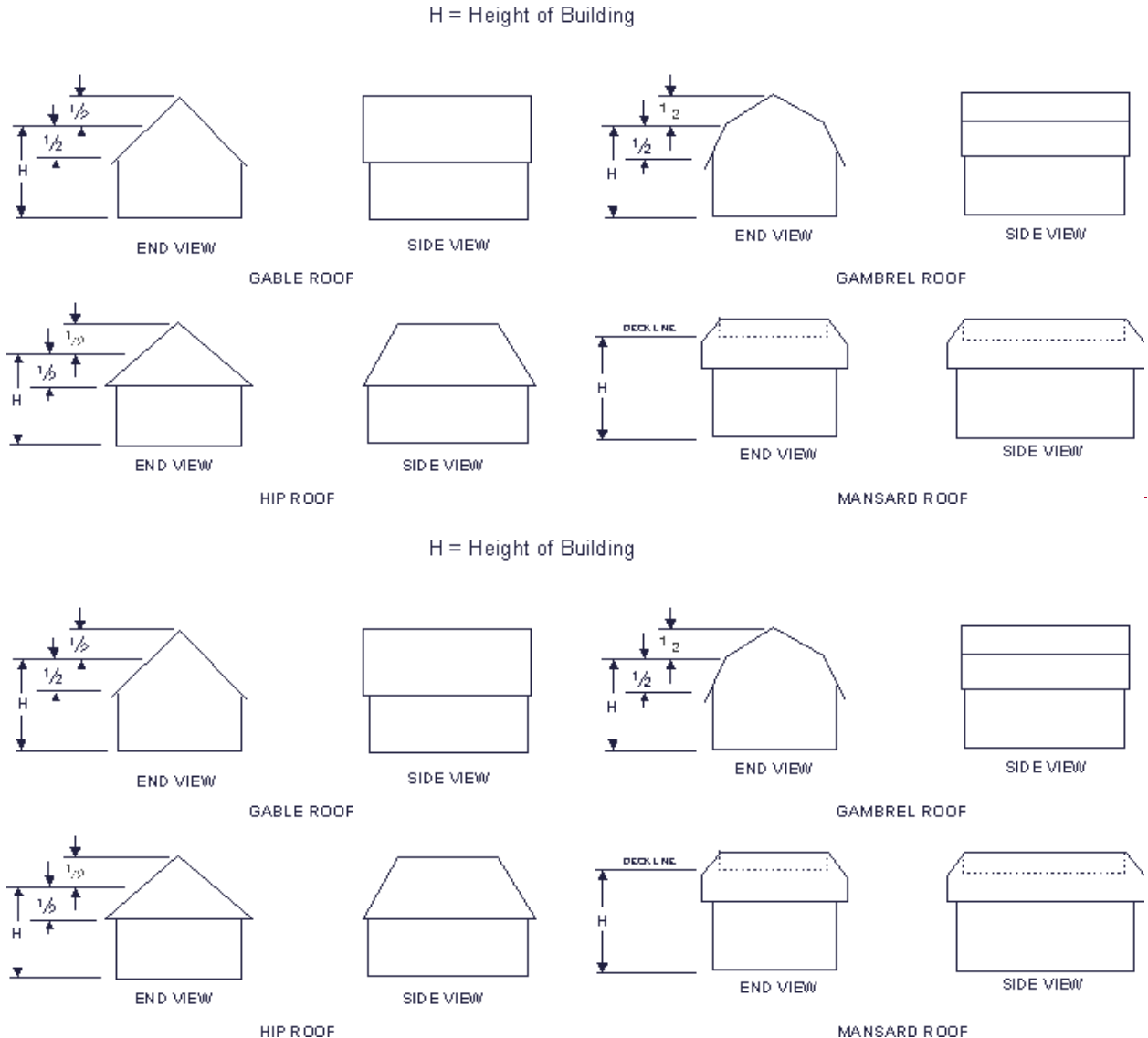
~~"Boarding house" means any building or portion thereof containing not more than five guest rooms which are occupied, or intended for occupancy, by guests in return for money, goods, labor or otherwise.~~

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

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

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

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



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

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

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

Building (or Structure), Legal Preexisting. Any building or structure which was legally erected prior to the adoption of current city requirements shall be considered a "legal preexisting" building or structure. (Note: Although such buildings may be legal and allowed to continue, they may also be considered "nonconforming" by current standards and subject to the requirements for nonconforming uses, as contained in Chapter [18.195](#) TMC).

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

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

"City engineer" means the city engineer of the city of Talent.

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

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

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

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

"Commission or planning commission" means the planning commission of the city of Talent.

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

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

“Contiguous” means the same as “abutting.”

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

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

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

“Curb ~~cut~~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 group, duplex" means a group of two or more detached buildingsbuilding containing two residential dwelling units on a single lot.~~

~~"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 located on a single tax lot with yard areas shared as common areas for all dwelling group occupants, 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.~~

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

~~"Dwelling, mobile home" means a residential dwelling that is constructed primarily in a factory in accordance with manufacturing standards established by the Department of Housing and Urban Development (HUD) for mobile homes, and which is commonly designed~~

~~with framing, axles, and wheels that permit its transport on public highways. Permanent placement and removal of axles and wheels have no effect on the “mobile home” designation.~~

“Dwelling, 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 threefive or more dwelling units on a single lot. Units may be attached or detached in any configuration.~~

“Dwelling, quadplex” means four residential dwelling units on a single lot. Units may be attached or detached in any configuration.

~~“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.”

“Dwelling, triplex” means three residential dwelling units on a single lot. Units may be attached or detached in any configuration.

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

“Dwelling unit” means ~~anya~~ structure conforming to the definition of a dwelling under applicable building ~~or portion thereof which contains~~ 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 required defined by the Uniform Building Code, for not more than one family or household. State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities are included in this definition.~~

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

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

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

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

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

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

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

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

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

~~“Group home” means a licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by~~

~~parents or guardians, where the number of unrelated persons living as one household commonly exceeds five.~~

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

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

“Guest lodging” (includes hotels, motels and bed and breakfast inns, but excludes short-term rentals) means a building containing six or more rooms, or suites of rooms, designed to be used for the temporary living and sleeping place of its commercial guests, and which customarily provides such services as linen, maid service, furnishings, and often recreational or meeting facilities. Bed and breakfast inns are exempt from the minimum six-room requirement.

“Guest, residential” means any person who is temporarily occupying a dwelling, guest house, recreational vehicle parking area, or any other portion of a dwelling at the invitation of that dwelling’s owner or legal occupant and is not paying rent or other type of reimbursement in return for that privilege.

“Guest room” means any room or rooms within a dwelling unit that are used or intended to be used for the lodging of residential guests, as defined above, and not including a separate kitchen area or kitchen facilities in addition to those already available in the primary dwelling unit.

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

“Historic building, structure, site” means any building, structure, site or other physical object and its site recognized by the city to be of particular cultural, aesthetic, educational or historic significance to its citizens, such as: a building, structure, physical object, or site in which the broad cultural history of the nation, state or community is reflected or exemplified; which is identified with historic personages or with important events in national, state or local history; which embodies the important distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style or method of construction; or a notable work of a master builder, designer or architect.

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

Hotel or Motel. See “guest lodging.”

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

“Kennel” means any lot or premises on which four or more dogs over three months of age are kept, and any business conducted for the purpose of boarding and/or sale of dogs and/or cats.

“Landscaping” means any combination of permanently maintained live trees, lawns, shrubs, or other plant materials, including inorganic accessory materials utilized to accent or complement the vegetation. Fountains, ponds, sculptures, lampposts, fences, benches, and other functional or decorative features may be integral components of a landscape plan.

“Live-work building” means a type of mixed-use development or home occupation. It can be either a detached building, or a building attached to one or more other buildings through common end walls (but not front or rear walls). The entire building must be constructed to commercial standards. It contains a ground floor, street-fronting unit with a retail, service, office, or artisan/light industrial use otherwise permitted in this zone, and a second story or

rear residential unit that includes bathroom and kitchen facilities. The same person or persons occupy both units. The commercial unit shall be at least 200 square feet of gross floor area and no more than 5,000 square feet of gross floor area. The residential unit is at least 400 square feet of gross floor area and no more than 1,500 square feet of gross floor area.

“Lot” means a parcel of land lawfully created as such in accordance with the land division, partitioning, or subdivision laws or ordinances in effect at the time of its creation.

“Lot area” means the total land area, commonly measured in square feet, within the boundaries of a legal lot, exclusive of any street or alley rights-of-way.

“Lot coverage” means that portion of a lot covered by a building or any part of a building or mobile home, expressed as percentage of the total lot area.

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

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

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

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

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

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

1. “Corner lot” means a lot abutting two or more intersecting streets, other than alleys; provided, that the streets do not intersect at an angle greater than 135 degrees.
2. “Flag lot” means a lot with no direct access to a public street except via a drive contained within the tax lot boundaries of the lot.

3. "Interior lot" means a lot other than a corner lot, with only one frontage on a street other than an alley.

4. "Through lot" means an interior lot having frontage on two parallel or approximately parallel streets other than alleys.

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

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

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

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

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

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

"Mobile home park" means any lot on which two or more mobile homes are located and being used for residential purposes, other than as an approved "guest house," and where the primary purpose of the property owner is to rent or lease the spaces and related or necessary facilities to the owners or occupants of the mobile homes, or to offer same in exchange for trade or services.

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

Motel. _See "guest lodging."

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

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

"Nonconforming use" means a structure, building or use that was lawfully constructed or established, but no longer conforms to the regulations or requirements of the city's codes and standards.

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

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

"Parking area" means privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, customers and/or tenants, employees or property owners, either free or for remuneration, for the parking of automobiles. For purposes of calculating shading and

landscaping requirements, parking facilities shall include those through areas which are intended as primary vehicular circulation areas into and through the parking lot.

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

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

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

“Planning office/department” means a department or agency of the city created or designated by the city council to perform ministerial functions in the administration of the affairs of the planning commission; where no such department or agency has been created or designated, reference thereto herein shall mean the city council.

“Plot plan” means a scale drawing of a lot and the adjacent and surrounding areas, showing the use and location of all existing and proposed buildings, structures, and improvements, and drawn to such scale, detail and description as may be required by the city staff, the planning commission, or the specific provisions of this title or TMC Title [17](#).

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

“Public facilities and services” means basic facilities and services that are primarily planned for by the city but which also may be provided by other governmental agencies or private enterprise and are essential to the support of development in accordance with the city’s comprehensive plan. Public facilities and services include police protection; fire protection; sanitary facilities; public water facilities; storm drainage facilities; planning, zoning, and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services (including schools and transportation).

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

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

“Recreation vehicle” means a vacation trailer, camping vehicle, motor home, or other vehicle, with or without motor power, which is designed for short-term occupancy for recreational or vacation purposes, but not as a permanent or long-term residence. The vehicle is identified as a recreation vehicle by the manufacturer and licensed as such.

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

“Relocated structure” means any structure requiring a building permit, as provided by the Uniform Building Code, current edition, which has been constructed and placed on a permanent foundation for the purpose of occupancy, at a location other than the proposed location within the city of Talent. This definition does not include the structures generally referred to as “manufactured houses,” “modular houses” or “mobile homes.”

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

“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.

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

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

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

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

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

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

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

“Short-term rental” is an owner- or lessee-occupied dwelling unit that is rented, in whole or in part, to successive tenants for periods of less than 30 days’ duration over a 12-month period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Individual townhouse units are generally separated by common firewalls and their owners may or may not share in the ownership of a common area. Sometimes referred to as “attached” dwellings.~~

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

“Travel trailer” means a vehicle or other structure with wheels for highway use, that is intended for human occupancy and is designed for vacation, travel or recreational purposes but not residential uses to include “campers.” See also “recreation vehicle.”

“Undevelopable land” means areas that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 25 percent, severe topographic relief, water bodies and floodways, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or manmade conditions, such as existing development that isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

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

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

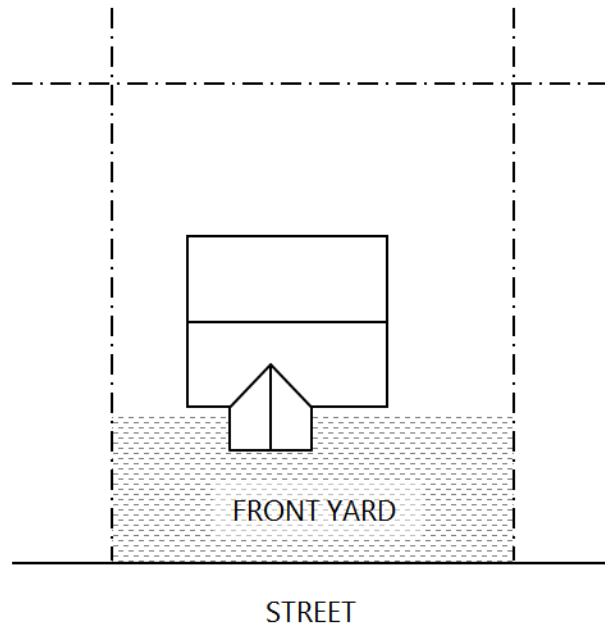
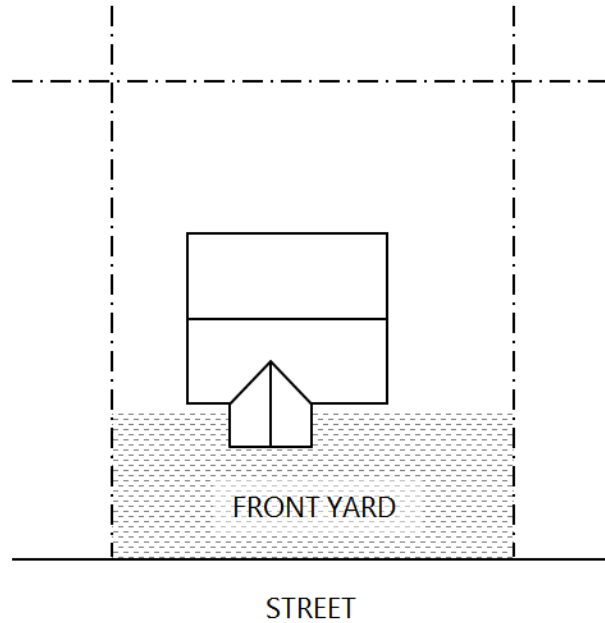
“Wireless communications antenna” means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Does not include any support structure upon which an antenna is mounted.

“Wireless communications facility” means any device or system for the transmitting and/or receiving of electromagnetic signals for cellular technology, personal wireless services, mobile services, paging systems and related technologies. Facilities include antennas and all other types of equipment used in the transmission and reception of such signals, structures for the support of such facilities, associated buildings or cabinets to house support equipment, and other accessory development.

“Wireless communications tower” means a structure intended to support one or more antennas and associated equipment to transmit and/or receive communications signals including monopoles, guyed and lattice construction steel structures.

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

“Yard, front” means the yard on a lot between the front lot line(s) and a line drawn parallel to and flush with the plane of any building facade of a principal building that faces a front lot line.



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

“Yard, side” means a yard extending from the front yard to the rear yard and measured horizontally and at right angles from the side lot line to the nearest point of the building or mobile home.

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

“Zone” means a district established by this title and shown on the zoning map, within which specified buildings and uses of land are permitted as set forth herein. [Ord. 952 § 1 (Exh. A), 2019; 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.]

Chapter 18.20

LAND USE CLASSIFICATION

Sections:

- 18.20.010 Purpose.**
- 18.20.020 Classifying uses.**
- 18.20.030 Commercial use categories.**
- 18.20.040 Industrial use categories.**
- 18.20.050 Institutional and civic use categories.**
- 18.20.060 Residential use categories.**
- 18.20.070 Other use categories.**
- 18.20.080 Applicability.**

18.20.010 Purpose.

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zoning districts. Certain use categories are broken down into subgroups if further distinction is needed. The decision to permit a particular use or use category in the various zones is based on the goals and policies of the comprehensive plan and the stated purposes of the base zones. [Ord. 846 § 2 (Exh. B); Ord. 817 § 8-3B.210, 2006.]

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 ~~city planner and/or building official~~Community Development Director shall determine the appropriate category for a use based on the factors listed in subsection ~~(A)(1)(A)(1)~~ of this section.

3. In cases of a use classification dispute, the ~~planning commission~~Planning Commission will issue a written use determination through a Land Use Interpretation, the procedures for which are outlined in Chapter 18.190. 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~~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.

B. Use of Examples.

1. The “examples” subsection under each use category provides a list of examples of specific uses that are included in the use category. These lists may not be exhaustive of all the specific uses that might be included in a use category.

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

C. Accessory Uses.

1. For reference purposes, a list of accessory uses commonly associated with a particular use category is included under a subsection entitled “Accessory Uses.” Accessory uses and their associated regulations and requirements are addressed in detail in TMC [18.90.060](#), Accessory buildings, structures or uses.

2. A use that is accessory to a principal use in one instance may in other circumstances be considered a principal use. For example, a large business may provide an in-house daycare center for employees. This daycare center would be considered an accessory use. However, a daycare center would be considered a separate principal use if it were not affiliated with another business or use on the property.

D. *Exceptions.* Some of the use categories may contain an “exceptions” subsection. These subsections provide a cross-reference for uses that may seem to be part of a particular category, but which are explicitly classified into a different use category.

E. *Prohibited Uses.* Certain uses are specifically prohibited in the city of Talent, even though they may be construed to be part of a particular use category. These uses are listed in a subsection entitled “Prohibited” under the relevant use category. As noted in subsection [\(A\)\(4\)](#) of this section, some uses may also be prohibited because they cannot be clearly classified within an existing use category by the procedures set forth in subsection [\(A\)](#) of this section.

F. *Developments with Multiple Principal Uses.* Developments with multiple principal uses will be categorized using the following rules:

1. When all of the principal uses of a development fall within one use category, then the entire development is assigned to that use category. For example, a development that contains a hair salon, a dry cleaner, and a photographic studio would be classified as personal-service-oriented retail.
2. When the principal uses of a development fall within different use categories, each principal use is classified into the applicable use category and each use is subject to all applicable regulations for the use category. For example, a development that contains a store that sells musical instruments and an architectural office would fall into two different use categories: sales-oriented retail and general office.
3. Developments with multiple principal uses, such as shopping centers, shall incorporate only those uses permitted or allowed as provisional or by special exception in the underlying zone. [Ord. 846 § 2 (Exh. B); Ord. 817 § 8-3B.220, 2006.]

18.20.030 Commercial use categories.

A. *Adult Business Uses.* [Reserved]

B. *Animal-Related Commercial Uses.* [Reserved]

C. *Commercial Recreational Uses.* [Reserved]

D. *Commercial Parking Uses.*

1. *Characteristics.* Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as commercial parking.

2. *Examples.* Municipal parking facilities; short-term and long-term fee parking facilities; commercial shuttle parking facilities; mixed parking lots (partially for a specific use, partly for rent to others).

E. *Eating and Drinking Establishments.* [Reserved]

F. *Office Uses.*

1. *Characteristics.* Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

2. *Examples.* Examples include uses from the two subgroups listed below:

a. *General Office.* Professional offices, such as lawyers, accountants, engineers, architects, and real estate agents; financial businesses, such as mortgage lenders, brokerage houses, administrative and back office banking facilities; data processing; government offices; public utility offices; social service agency offices; television and radio studios.

b. *Medical/Dental Office.* Medical and dental clinics; chiropractic clinics; medical and dental labs; blood-collection facilities; physical therapy clinics.

3. *Accessory Uses.* Cafeterias; exercise facilities for employees; off-street parking; other amenities primarily for the use of employees in the firm or building. Antennas and

satellite receiving devices that are accessory to a television or radio studio are subject to additional regulations. (See TMC [18.90.060](#), Accessory buildings, structures or uses.)

4. *Exceptions.*

- a. Broadcast and other communication towers associated with radio and television studios are classified as communication transmission facilities and are regulated as a separate principal use.
- b. Offices that are accessory to a business or facility in another use category are not classified as an office use, but are subject to the relevant regulations for accessory uses. For example, a manufacturing facility may include some offices for administrative functions. These offices are considered accessory to the manufacturing and production use.
- c. Retail banking establishments that offer teller services and other personal banking services for individual customers are considered personal-service-oriented retail. Banking establishments that contain both administrative offices/back office functions and retail operations are considered to contain two principal uses: office and personal-service-oriented retail.
- d. Offices for contractors and others who perform services off site are included in the office category if equipment and materials are not stored on the site and fabrication services or similar work is not conducted on site.
- e. Salons and spas that offer therapeutic massage and other aesthetic health treatments are classified as personal-service-oriented retail.

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

H. *Retail Uses.*

1. *Characteristics.* Establishments involved in the sale, lease, or rent of new or used products to the general public for personal or household consumption and establishments involved in the sale of personal services, hospitality services, or product repair services to the general public.
2. *Examples.* Examples include uses from the five subgroups listed below:

- a. *Sales-Oriented.* Stores selling, leasing, or renting consumer, home, and business goods, including, but not limited to, antiques, appliances, art, art supplies, bicycles, carpeting, clothing, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, videos. Also includes retail establishments that have a cottage industry component, such as bakeries, confectioneries, upholsterers, artist/artisan's studios, and similar.
 - b. *Personal-Service-Oriented.* Establishments engaged in providing retail services and services related to the care of a person or a person's apparel, such as retail banking establishments, laundromats, catering services, dry cleaners, tailors, shoe repair, photographic studios, photocopy services, quick printing services, blueprint services, beauty salons, tanning salons, therapeutic massage establishments, taxidermists, mortuaries, funeral homes, and crematoriums.
 - c. *Repair-Oriented.* Repair of consumer goods, such as electronics, bicycles, office equipment, appliances.
 - d. *Hospitality-Oriented.* Hotels; motels; convention centers; guest houses; commercial meeting halls/event facilities.
 - e. *Outdoor Storage- and Display-Oriented.* Uses that typically include large areas of outdoor storage or display, such as lumber yards; sales or leasing of consumer vehicles, including passenger vehicles, light and medium trucks, and recreational vehicles; sales of landscaping materials and nursery products to the general public; farm supply and implement sales; equipment or vehicle rental businesses.
3. *Accessory Uses.* Offices; storage of goods; assembly, repackaging, or processing of goods for on-site sale; off-street parking, services incidental to the sale of goods; wholesale sales. Crematoria, for either human or pet remains, may be an accessory use to a funeral home or mortuary.
 4. *Exceptions.*
 - a. Lumber yards and other building material suppliers that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.

- b. Repair of consumer motor vehicles, motorcycles, and light and medium trucks is classified as vehicle repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as industrial service.
- c. Sales, rental, or leasing of heavy trucks and equipment is classified as wholesale sales.
- d. Firms that primarily sell tree nursery products and landscaping materials to other retail outlets rather than to the general public are considered wholesale sales.
- e. Restaurants and/or bars that are located within a hospitality-oriented retail use are regulated separately as a principal use and are subject to any specific regulations related thereto.
- f. Bed and breakfast inns and bed and breakfast homestays are considered accessory uses to owner-occupied detached single-family dwellings and are regulated according to the provisions specified for such uses in TMC [18.90.060](#), Accessory buildings, structures or uses.
- g. A pet crematorium, if a principal use on a property, is considered an animal-related commercial use. Pet crematoriums may also be an accessory use to a veterinary clinic.

