



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

October 27, 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 003-08



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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 7, 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
Jay Henry, City of Talent

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DLCD NOTICE OF ADOPTION

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)

DEPT OF LAND CONSERVATION AND DEVELOPMENT OCT 20 2008

Jurisdiction: City of Talent Local File No.: DCA 2005-002 (If no number, use none)

Date of Adoption: 10/15/2008 (Must be filled in) Date Mailed: 10/17/2008 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 7/14/2008

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Replacement of regulations governing creation of 'planned unit developments'. New regulations will apply primarily to lands identified as 'urban reserves'.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." Same

Plan Map Changed from: N/A to Zone Map Changed from: N/A to Location: N/A Acres Involved: Specify Density: Previous: N/A New:

Applicable Statewide Planning Goals: 2, 14 Was an Exception Adopted? Yes: No: [X]

DLCD File No.: 003-08 (17015)

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: Jackson Co.,
Five Dist. No. 5, Phoenix-Talent School Dist.

Local Contact: Jay Henry Area Code + Phone Number: 541-535-1566

Address: City of Talent, City Manager, 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.

CHAPTER 8-8 UGB AMENDMENT AND MASTER-PLANNED DEVELOPMENT

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INTRODUCTION

8-8.110 PURPOSE

The regulations in this Chapter are designed to facilitate rational, efficient and flexible land planning and site design. The regulations in this Chapter provide variations from other codes and the regulations of established zoning districts having to do with use, setbacks, lot area, density, bulk and other requirements.

In addition, the purposes of this Chapter are to:

- A. Implement the Comprehensive Plan and applicable land use district(s) by providing a means for master planning large development sites;
- B. Encourage energy conservation and improved air and water quality.
- C. Build in flexible responses to problematic topology and to encourage designs that provide open space.
- D. Facilitate the efficient use of land;
- E. Promote an economical arrangement of land use, buildings, circulation systems, open space, and utilities; and to assist the City in planning infrastructure improvements; and
- F. Preserve, to the greatest extent possible, the existing, naturally occurring landscape features and amenities.

8-8.120 BACKGROUND

At the time this Chapter was drafted, the City was contemplating an expansion of its urban growth boundary (UGB) in conjunction with other cities in the region through a collaborative effort known as the "Greater Bear Creek Valley Regional Problem Solving" process (RPS). The outcome of this effort was the identification of urban reserve areas (URAs), which will have primacy when the City seeks to expand its UGB.

One requirement of cities participating in RPS is that they create master plans for their URAs when such areas are included in their respective UGBs. This Chapter was written to comply with the requirement. Another requirement is to strive for a density goal of 6.2 units per acre for residential development.

The processes in this Chapter replace the typical zoning district standards by introducing new classes of master-plan (MP) districts that have flexibility built in (See Article 8-8.5).

Once land begins the process of UGB inclusion, it is committed to the MPD format and regulations through all subsequent stages of development.

8-8.130 APPLICABILITY

These regulations apply to any URA, and only in its entirety. Thereafter, this Chapter and its regulations pertain to those same areas, and partitions thereof, through all subsequent steps, including annexation and development. There are also provisions that allow application of these regulations to other sites already in the UGB.

8-8.140 INTERPRETATION AND APPLICATION OF PROVISIONS

- A. In interpreting and applying the provisions of this Chapter, such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, order, prosperity and general welfare.
- B. This Chapter is not intended to interfere with, abrogate or annul any easements, covenants or other agreements between parties; except if this Chapter imposes a greater restriction, this Chapter shall control.
- C. In case of any inconsistency between the text of this Chapter and any heading, drawing, table, figure, or illustration, the text shall control.
- D. If the provisions of this Chapter are inconsistent with those of the state or federal government, the more restrictive provision will control to the extent permitted by law. If the provisions of this Chapter are inconsistent with other Chapters in Title 8, or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the City, the provision that is more specific to the situation will control. When regulations are equally specific or when it is unclear which regulation to apply, the more restrictive provision will control.
- E. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation or document, unless otherwise specifically stated.

8-8.150 RULES OF WORD CONSTRUCTION

- A. Unless otherwise specifically indicated, lists of items or examples that use terms such as *including*, *such as*, or similar language are intended to provide examples, not to be exhaustive of all possibilities.
- B. Words in the present tense include the future tense. The reverse is also true.

- C. The words and phrases *shall*, *shall not*, *must*, *must not*, *will*, *will not*, and *may not* are mandatory. The word *may* is permissive.

