



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

October 13, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Talent Plan Amendment
DLCD File Number 002-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 24, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
John Adam, City of Talent

<paa> ya/

FORM 2

D L C D NOTICE OF ADOPTION DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

OCT 06 2008

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Talent Local File No.: DCA 2008-001
(If no number, use none)

Date of Adoption: 10/1/2008 Date Mailed: 10/3/2008
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 5/2/2008

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

- Creation of "Public" zoning district, applicable to govt.-owned lands
- Adoption of "Land Use Classification" system based on DLCD's "Model Code for Small Cities"

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

- Land Use Classification was not in original submittal. It emerged as a convenient partner to the creation of the Public district (i.e., a means to introduce it into the development codes)

Plan Map Changed from: No change to _____

Zone Map Changed from: No change to _____

Location: citywide Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 2, 11

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 002-08 (16879)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: U.S. Government,

State of Oregon, Jackson Co., Fire Dist. No. 5, Phoenix-Talent Sch. Dist.

Local Contact: John Adam Area Code + Phone Number: (541) 535-7401

Address: PO Box 445

City: Talent, OR Zip Code+4: 97540

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 08-846-O

AN ORDINANCE Amending Ordinance No. 423 (Zoning Code) to Establish a 'Public Lands and Facilities' (PLF) zoning district and a 'Land Use Classification' system.

Whereas, the Comprehensive Plan recommends the creation of a zoning district to identify and regulate public uses and ownership of land; and,

Whereas, the goal of the Council to annex areas within its urban growth boundary traversed by Bear Creek and the Bear Creek Greenway requires the existence of a public zoning district (Council Goals 2007–2009); and

Whereas, the City has been continually updating its development codes based on the State's "Model Code for Small Cities," 2nd edition, and the 'Land Use Classification' system is derived from that "Model Code"; and,

Whereas, the 'Land Use Classification' system is being introduced with the 'Public Lands & Facilities' district for the purpose of establishing the classification system in the Zoning Chapter, after which elaboration of the system in the context of that Chapter is necessary and desirable;

Now, therefore, the City of Talent Ordains as follows:

Article 1. Purposes

The purposes of this Ordinance are:

With respect to the PLF District:

1. To distinguish public ownership and uses of land from private ownership and uses on the Zoning Map, thereby aiding decision-makers and the public.
2. To aid in the development of clearer and more accurate buildable lands inventories.
3. To oversee any transitions of public ownership to private ownership to the benefit of the public.

With respect to the Land Use Classification system:

4. To provide a use determination system that is more responsive to changing circumstances in commercial, industrial, and residential development.
5. To provide a use determination system that bases permitting decisions on uses' impacts instead of nomenclature.

Article 2. Amendment

1. Exhibit A, attached and incorporated herein by reference, is adopted as an amendment to Ordinance No. 423, and shall be codified as Chapter 8-3, Division G, Article 1 (8-3G.1).
2. Exhibit B, attached and incorporated herein by reference, is adopted as an amendment to Ordinance No. 423, and shall be codified as Chapter 8-3, Division B, Article 2 (8-3B.2).

Article 3. Effective date

As per Section 33 of the City Charter, this Ordinance shall take effect on the thirtieth day after adoption.

Duly enacted by the City Council in open session on the 1st of October 2008 by the following vote:

Ayes: 4 Nays: 0 Abstain: 0 Absent: 2

Jay Henry
City Recorder and Custodian of City Records

Ordinance No. 846

Exhibit A

8-3 Division G. Article 1.

Public Land & Facilities

PLF

8-3G.110 DESCRIPTION AND PURPOSE

The Public Land & Facilities (PLF) District is designated for uses that promote and sustain the health, safety, and welfare of the citizens of Talent. It is appropriate for government offices; public facilities, utilities and services, police and fire stations; parks, open space, recreation facilities, and trails; and public schools and libraries.

The PLF District identifies public uses of land on the zoning map and protects them from inappropriate uses. Land owned or otherwise controlled by the Federal government, the State, the County, the City, the Fire District, or the Phoenix-Talent School District, will be designated PLF on the Map. Land dedicated to public use may also be zoned PLF. This designation serves notice to those owning or buying land in proximity to publicly owned land that it will contain public uses.

8-3G.120 PERMITTED USES

- A. No building may be used, erected, enlarged or altered except as listed in *Table G.120-1*. No land may be used except as listed in *Table G.120-1*.
- B. Determining the Principal Uses Allowed.
 - 1. *Table G.120-1* indicates whether a principal land use is permitted through one of the following review procedures:
 - a. Zoning permit review, a type-I procedure;
 - b. Site development plan review, a type-II or type-III procedure; or
 - c. Conditional use permit review, a type-III procedure.
 - 2. Specific land uses are grouped into categories and subgroups. To find out how a specific land use is categorized see Article 8-3B.2, Land Use Classification.
 - 3. Types-I, -II and -III review procedures are described in 8-3M.1.
 - 4. The procedures and approval criteria for site development plan review are given in 8-3L.1. The procedures and approval criteria for conditional uses are given in 8-3L.2.