I. *Surface Passenger Services*. [Reserved]

J. *Vehicle Repair Uses*. [Reserved] [Ord. 846 § 2 (Exh. B); Ord. 817 § 8-3B.230, 2006.]

18.20.040 Industrial use categories.

[Reserved] [Ord. 846 § 2 (Exh. B); Ord. 817 § 8-3B.240, 2006.]

18.20.050 Institutional and civic use categories.

A. *Basic Utility Uses*.

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

B. *Colleges.* [Reserved]

C. *Community Service Uses.*

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

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

2. *Examples.* Examples include uses from the following two subgroups:
 - a. *General Community Service.* Libraries; museums; transit centers; park-and-ride facilities; senior centers; community centers; neighborhood centers; youth club facilities; some social service facilities; vocational training facilities for the physically or mentally disabled; soup kitchens; surplus food distribution centers; public safety facilities, such as police and fire stations.
 - b. *Community Service – Shelter.* Transient housing operated by a public or nonprofit agency.
3. *Accessory Uses.* Offices; meeting areas; food preparation areas; parking; health and therapy areas; daycare uses; athletic facilities.
4. *Exceptions.*
 - a. Religious institutions and private clubs and lodges are classified as religious/private group assembly uses.
 - b. Group care facilities where patients are residents of the facility are classified as assisted group living.
 - c. Private, for-profit athletic or health clubs are classified as indoor commercial recreational uses.
 - d. Private, for-profit art galleries are classified as sales-oriented retail.
 - e. Social service agencies that consist primarily of office and counseling functions and operate in a similar fashion to other office uses are classified as general office.
 - f. Parks and cemeteries are classified as parks and open space.
 - g. Uses where tenancy is arranged on a month-to-month or longer period are residential, and are classified as household living or group living.
 - h. Alternatives to incarceration, such as halfway houses, where residents of the facility are under supervision of sworn officers of the court are classified as detention facilities.

D. *Daycare Uses.* [Reserved]

E. *Detention Facilities.*

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

F. *Educational Facilities.*

1. *Characteristics.* Public and private schools that provide state-mandated primary and secondary generalized education; and schools for specialized activities, such as dance, music, martial arts, business, and technical skills.
2. *Examples.* Examples include uses from the following two subgroups:
 - a. *General Educational Facilities.* Public and private elementary, middle, junior high and senior high schools, including such schools owned or operated by a religious entity; boarding schools; military academies.
 - b. *Specialized Educational Facilities.* Schools primarily engaged in offering specialized trade, business, or commercial courses, but not academic training. Also specialized non-degree-granting schools, such as music schools, dramatic schools,

dance studios, martial arts studios, language schools and civil service and other short-term examination preparatory schools.

3. *Accessory Uses.* Cafeterias; parking; play areas; recreational and sports facilities; auditoriums; preschools; before- and after-school programs.

4. *Exceptions.*

a. Preschools that are not accessory to an educational facility use are classified as daycare.

b. Schools that offer training in industrial trades that include training on large equipment or vehicles, or that include activities that generate noise, odors, or dust more typical of industrial uses, are classified as industrial service.

c. Business, technical, and other colleges that offer degree programs in campus-like settings are classified as private colleges and universities.

G. *Hospitals.* [Reserved]

H. *Parks and Open Space Uses.*

1. *Characteristics.* Large areas consisting mostly of natural areas, formal or informal landscaped open space, and/or open space for outdoor assembly and recreation. This category includes both public open space areas as well as private, shared open space. These uses tend to have few structures.

2. *Examples.* Parks; golf courses; cemeteries; public squares; plazas; botanical gardens; arboretums; community gardens; boat launching areas; nature preserves.

3. *Accessory Uses.* Maintenance facilities; concessions; parking. Mausoleums, columbariums, and crematoriums within cemeteries and recreational uses within private open space areas, such as clubhouses, tennis courts, sports fields, and swimming pools, are regulated as accessory uses and are subject to the regulations of TMC [18.90.060](#), Accessory buildings, structures or uses.

4. *Exceptions.*

- a. Recreational uses, such as health and athletic clubs, operated as commercial businesses that are open to the general public, whether payment is on a fee for services or on a membership basis, are classified as commercial recreational uses.
- b. Accessory outdoor recreational facilities that are located on private property that are exclusively for use of those that live on the property are considered an accessory use to the principal use of the property. For example, a swimming pool, tennis court, or other similar facility located on a property that has as its principal use an apartment building would be considered an accessory use to a multifamily use, not an accessory use to a parks and open space use. However, a swimming facility located on property that has been designated private, shared open space used jointly by multiple properties in the vicinity would be considered an accessory use to a parks and open space use because the principal use of the property is private, shared open space.

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

J. *Public Works Facility Uses.*

1. *Characteristics.* Facilities that provide centralized services for maintaining public streets, parks, open spaces, utilities, and buildings. Private individuals rarely come to the site.
2. *Examples.* Public works facilities, yards, and preassembly yards; repair of heavy machinery; vehicle and heavy machinery storage.
3. *Accessory Uses.* Offices; parking; outdoor storage.
4. *Exceptions.*
 - a. Recycling processing facilities are classified as waste-related uses. [Ord. 846 § 2 (Exh. B); Ord. 817 § 8-3B.250, 2006.]

18.20.060 Residential use categories.

[Reserved] [Ord. 846 § 2 (Exh. B); Ord. 817 § 8-3B.260, 2006.]

18.20.070 Other use categories.

A. *Agricultural Uses.* [Reserved]

B. *Communication Transmission Facility Uses.*

1. *Characteristics.* All devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation and operating as a discrete unit to produce a signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.

2. *Examples.* Broadcast towers and antennas; wireless communication towers and antennas; point-to-point microwave towers and antennas; emergency communication broadcast towers and antennas.

3. *Accessory Uses.* Transmitter facility buildings.

4. *Exceptions.*

a. Receive-only antennas are not included in this category.

b. Shortwave radio towers for personal use are regulated as an accessory use.

c. Radio and television studios are classified in the office category. Their broadcast towers are classified as communication transmission facilities and are regulated as a separate principal use. [Ord. 846 § 2 (Exh. B); Ord. 817 § 8-3B.270, 2006.]

18.20.080 Applicability.

A. The provisions of this chapter ~~shall apply only to the public lands and facilities (PLF) district (Chapter 18.75 TMC) until the other to all zoning districts are modified to be used in conjunction with this chapter.~~

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 (~~RS-5~~RLD)

Sections:

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

18.25.010 Description and purpose.

The residential low-density ~~single-family residential (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 ~~single-family~~low-density, small town, neighborhood character. ~~{Ord. 952 § 1 (Exh. A), 2019; 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 with~~ a minimum ~~of 1,000~~³⁰⁰ square feet of living space, not including garage or carport; however, manufactured homes are prohibited within the Old Town district or other historic districts unless approved in accordance with Chapter 18.140 TMC, Old Town Design District.

~~C. Accessory dwelling units subject to the provisions of Chapter 18.165 TMC, Accessory Dwelling Unit.~~

D. Single-family common-wall dwellings.

E. Duplex dwellings.

F. Residential care homes.

G. Home occupations, subject to the provisions of Chapter ~~18.170~~^{18.170} TMC.

~~D. Agricultural uses, including field crops, truck gardening, berry crops, orchards, raising H.~~
Raising of bees, rabbits and poultry, and raising and grazing of horses, cows, sheep and goats. Keeping of animals shall be subject to the following additional restrictions:

1. Swine shall not be permitted.
2. Horses, cows, goats and sheep shall not be permitted on any lot less than 20,000 square feet in area; no more than two head of livestock over six months of age shall be kept per acre of property area; and no livestock shall be kept within 100 feet of any dwelling other than the one on the same property.
3. Bees may be kept provided there are not more than two colonies on any one lot and that there shall be a minimum of 8,000 square feet of lot size.
4. The number of chickens, fowl and/or rabbits over the age of six months shall not exceed one for each 1,000 square feet of property; the number of young chickens, fowl and/or rabbits (under six months) shall not exceed three times the allowable number of animals over six months.
5. Animals, including chickens or fowl, shall be properly fenced, caged or housed and proper sanitation shall be maintained at all times.

~~E.~~ Accessory buildings and structures, including private garages, guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy-conserving devices and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or commission.

~~F. Accessory dwelling units on individual lots, subject to the provisions of Chapter 18.165 TMC, Accessory Dwelling Unit.~~

~~G. Short term rentals.~~

~~H.~~ Other uses ~~determined by the planning commission to be~~ similar to those listed above ~~as determined by the Community Development Director consistent with TMC 18.20.020(A).~~

[Ord. 952 § 1 (Exh. A), 2019; 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~~18.150 TMC:

~~A.~~ Cluster housing, subject to the provisions of Chapter 18.97 TMC.

~~B.~~ Two or three ~~main buildings~~single-family detached dwelling units on an individual lot; provided, that there shall be a minimum of ~~86~~86,000 square feet of lot area per dwelling unit.

~~B.C.~~ Wireless communication antennas within the public right-of-way, subject to the provisions of TMC ~~18.130.010~~18.130.010.

~~C.D.~~ Other uses ~~determined by the planning commission to be~~ similar to those listed above ~~or under~~as determined by the Community Development Director consistent with TMC 18.25.020. [Ord. 952 § 1 (Exh. ~~18.20.020(A)~~, 2019; 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.~~18.150 TMC and TMC 18.190.050.

- 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.
- ~~D.~~ Other uses determined by the planning commission to be similar to those listed above, or under TMC ~~18.25.020~~18.25.020 or ~~18.25.030~~18.25.030.
- ED. Relocated structures. [Ord. ~~952 § 1 (Exh. A), 2019; 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~~18.155 TMC. The following uses permitted conditionally in the ~~RS-5RLD~~-zone meet the description and purpose set forth in Chapter ~~18.155~~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)~~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)~~18.90.050(B).
- H. The having, keeping or maintaining of any apiary of more than two colonies.
- I. Other buildings, structures or uses that the planning commission determines to be similar to other uses permitted conditionally in the ~~RS-5~~RLD-zone. [Ord. ~~952 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.150, 2006.]~~

18.25.060 Yard regulations.

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

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

b. Ten feet on one side for zero-lot-line lots.

c. 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. ~~952 § 1 (Exh. A), 2019; 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.

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.

C. Exceptions.

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

18.25.070 Lot area and dimensions.

In the ~~RS-5RLD~~-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)~~17.15.030(C)(1)(a).)

~~1. Eight thousand square feet.~~

~~2. Corner lots: 9,000 square feet For single-family and duplex dwellings: -Six-~~

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

- ~~1. Eight thousand square feet.~~

C. *Minimum Lot Width.*

- ~~1. Sixty five Fifty feet; reducible to 5040 feet to permit flag lot partitioning.~~

D. *Maximum Building Bulk.*

1. Height: 30 feet or two and one-half stories, whichever is less.
2. Building coverage: ~~35~~50 percent.

E. *Nonconforming Lots of Record.* A lot having an area of less than ~~8,000 square~~6,000square 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. ~~952 § 1 (Exh. A), 2019; Ord.~~ 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.170, 2006.]

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~~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.18.105 TMC. Signs shall be permitted in accordance with Chapter ~~18.120~~18.120 TMC. [Ord. ~~952 § 1 (Exh. A), 2019; Ord.~~ 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.180, 2006.]

~~**18.25.090 Single-family transitions.**~~

~~Single family development that is adjacent to nonresidential zones may be required to provide a transitional buffer in accordance with TMC 18.105.050(B). [Ord. 952 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.190, 2006.]~~

Chapter 18.30

RESIDENTIAL ZONE – ~~SINGLE-FAMILY~~ – MEDIUM-DENSITY (~~RS-7RMD~~)

Sections:

- 18.30.010 Description and purpose.
- 18.30.020 Buildings and uses permitted subject to Type I permit review.
- 18.30.030 Buildings and uses permitted subject to Type II site development plan review.
- 18.30.040 Buildings and uses permitted subject to Type III site development plan review.
- 18.30.050 Buildings and uses permitted subject to conditional use review.
- 18.30.060 Yard regulations.
- ~~18.30.065 Density Regulations.~~
- 18.30.070 Lot area and dimensions.
- 18.30.080 Landscaping, fences, walls, and signs.
- ~~18.30.090 Single-family transitions.~~

18.30.010 Description and purpose.

The medium-density ~~single-family~~ residential (~~RS-7RMD~~) 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. ~~952 § 1 (Exh. A), 2019~~; 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 with~~ a minimum ~~of 1,000~~300 square feet of living space, not including garage or carport; however, manufactured homes are prohibited within the Old Town district or other historic districts unless approved in accordance with Chapter 18.140 TMC, Old Town Design District.

C. Accessory dwelling units, 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 18.95.042.

F. Duplex dwellings.

G. Residential care homes.

H. Home occupations, subject to the provisions of Chapter ~~18.170~~18.170 TMC.

~~D. Agricultural uses, including field crops, truck gardening, berry crops, orchards, raising~~
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.

~~E.-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.

~~F.~~ ~~Accessory dwelling units on individual lots, subject to the provisions of Chapter 18.165 TMC, Accessory Dwelling Unit.~~

~~G.~~ ~~Short-term rentals.~~

~~H.-K.~~ Other uses ~~determined by the planning commission to be~~ similar to those listed above: as determined by the Community Development consistent with TMC 18.20.020(A).
[Ord. ~~952 § 1 (Exh. A), 2019~~; 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~~18.150 TMC:

~~A.~~ ~~Two or three main buildings on an individual lot; provided, that there shall be a minimum of 6,000 square feet of lot area per dwelling unit.~~

~~BA.~~ Triplex and quadplex dwellings, subject to the provisions of TMC 18.95.047.

B. Cluster housing, subject to the provisions of Chapter 18.97 TMC.

C. Wireless communication antennas within the public right-of-way, subject to the provisions of TMC ~~18.130.010~~18.130.010.

~~CD.~~ Other uses ~~determined by the planning commission to be~~ similar to those listed above ~~or under~~as determined by the Community Development Director consistent with TMC ~~18.30.020, where permitted by the planning commission after written application.~~18.20.020(A). [Ord. ~~952 § 1 (Exh. A), 2019; Ord.~~ 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.230, 2006.]

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.~~18.150 TMC and TMC 18.190.050.

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~~18.30.020 or ~~18.30.030~~18.30.030.

E. Relocated structures. [Ord. ~~952 § 1 (Exh. A), 2019; 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~~18.155 TMC. The following uses permitted conditionally in the ~~RS-7RMD~~ zone meet the description and purpose set forth in Chapter ~~18.155~~18.155 TMC:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, ~~group~~residential care ~~homes~~facilities, 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)~~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)~~18.90.050(B).
- H. Other buildings, structures or uses that the ~~planning commission~~Planning Commission determines to be similar to other uses permitted conditionally in the ~~RS-7RMD~~ zone. [Ord. ~~952 § 1 (Exh. A), 2019; 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. ~~952 § 1 (Exh. A), 2019; 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.

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.

C. *Exceptions.*

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

18.30.070 Lot area and dimensions.

In the ~~RS-7RMD~~ 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)~~ 17.15.030(C)(1)(a).)

1. ~~Six thousand~~ For single-family detached and duplex dwellings: 4,000 square feet.
2. ~~Corner lots: 7~~ For single-family attached dwellings: 3,000 square feet.

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

- ~~1. Six thousand~~ 3. For triplex and quadplex dwellings: 8,000 square feet.

C. *Minimum Lot Width.*

1. ~~Fifty~~ Forty feet; reducible to 4035 feet to permit flag lot partitioning.
2. For single-family attached dwellings: 25 feet.

D. *Maximum Building Bulk.*

1. Height: 30 feet or two and one-half stories, whichever is less.
2. Building coverage: 3560 percent.

E. *Nonconforming Lots of Record.* A lot having an area of less than 64,000 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. ~~952 § 1 (Exh. A), 2019; Ord.~~ 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.270, 2006.]

18.30.080 Landscaping, fences, walls, and signs.

In the ~~RS-7RMD~~ zone, all required landscaping shall be installed in accordance with Chapter ~~18.105~~ 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.18.105 TMC. Signs shall be permitted in accordance with Chapter ~~18.120~~ 18.120 TMC. [Ord. ~~952 § 1 (Exh. A), 2019; Ord.~~ 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.280, 2006.]

~~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. 952 § 1 (Exh. A), 2019; 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~~RMH)

Sections:

- 18.35.010** Description and purpose.
- 18.35.020** Buildings and uses permitted subject to Type I permit review.
- 18.35.030** Buildings and uses permitted subject to Type II site development plan review.
- 18.35.040** Buildings and uses permitted subject to Type III site development plan review.
- 18.35.050** Buildings and uses permitted subject to conditional use review.
- 18.35.060** Manufactured home park regulations generally.
- ~~**18.35.070** Yard regulations.~~
- ~~**18.35.080** Lot area and dimensions.~~
- ~~**18.35.090** Landscaping, fences, walls and signs.~~
- ~~**18.35.100** Additional standards for manufactured home installation and occupancy in the RS-MH zone.~~

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 neighborhood with a variety of housing types, including both manufactured homes and single-family dwellings. Small economic enterprises, such as home occupations and neighborhood commercial activity, may occur indistinguishably or compatibly with the residential character. This zone should provide residents with neighborhoods comparable in quality with low-density residential areas. [Ord. 952 § 1 (Exh. A), 2019; Ord. primarily comprised of manufactured home parks. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.310, 2006.]~~

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, homes.~~ subject to the ~~supplementary~~ provisions of ~~Chapter 18.180 TMC, and including common use recreation and laundry facilities~~ TMC 18.95.050.
- ~~B. Residential care homes.~~
- C. Home occupation, subject to the provisions of Chapter ~~18.170~~ 18.170 TMC.
- D. Other uses similar to those listed above ~~where permitted as determined~~ by the ~~planning commission after written application.~~ Community Development Director consistent with TMC 18.20.020(A).
- E. 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)~~ 18.35.100(F) or ~~18.180.050(U)~~ 18.180.050(U), as applicable.
- F. Accessory dwelling units ~~on single family lots~~, subject to the provisions of Chapter ~~18.165~~ 18.165 TMC.
- ~~G. Short term rentals.~~ [Ord. ~~952 § 1 (Exh. A), 2019;~~ Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.320, 2006.]

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~~18.150 TMC:

~~A. Two or three main buildings on a single family or manufactured home lot; provided, that there shall be 6,000 square feet of lot area per single family or manufactured dwelling.~~

A. Manufactured home parks, subject to the supplementary provisions of Chapter 18.180 TMC.

B. Wireless communication antennas within the public right-of-way, subject to the provisions of TMC ~~18.130.010~~18.130.010.

C. Other uses similar to those listed above ~~or under TMC 18.35.020, where permitted as determined~~ by the ~~planning commission after written application.~~Community Development Director consistent with TMC 18.20.020(A). [Ord. ~~952 § 1 (Exh. A), 2019; 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.~~18.150 TMC and TMC 18.190.050.

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.~~

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

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

G. Grocery stores, 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~~18.35.020 or ~~18.35.030~~18.35.030, where permitted by the planning commission after written application. ~~[Ord. 952 § 1 (Exh. A), 2019;]~~[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~~18.155 TMC. The following uses permitted conditionally in the ~~RS-MHRMH~~ zone meet the description and purpose set forth in Chapter ~~18.155~~18.155 TMC:

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

- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Manufactured home for the infirm, subject to the supplemental provisions of TMC ~~18.155.070(B)~~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-MHRMH~~ zone. [Ord. ~~952 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.350, 2006.]~~

18.35.060 Site development standards.

A. Manufactured home ~~park regulations generally.~~

~~Additional regulations pertaining to manufactured home parks are contained in subject to the standards of Chapter ~~18.180-18.180~~ TMC.~~

~~B. All other development is subject to the standards for the RMD district in TMC. The following regulations apply to manufactured homes located on individual lots in the RS-MH zone. 18.30.060, 18.30.065, 18.30.070 and 18.30.080.~~

[Ord. ~~952 § 1 (Exh. A), 2019; 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. 952 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.370, 2006.]

~~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 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 percent.~~

~~E. *Nonconforming Lots of Record.* A lot having an area of less than 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. 952 § 1 (Exh. A), 2019; 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. 952 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.390, 2006.]~~

~~18.35.100 — Additional standards for manufactured home 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. The manufactured home shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.~~

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

~~C. The manufactured home shall have its wheels removed and be placed on a concrete, concrete block, or similar foundation and, unless the foundation is continuous, shall have continuous skirting (conforming to state standards) installed within 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 insignie 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. 952 § 1 (Exh. A), 2019; 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 (~~RM-HDRHD~~)

Sections:

- 18.40.010** Description and purpose.
- 18.40.020** Buildings and uses permitted subject to Type I permit review.
- 18.40.030** Buildings and uses permitted subject to Type II site development plan review.
- 18.40.040** Buildings and uses permitted subject to Type III site development plan review.
- 18.40.050** Buildings and uses permitted subject to conditional use review.
- 18.40.060** Yard regulations.
- 18.40.065** Density Regulations
- 18.40.070** Lot area and dimensions.
- 18.40.080** Recreation area for multiple-family dwellings.
- 18.40.090** Landscaping, fences, walls and signs.
- ~~**18.40.100** Buffering.~~

18.40.010 Description and purpose.

The residential ~~multiple-family~~ high-density (~~RM-HDRHD~~) 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~~single-family detached 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. ~~952-5-1 (Exh. A), 2019; Ord.-951 § 1 (Exh. A), 2019; 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~~18.40.030 and ~~18.40.040~~18.40.040, where all the provisions of this ~~chapter~~title and any amendment thereto are met.

B. Home occupations, subject to the provisions of Chapter ~~18.170~~18.170 TMC.

C. Alteration or expansion of and existing single-family dwellings.

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

~~E. Accessory dwelling units on single family lots,~~ subject to the provisions of Chapter ~~18.165~~18.165 TMC.

~~F. Short term rentals.~~ E. Single-family attached dwellings, subject to the provisions of TMC 18.95.042.

F. Duplex dwellings.

G. Other uses similar to those listed above determined by the Community Development Director consistent with TMC 18.20.020(A).

~~[Ord. 952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; 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~~18.150 TMC:

A. Multiple-family dwellings ~~(up, subject to four dwelling units on a single parcel).~~

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~~B. Attached single-family dwelling developments (up to four condominiums, row houses and townhouses on a single parcel) provided the minimum density provisions 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.) Chapter 18.96 TMC.~~

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~~C. Boarding and rooming houses not exceeding accommodations for five residents.~~

B. Triplex and quadplex dwellings, subject to the provisions of TMC 18.95.047.

C. Cluster housing, subject to the provisions of Chapter 18.97 TMC.

D. Residential care facilities.

E. Conversion of existing single-family dwellings to multifamily multiple-family units, up to four dwelling units, provided each unit shall have no less than 450 square feet of living area and 250 square feet of open space in compliance with the provision of TMC 18.40.070 18.40.070.

