

8-3H.110 DESCRIPTION AND PURPOSE

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

8-3H.120 GENERAL

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

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

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

8-3H.140 DENSITY TRANSFER

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

following rules apply in particular circumstances:

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

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

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

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

maximize leisure opportunities of the hills. Trails may be accepted by the appropriate jurisdiction in fee or easement.

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

4. Natural Hazards. Lands subject to known natural hazards such as steep slope failure, mass movement, erosion, high runoff, extremely sensitive soils, or areas otherwise unsuitable for structures intended for habitation shall be either:
 - a. Set aside by appropriate legal instrumentation, such as covenants, easements and dedication, as permanent non-use areas; or
 - b. Improve with such corrective measures that will limit the hazard and make the land suitable for the intended use, provided, however, that such corrective measures are approved by the City Engineer and are designed and constructed in conformity with any standards contained by the City and/or approved by the City Engineer and in such a manner as not to cause substantial risk of environmental damage. Low profile vegetation growth shall be required for stabilization of slopes and prevention of traffic hazards on intersections.

- B. Statement by City Engineer. Certified final approval of subdivisions shall be conditioned upon a statement by the City Engineer that improvement plans meet the following standards:
 1. The standards set forth in Sections 150(A)(1) and 150(A)(4b), where applicable.
 2. Grading. Any grading performed within the boundaries of a development shall take into account the environmental characteristics of that property, including but not limited to prominent geological features, existing streambeds and drainage ways, and significant tree cover. Grading shall be designed in keeping with the best engineering practices to avoid erosion or slides, and to have as minimal effect on the environment as possible. Chapter 70 of the Uniform Building Code shall be adopted by reference as part of this Chapter prescribing standards for proper grading procedures. The City Engineer may request any additional information on grading as determined to be necessary to meet the requirements of this Article.
 3. Utility Lines and Facilities.
 - a. All electrical power distribution lines, telephone lines, gas distribution lines, cable television lines, and appurtenant facilities shall be installed underground unless the applicant demonstrates, and the City determines on the basis of substantial evidence, the installation of any of the foregoing lines and facilities above ground will better protect scenic and environmental values.
 - b. The following types of lines and facilities may be excepted from requirements of Section 150(B)(3a), above:
 - (1) Poles without overhead lines and used exclusively for fire or police

alarm boxes, lighting purposes, or traffic control.

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

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

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

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

technical aspects regarding soil and storm water runoff, erosion, and other natural hazards and the measures taken to mitigate hazardous conditions, and the standards set forth in Section 170 of this Article.

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

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

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

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

8-3H.170 ENGINEER AND ATTORNEY FEES

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

8-3H.180 MAINTENANCE OF IMPROVEMENTS

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

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