Table G.120-1. Permitted Uses

Use Categories	Permissibility by Type of Review
	ZON = Zoning Permit (type I) SPR2 = Site Plan Review (type II) SPR3 = Site Plan Review (type III) CUP = Conditional Use (type III)
Institutional & Civic Categories	
Basic Utility	ZON
Community Service	SPR3
Detention Facility	CUP
Educational Facility (publicly owned only)	CUP
Parks and Open Space	SPR2 (changes to existing parks) SPR3 (new park establishment)
Parks and Open Space identified in a Specific Area Plan or approved as part of a subdivision	ZON
Public Works building & yard	SPR3
Commercial Use Categories	
Commercial Parking	SPR2
General Office ¹	
up to 4,000 sq. ft. g.f.a.	SPR2
more than 4,000 sq. ft. g.f.a.	SPR3
Other Categories	
Accessory Uses & Structures (with a permitted use)	ZON
Communications Transmission Facility ²	SPR2, SPR3

¹ Only office uses owned and operated by a government, a sub-unit thereof, or a utility are permitted in the PLF district.

² In addition to standard SPR criteria, there are also specific review criteria in Sec. 160, below, for communications transmission facility siting.

8-3G.130 TABLE OF DIMENSIONAL & BULK STANDARDS

The following table prescribes the minimum and maximum dimensions, as appropriate, of lots and uses in the PLF zoning district:

Table C.130-1. Dimensional & Bulk Standards in PLF zoning district

Standard	Dimension
Lot Area <i>minimum</i>	4,000 square feet
Lot Width <i>minimum</i>	40 feet
Building Coverage <i>maximum</i> When PLF district is within or adjacent to a Commercial or Industrial district When PLF district is wholly or largely within a Residential district	Same as the standard for the given district 60 percent of lot area
Building Height <i>maximum</i>	35 feet
Setbacks for Structures ¹ <i>minimum</i>	
Front <i>Except when directly abutting a lot in an R district, then:</i>	10 feet Same as abutting district
Side	10 feet
Side, Street-facing	10 feet
Rear	10 feet
Parking Area Setbacks	
Front	10 feet
Side	
▪ Street-facing	10 feet
▪ Abutting a lot in R district	10 feet
▪ All others	5 feet
Rear	10 feet
Alley	5 feet

¹ Does not apply to fences, walls and hedges. See 8-3J.3 for standards.

8-3G.140 SCREENING, BUFFERING AND LANDSCAPING

- A. Landscaping of Parking Area Setbacks. The area of the parking setback will be landscaped with shrubs and trees that will effectively screen views of parked cars, buffer pedestrians on adjacent sidewalks, and provide shade. A nearly continual hedge, fence, or combination of the two along the frontage is preferred, with occasional gaps for trees and pedestrian entrances. The height limit for hedges or fences are described in Article 8-3J.3.
- B. Landscaping and Shading of Parking Areas. Refer to Article 8-3J.5.
- C. Site Landscaping. Refer to Article 8-3J.4.
- D. Site Buffering (other than required in subsection (A), above). Refer to Article 8-3J.4.

8-3G.150 CONVEYANCE AND REZONING PROVISIONS

- A. If any land zoned PLF is sold, conveyed or transferred to anyone other than the government of the United States, the State or a political subdivision thereof, the buyer or transferee must submit an application requesting the City to rezone the land in accordance with 8-3M.160.
- B. Land acquired by the government of the United States, the State or a political subdivision thereof will retain its existing zoning designation until such time as the Zoning Map is amended to designate such land as PLF pursuant to 8-3M.160.
- C. Before a leasehold interest in any land zoned PLF is conveyed to anyone for a use other than permitted in the PLF zone and to anyone other than the government of the United States, the State or a political subdivision thereof, rezoning to an appropriate zone in which the use is allowed will be obtained. The use will be subject to all requirements of the new zone. Further, the zone will be established as an overlay zone with the underlying zone retaining its original PLF designation.

8-3G.160 SPECIFIC APPROVAL CRITERIA FOR COMMUNICATION TRANSMISSION FACILITIES

- A. Type-II Review. Communications antennae are permitted under type-II application review provided the following conditions are met:
 - 1. The antenna must be mounted on another structure allowed in the zone, such as a rooftop, light pole, or utility pole.
 - 2. Strobe lighting is prohibited. Therefore, any antenna that requires such illumination is prohibited in this zone. If Federal regulations require strobe lighting and an alternative is allowed, an alternative will be used.