F. Wireless communication antennas within the public right-of-way, subject to the provisions of TMC 18.130.010 18.130.010.

G. Other uses determined by the planning commission to be similar to those listed above or under as determined by the Community Development Director consistent with TMC 18.40.020 18.20.020(A). [Ord. 952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.430, 2006.]

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. 18.150 TMC and TMC 18.190.050.

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- ~~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.)~~
- ~~C. Any use in TMC 18.40.030 that exceeds the size thresholds listed.~~
- ~~D. Parks and playgrounds.~~
- ~~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. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.~~
- ~~G. Kindergartens, day nurseries and preschools.~~
- ~~H. Other uses determined by the ~~planning commission~~ Planning Commission to be similar to those listed above, or under TMC ~~18.40.020~~ 18.40.020 or ~~18.40.030~~ 18.40.030. [Ord. ~~952~~ 951 § 1 (Exh. A), 2019; Ord. ~~951~~ 951 § 1 (Exh. A), 2019; 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~~ 18.155 TMC. The following uses permitted conditionally in the ~~RM-HDRHD~~ zone meet the description and purpose set forth in Chapter ~~18.155~~ 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)~~18.155.070(B).
- J. Building over ~~two and one-half~~three stories or ~~30~~40 feet in height, whichever is less. Such buildings must also meet the building height transition standards in TMC
~~18.90.050(B)~~18.90.050(B).
- K. Other buildings, structures or uses that the ~~planning commission~~Planning Commission determines to be similar to other uses permitted conditionally in the ~~RM-HDRHD~~zone. [Ord.-
~~952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.450, 2006.]~~

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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 ~~the first one to two~~story structures, plus ~~three~~five 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.

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C. *Rear Yard*. Ten feet; five feet for alley-access garages. ~~(Ord. 952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.460, 2006.)~~

18.40.070 — Lot area and dimensions.

~~In the RM-HD zone, 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 RMH.~~
- ~~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 acreAcre: For the purposes of this sectionSection, a net acre is the total development acreage net of undevelopable lands (as defined in Chapter 18.1518.15 TMC) and a 24-percent reduction allowing for infrastructure. Development projects less than one and one-half1.5 acres in size do not need to subtract infrastructure allowance. Development proposals one and one-half1.5 acres or larger may not exempt one and one-half1.5 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.~~

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18.40.070 Lot area and dimensions.

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. ~~Apartment: 40~~

- 1. Seventy-five percent.

C. ~~B.~~ Minimum Lot Width. ~~Apartment~~

- 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: 50 feet.

D. ~~C.~~ Maximum Building Bulk. ~~Height: 30 feet.~~

- 1. Forty feet or three stories, whichever is less.

D. *Nonconforming Lots of Record.* ~~Notwithstanding TMC 18.40.010, a~~ lot having an area of less than ~~5,000~~2,500 square feet of record at the time of the passage of the ordinance codified in this ~~chapter~~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. 952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.470, 2006.]~~

18.40.080 Recreation area for ~~multifamily~~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 ~~multifamily~~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. ~~[Ord. 952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.480, 2006.]~~ 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.]

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18.40.090 Landscaping, fences, walls and signs.

In the ~~RM-HDRHD~~ zone, all required landscaping shall be installed in accordance with Chapter ~~18.105~~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~~18.105 TMC. Signs shall be permitted in accordance with Chapter ~~18.120~~18.120 TMC. ~~{Ord. 952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; Ord. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.482, 2006.}~~

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~~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. 952 § 1 (Exh. A), 2019; Ord. 951 § 1 (Exh. A), 2019; 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)

Sections:

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

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 ~~to senior citizens, families with only one car, and others who could walk~~ within proximity to residential neighborhoods and accessible by walking, bicycling or ride a bicycle to these facilities ~~other alternative modes of transportation.~~ These areas should be located adjacent to collector or arterial streets. [Ord. 817 § 8-3D.110, 2006.]

18.45.020 Buildings and uses permitted subject to Type I permit review.

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

~~A. Existing residential uses, without any increase in density.~~

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

A. Existing residential uses. 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.

C. Use of existing structures for the permitted uses listed in TMC ~~18.45.030 and 18.45.040~~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.~~D. Paving, surfacing, or resurfacing of existing parking lots subject to the provisions of Chapter 18.110 TMC.

E. Public and commercial off-street parking lots or structures, not exceeding 25 parking spaces.

[Ord. 817 § 8-3D.120, 2006.]

18.45.030 Buildings and uses subject to Type II site development plan review.

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include drive-

in, drive-up or drive-through facilities. Further, the following uses are permitted subject to the provisions of Chapter ~~18.150~~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~~18.130.010.

G. Other uses similar to those listed above, ~~where permitted as determined~~ by the ~~planning commission after written application.~~Community Development Director consistent with TMC 18.20.020(A).

~~H. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low-density residential zones. [Ord. 817 § 8-3D.130, 2006.]~~

18.45.040 Buildings and uses permitted subject to Type III site development plan review.

No building or structure shall be hereafter erected, enlarged, or structurally altered; neither shall any land be developed except for the following uses and buildings which are permitted,

none of which shall include drive-in, drive-up or drive-through facilities. Further, the following uses are subject to the provisions of Chapter ~~18.150 TMC and TMC 18.190.050~~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~~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~~18.155 TMC. The following uses permitted conditionally in the CN zone meet the description and purpose set forth in Chapter ~~18.155~~18.155 TMC:

- A. Passenger terminals (bus or rail).
- B. Temporary medical hardship, subject to the supplemental provisions of TMC ~~18.155.070(B)~~18.155.070(B).

- C. Buildings over two and one-half stories or 30 feet in height, whichever is the lesser.
- D. Wireless communication towers.
- E. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CN zone. [Ord. 817 § 8-3D.150, 2006.]

18.45.060 Yard regulations.

A. *Front Yard.* The front yard shall have a depth of not less than 10 feet, including a parking setback of not less than 10 feet; except when abutting a lot in a residential zone, and then the front yard and parking setback shall ~~conform to the front yard requirement of the residential zone~~ be 15 feet.

B. *Side Yard.*

1. No side yard is required between commercially zoned properties.
2. When abutting a lot in a residential zone, there shall be a minimum side yard of 10 feet.
3. A side yard abutting a street and/or alley shall have a depth of not less than 10 feet.

C. *Rear Yard.* No rear yard is required between commercially zoned properties; when abutting a lot in a residential zone, there shall be a rear yard of not less than 10 feet.

D. *Existing Residential Uses.* For existing residential ~~structures or~~ uses, setbacks in conformance with the ~~medium-density single-family residential (RS-7)RHD~~-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.]

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.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~~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.18.105 ~~TMC.~~ Fences, walls, hedges and screen plantings shall be permitted in accordance with Chapter ~~18.105~~18.105 TMC. Signs shall be permitted and in conformance with Chapter ~~18.120~~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~~Perimeter buffers shall ~~require a buffer~~be provided in accordance with TMC ~~18.105.050~~18.105.050. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.196, 2006.]

~~Code Publishing Company~~ **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 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)

Sections:

- 18.50.010 Description and intent.**
- 18.50.020 Buildings and uses permitted subject to Type I permit review.**
- 18.50.030 Buildings and uses subject to Type II site development plan review.**
- 18.50.040 Buildings and uses permitted subject to Type III site development plan review.**
- 18.50.050 Buildings and uses permitted subject to conditional use review.**
- 18.50.060 Yard regulations.**
- 18.50.070 Lot area and dimensions.**
- 18.50.080 Lot coverage restrictions.**
- 18.50.090 Parking and loading requirements.**
- 18.50.100 Landscaping, fences, walls and signs.**
- 18.50.110 Buffering.**
- 18.50.120 Additional Residential Standards.**

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.

~~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.~~

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

B. Use of existing structures for the permitted uses listed in TMC ~~18.50.030 and 18.50.040~~18.50.030 and 18.50.040, where all the provisions of this title and any amendment thereto are met.

~~DC.~~ Uses and structures customarily incidental to the above uses, including the usual accessory buildings and structures provided in the ~~low and medium density residential~~ RLD AND RMD zones.

~~ED.~~ Paving, surfacing, or resurfacing of existing parking lots subject to ~~city staff review for conformance with~~ the provisions of Chapter ~~18.110~~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.]

~~E. Public and commercial off-street parking lots or structures, not exceeding 200 parking spaces.~~

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~~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. Wireless communication antennas subject to the provisions of TMC 18.130.010. 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, where permitted as determined 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. Community Development Director consistent with TMC 18.20.020.~~

~~J. Uses and structures customarily incidental to the above uses.~~

~~K. Live-work units. [Ord. 817 § 8-3D.230, 2006.]~~

~~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~~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~~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~~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~~18.50.020 or ~~18.50.030~~18.50.030, ~~where permitted as determined by the planning commission after written application consistent with TMC 18.20.020.~~
- 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~~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. However, buildings including residential uses that comply with the standards of TMC 18.50.120 are exempt from conditional use review.~~

~~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.]

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 2010 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.]

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.]

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~~ 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~~ 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.18.105 TMC~~. Fences, walls, hedges and screen plantings shall be permitted in accordance with Chapter ~~18.105 TMC.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.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~~ Buffers shall require a buffer be provided in accordance with TMC ~~18.105.050.18.105.050~~. The planning commission may waive buffering that would otherwise be required by TMC ~~18.105.050(B).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.]

~~Code Publishing Company~~ **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.

Chapter 18.90 GENERAL PROVISIONS

Sections:

- 18.90.010 Foregoing regulations subject to this chapter.**
- 18.90.020 Maintenance of minimum requirements.**
- 18.90.030 Setback requirements.**
- 18.90.040 Building coverage.**
- 18.90.050 Building height.**
- 18.90.060 Accessory buildings, structures or uses.**
- 18.90.070 Distance between buildings.**
- 18.90.080 Minimum frontage requirement.**
- 18.90.090 Adequacy of public facilities and services.**
- 18.90.100 Installation, standards and specifications of public facility and service improvements.**
- 18.90.110 Building permits.**
- 18.90.120 Business licenses.**
- 18.90.130 Inspection and right of entry.**
- 18.90.140 Abatement.**
- 18.90.150 Penalties.**
- 18.90.160 Enforcement.**
- 18.90.170 Interpretation.**
- 18.90.180 Uses not permitted in all zones.**
- ~~**18.90.190 Buffering.**~~
- ~~**18.90.200 Residential development requirements.**~~

18.90.010 Foregoing regulations subject to this chapter.

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

18.90.020 Maintenance of minimum requirements.

No lot area, setback or other open space, or required off-street parking or loading area existing on or after the effective date of this title shall be reduced in area, dimension, or size below the minimum required herein; nor shall any lot area, setback or other open space, or off-street parking or loading area which is required by this chapter for one use be used as the lot area, setback or other open space, or off-street parking or loading area requirement for any other use, except as specifically provided in this chapter. [Ord. 817 § 8-3J.120, 2006.]

18.90.030 Setback requirements.

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

A. *Setback Measurements.* All setback measurements shall be made from the property line to the building or nearest projection thereof and shall be unobstructed from the ground upward, except as specifically provided herein.

B. *Projections into Required Setbacks and Exceptions to Setback Requirements.* Every part of a required setback shall be open and unobstructed from the ground upward, except for the following:

1. Ordinary building projections such as cornices, eaves, belt courses, sills, buttresses, bay windows or other similar architectural features extending not more than 12 inches into any required setback.
2. Apparatus needed for the operation of active and passive solar energy systems, including but not limited to overhangs, movable insulating walls and roofs, detached solar collectors, reflectors and piping.
3. Open uncovered fire escapes projecting not more than four feet into any required setback.
4. Chimneys projecting not more than two feet into any required setback.
5. Open, unenclosed porch or paved terrace or platform, not covered by roof or canopy, projecting not more than eight feet into a required front setback or four feet into a required side or rear setback.

6. An unenclosed, covered front porch may extend into the required front setback area by eight feet, provided it is not closer than 15 feet from the adjacent curb of a local street or closer than 20 feet to the adjacent curb of a collector or arterial street, and provided it:
 - a. Remains unenclosed by walls or glass;
 - b. Is no less than five feet deep (front-to-back dimension) to promote usable porches;
 - c. Has a floor no more than 30 inches above adjacent grade and the porch is overall no more than 16 feet high; and
 - d. Is consistent with the architectural character of the house.
7. Planting boxes or masonry planters, not exceeding three and one-half feet in height, and window boxes extending not more than 12 inches into any required setback.
8. Landscaping, and fences or walls conforming to the regulations of Chapter [18.105](#) TMC.

C. *Storage Yards.*

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

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

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

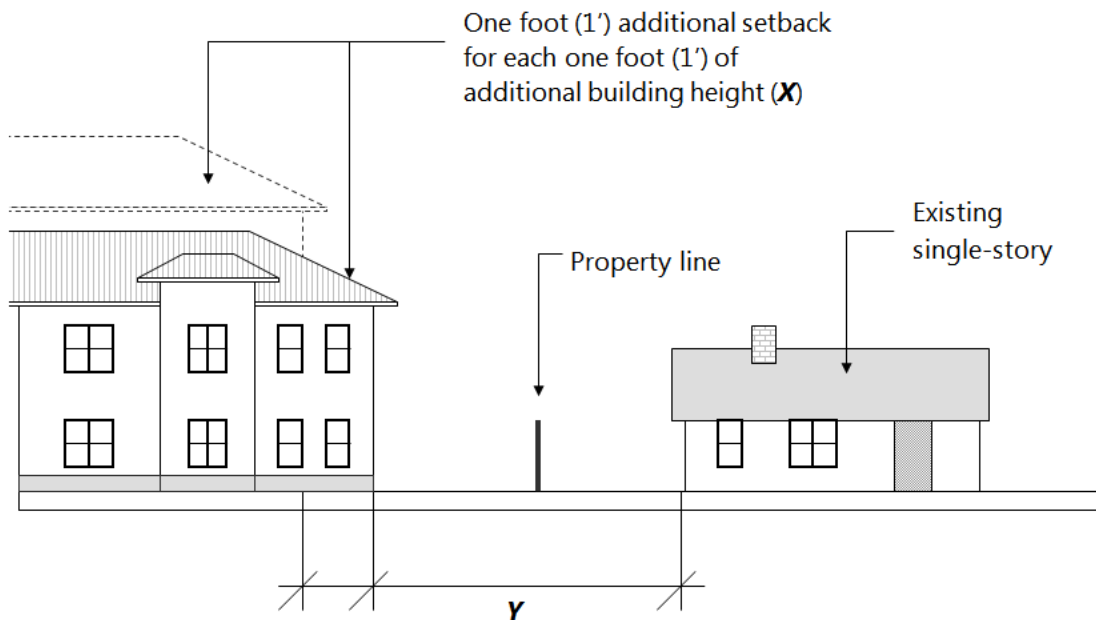
2. Where a precise plan adopted pursuant to law includes the plans for the widening of existing streets, the connecting of existing streets, or the establishment of new streets, the placement of buildings and the maintenance of setbacks, where required by this title, shall relate to the future street boundaries as determined by said precise plans. [Ord. 817 § 8-3J.121, 2006.]

18.90.040 Building coverage.

Maximum permitted building coverage shall include the aggregated building coverage of the lot with the following exceptions: unroofed and unenclosed patios and decks; up to 100 square feet of unenclosed front porches; swimming pools not structurally covered; and any solar collection device or related apparatus covering less than five percent of the total lot area. [Ord. 817 § 8-3J.122, 2006.]

18.90.050 Building height.

A. *Limitations and General Exceptions.* ~~The Structures exceeding the maximum height of any structure shall be two and one-half stories or 30 feet, whichever is less. Taller structures allowed in each zone shall be permitted only as a conditional use in each zone. Height limitations. Building height as defined in Chapter 18.15~~ 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 or two and one-half stories, whichever is less, shall provide additional setbacks or “step-down” to create a building height transition to downs” adjacent single-story building(s) in to lower-density residential zones-development.

1. This standard applies to new and vertically expanded buildings that exceed 30 feet or two and one-half stories, whichever is less, on lots adjacent to lots zoned RLD, RMD, or RMH located within 30 feet (as measured horizontally) of an existingThe minimum side or rear yard setback shall be equal to the height of the proposed building with a height less 15 feet, except as otherwise required by Chapter 18.125.

3. Building height may “step-down” within the additional setback area provided that no portion of 30 feet or less, as shown above.

2. The the building height transition standard is met when exceeds the height of allowed ratio in Figure 18.90.050-1 below and the taller building (X) does not exceed one foot of height for every one foot separating the two buildings (Y), as shown above.meets the minimum side and rear yard setbacks otherwise required in the zone. [Ord. 817 § 8-3J.123, 2006.]

18.90.060 Accessory buildings, structures or uses.

A building, structure or use that is considered necessary to the operation or enjoyment of a lawful permitted use or conditional use, and which is appropriate, incidental, and subordinate to any such building, structure or use – including garages, accessory storage structures, solar energy collectors or other energy-conserving devices and equipment used for the mounting or operation of such devices, and other uses which are customarily incidental to permitted uses – shall be considered accessory when located on the same lot. A use which involves an increase in the number of dwelling units in a building or on a lot beyond that which is permitted in the zone, or which constitutes, in effect, the conversion of a use to one not permitted in the zone, shall not be considered an accessory use. This provision shall not apply to guest houses, which are clearly subordinate to the main dwelling on the lot. [Ord. 817 § 8-3J.124, 2006.]

18.90.070 Distance between buildings.

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

18.90.080 Minimum frontage requirement.

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

18.90.090 Adequacy of public facilities and services.

No building permit will be issued unless or until public facilities and services are adequate in condition and capacity to accommodate the development; or until appropriate arrangements, such as cash or bond deposits, or public improvement districts, have been made with the city to install needed public facilities and services. [Ord. 817 § 8-3J.130, 2006.]

18.90.100 Installation, standards and specifications of public facility and service improvements.

A. *Standards and Specifications.* Public facility and service improvements (hereinafter called "improvements") required as a condition of development under this title will be at least the equivalent of the standards and improvements set forth in TMC [17.10.020](#) and [17.20.020](#), except as otherwise provided by this title. In the absence of adopted improvement specifications, the city shall determine the specifications of improvements to be installed for each development, but the specifications to be at least equal to the most recent Oregon A.P.W.A. standard specifications of public works construction. If the improvements are to be constructed within the right-of-way under the jurisdiction of an entity other than the city of Talent, that entity shall have the right to determine the standards and design to be imposed. If the entity having jurisdiction within the right-of-way determines that it will not set standards and specifications, the city will do so.

B. *Review Process.* The applicant shall submit a copy of the plans and specifications for improvements to the city and shall submit to the entity the necessary permits to construct the improvements. Plans prepared in accordance with the standards and specifications set by the city shall be submitted to the engineer of the city's choice for approval or comment, at applicant's expense. Thereafter, the plans, if they are for improvements within a public right-of-way and are to become the city's responsibility, shall be submitted to the city council for its approval or rejection.

C. *Inspections.* Whenever the city is to accept responsibility for or jurisdiction of the required improvements and the entity having jurisdiction of the right-of-way will not conduct inspection of the construction work, an engineer engaged by the city will do the inspections at applicant's expense. However, if the city council determines that the nature and size of the improvements justify it, the applicant, in lieu of utilizing the city's engineer for inspections, may employ his own engineer who shall make inspection in accordance with a list of construction tests to be met at specified events in the course of the construction process; and, in such event, the list shall be approved by an engineer engaged by the city but need not be prepared by him.

D. *Acceptance by the City.* Before the city will accept responsibility for or jurisdiction of the improvements, the applicant shall deliver to the city in approved form the following:

1. A signed statement from a professional engineer registered in the state of Oregon that the improvements have been constructed in accordance with the approved plans and specifications, and if the engineer was employed by the applicant, that the required construction tests set forth in subsection [\(C\)](#) of this section have been conducted and have yielded positive results;

2. A one-year guarantee that the improvements have been constructed in a workmanlike manner and are free from defects in work and materials, the guarantee to be secured by a surety bond issued by a bonding company licensed by the state of Oregon;
3. One set of "as-built" improvement plans; and
4. If the improvements are constructed upon private property, a recordable easement in a form approved by the city attorney that permits use by the public and maintenance by the city of the improvement.

E. *Miscellaneous Tasks of the City Engineer.* The city, with advice of an engineer engaged by it, shall establish bonding amounts, and the city may in any event engage an engineer to conduct inspections necessary to protect the interests of the city.

F. *Reimbursement for Engineering and Attorney Services.* The applicant shall reimburse the city for any work prescribed herein, and conducted by the city's engineer and attorney. [Ord. 817 § 8-3J.135, 2006.]

18.90.110 Building permits.

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

A. *Conformance with Chapter Provisions.* No building permit or certificate of use of occupancy shall be issued where such construction, addition or alteration or the use thereof would fail to meet or would be in violation of any provisions of this title.

B. *Plot Plan.* No building permit shall be issued unless the application is accompanied by a sketch showing at least all of the following:

1. The location and dimensions of the lot upon which construction is proposed;
2. The floor plan of the proposed structure or alteration and relationship to lot boundary lines;
3. The location of the lot in relation to streets and the names and widths of all abutting streets;
4. The location of trees with circumference of 14 inches or greater, measured three feet above grade at the base of the tree;

5. The location of proposed construction in relation to other structures on the same lot; and
6. The location and size of all proposed parking spaces and street access points.

More information may be required with a building permit application as required in various chapters of this title. [Ord. 817 § 8-3J.140, 2006.]

18.90.120 Business licenses.

No business license shall be issued for a business that is not a permitted use in the zone in which it is located. No business license shall be issued for a home occupation until the home occupation has been approved by the staff advisor to the planning commission or the planning commission, per the provisions of Chapter [18.170](#) TMC. No business license shall be issued unless or until the city building official is satisfied of substantial compliance with the provisions of this title or any approved development plans with any required conditions thereof and/or has granted a certificate of use of occupancy. [Ord. 817 § 8-3J.150, 2006.]

18.90.130 Inspection and right of entry.

Whenever they shall have cause to suspect a violation of any provision of the zoning regulations, or when necessary to investigate an application for or revocation of any zoning approval under any of the procedures prescribed in this title, officials responsible for enforcement or administration of this title, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant. No owner or occupant, or agent thereof, shall, after reasonable notice and opportunity to comply, refuse to permit such entry. [Ord. 817 § 8-3J.160, 2006.]

18.90.140 Abatement.

Any use which is established, operated, erected, moved, altered, enlarged or maintained contrary to the zoning regulations and approved development plans shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such. [Ord. 817 § 8-3J.161, 2006.]

18.90.150 Penalties.

Any person, firm or corporation, whether as a principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title shall be guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not more than \$350.00. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which the violation continues. [Ord. 817 § 8-3J.162, 2006.]

18.90.160 Enforcement.

A. *Building Inspector.* The building inspector for the city shall have the authority to enter any building or upon any premises for the purpose of investigation and inspection; provided, however, that no dwelling shall be so entered without consent of the occupant unless a 24-hour notice of intention to enter shall have been served upon such occupant.

B. *City Attorney.* The city attorney, upon request of the city council, shall institute any necessary legal proceedings to enforce the provisions of this title.

C. *Chief of Police.* The chief of police and his authorized representatives shall have the authority, upon request of the city council, to assist in the enforcement of the provisions of this title. [Ord. 817 § 8-3J.163, 2006.]

18.90.170 Interpretation.

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

18.90.180 Uses not permitted in all zones.

Any use that causes or could cause a violation of state environmental quality rules and standards will not be permitted in any zone in the city. When a use is proposed for which it is unclear whether or not it will cause such a violation, the planning staff advisor or the planning commission may require a

letter from the State Department of Environmental Quality certifying whether or not the proposed use meets said rules and standards. [Ord. 817 § 8-3J.173, 2006.]

~~18.90.190~~—Buffering.

~~Where buffering is required between adjacent uses or zones, the type of buffering shall be appropriate to its purpose. Where the purpose is primarily the screening of objectionable views, a fence, wall or screen planting of six feet in height—or of such greater or lesser height as will be adequate to obscure the objectionable view—shall be required. Fences or walls shall either be of a material so as to provide an aesthetically pleasing buffer or shall be landscaped so as to provide an aesthetically pleasing buffer for adjacent properties. Other appropriate means of buffering, including but not limited to spatial separations, landscaping, natural topography and other barriers, shall be utilized to minimize other types of incompatibility between land uses. [Ord. 817 § 8-3J.180, 2006.]~~

~~18.90.200~~—Residential development requirements.

~~A. The design and development of any manufactured home park or the expansion, improvement, or other modification of an existing manufactured home park within the city of Talent shall be in accordance with the minimum standards contained in OAR Chapter 814, Division 28, and with the provisions contained in Chapter 18.180 TMC.~~

~~B. All residential development, including both new and modifications to existing development, other than within a mobile home park, shall conform to the requirements and development guidelines contained in Chapter 18.95 TMC. [Ord. 817 § 8-3J.190, 2006.]~~

Chapter 18.95

RESIDENTIAL LOT IMPROVEMENT STANDARDS

Sections:

- 18.95.010 Purpose.**
- 18.95.020 ~~Applications~~Applicability.**
- 18.95.030 Location by housing type.**
- 18.95.040 ~~Residential development standards~~Accessory Structures.**
- 18.95.042 Additional standards for single-family attached dwellings.**
- 18.95.045 Additional standards for duplex dwellings.**
- 18.95.047 Additional standards for triplex and quadplex dwellings.**
- 18.95.050 Additional standards for individual manufactured homes.**
- 18.95.050-060 Removal of a dwelling or residential structure.**

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~~Applicability.

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

1. Manufactured home parks, which shall be designed and constructed in accordance with the minimum standards contained in OAR Chapter ~~814, Division 28814, Division 28~~, and other provisions contained in this title that pertain to manufactured home parks, including TMC ~~18.180.030~~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 ~~all new residential subdivisions, whether intended for "conventional" site-built dwellings, modular homes, prefabricated homes, factory-built homes;~~

1. Single-family dwellings, including detached, attached, and common-wall dwellings, and individual manufactured homes, ~~or mobile homes. Such subdivisions shall be developed in accordance with the requirements outside~~ of the TMC Title 17 and any other applicable codes a manufactured home park.

~~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.~~

2. Duplex dwellings.

3. Triplex and quadplex dwellings.

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~~ where the floor area is increased by 50 percent ~~of its appraised market value or more~~ 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~~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 ~~IIII~~ of this title.

B. All proposed residential land uses in ~~all residential zoning districts of the city~~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~~Accessory structures.

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; listed under TMC 18.95.020.B.~~

~~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. 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 painted or stained wood siding, or aluminum or vinyl siding that is textured to simulate wood or that is otherwise similar to the established architectural style or character of the neighborhood.~~

~~J.—Roofs. All residential dwellings shall be designed with gable, mansard, or other pitched 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 18.90.060A. Garages or Carports. If provided, a garage or carport shall be accessed by a driveway with a minimum width of 10 feet meeting the standards of TMC 18.115.060.J and 18.110.115.E.~~

B. Accessory structures 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 an accessory structuresstructure constructed after the effective date of this ordinance into an accessory residential unitsdwelling unit under Chapter 18.165 TMC is prohibited unless in compliance with the zone's standard setbacks and building code. 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.]

18.95.042 Additional standards for single-family attached dwellings.

In addition to the other standards in this chapter, single-family attached dwellings shall also comply with the following standards.

A. No more than six consecutive single-family attached dwellings that share a common wall are allowed.

B. Garages on the front façade and driveway accesses in front of a single-family attached dwelling are only permitted in compliance with the following standards.

1. Development of 2 attached dwellings shall have only one shared access, development of 3 or 4 attached dwellings shall have a maximum of two total accesses including at least one shared access, or development of 5 or 6 attached dwellings shall have a maximum of three total accesses including at least two shared accesses; and

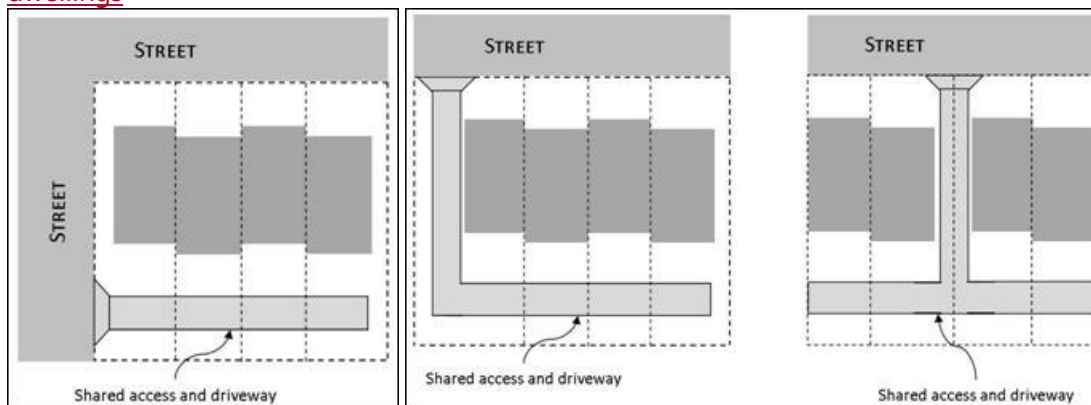
2. Individual driveways and maneuvering areas shall not exceed 12 feet wide or 50 percent of the lot width, whichever is greater, on any lot; and

3. The garage width shall not exceed 12 feet, or 50 percent of the lot width, whichever is greater, as measured from the inside of the garage door frame; and

4. The garage shall not extend closer to the street than the furthest forward living space on the street-facing façade.

C. As an alternative to compliance with subsection B, garages, driveways and parking areas for single-family attached dwellings may be located on the back façade or in the rear yard and accessed from a consolidated access.

Figure 18.95.042-1: Alternative access and parking configurations for single-family attached dwellings



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.

18.95.047 Additional standards for triplex and quadplex dwellings.

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

- A. The main entrance for at least one unit in a triplex or quadplex shall face the street frontage.
- B. If parking is provided in garages along the front façade of the triplex or quadplex, the garages and driveway accesses cumulatively shall not exceed 50 percent of the width of the front façade, and the garage(s) shall not extend closer to the street than the furthest forward living space on the street-facing façade. Access and driveway design shall comply with standards in TMC 17.10.060.
- C. If parking is provided in an off-street parking area, the parking and vehicle use areas shall be located behind or beside buildings and structures, such that no more than 50 percent of the lot 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.

18.95.050 Additional standards for individual manufactured homes.

Installation and occupancy of manufactured homes on individual lots will be subject to the following additional requirements:

- A. *Size.* The manufactured home shall enclose a space of not less than 300 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.

18.95.060 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)~~(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)(A)~~ and ~~(B)(B)~~ of this section. [Ord. 817 § 8-3].250, 2006.]

~~The Talent Municipal Code is current through Ordinance 962, passed May 6, 2020.~~

~~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~~

~~City Telephone: (541) 535-1566~~

~~Code Publishing Company~~

Chapter 18.96

MULTIPLE-FAMILY DESIGN

Sections:

18.96.010 General provisions.

18.95.020 Applicability and required review.

18.95.030 Design standards.

18.95.040 Design guidelines.

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. However, an applicant may request a variance to one or more of the objective standard(s) in TMC 18.96.030 under TMC 18.160

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-fj, 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.

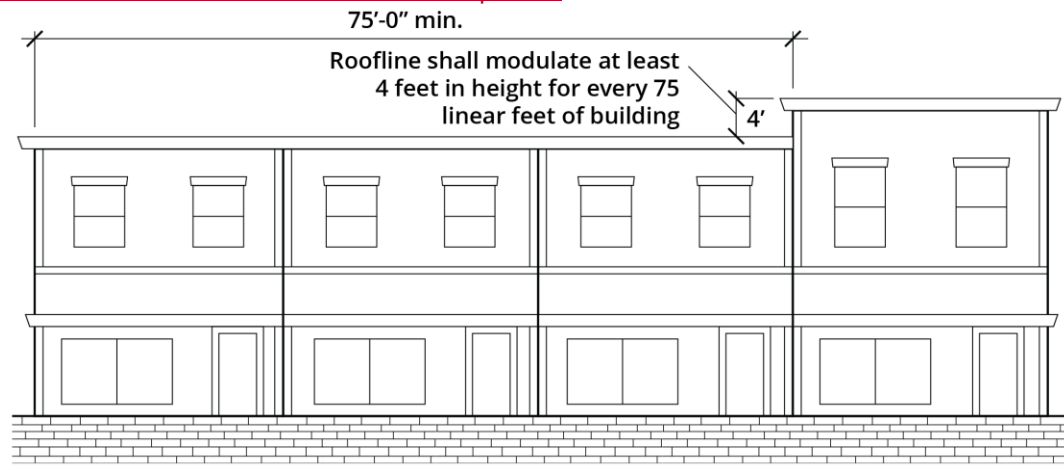
D. Building Articulation. To preclude large expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as offsets, projections, balconies, bays, windows, entries, porches, porticos, or similar elements. These features shall vary from the other wall surfaces by a minimum of 2 feet, and shall have a minimum width of 6 feet.

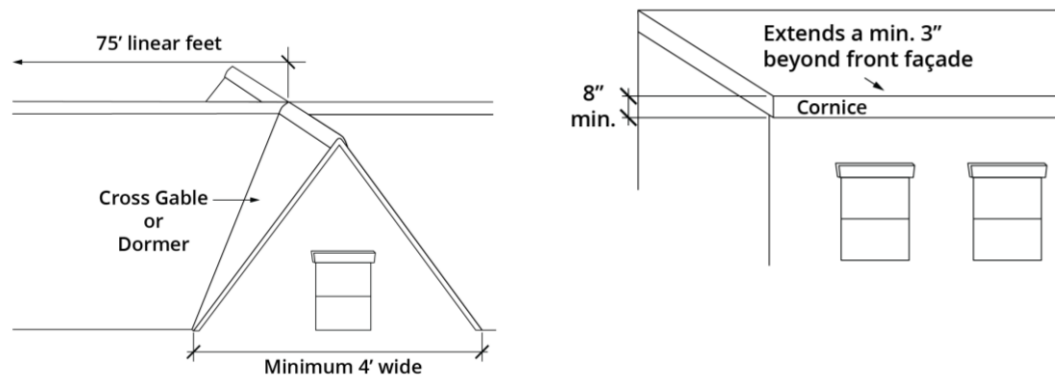
1. Horizontal surface: At least two of the design features outlined above shall be incorporated along the horizontal face (side to side) of the structure, to be repeated at intervals of no more than 30 feet.

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. Off-street parking areas and site access.

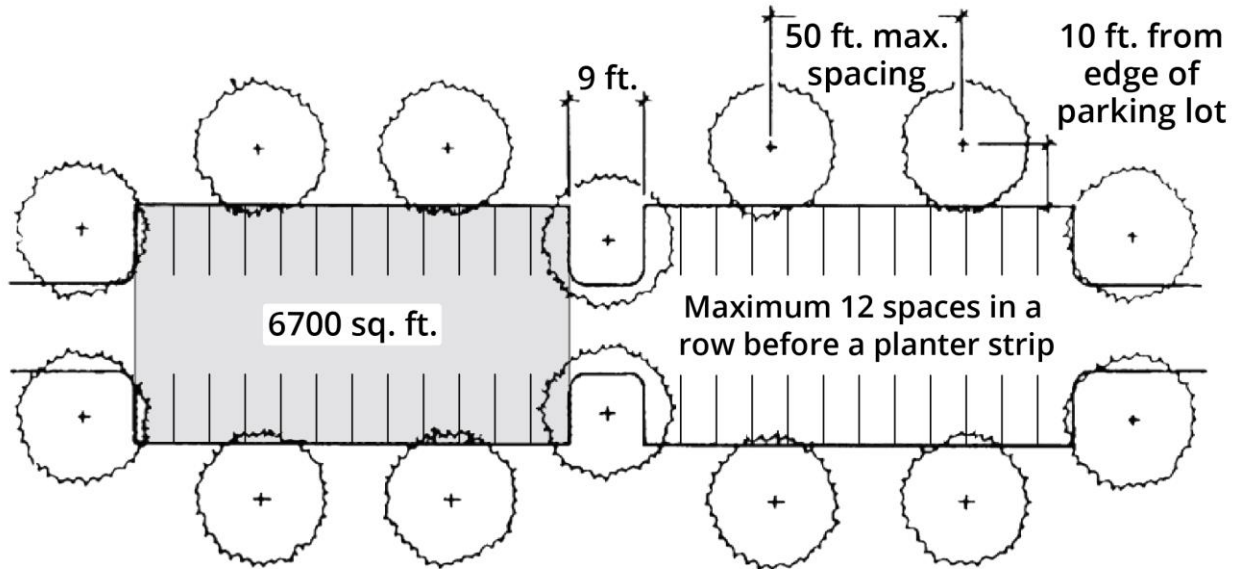
1. Parking and vehicle use areas shall be located behind or beside buildings and structures, such that no more than 50 percent of the site's buildable width shall be occupied by parking or vehicle use areas at the setback line. Parking areas shall not be located between buildings and the street.

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 shall comply with the standards of TMC 18.115.



H. Pedestrian circulation shall comply with the standards of TMC 18.115.030.

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 18.97

CLUSTER HOUSING

Sections:

- 18.95.010 General provisions.**
- 18.95.020 Permits – Eligibility and application.**
- 18.95.030 Development standards.**

18.97.010 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.

18.97.020 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.]

18.97.030 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: There may be 4-12 units per cluster with no limit on the number of clusters per development.

4. Minimum Lot Size.

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

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:

	<u>Setback</u>
<u>Front</u>	<u>10 ft.</u>
<u>Porch or stairs</u>	<u>5 ft.</u>
<u>Side</u>	<u>3 ft.</u>
<u>Rear</u>	<u>5 ft.</u>

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 district: The minimum density shall be met as established in TMC 18.25.065.A. The maximum density shall be 21.6 units per acre.

2. For developments in the RMD district: The minimum density shall be met as established in TMC 18.30.065.A. The maximum density shall be 29 units per acre.

3. 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.

4. 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.

E. Open Space. Cluster housing developments shall provide and maintain at least one common open space per cluster 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 percent 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 18.105 LANDSCAPING, FENCING AND HEDGES

Sections:

- 18.105.010 Description and purpose.**
- 18.105.020 Minimum landscaped area.**
- 18.105.030 Minimum vegetation and ground cover.**
- 18.105.040 Trees prohibited.**
- 18.105.050 Buffer and screening.**
- 18.105.055 Clear vision at intersections.**
- 18.105.060 Fences and hedges.**
- 18.105.070 Landscape maintenance.**
- 18.105.080 Solar considerations.**
- 18.105.090 Xeriscaping.**

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.* ~~Thirty~~Twenty percent of each lot for residential developments.
2. *Central Business District (CBD) and ~~Central Business Highway (CBH)~~ Commercial Neighborhood (CN) Zones.* ~~TwentyFifteen-~~ 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.]

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.]

18.105.040 Trees prohibited.

No person shall plant on any public property or private property the following trees if the tree's future critical root zone (CRZ) at maturity (CRZ is defined in TMC [18.100.020](#)) is within the public right-of-way: poplar, willow, cottonwood, fruit tree, or ailanthus, unless part of a city-authorized riparian restoration project. The recommended street tree list should be consulted before any tree is planted within or adjacent to the public right-of-way. No person shall plant any tree anywhere in the city so as to adversely affect public utilities. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.440, 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 adjacent to a residential use:~~

- ~~1. The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use.~~
- ~~2. The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired.~~
- ~~3. Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography or other features. In the case that a proposed building is directly adjacent to~~

~~the required setbacks, a fence or wall is not an appropriate buffer and a 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.~~

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

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

~~1. The planning commission may require application of the same reduce the impacts on adjacent uses of a different type, buffering standards as and screening are required of commercial development (subsection (A) of this section); in accordance with the Table 18.105.050-1 below.~~

~~A. General Requirements~~

~~1. The property owner is responsible for the installation and maintenance of required buffers and screens including compliance with TMC 18.135.060.A.~~

~~2. In addition to the general provisions of subsection (A), The Community Development Director may waive the buffering/screening requirements of this section, the planning commission may require one- where the required buffer/screen has been installed on the adjacent property in accordance with this chapter.~~

~~3. Where a proposed use abuts undeveloped property, only one-half of the buffer width shall be required.~~

~~B. Buffer Location~~

~~A buffer consists of an area within a required setback adjacent to a property line. It has a depth equal to the amount specified in Table 18.105.050-1 and contains a length equal to the length of the property line of the abutting use(s).~~

~~C. Buffer Requirements~~

~~1. At least one row of trees. These trees will not be less than ten (10) feet tall at the time of planting and not spaced more than thirty (30) feet apart and five feet tall at the time of planting for evergreen trees and spaced not more than fifteen (15) feet apart. This requirement may be waived by the Community Development Director~~

- when it can be demonstrated that such trees would conflict with other provisions of this code (e.g. solar access).
2. At least five five-gallon shrubs or more ten one-gallon shrubs for each 1,000 square feet of required buffer area.
 3. The remaining buffer area shall be planted in accordance with 18.105.030(C) above.
- D. Screening. Where screening is required or provided, at least one of the following types of techniques shall be provided in addition to the buffering fences, walls and landscaping requirements above.
1. a. One row of evergreen shrubs that will grow to form a continuous hedge at least six feet tall within two years of planting, or

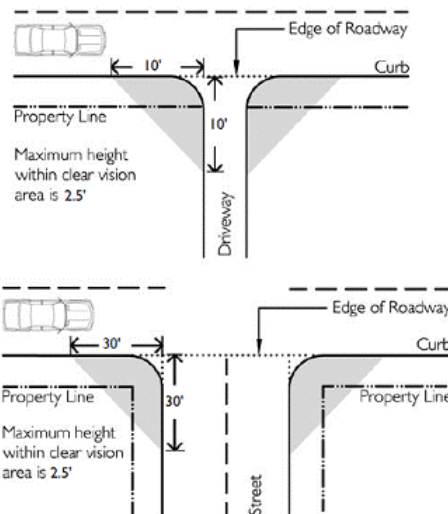
A fence or masonry wall (stucco, stone, or similar quality material), coupled with trees planted 30 feet on center planted within six feet of the wall.

b. A "see-through" wall (wrought iron or similar quality material), coupled with trees planted 30 feet on center.
 2. 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 at least six feet in height and be 95 percent opaque, and trees planted 30 feet on center to provide a uniform sight-obscuring screen, or
 3. An earthen berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation.
- E. Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of 18.105.60 below.
- F. Landscaping within the buffer shall count towards minimum landscaped area and vegetation required by TMC 18.105.020 and 18.105.030.
- G. Agricultural Buffers. To implement the agricultural buffering standards of the Greater Bear Creek Valley regional plan, buffering provisions in TMC ~~18.215.200~~ 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.]

18.105.055 Clear vision at intersections.

The purpose of this chapter is to maintain clear vision areas at intersections in order to protect the safety and welfare of the public in their use of City streets. (Ord. 1679 § 1, 1990)

- A. No person shall maintain, or allow to exist on property which they own or which is in their possession or control, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, which obstruct the view necessary for safe operation of motor vehicles or otherwise cause danger to the public in the use of City streets. It shall be the duty of the person who owns, possesses, or controls the property to remove or trim and keep trimmed any obstructions to the view.
- B. A clear vision area shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
- C. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole, except when the height of the obstruction do not exceed two and one-half (2.5) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight is allowed to a maximum height of six (6) feet.
- D. The clear vision area for all street intersections and all street and railroad intersections shall be that area described in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets." The clear vision area for all corner lots shall be that area within a thirty (30)-foot radius from where the lot line and the edge of a street intersect. The clear vision area for all driveways shall be that area within a ten (10)-foot radius from where the driveway and the edge of a street intersect.



- E. Modification of this computation may be made by the City Engineer after considering the standards set forth in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets" and taking into consideration the type of intersection, site characteristics, types of vehicle controls, vehicle speed, and traffic volumes adjacent to the clear vision area.
- G. The provisions of this chapter relate to safety. They shall not be modified by variance and are not subject to appeal.

18.105.060 Fences and hedges.

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

All fences and hedges are subject to the following standards:

A. *Materials.* No one may construct fences or walls of or containing material(s) that can do bodily harm, such as barbed wire, broken glass, or any other hazardous or dangerous materials. For barbed wire and electric fence exceptions, see TMC [8.10.150](#).

B. *Placement.* Fences and walls may be erected directly up to common property lines. An exception to this rule may be required when the placement would prevent the use of adjacent property or right-of-way, or prevent the safe use of a driveway or alley. In such cases, the city may require the fence or wall to be set back a minimum distance from the driveway, right-of-way, alley or property line.

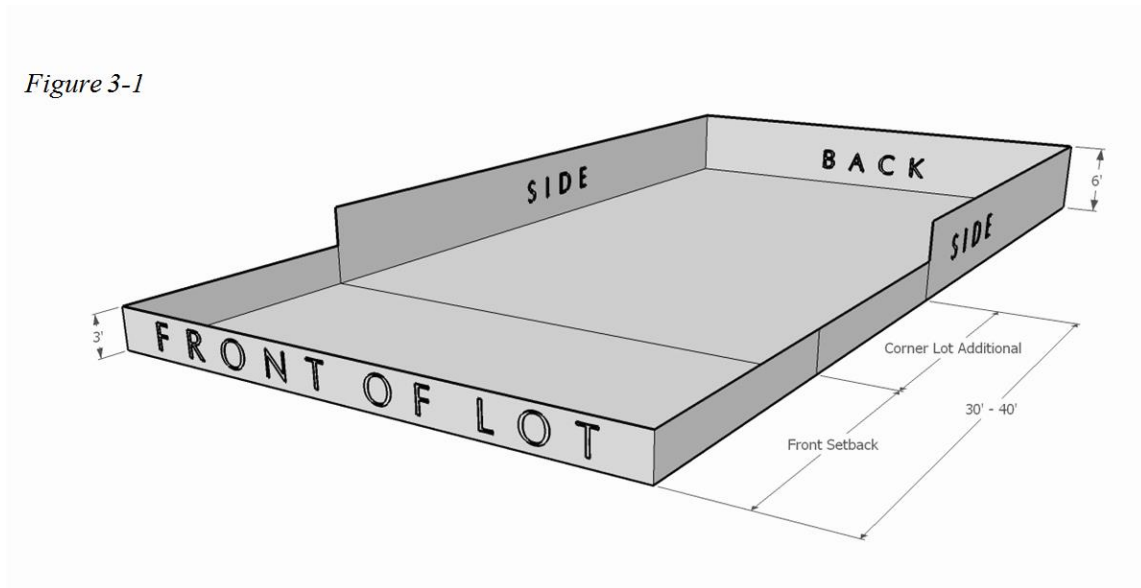
Hedges and screen plantings may be planted in locations where their growth does not encroach on public rights-of-way. Encroachment on private property is commonly a private civil matter; the city will not become involved in such disputes unless it deems there is a significant safety concern.