3. Any equipment associated with an antenna must be located within the exterior walls of the building to which the antenna is attached or it must be screened from view of the public right-of-way and any adjacent property by a opaque hedge or fence five to six (5–6) feet high and of a design appropriate to the building or neighborhood. If the equipment is located on the roof it must be set back and screened so that it is not within public view or it must appear to be part of the building.
- B. Type-III Review. Communications towers are allowed under type-III application review provided they comply with the following approval criteria:
1. The proposed tower serves an area that cannot be served by an existing tower or industrial property or by locating antennae on existing structures in the area. The applicant must document attempts to utilize existing structures, towers, or industrial properties within a half mile of the proposed tower.
 2. The proposed tower will be constructed and/or treated in a manner that will camouflage the structure and reduce its visual impact on the surrounding area. Examples of camouflage design include: camouflage as flag pole, monument, steeple, evergreen, or the integration of rooftop towers onto existing buildings, water towers, etc. Rooftop towers must use materials similar to or that blend in with the structure to which it is attached. Other camouflaged tower structures must be of similar height and appearance as other similar structures allowed in the zone, e.g. towers camouflaged as light poles or utility poles must be of similar height and appearance as other such poles. The purpose of this criterion is to reduce the visual impact of the tower.
 3. The proposed tower will be no taller than is necessary to provide the service intended. Communications towers are exempt from the maximum height standards of the zone, but under no circumstance may the tower be taller than 120 feet from grade.
 4. The proposed tower will be set back from any Residential zoning district at least a distance equal to 120% of the height of the tower. In all other scenarios, the setback shall be the same as for other structures in the district.
 5. Any equipment associated with the tower facility will be enclosed in an equipment shed or building, which must be adequately screened from view of the public right-of-way and any adjacent residential or commercial property.
 6. The proposed tower will not utilize a back-up generator as a principal power source. Back-up generators may only be used in the event of a power outage.
 7. Strobe lighting is prohibited. Therefore, any tower that requires such illumination is prohibited in this zone. The tower will not be illuminated by

strobe lights unless required by federal regulations. If alternatives are allowed under federal guidelines, strobe lights may not be used.

8. The proposed tower may be designed and constructed to accommodate up to two additional users, provided this additional capacity does not prevent the applicant from adequately screening or camouflaging the use.
9. If use of the tower is discontinued, the owner of the tower or the owner of the property must remove the tower and any associated equipment within one year of discontinuance of use. As a security, the City will receive and hold a deposit equal to 110 percent of the estimated cost to remove and dispose of the tower and equipment. The security is payable by either or both the tower owner and landowner.

Ordinance No. 846

Exhibit B

8-3 Division B. Article 2.

Land Use Classification

8-3B.210 PURPOSE

This Article 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.

8-3B.220 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 shall determine the appropriate category for a use based on the factors listed in paragraph 220(A)(1), above.
 3. In cases of dispute, the Planning Commission will issue a written use determination.
 4. Any use that cannot be clearly classified within an existing use category by the procedures noted above is prohibited, unless incorporated into this Chapter by a Development Code Amendment, the procedures for which are outlined in Article 8-3M.1, Administration and Procedures. 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 Article by Development Code Amendment.

B. Use of Examples

1. The "Examples" paragraph 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 paragraph entitled, "Accessory Uses." Accessory uses and their associated regulations and requirements are addressed in detail in [Article...to be established].
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" paragraph. These paragraphs 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 paragraph entitled "Prohibited" under the relevant use category. As noted in paragraph 220(A)(4), above, some uses may also be prohibited because they cannot be clearly classified within an existing use category by the procedures set forth in subsection 220(A).

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 drycleaners, 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.

8-3B.230 COMMERCIAL USE CATEGORIES

A. **[Reserved]** Adult Business Uses

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

C. **[Reserved]** Commercial Recreational Uses

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

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. Antennae and satellite receiving devices that are accessory to a television or radio studio are subject to additional regulations (See Article —, *Accessory Uses and Buildings [pending]*).
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. **[Reserved]** Quick Vehicle Servicing Uses

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, upholsterer, 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; guesthouses; 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. Lumberyards 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 Article ----, Accessory Uses and Buildings.
- 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. **[Reserved]** Surface Passenger Services

J. **[Reserved]** Vehicle Repair Uses

8-3B.240 INDUSTRIAL USE CATEGORIES

[Reserved]

8-3B.250 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. **[Reserved]** Colleges

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 non-profit 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. **[Reserved]** Daycare Uses

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 nondegree-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 campuslike settings are classified as Private Colleges and Universities.

G. **[Reserved]** Hospitals

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 Article 14-4C, Accessory Uses and Buildings.

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 Multi-Family 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. **[Reserved]** Religious/Private Group Assembly Uses

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.

8-3B.260 RESIDENTIAL USE CATEGORIES

[Reserved]

8-3B.270 OTHER USE CATEGORIES

- A. **[Reserved]** Agricultural Uses
- B. Communication Transmission Facility Uses

1. *Characteristics.* All devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing 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 antennae; wireless communication towers and antennae; point-to-point microwave towers and antennae; emergency communication broadcast towers and antennae.
3. *Accessory Uses.* Transmitter facility buildings.
4. *Exceptions*
 - a. Receive-only antennae 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.

8-3B.280 APPLICABILITY

- A. The provisions of this Article apply only to the Public Lands & Facilities (PLF) district (Article 8-3G.1) until the other zoning districts are modified for compatible use with this Article.
- B. When the conditions of subsection 280(A) are satisfied, this entire Section shall be amended.

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