C. *Height Limitations.* Figure 3-1 illustrates the regulations. See also definitions of “yard” in Chapter [18.15](#) TMC.

1. Front yard: three feet.
2. Side yard: six feet.
3. Rear yard: six feet.

4. Corner lot: three feet for a distance of 40 feet along the street-side yard when that street is a collector or arterial; otherwise 30 feet. This is to provide a clear sight triangle of 30 feet by 30 feet or 30 feet by 40 feet at intersections.

Figure 3-1



D. *Measuring Height.*

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

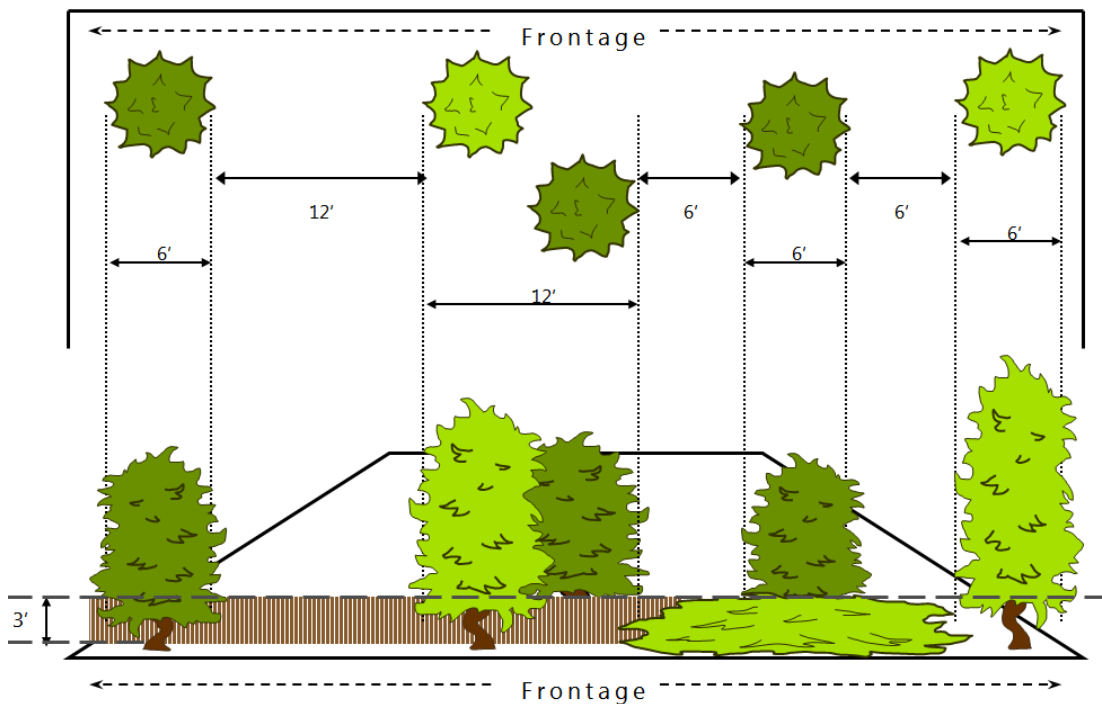
E. *Allowances.*

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

Individual bushes, trees, hedges, and similar vegetation, or groupings of such, that have the effect of substantially inhibiting visibility above the height limitation for the yard in which they are located are permitted if the total blockage of the frontage is 50 percent or less and there are six-foot gaps for every 12 feet of grouping (see Figure 3-2). This allowance does not extend to the sight triangle area in subsection [\(C\)\(4\)](#) of this section.

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

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



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

2. Entryway or gate arbors are permitted in front yards provided they are no more than eight feet tall, six feet wide, six feet deep, and are no less than 15 feet from a property corner or driveway, including those on adjacent lots.

3. The city planner may grant a special allowance for fences, walls, hedges, or screen plantings that exceed the height limits or location requirements of this chapter for the circumstances listed below. The process used for granting a special allowance will be administrative and include consultation with the police department and/or public works department, and notification of adjoining neighbors, whose interests will be considered.

- a. Lots with unusual shapes or in unique situations, where it is shown that public safety is not decreased.
- b. Fences or walls surrounding tennis courts, swimming pools, schools, or other special facilities, not including residences, where it is shown that the normal use or level of protection requires a greater height for safety or other reasons.

4. Security fences may be constructed up to 10 feet high in commercial and industrial areas, provided they are a see-through, chain-link type and set back a distance equal to their height in front yards and street-facing side yards, plus any necessary accommodations for sight distance on corners.

F. *General Safety Provisions.*

1. Recognizing that the best intentions and most careful crafting of regulations do not account for all variables, the city can either disallow or require the elimination or mitigation of fences, walls, hedges, screen plantings, and similar that it finds deleterious to public health or safety, or at odds with the purpose of this chapter.

2. Property owners aggrieved by a decision made under this section may appeal the decision to the planning commission, which may reverse, uphold or modify staff's decision based on its evaluation of the evidence presented. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.460, 2006.]

18.105.070 Landscape maintenance.

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

A. *Residential Areas.* In all residential zones, areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be maintained. Fences, walls, hedges and

screen plantings shall be permitted in conformance with the requirements of Chapter [18.100](#) TMC. All fences, walls, hedges and screen plantings shall be maintained.

B. *Commercial Areas.* In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of TMC [18.105.020](#) and [18.105.030](#). [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.470, 2006.]

18.105.080 Solar considerations.

Solar energy use can be considered as an option to reduce the total number of required trees for a development plan. A clear plan must be created which demonstrates the location of solar panels, intended use of energy from them, and demonstration that the planting of all required trees would pose an obstacle to the development. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.480, 2006.]

18.105.090 Xeriscaping.

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

A. Eligibility.

1. Must be city of Talent utility customer with potable water (not TID) for irrigation.
2. Project must demonstrate a reduction in water use compared to the necessary water required for standard landscaping.
3. The square footage of the xeriscape area must be at least 50 percent of the required landscaped area in TMC [18.105.020](#). Proposed projects meeting this requirement will be allowed to reduce the overall landscaped area by 10 percent of that required in TMC [18.105.020](#).

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

1. Interested parties wishing to xeriscape a portion of a parcel to reduce landscaping requirements shall supply the city with a completed xeriscape application.
2. *Site Description.* Applicants are required to submit a simple site design plan including all required landscaping, proposed xeriscaping and irrigation to be installed. The plan shall include the location of plants and type of irrigation for each plant. All xeriscaping shall meet the landscaping requirements below:
 - a. *Plants.* Ninety percent of the plant material must be drought tolerant or considered low water use plants (based on the water-wise landscaping website, WUCOLS).
 - b. *Plant Coverage.* At completion, xeriscape areas must contain enough plants to create at least 50 percent living plant cover at maturity. Xeriscape areas may not include any live lawn (grass) or invasive plant species as defined by the Oregon Department of Agriculture noxious weed list.
 - c. *Efficient Irrigation Components.* If a watering system is used, all sprinkler heads in the xeriscape areas must be low volume (drip, micro-spray, bubblers, or low precipitation rotating nozzles).
 - d. *Prevent Overspray.* The xeriscape area shall not be irrigated or oversprayed by other required nonxeriscape areas.
 - e. *Permeable Surfaces and Treatments.* In residential areas, no concrete, plastic sheeting or other impermeable surfaces shall be used in an identified xeriscape area.
 - f. *Mulch.* Exposed soil must be completely covered by a layer of mulch. Common mulching materials include wood chips, decomposed granite, river rock, and bark. If weed barrier is used beneath the mulch, it must be manufactured to be permeable to air and water.
 - g. *Living Ground Cover.* Qualifies as mulch provided the plants are installed at a density to assure 100 percent plant coverage at maturity.

C. *Approval Criteria.* After examination of the design plan, city staff shall approve or approve with conditions if the following requirements have been met:

1. Submittal requirements of subsection (B) of this section have been met;
2. A pre-inspection of the site has been conducted by city staff to determine the feasibility of the plan.

D. *Inspection Process.* All projects shall have a final inspection to ensure that all proposed xeriscaping has been completed in accordance with the approved plan. Certificate of occupancy shall be issued once final inspection and approval have been granted. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.490, 2006.]

Chapter 18.110

OFF-STREET PARKING AND LOADING

Sections:

- 18.110.010 Description and purpose.**
- 18.110.020 General.**
- 18.110.030 Off-street loading.**
- 18.110.040 Permit and review required of all off-street parking lot surfacing and resurfacing projects.**
- 18.110.050 Off-street parking applicability.**
- 18.110.060 Number of parking spaces required.**
- 18.110.070 Parking requirements for uses not listed.**
- 18.110.080 Facilities for mixed uses.**
- 18.110.090 Joint use of parking facilities.**
- 18.110.100 Bicycle parking facilities.**
- 18.110.110 Location and use of off-street parking spaces.**
- 18.110.115 Residential parking design standards.**
- 18.110.120 Parking area design standards.**
- 18.110.130 Parking area improvements.**
- 18.110.140 Miscellaneous parking provisions – Flag drives and recreation vehicles.**

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 ~~in the central business district zone (CBD), as provided in~~ subsection C below, 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, duplex, triplex and quadplex 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 § 8-3].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	
One — and two-bedroom dwelling unit <u>Single-family dwelling (detached, attached, common wall, and individual manufactured homes)</u>	2 spaces per dwelling unit, <u>or 1 space per dwelling unit with alley-loaded parking</u>
<u>Duplex</u>	<u>1 space per dwelling unit</u>

Use	Standard
<u>Triplex and quadplex dwelling</u>	<u>1 space per dwelling unit</u>
<u>Cluster housing</u>	<u>1 space per dwelling unit</u>
Greater than Multiple-family dwelling: <u>Studio dwelling units</u> One- and two-bedroom dwelling units <u>Three-bedroom or larger dwelling units</u>	2 spaces plus 1- <u>0.5 space per additional bedroom, up to dwelling unit</u> 1 spaces per dwelling unit <u>1.5 spaces per dwelling unit</u>
Rooming or boarding houses Migrant housing <u>Residential care home and residential care facility</u>	2 spaces for each 3 guest rooms, or 1 per 3 beds, whichever is more
Mobile <u>Manufactured</u> home park	2 spaces <u>1 space</u> for each mobile <u>manufactured</u> home site, <u>plus one per 8 manufactured homes as required by TMC 18.180</u>
Institutional and Public Uses	
Auditorium or meeting rooms	1 space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, 1 space for each 4 seats or 8 feet of bench length
Child care centers having 13 or more children, kindergartens, equivalent parochial or private schools	1 space per 2 employees, a minimum of 2 spaces; 1 driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading
Churches	1 space for every 5 seats or every 10 feet of bench length in the main auditorium (sanctuary or place of worship)
Clubs and lodges	Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.
Hospitals	1.5 spaces for each bed; when fractioned, next higher full unit
Libraries, museums, art galleries	1 space for each 400 square feet of floor area
Schools	
Elementary or junior high schools and equivalent private and parochial schools	1.5 spaces per classroom, or 12 feet of bench length in the auditorium or assembly room, whichever is greatest

Use	Standard
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
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

Use	Standard
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

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 ~~40~~50 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.

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

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
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 shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by city of Talent standards. The following constitutes an on-street parking space:

1. Parallel parking, each 24 feet of uninterrupted curb;

2. 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 CBD, CBH, CN and CH zones, 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.]

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

B. *Exemptions.* This section does not apply to single-family, ~~two-family, and three-family housing dwellings~~ (attached, detached, common wall, or manufactured housing), duplex, triplex or quadplex dwellings, 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~~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, duplex, triplex and quadplex 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. 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. Driveways shall comply with standards in TMC 18.115.060.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.~~

~~B. Groups of three~~A. Groups of 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.

~~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 Community Development Director or planning commission (for Type III reviews) 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.

ED. *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.

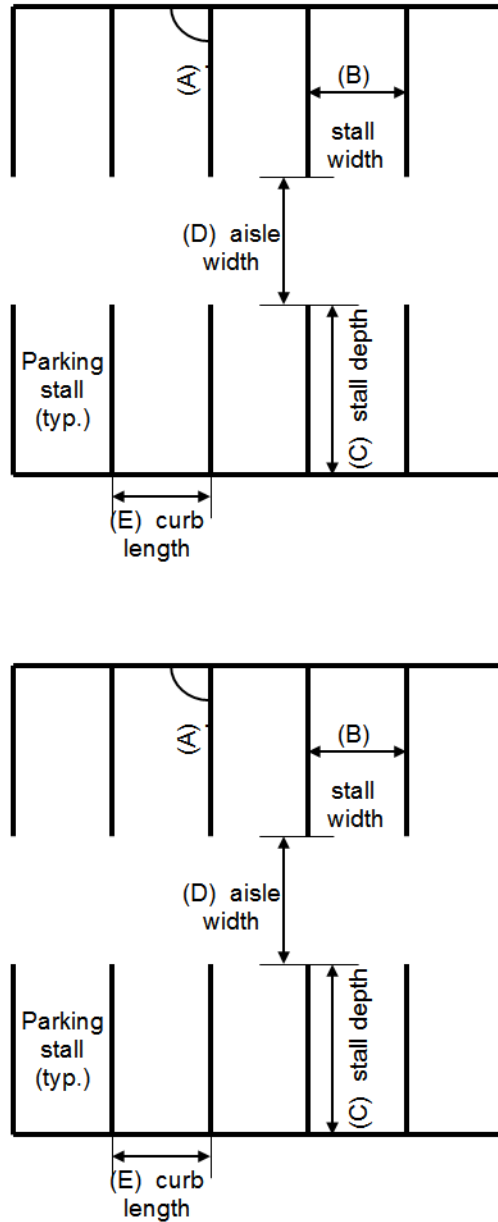


Table 18.110.120. Minimum Parking Space and Aisle Dimensions

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:

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 § 8-3].580, 2006.]

Chapter 18.115
ACCESS, CIRCULATION, DEVELOPMENT AND STREET
IMPROVEMENTS DESIGN STANDARDS

Sections:

- 18.115.005** **Purpose.**
- 18.115.010** **Open space Compliance required.**
- 18.115.020** **Public facilities standards and improvements.**
- 18.115.030** **Pedestrian access and circulation.**
- 18.115.040** **Street trees improvements.**
- 18.115.050** **Transportation facility standards.**
- 18.115.060** **Vehicular access and circulation. Special building setback lines.**
- 18.115.070** **Street improvements.**
- 18.115.080** **Street dedication and setbacks.**
- 18.115.090** **Sanitary sewer and water service improvements.**
- 18.115.100** **Storm drain and surface water management.**
- 18.115.110** **Utilities.**

18.115.010—Purpose.

18.115.005 Purpose

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

~~A. The dedications, improvements and/or setbacks required by this chapter must be met or complied with, or provisions made to ensure complete compliance, before any building permits shall be issued. [Ord. 817 § 8-3J.620, 2006.]~~

18.115.010 Open space.

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

B. Open Space Standard. Designated locally significant wetland and riparian areas and a 50-foot “safe harbor” setback from these areas shall be maintained as permanent open space, pursuant to Chapter 18.85 TMC. Additional open space may also be required by the city or dedicated by the developer of a subdivision, in conformance with the comprehensive plan. The open space shall be shown on the preliminary plat for a subdivision and recorded with the final plat or separate instrument in accordance with one of the following methods:

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

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

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

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

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

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

18.115.020 Public facilities standards and improvements.

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

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

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

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

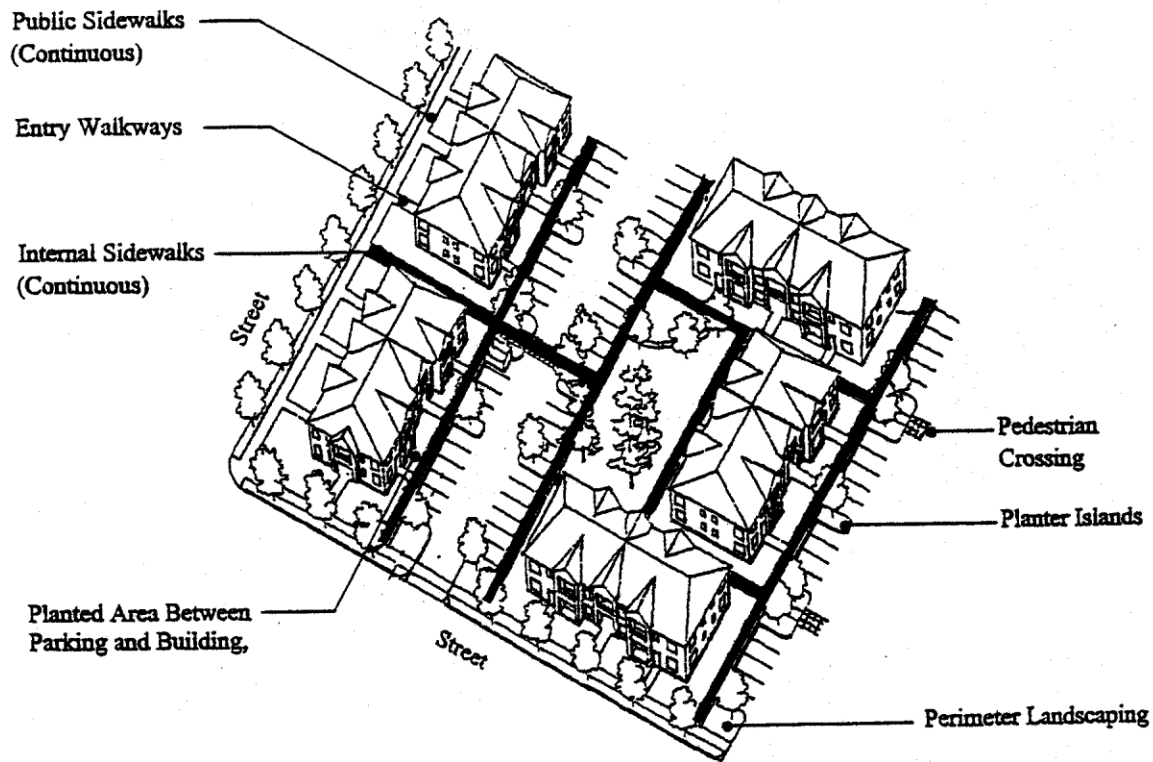
18.115.030 Pedestrian access and circulation.

To ensure safe, direct, and convenient pedestrian circulation, all developments, except residential development of four or fewer units on a single lot, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use

pathways accommodate pedestrians and bicyclists.) The system of pathways shall be designed based on the standards in subsections (A) through (E) of this section:

A. *Continuous Pathways.* The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions this section.

Figure 18.115.040-1. Pedestrian Pathway System for Multiple-Family Development (Typical)



A.

B. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:

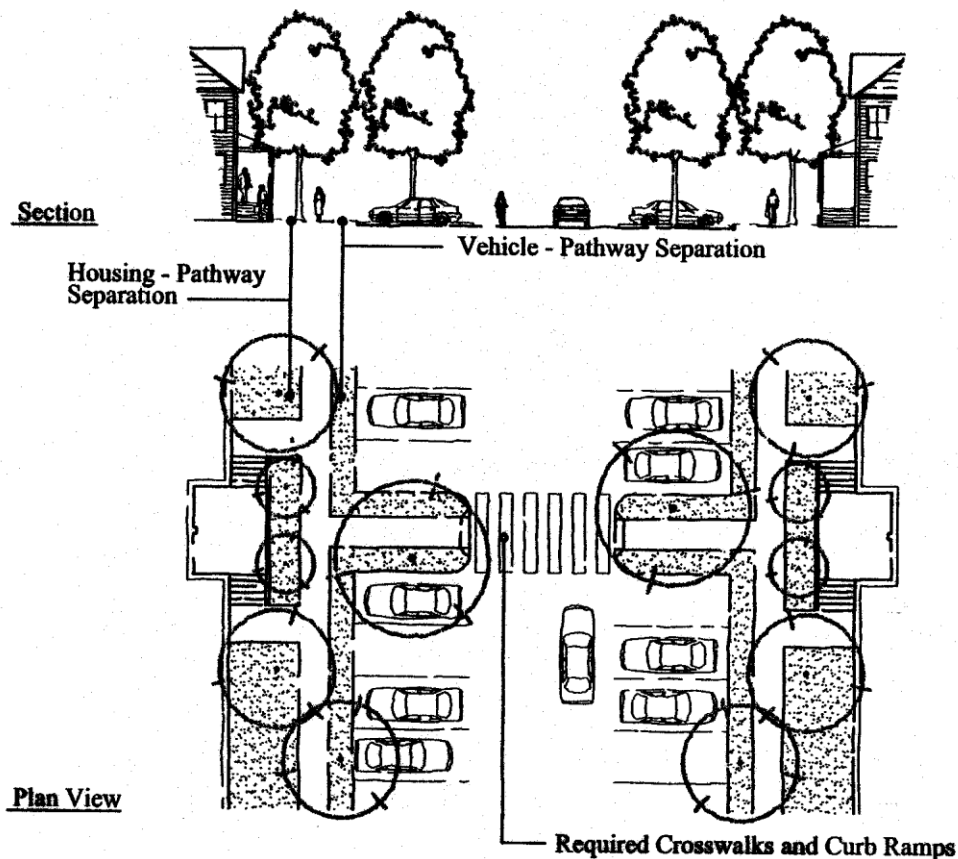
1. Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
2. Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
3. For commercial, industrial, mixed use, as well as public and institutional buildings, the primary entrance is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
4. For residential buildings, the primary entrance is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the primary entrance may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.
5. Walkways shall be constructed with a hard-surfaced material 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, bollards, or distinctive pavings materials.

C. *Connections within Development.* For all developments subject to site development plan review (Chapter 18.150 TMC), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas, and adjacent developments to the site, as applicable.

D. *Street Connectivity.* Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by TMC 18.115.050(J)(1) through (J)(5). Pathways shall also be provided where cul-de-sacs or permanent dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other existing or future developments. Pathways used to comply with these standards shall conform to all of the following criteria:

1. All pathways shall be not less than 10 feet and not more than a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;
2. Pathways within subdivisions shall be lighted;
3. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
4. The city may require landscaping and/or fencing within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
5. The Community Development Director or Planning Commission (for Type III reviews) may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded prior to the effective date of the ordinance codified in this chapter prohibit the pathway connection.

Figure 18.115.040-2. Pathway Standards (Typical)

E. Design and Construction. Pathways shall conform to all of the standards in subsections (E)(1) through (E)(5) of this section:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot-minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps that comply with the Federal Americans with Disabilities Act (ADA).

2. Housing/Pathway Separation. Pedestrian pathways for public use shall be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of TMC 18.105. No pathway/building separation is required for commercial, industrial, public, or institutional uses, except as required for mixed uses when a residential use is on the ground floor.

3. Crosswalks. Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of

thermoplastic striping or similar type of durable application. Striping, because of ongoing maintenance costs, is not the city's preferred alternative.

4. *Pathway Surface.* Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other surface as approved by the city, at least six feet wide or as approved by the city and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also TMC 18.115.050, Transportation facility standards, for public, multi-use pathway standard.) Pathway right-of-way shall be no less than 15 feet to provide emergency vehicle access. Right-of-way of less than 15 feet may be used where a path could not otherwise be provided, but in no case may a right-of-way less than 12 feet be approved for a public path.

5. *Accessible Routes.* Pathways shall comply with the ADA, which requires accessible routes of travel. [Ord. 818 § 2 (Exh. A (§ 8-2.230)); Ord. 692 § 4.]

18.115.040 Street trees.

A. *Purpose.* This section is intended to improve the comfort, safety and appearance of streets through the appropriate use of street trees. The standards in this section supplement, but do not replace, the provisions of TMC 18.105 and 18.135.

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

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

1. Provide a broad canopy where shade is desired.
2. Use low-growing trees for spaces under utility wires.
3. Select trees that can be “limbed-up” where vision clearance is a concern.
4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage and avoid using trees that produce excessive seeds or fruit.

7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.

8. Select trees for their seasonal color, as desired.

9. Use deciduous trees for summer shade and winter sun.

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

E. *Spacing and Location.* If a planter strip is provided, street trees shall be planted within the planting strip. If a planter strip is not provided, trees shall be planted behind the sidewalk or in sidewalk tree wells (e.g., downtown area) when determined in the review process to be a reasonable accommodation. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with sight distance requirements, or existing trees, retaining walls, utilities and similar physical barriers.

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

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

18.115.050 Transportation facility standards.

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

B. *Development Standards.* No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of TMC 18.115.060, Vehicular access and circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the transportation system plan standards;

2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;

3. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exists:

a. A partial improvement may create a potential safety hazard to motorists or pedestrians;

b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

c. The improvement would be in conflict with an adopted capital improvement plan; or

d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

C. Variances. A variance to the transportation design standards in this section may be granted pursuant to Chapter 18.160 TMC.

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

E. Creation of Access Easements. The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with TMC 18.115.060, Vehicular access and circulation. Access easements shall be created and maintained in accordance with Uniform Fire Code Section 10.207.

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

1. Street grades shall be approved by the public works director or designee in accordance with the design standards in subsection (O) of this section; and

2. Where the location of a street is not shown in an existing street plan (see subsection (I) of this section), the location of streets in a development shall either:

a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this section; or

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

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

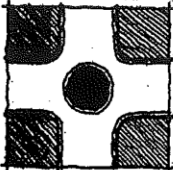
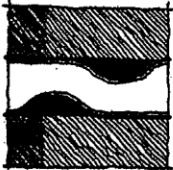
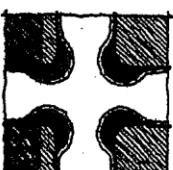
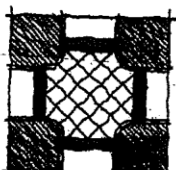
1. Street classification in the transportation system plan;
2. Anticipated traffic generation;
3. On-street parking needs;
4. Sidewalk and bikeway requirements based on anticipated level of use;
5. Requirements for placement of utilities;
6. Street lighting;
7. Proposed traffic-calming devices;
8. Minimize drainage, slope, and sensitive lands impacts, as identified by the comprehensive plan;
9. Street tree location, as provided for in TMC 18.115.040, Street trees;
10. Protection of significant vegetation (i.e., trees with a caliper of four inches (dbh) or greater);
11. Safety and comfort for motorists, bicyclists, and pedestrians;
12. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
13. Access needs for emergency vehicles; and

14. Transition between different street widths (e.g., existing streets and new streets) where applicable.

H. Traffic Signals and Traffic-Calming Features.

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

Figure 18.115.050-1. Traffic-Calming Features

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

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

I. Future Street Plan and Extension of Streets.

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

J. Street Alignment and Connections.

1. Staggering of streets making “T” intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (offset) intersections.
3. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15 percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

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

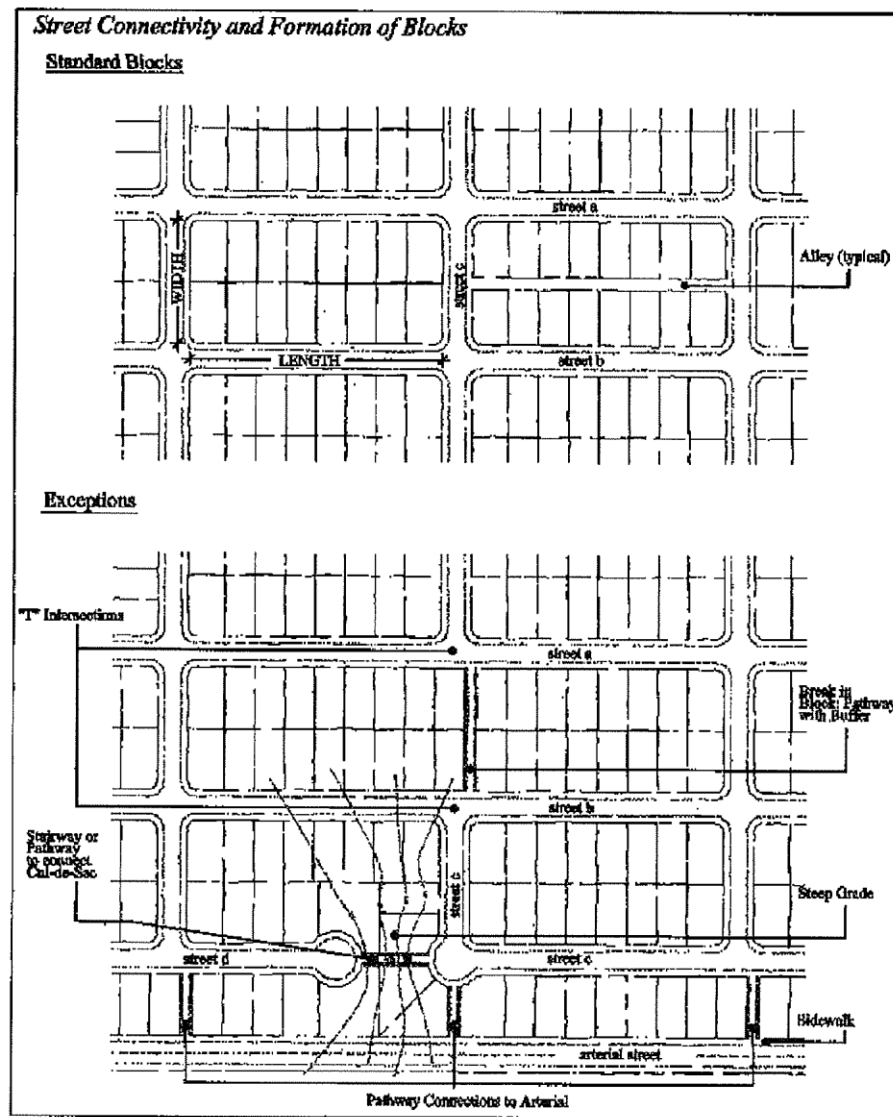
5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the standards in TMC 18.115.060, Vehicular access and circulation, and block length shall not exceed the dimensions in subsections (J)(5)(a) through (J)(5)(c) of this section:

a. Four-hundred-foot maximum block length, and 1,200-foot maximum perimeter in the residential zones;

b. Four-hundred-foot maximum block length and 1,200-foot maximum perimeter in the central business district zone;

c. Eight-hundred-foot maximum block length and 2,400-foot maximum perimeter in the light industrial district.

Exceptions to the above standards may be granted when the developer can clearly demonstrate that compliance is not feasible, or when a nonvehicle access way is provided at or near mid-block, in conformance with the provisions of TMC 18.115.030, Pedestrian access and circulation. (See examples in Figure 18.115.050-2.)

Figure 18.115.050-2. Street Connectivity

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

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

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

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

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

1. All cul-de-sacs shall terminate with a circular or hammerhead turnaround. Circular turnarounds shall have a radius of not less than 30 feet, and not more than a radius of 40 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width;
2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac pavement; and
3. Pathways shall be provided to connect cul-de-sacs in conformance with TMC 18.115.030(B).

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

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and
2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing

averaging five percent slope or less. Landings are portions of the street within 20 feet of the edge of the intersecting street at full improvement.

P. *Curbs, Curb Cuts, Ramps, and Driveway Approaches.* Concrete curbs, curb cuts, wheelchair and bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in TMC 18.115.060, Vehicular access and circulation, and Americans with Disabilities Act (ADA) standards.

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

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

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

2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in TMC 18.115.060(F), Access Options;

3. Screen planting at the rear or side property line to be contained in a nonaccess reservation (e.g., public easement or tract) along the arterial; or

4. Other treatment suitable to meet the objectives of this subsection.

S. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with TMC 18.115.060, Vehicular access and circulation.

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

U. *Private Streets.* A private street shall not provide access to more than two single-family residential lots. A private street shall not be used to avoid connections with public streets. Gated communities and private street systems (i.e., where a gate limits access to a development from a

public street) are prohibited. Design and construction standards for grading, base rock, compaction, paving and drainage of private streets shall be the same as for public streets.

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

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

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

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

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

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

1. Sub-base and leveling course shall be of select crushed rock;
2. Surface material shall be of Class C or B asphaltic concrete;
3. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and
4. No lift shall be less than one and one-half inches in thickness. [Ord. 818 § 2 (Exh. A (§ 8-2.250)); Ord. 692 § 6.]

18.115.060 Vehicular access and circulation.

A. *Intent and Purpose.* The intent of this section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the city’s transportation system plan. This section attempts to balance the right of reasonable access to private property with the right of the citizens of the city and the state of Oregon to safe and efficient travel. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land. This chapter is also intended to implement the transportation system plan (TSP) portion of the comprehensive plan.

Street Access and Circulation. Land use activity such as excessive curb cuts, or road approaches, intersections with “local” streets, and traffic lights creates congestion, stop-and-go traffic, and less convenience for users of major streets. These impacts create increased air pollution, energy consumption and traffic hazards and accidents. It is important to minimize access, stop signals and unsafe conditions and to maximize convenience along arterial streets. The intent of this chapter is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the city’s transportation system plan.

~~B.—~~*Pedestrian Access and Circulation.* The intent of this chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians.

~~C.—~~*Street Improvements.* Many streets exist in the city which are substandard in right-of-way width, paved width, pedestrian amenities, or other improvements. Improvements will be necessary in the interests of the public health, safety and convenience. Street improvements on arterial and collector streets benefit all city residents and are generally paid for from public funds. Improvements on local streets primarily benefit properties which have frontage or direct access onto said streets, and street improvement costs are generally assessed to the owners of benefited properties. To ensure that neither the city nor land subdividers or partitioners shall have to assume the entire burden of upgrading the city’s streets, owners of property shall be required to contribute to the improvement of city streets as set forth in TMC [18.115.050](#)[18.115.050](#).

~~D.—~~*Street Dedication and Setbacks.* The transportation system plan assigns a classification to each roadway in Talent based upon existing or planned use, to allow for the safe accommodation of present and anticipated traffic volume on these streets. In order to effectuate the policies of the TSP, a program of street dedication and building setbacks is necessary to permit the widening of certain streets to their appropriate width.

This will not always be feasible due to existing land use, but where it is possible the following regulations will be enforced. Where applicable, requirements set forth in this chapter supersede the yard requirements for the zone in which any specific affected property is located. [Ord. 817 § 8-3J.610, 2006.]

~~18.115.020 Compliance required.~~

~~The dedications, improvements and/or setbacks required by this chapter must be met or complied with, or provisions made to ensure complete compliance, before any building permits shall be issued. [Ord. 817 § 8-3].620, 2006.]~~

~~18.115.030 Street access and circulation.~~

B. Applicability.

~~A. General.~~ This ~~chapter~~section shall apply to all public streets within the city and to all properties that abut these streets.

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

1. Permits for access to city streets shall be subject to review and approval by the public works director based on the standards contained in this section and the provisions of TMC 18.115.050, Transportation facility standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
2. Permits for access to state highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the city or Jackson County. In that case, the city or county shall determine whether access is granted based on its adopted standards.
3. Permits for access to county highways shall be subject to review and approval by Jackson County, except where the county has delegated this responsibility to the city, in which case the city shall determine whether access is granted based on adopted county standards.

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

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

F. ~~General Considerations.~~ The number of access points to a single property shall be limited to a minimum that will allow the property to accommodate and service such traffic as may be reasonably anticipated to be commensurate with the safety of the traveling public, and must not infringe on the frontage of adjoining property. Access points shall be located where they do not create undue interference or hazard to the free movement of normal road, bicycle or pedestrian

~~traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other services that affect traffic operation are to be avoided.~~

~~2. Access Options.~~ When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.),~~2~~ access shall be provided by one of the following methods (a minimum width of 10 feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required by Divisions III through VII of this title and Chapter 18.90 TMC.

a

1. *Option 1.* Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

b

2. *Option 2.* Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/driveaccess.

c

3. *Option 3.* Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access point. Street access points/accesses shall comply with the access point and spacing standards in subsection ~~(A)(3)(G) and (H)~~ of this section.

d

4. *Subdivisions Fronting onto/On to an Arterial Street.* New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. ~~When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).~~

e

5. *Double-Frontage Lots.* When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the residential district, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the residential district, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner (i.e., through homeowners’ association, etc.).

~~f. Important Cross-References to Other Code Sections. Divisions III through VII of this title and Chapter 18.90 TMC may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The city may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified in the transportation system plan.~~

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

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

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

~~3. Road Approach Standards.~~ Standards for the number and location of road access points are as follows. Variations from these standards shall satisfy and be subject to the requirements of Chapter ~~18.160~~ 18.160 TMC, Variance.

1. ~~a.~~ Major Arterial Streets.

~~i.~~

a. Minimum sight distance of 300 feet.

~~ii~~

b. New residential uses: no access.

~~iii~~

c. Commercial uses: no access if alternative exists; a maximum of one curb cut or driveway per 150 feet or fraction thereof.

~~iv~~

d. Industrial uses: no access if alternative exists; a maximum of one curb cut or driveway per 250 feet or fraction thereof.

~~2b. *Minor Arterial Streets.*~~

- ~~i. Minimum spacing between driveways and/or streets of 300 feet.~~
- ~~ii. Residential uses: no access if lesser alternative exists.~~
- ~~iii. Commercial uses: no access if alternative exists; a maximum of one curb cut or driveway per 150 feet or fraction thereof.~~
- ~~iv. Industrial uses: no access if alternative exists; a maximum of one curb cut or driveway per 200 feet or fraction thereof.~~

e. *Collector and Local Streets.* All uses: road access permit required as set forth in subsection ~~(B)(B)~~ of this section, subject to general considerations for safety and transportation mobility; curb cuts and driveways. A minimum of 10 feet for local streets and 30 feet separation for collectors (as measured from the sides of the driveway/street) from street intersections.

⌘

3. *Special Provisions for All Streets.* Access consolidation, shared access, and/or access separation greater than that specified by this section may be required by the city, county or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional restrictions (i.e., right in/out, right in only, or right out only) may be required.

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

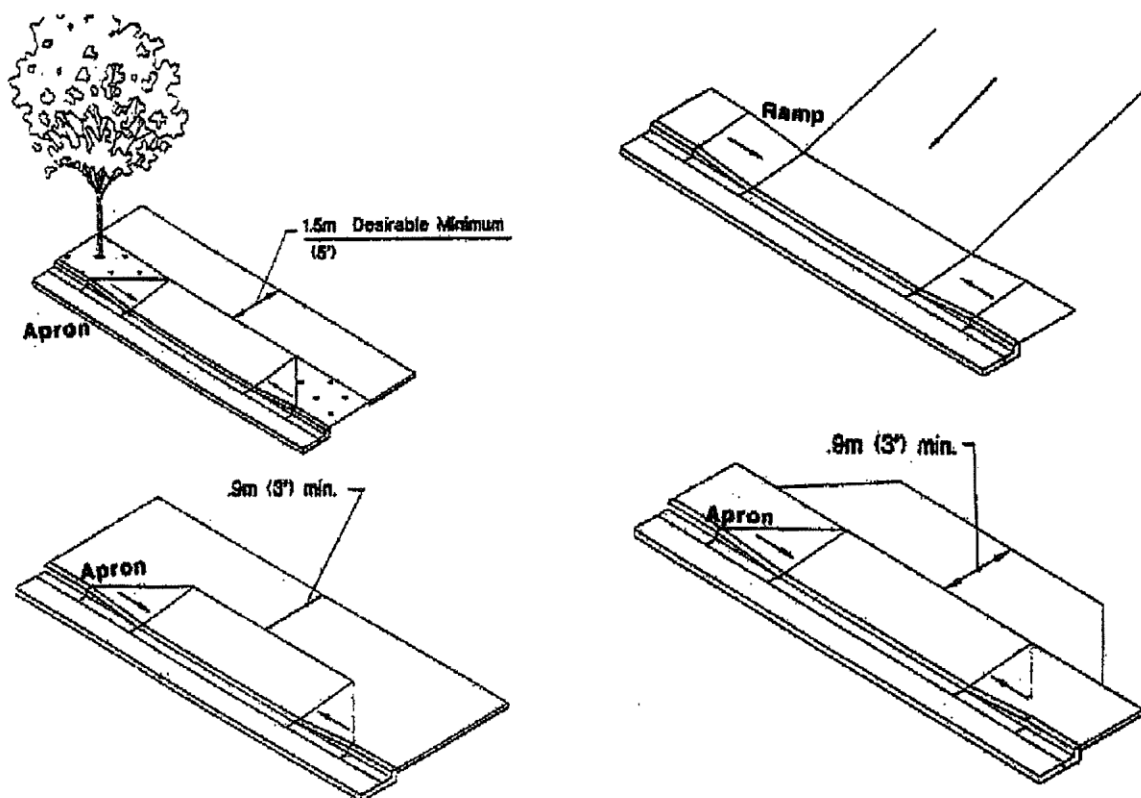
I. *Shared Driveways.* The number of driveway and private street intersections with public streets may be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic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

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they may be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

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

3. "Private Access" signage and driveway approach shall be placed at the intersection with the public street to clearly identify the private access.

Figure 18.115.060-1. Examples of Acceptable Driveway Openings Next to Sidewalks/Pathways



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

1. Access that serves up to four dwelling units shall have a minimum driveway opening/curb cut and driveway width of 10 feet and a maximum width of 24 feet.

2. Access that serves between five and eight dwelling units shall have a minimum driveway opening/curb cut and driveway width of 20 feet and a maximum width of 24 feet.

3. Access that serves more than eight dwelling units shall have a minimum driveway opening/curb cut and driveway width of 24 feet and a maximum width of 30 feet. These dimensions may be increased if the Public Works Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

~~4. Curb Cut – Driveway Standards.~~

~~a. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts. Driveways shall be designed and constructed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. Curbs, sidewalks, landscaping, signs and/or other improvements shall be utilized to clearly define points of ingress and egress.~~

~~b. Curb cuts or driveway widths shall be sized according to the following:~~

- ~~i. Single family residential and mobile home uses: minimum of 10 feet or maximum of 20 feet;~~
- ~~ii. Multiple family uses: minimum of 10 feet and maximum of 29 feet; or~~

iii. Commercial and industrial uses: maximum curb cuts and driveway approaches are the following according to property frontage:

Property Frontage	One Two-Way Driveway	Two or More Two-Way Driveways
Under 30 feet	60% of frontage	–
30 – 50 feet	18 feet	–
50 – 80 feet	29 feet	–
80 feet or more	33 feet	28 feet

Note: One-way driveways can be a maximum of 50 percent of the two-way maximum driveway standards.

~~iv. —~~

5. In no case shall a driveway or curb cut exceed 60 percent of property frontage.

~~v. —~~

6. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

~~5. Shared Access and Circulation. When no other alternative exists and access is necessary along arterial streets, access will be provided, whenever possible, in a manner that meets the provisions set forth in subsection (A) of this section and that permits shared access with adjacent properties and development. The internal circulation pattern of the development must permit safe~~

~~movement of vehicles and pedestrians so that access can be accommodated to the existing or anticipated development pattern of adjacent properties without necessitating movement on the arterial street.~~

7. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 18.115.060-1. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous accessible route of travel, with a cross slope not exceeding two percent.

K. Fire Access and Parking Area Turnarounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turnaround areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to TMC 18.115.050, Transportation facility standards.

L. Vertical Clearances. Driveways, private streets, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 13 feet six inches for their entire length and width.

M. Vision Clearance. Vision clearance at intersections shall conform to the standards of TMC 18.105.60.

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

1. Surface Options. Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete or comparable surfacing, or a durable nonpaving material that will support emergency vehicles may be used to reduce surface water runoff and protect water quality.

2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turnarounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.

3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See also subsection (J)(5) of this section.) [Ord. 912 § 1 (Exh. A), 2016; Ord. 818 § 2 (Exh. A (§ 8-2.260)); Ord. 796; Ord. 692 § 7.]

O.

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

~~B.~~ *Road Access Permits.*

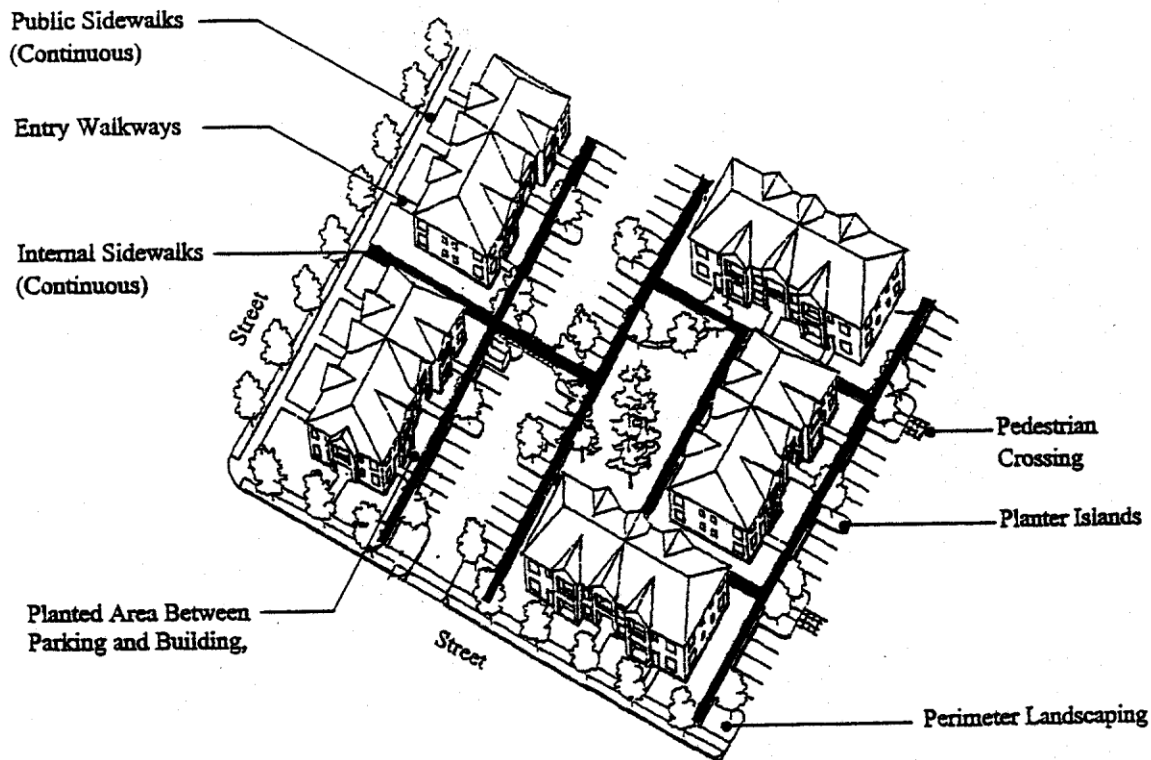
1. New curb cuts, driveways and access along and to all streets in or adjacent to the city shall not be permitted unless a road access permit has been granted by the city. The road access permit is not to be construed as a mechanism to deny properties reasonable access to public roads and streets.
2. When new curb cuts, driveways, and access are established as part of normal review processes (e.g., land divisions, site development plan reviews) a road access permit shall not be required, unless it applies to an arterial street.
3. The applicant for a road access permit shall file on forms prescribed by the city. The amount of the fee shall be established, and may be changed, by ordinance or general resolution of the city council. In addition to a nonrefundable fee, the applicant shall be liable for the expense of engineering and legal services provided by the city engineer and attorney in prescribing improvement standards, legal instruments, conducting reviews and site inspections.
4. The ~~city planner~~Community Development Director, after consultation with the ~~public-works director, city engineer~~Public Works Director, City Engineer, and ~~city attorney~~City Attorney as necessary, shall be responsible for determining the curb cut or driveway improvement standards, which shall be constructed on local and collector streets; the planning commission shall be responsible for the same along arterial streets. In general, along local and collector streets, curb cut or improvement standards shall be similar to those prevailing along the street.
5. Permits requested along collector or local streets will be granted in accordance with the standards set forth in ~~subsections (A)(2)~~TMC 18.115.060 (F)(2) through ~~(A)(5)(F)(5)~~ of this section.
6. Permits requested along arterial streets shall be granted in accordance with the provisions of this section and Chapter ~~18.150~~18.150 TMC. [Ord. 817 § 8-3J.630, 2006.]

18.115.040—Pedestrian access and circulation.

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

~~A. *Continuous Pathways.* The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of TMC 18.115.030 and this section.~~

~~Figure 18.115.040 1. Pedestrian Pathway System for Multiple Family Development (Typical)~~



~~B. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:~~

- ~~1. Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.~~
- ~~2. Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.~~
- ~~3. For commercial, industrial, mixed-use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.~~
- ~~4. For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multiple-family buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway, which serves as a common entrance for more than one dwelling.~~

~~C. Connections within Development. For all developments subject to site development plan review (Chapter 18.150 TMC), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas, and adjacent developments to the site, as applicable.~~

~~D. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by TMC 18.115.030(A). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the~~

~~streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:~~

~~1. Multi-use pathways (i.e., for pedestrians and bicyclists) are located within a right-of-way or easement not less than 10 feet wide or more than 20 feet wide that allows access for emergency vehicles;~~

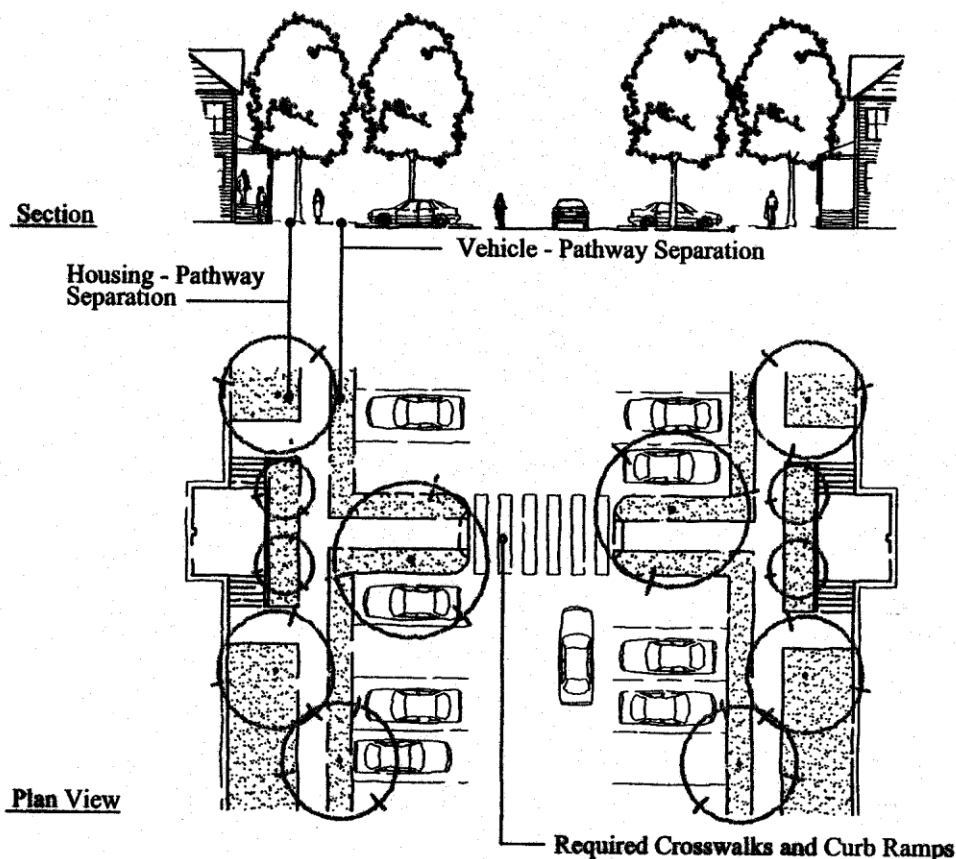
~~2. Pathways shall also be lighted with appropriate similar design;~~

~~3. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;~~

~~4. The city may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;~~

~~5. The city planner or planning commission may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevents a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this code prohibit the pathway connection.~~

~~**Figure 18.115.040-2. Pathway Standards (Typical)**~~



~~E. Design and Construction. Pathways shall conform to all of the following standards:~~

~~1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by, at minimum, a five-foot-wide strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.~~

~~2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions in Divisions III through VI and Chapter 18.105 TMC. Where there is no building separation, a pathway is not required for commercial, industrial, public, or institutional uses.~~

~~3. Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a colored concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application acceptable to the public works department.~~

~~4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also TMC 18.115.050 for public, multi-use pathway standard.)~~**070**

~~5. Accessible Routes. Pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel. [Ord. 817 § 8-3].640, 2006.]~~

18.115.050 Street improvements.

A. *Building on Arterial and Collector Streets.* Before a building permit can be issued to construct any main building or to increase the floor area of any existing building on any property fronting on an arterial street, the owner of the lot shall execute and deliver to the city a recordable covenant running with the land to the effect that, if the city subsequently undertakes a project to construct a public pedestrian sidewalk along street frontage which includes the subject property's frontage, on the basis of assessing the cost to abutting properties in proportion to special benefits, neither the owner of the subject property nor his successors in interest shall file or cause the filing of any remonstrance against the project as it relates to the construction of the proposed walk; provided, that the walk proposed to be constructed must extend as one continuous walk (except when crossing an intersecting street) and either extend:

1. For an entire block, or the full distance from one intersecting street to the next; or
2. For not less than 1,000 feet and from an intersecting street to the end of a property's frontage; or
3. When for purposes of extending either an existing walk, or a walk to be constructed under this subsection, that connects to a street intersection, for not less than 500 feet.

The path shall consist of a six-foot-wide, durable, dust-free surface of asphaltic concrete, or Portland cement concrete, and shall be constructed at an elevation and location approved by the city. If the pedestrian walk is to be within a right-of-way not under the jurisdiction of the city, the state or the county, as the case may be, shall have the right to establish the standards, specifications, elevations and location of the path.

B. *Building on All Other Streets.*

1. Before a building permit will be issued for the construction of a new single-family dwelling, or the placement of a mobile home, or the construction of an additional dwelling unit on a lot with an existing unit or units, within property with frontage on a street (other than an arterial), which is not yet improved to city standards, the owner of the property shall either install the improvements required for exterior unimproved streets adjacent to minor land partitions ~~(as set forth in TMC Title 17)~~ or shall sign a recordable agreement to consent to the improvements when the city forms a local improvement district to improve the street.
2. Before a building permit will be issued for the construction of a duplex, multiple-family dwelling or other high-density residential building, not requiring subdivision or land partitioning, or the construction of any main building on a commercial or industrial lot, on property with frontage on a street (other than an arterial) which is not yet improved to city standards, the owner of the property shall covenant with the city to install the improvements required for exterior subdivision streets and sidewalks in conformance with TMC 17.20.060.

C. *Development Standards.* No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of TMC ~~18.115.030~~ ~~18.115.040~~ 18.115 and TMC ~~Title 17.17.20.020~~.

D. *Variances.* Variances to the transportation design standards in this section may be granted as governed by Chapter ~~18.160~~ ~~TMC.18.160~~ TMC. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands.

~~E. *Creation of Access Easements.* The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with TMC 18.115.030 and 18.115.040.~~

E. *Creation of Access Easements.* The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with this chapter. Access easements shall be created and maintained in accordance with the fire code standards.

F. *Development Adjoining Arterial and Collector Streets.* ~~Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts.~~ Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts.

The design shall include one or more of the following:

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

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

2. Deep lots abutting an arterial or collector street will provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in TMC ~~18.115.030(A)(2);~~ 18.115.060(F)(5);

3. Screen planting at the rear or side property line to be contained in a nonaccess reservation (e.g., public easement or tract) along the arterial; or

4. Other treatment suitable to meet the objectives of this subsection;

5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with ~~TMC 18.115.030~~ this chapter. [Ord. 817 § 8-3J.650, 2006.]

18.115.060080 Street dedication and setbacks.

If a lot adjoins a street which is designated in the comprehensive plan as an arterial or collector street but which has less right-of-way width than required by the plan, then no building permit

will be issued for the construction of a main building on that lot until, if on a collector street, there is first dedicated from the lot a sufficient amount of frontage to remedy half the right-of-way deficiency of the street as a collector along the portion adjoining the lot. If the street is an arterial, dedication for arterial width shall not be required, but in lieu thereof a building setback in the additional amount shall be enforced as prescribed in TMC ~~18.115.070(A)(1) and (B)~~, 18.115.080(A)(1) and (B). If such setback is imposed it shall not apply to existing buildings and the property within the setback shall in all respects retain all incidents of ownership, except the building restriction, including the right to compensation if the area is subsequently acquired for street widening. [Ord. 817 § 8-3J.660, 2006.]

18.115.070 Special building setback lines.

A. *Planned Right-of-Way Line.* A planned right-of-way line is hereby established for the streets designated in the transportation system plan as minor arterials, collectors and locals.

1. *Arterials.* The planned right-of-way for arterials is 90 to 100 feet wide, unless it is determined by the planning commission or city council that some lesser width in conformance with the TSP is more appropriate. The planned right-of-way line is a line 45 to 50 feet from each side of, and parallel to, the centerline. If a lesser right-of-way width is permitted, half of that width measured from each side of, and parallel to, the centerline will result in the planned right-of-way line.
2. *Collectors.* The planned right-of-way for collectors is 60 to 66 feet wide. The planned right-of-way line is a line 30 to 33 feet from each side of, and parallel to, the centerline.
3. *Local Streets.* The planned right-of-way for a local street is 50 to 60 feet wide, unless some lesser width is permitted by the planning commission or city council in conformance with the standards set forth in ~~TMC Title 17 and as set forth in the TSP,~~ the TSP. The planned right-of-way line is a line measured half the permitted right-of-way width from, and parallel to, the centerline.
4. *Alleys.* The planned right-of-way for an alley is 20 feet wide.

B. *Building Setback Line.* Where there is a planned right-of-way line established by this chapter, the building setback distance required for any yard area in the zone in which a property is located shall be measured from the planned right-of-way line rather than from the actual property line. [Ord. 817 § 8-3J.670, 2006.]

18.115.090 Sanitary sewer and water service improvements.

A. *Sewers and Water Mains Required.* Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the city's construction specifications and the applicable comprehensive plan policies.

B. *Sewer and Water Plan Approval.* Development permits for sewer and water improvements shall not be issued until the city engineer has approved all sanitary sewer and water plans in conformance with city standards.

C. *Oversizing.* Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the comprehensive plan. The developer shall be entitled to system development charge credits for the oversizing. (Note: Dolan v. City of Tigard findings should accompany any decision to require oversizing.)

D. *Permits Denied.* Development permits may be restricted by the city where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building or development moratoriums shall conform to the criteria and procedures contained in ORS 197.505. [Ord. 818 § 2 (Exh. A (§ 8-2.270)); Ord. 692 § 8.]

18.115.100 Storm drainage and surface water management.

A. *General Provisions.* The city shall issue a development permit only where adequate provisions for storm water and surface water runoff have been made pursuant to Resolution 517, Storm Drainage Design Standards.

B. *Accommodation of Upstream Drainage.* Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, as designated in the city of Talent storm water master plan, whether inside or outside the development. Such facilities shall be subject to review and approval by the public works director or city engineer.

C. *Effect on Downstream Drainage.* Where it is anticipated by the public works director or designee that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold permits of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards. Any applicable procedures in state development moratorium statutes shall be followed.

D. *Easements.* Where a watercourse, drainage way, channel, or stream traverses a development, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance. Development within designated locally significant wetland and riparian areas shall be in conformance with the requirements in Chapter 18.85 TMC, natural areas, parks and floodplains. [Ord. 818 § 2 (Exh. A (§ 8-2.280)); Ord. 692 § 9.]

18.115.110 Utilities.

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

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. All aboveground equipment shall not obstruct vision clearance areas for vehicular traffic (Chapter 18.105.060 TMC);
2. The city reserves the right to approve the location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets;
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made; and
5. Adequate capacity for communications services shall be provided. Underground conduit for communications lines, or oversized conduit for phone or other compatible utilities, shall be installed whether or not provision of such services is planned at the time of development.

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

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

Chapter 18.150

SITE DEVELOPMENT PLAN

Sections:

- 18.150.010 Description and purpose.**
- 18.150.020 Site development plan review required.**
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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~~ Site development plan review 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.~~ to ensure adequate services are provided. [Ord. 817 § 8-3L.110, 2006.]

18.150.020 Site development plan review required.

~~A. 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)(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.

2. 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 ~~a~~:

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)(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.

~~*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](#)~~18.110.120~~ and [18.110.130](#)~~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\(C\)](#)~~18.125.040(C)~~;
- K. Street improvements;
- L. Yards and open space between buildings and in setbacks;
- M. Proposed method of buffering, [including compliance with Chapter 18.105 TMC](#), where indicated;

- N. Existing natural features, including all trees with a circumference of 14 inches or greater, measured at a point three feet above grade at the base of the tree;
- O. The location and methods taken to mitigate noise sources to and from adjacent properties;
- P. Location and type of natural hazards occurring on the site including, but not limited to, floodplains and floodways, soils and areas with erosion, shrink-swell, high runoff, mass movement and high groundwater characteristics; with a description of how any hazards will be mitigated;
- Q. Location and size of all existing and proposed water, sewer and public safety facilities and existing street right-of-way and roadway widths adjacent to the property;
- R. Location and dimensions of existing and proposed easements;
- S. Any other data as may be required by this chapter to permit the ~~planning commission~~review authority 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)~~(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)~~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, Development and Design Standards.

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 1717, or has provided for ~~an adequate~~required security arrangement with the city to ensure that such improvements will be made. [Ord. 817 § 8-3L.150, 2006.]

18.150.060 Conditions and restrictions.

In approving a site development plan or the substantial alteration of an existing development plan, the ~~planning commission~~review authority 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~~18.150.050 to be made. [Ord. 817 § 8-3L.160, 2006.]

18.150.070 Compliance.

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

B. The building official of the city shall not grant a certificate of use and occupancy or release utilities until satisfied that all improvements and conditions imposed by the ~~planning~~

~~commission~~ review authority 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)~~ 17.20.060(A), has been approved by the city council and filed with the city recorder.

C. Any approval or permit granted pursuant to this chapter shall be deemed automatically revoked if substantial construction or development in conformance with the plan has not occurred within one year of the date of approval, unless an extension of up to six months is granted by the ~~planning commission~~ review authority, 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)~~ 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~~ 18.190 TMC. [Ord. 817 § 8-3L.190, 2006.]

Chapter 18.180

MANUFACTURED HOME PARK DEVELOPMENT STANDARDS AND PROCEDURES

Sections:

- 18.180.010 State and local law.**
- 18.180.020 ~~Site and development plan and fee. Submittal requirements.~~**
- 18.180.030 ~~Planning commission review~~ Review of site and development plan.**
- 18.180.040 Final approval.**
- 18.180.050 Standards and improvements.**
- 18.180.060 Addendum – New MH park rules – Design and land use (OAR 814-28-060(1)).**

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

~~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~~ Applications 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~~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 ~~the planning commission to make the necessary findings for approval~~review of the application. [Ord. 817 § 8-3L.820, 2006.]

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

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

~~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.~~

~~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.]~~

18.180.040 Final approval.

~~Planning commission~~Community Development Director 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 ~~plans approved by the planning commission~~ plans, 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 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.~~

~~*Area.* A MH park shall not be less than one acre.~~

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~~ 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 ~~eighteen~~ eighteen MH units shall be located per net acre (net acreage includes MH spaces and common open space and recreational uses, but does not include roads, parking areas or commercial uses).

F. *Parking.* ~~Two~~ One off-street parking ~~spaces~~ space 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~~ 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~~ 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~~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-17-18.105.050.~~

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~~One paved parking spaces and at least ~~44~~10 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~~300 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.]

Chapter 18.190

PROCEDURES FOR REVIEW OF APPLICATIONS AND APPEALS

Sections:

- 18.190.010 Purpose.**
- 18.190.020 Description of permit procedure.**
- 18.190.030 Type I procedure (ministerial).**
- 18.190.040 Type II procedure (administrative).**
- 18.190.050 Type III procedure (quasi-judicial).**
- 18.190.060 Type IV procedure – Legislative.**
- 18.190.070 Review by the city engineer.**
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- 18.190.090 Special procedures.**

18.190.010 Purpose.

This chapter specifies the procedures for accepting, reviewing, approving, denying, or approving with conditions any request for a land use permit, and the procedures for appealing such decisions. This chapter is organized by grouping specific applications under review types, which determine the level of administrative and quasi-judicial review by the city of Talent. Unless otherwise noted, the number of days always refers to calendar days. [Ord. 817 § 8-3M.110, 2006.]

18.190.020 Description of permit procedure.

There are four types of permit/decision-making procedures: Types I, II, III, and IV. These procedures are described in the following subsections. In addition, Table 18.190.020 lists all of the city's land use and development applications and their required permit procedure(s).

A. *Type I Procedure (Ministerial)*. Type I decisions are made by the city planner, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying city standards and criteria requires no use of discretion;

B. *Type II Procedure (Administrative)*. Type II decisions are made by the city planner with public notice and an opportunity for a public hearing. The planning commission hears the appeal of a Type II decision;

C. *Type III Procedure (Quasi-Judicial)*. Type III decisions are made by the planning commission after a public hearing, with appeals reviewed by the hearings officer. Type III decisions generally use discretionary approval criteria; and

D. *Type IV Procedure (Legislative)*. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the planning commission with final decisions made by the city council.

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

Access Permit (Public Street)	Type I	Chapter 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 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.]

18.190.030 Type I procedure (ministerial).

A. Application Requirements.

1. *Application Forms.* Type I applications shall be made on forms provided by city staff.
2. *Application Requirements.* Type I applications shall include:
 - a. The information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.

B. Administrative Decision Requirements. The city planner's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the city planner shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

C. Final Decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The decision is the final decision of the city. It cannot be appealed to city officials.

D. Effective Date. The decision is effective the day after it is final.

E. *Type I Permits and Procedures.* Ministerial decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to, sign permit approval, lot line adjustments, and zone clearances on submitted site plans for development not subject to site development plan review. Approval or denial shall be by letter or by staff signature on forms provided by the city for the specific action. In addition to those listed in Table 18.190.020, the following shall apply to a Type I procedure:

1. *Zoning Clearance/Permit and Planning Inquiry.* Some planning requests are simply requests for information regarding a specific property that require staff time in excess of that necessary to answer land use questions on the phone or over the counter. These activities are not land use decisions requiring notice or an opportunity to appeal.

a. A zoning clearance/permit is a written statement of facts regarding the application of this title or other land use ordinance(s) to a specific parcel or tract of land. Answering zoning clearance questions is a basic service of the community development department. The city shall charge a fee reasonably related to the amount of time needed to state staff findings in writing and maintain those findings in the property address file. For example, an applicant who wishes to build an addition or open a new business would need a zoning clearance.

b. A planning inquiry is a request for a written statement of information about a specific parcel or tract of land. Such information may be in response to a specific question, or may be in response to a general question about the history or characteristics of the site. The city shall charge a fee reasonably related to the cost of staff time to research the question at hand and to make a written statement of findings that will be maintained in the property address file. [Ord. 817 § 8-3M.130, 2006.]

18.190.040 Type II procedure (administrative).

A. *Pre-Application Conference.* A pre-application conference is required for Type II applications. Pre-application conference requirements and procedures are in TMC [18.190.080\(C\)](#).

B. *Application Requirements.*

1. *Application Forms.* Type II applications shall be made on forms provided by the city planner;
2. *Submittal Information.* The application shall include:

- a. The information requested on the application form;
- b. Be filed with three copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;
- c. Be accompanied by the required fee.

C. *Notice of Application for Type II Administrative Decision.*

1. Before making a Type II administrative decision, the city planner shall mail notice to:
 - a. All owners of record of real property within 250 feet of the subject site;
 - b. All city recognized neighborhood groups or associations whose boundaries include the site;
 - c. Any person who submits a written request to receive a notice; and
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies, as appropriate, for review of the application. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process; and
2. Notice of a pending Type II administrative decision shall:
 - a. Provide a 14-day period for submitting written comments before a decision is made on the permit;
 - b. List the relevant approval criteria by name and number of code sections;
 - c. State the place, date, and time the comments are due, and the person to whom the comments should be addressed;
 - d. Include the name and telephone number of a contact person regarding the administrative decision;
 - e. Identify the specific permits or approvals requested;

- f. Describe the street address or other easily understandable reference to the location of the site;
- g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or circuit court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
- h. State that all evidence relied upon by the city planner to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the city;
- i. State that after the comment period closes, the city planner shall issue a Type II administrative decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
- j. Contain the following notice: "Notice to mortgagee, lienholder, vendor, or seller: the City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. *Administrative Decision Requirements.* The city planner shall make Type II written decisions addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the city planner shall approve, approve with conditions, or deny the requested permit or action.

E. *Notice of Decision.*

1. Within five working days after the city planner signs the decision, notice shall be sent by mail to:
 - a. Any person who submits a written request to receive notice, or provides comments during the application review period;
 - b. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;
 - c. Any governmental agency, which is entitled to notice under an intergovernmental agreement entered into with the city, and other agencies, which were notified or provided comments during the application review period.

2. The city planner shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted, and shall demonstrate that the notice was mailed to the people and within the time required by law.

3. The Type II notice of decision shall contain:

- a. A description of the applicant's proposal and the city's decision on the proposal (i.e., may be a summary);
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
- c. A statement of where the city's decision can be obtained;
- d. The date the decision shall become final, unless appealed;
- e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;
- f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process; and
- g. A statement that either the appellant (the person who files the appeal) is the applicant, someone who has standing to appeal, or is a person adversely affected or aggrieved. Additional evidence related to the planning action and the conditions of approval listed in the notice of appeal (see subsection [\(E\)\(5\)](#) of this section) may be submitted by any person with standing to appeal during the appeal hearing, subject to any rules of procedure adopted by the planning commission.

4. *Final Decision and Effective Date.* A Type II administrative decision is final for purposes of appeal, when it is mailed by the city. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

5. *Appeal.* A Type II administrative decision may be appealed to the planning commission as follows:

- a. *Who May Appeal.* The following people have legal standing to appeal a Type II administrative decision:

- i. The applicant;
 - ii. Any person who was mailed written notice of the Type II administrative decision;
 - iii. Any other person who participated in the proceeding by submitting written comments;
 - iv. Any person who is adversely affected or aggrieved.
- b. *Notice of Appeal.* Any person with standing to appeal, as provided in subsection [\(E\)\(5\)\(a\)](#) of this section, may appeal a Type II administrative decision by filing a notice of appeal according to the following procedures:
- i. *Time for Filing.* A notice of appeal shall be filed with the city planner within 14 days of the date the notice of decision was mailed;
 - ii. *Content of Notice of Appeal.* The notice of appeal shall contain:
 - (A) An identification of the decision being appealed, including the date of the decision;
 - (B) A statement demonstrating the person filing the notice of appeal has standing to appeal;
 - (C) A statement explaining the specific issues raised on appeal; and
 - (D) *Filing Fee.* The amount of the filing fee shall be established by the city. The maximum fee for an initial hearing shall be the city's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.
- c. *Scope of Appeal.* The appeal of a Type II administrative decision by a person with standing shall be any issue raised during the written comment period, and any other evidence submitted to the hearings body that allows additional evidence or testimony concerning any other relevant issue during a de novo hearing. The appeal shall be a de novo hearing and shall be the initial evidentiary hearing required under ORS [197.763](#) as the basis for an appeal to the Land Use Board of Appeals.
- d. *Appeal Procedures.* Type II notice and hearing procedures shall be used for all Type II administrative appeals, as provided in this subsection [\(E\)](#).

i. *Appeal to Hearings Officer.* The decision of the planning commission regarding an appeal of a Type II administrative decision is the final decision of the city unless appealed to a hearings officer. An appeal to a hearings officer, appointed by the city council, shall follow the same notification and hearing procedures as for the planning commission appeal. The appeal shall be limited to the issues raised during the initial notice and the first evidentiary hearing before the planning commission. [Ord. 817 § 8-3M.140, 2006.]

18.190.050 Type III procedure (quasi-judicial).

A. *Pre-Application Conference.* A pre-application conference is required for Type III applications. Pre-application conference requirements and procedures appear in TMC [18.190.080\(C\)](#). In addition, the applicant may be required to present his or her development proposal to a city-recognized neighborhood association or group before the city accepts the application as complete.

B. *Application Requirements.*

1. *Application Forms.* Type III applications shall be made on forms provided by the city planner;
2. *Submittal Information.* The application shall include:
 - a. The information requested on the application form;
 - b. Be filed with three copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;
 - c. Be accompanied by the required fee;
 - d. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application. The records of the Jackson County department of assessment and taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list (alternatively, the applicant may pay a fee for the city to prepare the public notice mailing);
 - e. Include all relevant data and narrative materials to support the land division and/or site plan review application. Data may include an impact study to quantify or assess the effect of

the development on public facilities and services. A traffic impact study shall be required if the proposal exceeds the thresholds of Chapter [18.185](#) TMC, Traffic Impact Study. The study should be consistent with the provisions of Chapter [18.185](#) TMC. In situations where TMC Title [17](#) and/or this title requires the dedication of real property to the city, the applicant shall either specifically agree to the dedication requirement, or provide evidence that clearly demonstrates that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

C. *Notice of Hearing.*

1. *Mailed Notice.* Notice of a Type III application hearing or Type II appeal hearing (TMC [18.190.040\(E\)](#)) shall be given by the city planner in the following manner:

- a. At least 20 calendar days before the hearing date, notice shall be mailed to:
 - i. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - ii. All property owners of record within 250 feet of the site;
 - iii. Any governmental agency, which has entered into an intergovernmental agreement with the city and includes provision for such notice, or who is otherwise entitled to such notice;
 - iv. Any neighborhood or community organization recognized by the city council and whose boundaries include the property proposed for development;
 - v. Any person who submits a written request to receive notice;
 - vi. For appeals, the appellant, all persons who provided written and oral testimony, and any person adversely affected or aggrieved; and
 - vii. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS [227.175](#);
- b. The city planner shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was posted on the property and mailed to the persons who must receive notice;

c. At least 10 days and not more than 14 calendar days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the city. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;

d. At least 10 days and not more than 14 calendar days before the hearing, the applicant shall post notice of the hearing on the property per subsection (C)(2) of this section. The applicant shall prepare and submit an affidavit of posting of the notice, which shall be made part of the administrative record.

2. *Content of Notice.* Notice of appeal of a Type II administrative decision or a Type III hearing to be mailed, posted, and published per subsection (C)(1) of this section shall contain the following information:

a. The nature of the application and the proposed land use or uses, which could be authorized for the property;

b. The applicable criteria and standards from the development code(s) that apply to the application;

c. The street address or other easily understood geographical reference to the subject property;

d. The date, time, and location of the public hearing;

e. A statement that the failure to raise an issue in person or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;

f. The name of a city representative to contact and the telephone number where additional information on the application may be obtained;

g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost and that copies shall be provided at a reasonable cost;

h. A statement that a copy of the city's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

- i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- j. The following notice: "Notice to mortgagee, lienholder, vendor, or seller: The City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. *Conduct of the Public Hearing.*

1. At the commencement of the hearing, the hearings body shall declare to those in attendance that:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;
 - c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body may grant the request by scheduling a date to finish the hearing (a "continuance") per subsection [\(D\)\(2\)](#) of this section, or by leaving the record open for additional written evidence or testimony per subsection [\(D\)\(3\)](#) of this section.
2. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence.
3. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the

city in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the planning commission shall reopen the record per subsection (E) of this section.

- a. When the planning commission reopens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony;
- b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of ORS [227.178](#) ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
- c. If requested by the applicant, the city shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

4. *The Record.*

- a. The record shall contain all testimony and evidence that are submitted to the city and the hearings body and not rejected;
- b. The hearings body may take official notice of judicially recognizable facts under the applicable law. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts; and
- c. The review authority shall retain custody of the record until the city issues a final decision.

5. Participants in the appeal of a Type II administrative decision or a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see subsection (D)(6) of this section) as reasonably possible. However, the public has a countervailing right to hear and present arguments at a public hearing.

Therefore:

- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in subsection (D)(6) of this section) concerning the application or appeal. He or she shall state whether the contact has

impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;

b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, have a financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;

c. Disqualification of a member of the hearings body as a result of contacts or conflict may be ordered by a majority of the voting members present. The person who is the subject of the motion may not vote on the motion to disqualify;

d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall not be requalified to make a decision;

e. If a member of the hearings body abstains or is disqualified, the city may provide a substitute in a timely manner to make a quorum, subject to the impartiality rules in subsection [\(D\)\(6\)](#) of this section; and

f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

6. *Ex Parte Communications.*

a. Members of the hearings body shall not:

i. Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing, except upon giving notice, per subsection [\(D\)\(5\)](#) of this section; and

ii. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

- b. No decision or action of the hearings body shall be invalid due to ex parte contacts, if the person receiving contact:
 - i. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
 - ii. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
- c. A communication between city staff and the hearings body is not considered an ex parte contact.

7. Presenting and Receiving Evidence.

- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in subsection [\(D\)](#) of this section; and
- c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize himself or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

E. The Decision Process.

- 1. *Basis for Decision.* Approval or denial of an appeal of a Type II administrative decision or a Type III application shall be based on standards and criteria in this title, TMC Title [17](#), and any other applicable ordinances. The standards and criteria shall relate approval or denial of a discretionary development application to the development regulations and, when appropriate,

to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the city as a whole;

2. *Findings and Conclusions.* Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

3. *Form of Decision.* The hearings body shall issue a final written order containing the findings and conclusions stated in subsection [\(E\)\(2\)](#) of this section, which approves, denies, or approves with specific conditions. The hearings body may also issue appropriate intermediate rulings when more than one permit or decision is required; and

4. *Decision-Making Time Limits.* A final order for any Type II administrative appeal or Type III action shall be written and filed by the city planner within 30 calendar days after the close of the deliberation.

F. *Appeal Procedures.* An appeal of a Type III application to a hearings officer, appointed by the city council, shall be heard through a de novo hearings procedure. Only those with standing to appeal may present arguments, but can submit new evidence into the record. The hearings officer may place conditions of approval to meet the applicable criteria or deny an application based on applicable criteria not met, but must be supported by findings of fact in the record. An appeal of a hearings officer decision may be appealed by those with standing to the State Land Use Board of Appeals within 21 days of the date of the notice of decision or order, whichever is later.

G. *Notice of Decision.* Written notice of a Type II administrative appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within five business days after the final order of the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision; provided, that a good faith attempt was made to mail the notice.

H. *Final Decision and Effective Date.* The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the city. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the designated hearings body. The notification and hearings procedures for Type III applications on appeal to the hearings officer shall be the same as for the initial hearing. [Ord. 911 § 2 (Exh. A), 2016; Ord. 817 § 8-3M.150, 2006.]

18.190.060 Type IV procedure – Legislative.

A. *Pre-Application Conference.* A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in TMC [18.190.080\(C\)](#).

B. *Timing of Requests.* The city planner shall not review non-city-sponsored or state-required proposed Type IV actions more than five times annually, based on a city council resolution-approved schedule for such actions.

C. *Application Requirements.*

1. *Application Forms.* Type IV applications shall be made on forms provided by the city planner;
2. *Submittal Information.* The application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee;
 - d. Three copies of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards;
 - e. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application. The records of the Jackson County department of assessment and taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list (alternatively, the applicant may pay a fee for the city to prepare the public notice mailing); and
 - f. Include all relevant data and narrative materials to support the land use application. Data may include an impact study to quantify or assess the effect of the requested change on public facilities and services. A traffic impact study shall be required if the proposal exceeds the thresholds of Chapter [18.185](#) TMC, Traffic Impact Study. The study shall be consistent with the provisions of Chapter [18.185](#) TMC.

D. *Notice of Hearing.*

1. *Required Hearings.* A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications, except annexations where only a hearing by the city council is required.
2. *Notification Requirements.* Notice of public hearings for the request shall be given by the city planner in the following manner:
 - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS [227.175](#) (Measure 56) and mailed to:
 - i. Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
 - ii. Any affected governmental agency;
 - iii. Recognized neighborhood groups or associations affected by the ordinance;
 - iv. Any person who requests notice in writing; and
 - v. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS [227.175](#).
 - b. At least 10 days and not more than 14 calendar days before the scheduled planning commission public hearing date, and at least 10 days and not more than 14 calendar days before the city council hearing date, notice shall be published in a newspaper of general circulation in the city.
 - c. The city planner shall:
 - i. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection [\(D\)\(2\)\(a\)](#) of this section; and
 - ii. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection [\(D\)\(2\)\(b\)](#) of this section.

- d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.
 - e. Notifications for annexation shall follow the provisions of this chapter.
3. *Content of Notices.* The mailed and published notices shall include the following information:
- a. The number and title of the file containing the application, and the address and telephone number of the city planner office where additional information about the application can be obtained;
 - b. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area;
 - c. A description of the proposal in enough detail for people to determine that a change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
 - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the council and available at City Hall (see subsection [\(E\)](#) of this section); and
 - e. Each mailed notice required by this section shall contain the following statement:
"Notice to mortgagee, lienholder, vendor, or seller: The City of Talent Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
4. *Failure to Receive Notice.* The failure of any person to receive notice shall not invalidate the action, providing:
- a. Personal notice is deemed given when the notice is deposited with the United States Postal Service;
 - b. Published notice is deemed given on the date it is published.

E. *Hearing Process and Procedure.*

1. Unless otherwise provided in the rules of procedure adopted by the city council:

- a. The chairperson of the planning commission and the mayor shall have the authority to:
 - i. Regulate the course, sequence, and decorum of the hearing;
 - ii. Direct procedural requirements or similar matters; and
 - iii. Impose reasonable time limits for oral presentations.
 - b. No person shall address the commission or the council without:
 - i. Receiving recognition from the presiding officer; and
 - ii. Stating their full name and residence address for the public record.
 - c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
2. Unless otherwise provided in the rules of procedures adopted by the council, the presiding officer of the planning commission and the city council shall conduct the hearing as follows:
- a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the city council or the final decision of the council;
 - b. The city planner's staff report and other applicable reports shall be presented;
 - c. The public shall be invited to testify;
 - d. The public hearing may be continued to allow additional testimony or it may be closed; and
 - e. The body's deliberation may include questions to the staff, comments from staff, and inquiries directed to any person present.

F. *Continuation of the Public Hearing.* The planning commission or the city council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

G. *Decision-Making Considerations.* The recommendation by the planning commission and the decision by the city council shall be based on consideration of the following factors:

1. The statewide planning goals and guidelines adopted under ORS Chapter [197](#) (for comprehensive plan amendments only);
2. Comments from any applicable federal or state agencies regarding applicable statutes or regulations;
3. Any applicable intergovernmental agreements; and
4. Any applicable comprehensive plan policies and provisions of this title that implement the comprehensive plan. Compliance with this section shall be required for comprehensive plan amendments, zoning map, and text amendments.

H. *Approval Process and Authority.*

1. The planning commission shall:
 - a. After notice and a public hearing, vote on and prepare a recommendation to the city council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
 - b. Within 10 calendar days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the city planner.
2. Any member of the planning commission who votes in opposition to the planning commission's majority recommendation may file a written statement of opposition with the city planner before the city council public hearing on the proposal. The city planner shall send a copy to each council member and place a copy in the record.
3. If the planning commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 30 days of its first public hearing on the proposed change, the city planner shall:
 - a. Report the failure together with the proposed change to the city council; and
 - b. Provide notice and put the matter on the city council's agenda, a public hearing to be held, and a decision to be made by the council. No further action shall be taken by the planning commission.
4. The city council shall:

- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application;
- b. Consider the recommendation of the planning commission; however, it is not bound by the commission's recommendation; and
- c. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.

I. *Vote Required for a Legislative Change.*

1. A vote by a majority of the qualified voting members of the planning commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
2. A vote by a majority of the qualified voting members of the city council present is required to decide any motion made on the proposal.

J. *Notice of Decision.* Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within five business days after the city council decision is filed with the city planner. The city shall also provide notice to all persons as required by other applicable laws.

K. *Final Decision and Effective Date.* A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

L. *Record of the Public Hearing.*

1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented, as a part of the hearing, shall be part of the record;
2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
3. The official record shall include:
 - a. All materials considered by the hearings body;

- b. All materials submitted by the city planner to the hearings body regarding the application;
- c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
- d. The final ordinance;
- e. All correspondence; and
- f. A copy of the notices, which were given as required by this chapter. [Ord. 911 § 2 (Exh. A), 2016; Ord. 817 § 8-3M.160, 2006.]

18.190.070 Review by the city engineer.

The city engineer has the authority to apply standard engineering practices, the Storm Drainage Design Standards (Res. 517), the floodplain damage prevention ordinance, the city's standard drawings, and other applicable technical standards to the designs and specifications of all development within city rights-of-way, facilities to be dedicated to public use, and private improvements that tie in to, or otherwise have an impact on, public infrastructure. The city engineer may also be asked to review complex projects in conjunction with the building official by the community development department or the planning commission. A decision of the city engineer may be appealed to the city council within 10 calendar days of the written decision of the city engineer, subject to the requirements for a city council appeal hearing. [Ord. 817 § 8-3M.170, 2006.]

18.190.080 General provisions.

A. *One-Hundred-Twenty-Day Rule.* The city shall take final action on permit applications, which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete. Any exceptions to this rule shall conform to the provisions of ORS [227.178](#). (The 120-day rule does not apply to Type IV legislative decisions – comprehensive plan and development code amendments – under ORS [227.178](#).)

B. 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.

BC. *Time Computation.* In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event the period runs until the end of the next day which is not a Saturday or legal holiday.

CD. *Pre-Application Conferences.*

1. *Participants.* When a pre-application conference is required, the applicant shall meet with the city planner or his/her designee(s);

2. *Information Provided.* At such conference, the city planner shall:

- a. Cite the comprehensive plan policies and map designations applicable to the proposal;
- b. Cite the development code provisions, including substantive and procedural requirements applicable to the proposal;
- c. Provide available technical data and assistance, which will aid the applicant;
- d. Identify other governmental policies and regulations that relate to the application; and
- e. Reasonably identify other opportunities or constraints concerning the application;

3. *Disclaimer.* Failure of the city planner or his/her designee to provide any of the information required by this subsection (**CD**) shall not constitute a waiver of any of the standards, criteria, or requirements for the application;

4. *Changes in the Law.* Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

DE. *Applications.*

1. *Initiation of Applications.* Applications for approval under this chapter may be initiated by:
 - a. Resolution of city council;
 - b. Resolution of the planning commission;
 - c. The city planner;
 - d. A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner;
 - e. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.
2. *Consolidation of Proceedings.* When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
 - a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: (i) the city planner, (ii) the planning commission, and (iii) the city council. Joint meetings between governing bodies may be held to streamline the decision process.
 - b. When proceedings are consolidated:
 - i. The notice shall identify each application to be decided;
 - ii. The decision on a plan map amendment shall precede the decision on a proposed land use change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and
 - iii. Separate findings and decisions shall be made on each application.
3. *Check for Acceptance and Completeness.* In reviewing an application for completeness, the following procedure shall be used:
 - a. *Acceptance.* When an application is received by the city, the city planner shall immediately determine whether the following essential items are present. If the following

items are not present, the application shall not be accepted and shall be immediately returned to the applicant:

- i. The required form;
- ii. The required fee;
- iii. The signature of the applicant on the required form, and signed written authorization of the property owner of record if the applicant is not the owner.

b. *Completeness.*

- i. *Review and Notification.* After the application is accepted, the city planner shall review the application for completeness. If the application is incomplete, the city planner shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information;
- ii. *When an Application Is Deemed Complete for Review.* In accordance with the application submittal requirements of this chapter, the application shall be deemed complete by the city planner upon the receipt of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the city planner in subsection [\(DE\)\(3\)\(b\)\(i\)](#) of this section. For the refusal to be valid, the refusal shall be made in writing and received by the city planner no later than 14 days after the date on the city planner's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on the thirty-first day after the city planner first accepted the application.
- iii. *Standards and Criteria That Apply to the Application.* Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted unless the applicant takes more than 180 days to complete, in which case the application will be based on the standards and criteria effective when the application is deemed complete.

4. *Changes or Additions to the Application During the Review Period.* Once an application is deemed complete:

- a. All documents and other evidence relied upon by the applicant shall be submitted to the city planner at least 14 days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by the city planner, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;
- b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;
- c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see subsection [\(D\)\(4\)\(d\)](#) of this section), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;
- d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the city shall take one of the following actions, at the choice of the applicant:
 - i. Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;
 - ii. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (subsection [\(A\)](#) of this section) on the existing application. If the applicant does not consent, the city shall not select this option; and
 - iii. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application

without considering the materials that would constitute a significant change. The city will complete its decision-making process without considering the new evidence; and

e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

~~EE~~. *City Planner's Duties*. The city planner shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the city's comprehensive plan, and implementing ordinance provisions;
2. Accept all development applications which comply with applicable ordinances and procedures;
3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or nonconformance with the criteria. The staff report should also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;
4. Prepare a notice of the proposal decision:
 - a. In the case of an application subject to a Type I or II review process, the city planner shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;
 - b. In the case of an application subject to a hearing (Type III or IV process), the city planner shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by TMC [18.190.040](#) (Type II), TMC [18.190.050](#) (Type III), or TMC [18.190.060](#) (Type IV);
5. Administer the hearings process;
6. File notice of the final decision in the city's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;
7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the

notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and

8. Administer the appeals and review process.

FG. *Amended Decision Process.*

1. The purpose of an amended decision process is to allow the city planner to correct typographical errors, rectify inadvertent omissions and/or make other minor changes, which do not materially alter the decision.

2. The city planner may issue an amended decision after the notice of final decision has been issued, but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 10 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.

3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the individual procedures of applicable ordinances. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.

GH. *Resubmittal of Application Following Denial.* An application which has been denied, or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final city action is made denying the application, unless there is substantial change in the facts or a change in city policy which would change the outcome, as determined by the city manager. [Ord. 817 § 8-3M.180, 2006.]

18.190.090 Special procedures.

A. *Expedited Land Divisions.* An expedited land division (ELD) shall be defined and may be used as in ORS [197.360](#), which is expressly adopted and incorporated by reference here.

1. *Selection.* An applicant who wishes to use an ELD procedure for a partition or subdivision, instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;
2. *Review Procedure.* An ELD shall be reviewed in accordance with the procedures in ORS [197.365](#);
3. *Appeal Procedure.* An appeal of an ELD shall be in accordance with the procedures in ORS [197.375](#).

B. *Neighborhood Meeting Requirement.* Applicants shall meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. After a pre-application conference, the applicant shall meet with any adjacent property owners within 250 feet of subject property, prior to the city's acceptance of an application as complete. The city will furnish a form letter to the applicant to be mailed to all property owners within 250 feet of the subject property that provides due notice of the scheduled neighborhood meeting. The applicant shall be responsible for any costs associated with the mailing. The city's intent is to include neighbors in the design process, as well as improving communication among the city, neighbors, and applicant and, as a result, facilitating the public approval process.

A neighborhood meeting shall be required for ~~the following~~ all Type III and Type IV applications:

- ~~1. Subdivisions.~~
- ~~2. Site plan review applications within a residential zoning district.~~
- ~~3. Other Type III development applications, such as conditional uses, which are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts). [Ord. 847 § 4 (Exh. B), 2008; Ord. 817 § 8-3M.190, 2006.]~~