8-8.160 REVIEW STEPS AND REVIEW PROCESS

- A. **Review Steps.** There are four required steps to planned development approval; they may occur only sequentially, never concurrently, with the exception of steps 2 and 3:
1. Development and approval of a *conceptual master plan* (CMP) at time of UGB amendment;
 2. Annexation;
 3. The approval of a *preliminary subdivision plat(s)* and/or *site development plan* review application(s).
 4. The approval of a *final plat*.
- B. **Review Process.**
1. Submit an application for inclusion in the City's UGB. Follow the steps in Article 8-8.2. If approved, the result is a conceptual master plan (CMP) adopted by the City in conjunction with adoption of the UGBA and appropriate MPD designations on the Comprehensive Plan land use map. This is a legislative review process (See 8-3M.160).
 2. Submit an application for annexation. Follow the steps in Article 8-8.3. If approved, the result is rezoning to appropriate MPD zones. This is a legislative review process (See 8-3M.160).
 3. Submit an application for a preliminary subdivision plat and/or site development plan review. Follow the steps in Chapter 8-2 (Subdivision Code). If approved, the result is a permit to proceed with installing infrastructure. This is a quasi-judicial review process (See 8-3M.150).
 4. Submit an application for final plat approval. If approved, the result is a permit to proceed with selling lots and/or building on them. This is a ministerial review process (See 8-3M.130).

8-8. Article 2.

URBAN GROWTH BOUNDARY AMENDMENT

8-8.210 URBAN GROWTH BOUNDARY AMENDMENT AND CONCEPTUAL MASTER PLAN — APPLICATION

An application to include land in the City's urban growth boundary (UGB) is a legislative process that includes coordination with Jackson County and approval from Jackson County Board of Commissioners. Such a process is called an urban growth boundary amendment (UGBA). Because such an amendment can be a lengthy process, the time can be used to advantage by developing a conceptual master plan for the area in question.

The initiation of an urban growth boundary amendment by any one or more property owner in the urban reserve area will be the trigger for planning the entire urban reserve. The City will not master plan subsets of URAs (see also Sec. 130).

- A. **General Submission Requirements.** The following shall be submitted in both hardcopy and electronic formats.
1. A type-IV application, as per Subsection 8-3M.160(C), and ORS 197.296, along with fee.
 2. A topographic map of the proposed boundary amendment area, including land within 500 feet of the exterior bounds of the area. Said map will show existing buildings, utilities, streets and ways, natural features, bodies of water, and wetlands.
 3. A description of the applicant's vision for eventual development.
 4. Special studies prepared by qualified professionals may be required by the City Planning Official, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource, natural hazard, and other impacts.
 5. Any additional materials required by 3.7.3(E) of the Jackson County Land Development Ordinance, or its successor provision(s).

8-8.220 CONCEPTUAL MASTER PLAN — PROCEDURE

There are two interconnected tasks at this stage: coordination with the County and development of the conceptual master plan.

- A. City and County officials will establish a list of stakeholders who will be invited to be on the development committee for the CMP. Stakeholders include, but are not limited to, owners of adjacent property, representatives of the City Council, Planning Commission, Parks Commission, Phoenix-Talent School District, Fire District No. 5, DLCD, ODOT, RVS, MWC, RVMPO, RVTD, and any recognized adjacent neighborhood associations.

Individual participation is a choice, not a prerequisite of approval, except for the City, the County, and the petitioner(s) for UGB inclusion.

- B. The City will host CMP development committee meetings. It should take no more than five (5) meetings to complete the steps in the following section. The reason for this rule is that participation and interest may wane during an extensive process, and the goal of public involvement would not be well served. Materials and notice to participants will be provided at least seven (7) days before each meeting date.

- C. CMP development will generally follow these guidelines:

1. The City and owners of territory in the proposed UGBA area will first meet to discuss design and urbanization objectives. From this discussion, the City will produce two or three site design concepts to present to the whole development committee.
2. At the first meeting of the development committee (CMP-DC) the City will present the design concepts, which may include uses, densities, siting of public facilities, and locations of preservation areas (for both open space and natural hazard areas). The committee members will submit, in writing and by drawing on the concept maps, comments, suggestions or critiques of the plans at the meeting. Members may submit comments up to 10 days before the next scheduled meeting.
3. At subsequent meetings, the City will post comments and the amended concept maps, answer questions, and receive additional comments. Members may again submit additional comments up to 10 days before any subsequent meeting.
4. The final meeting will include the whole Planning Commission. City staff will present the conclusions and recommendations of the CMP development committee.
5. City staff will finalize a draft CMP for the City's Planning Commission. The CMP will contain at least the following elements: a development concept map, textual description of the development concept, draft UGMA, base maps, memos, committee minutes, and other supporting documentation, as appropriate.

8-8.230 URBAN GROWTH BOUNDARY AMENDMENT AND CONCEPTUAL MASTER PLAN — REVIEW

At this step the City and County review, evaluate, and adopt or reject the CMP and the UGBA.

- A. At least 45 days before the first evidentiary hearing on adoption the City will provide notice to DLCD on the proposal to amend the UGB and adopt the CMP.
- B. Staff will present the CMP and findings for UGBA to the Planning Commission for hearings. In order to recommend the UGBA for approval, the Commission must find it meets the criteria of OAR 660-024 and the need and locational factors of Statewide Planning Goal 14. The Commission may recommend approval, approval with conditions, or denial to the City Council.
- C. Staff will present the CMP, findings for UGBA, and the Planning Commission's recommendation to the City Council for hearings. The Council may approve, approve with conditions, or deny the UGBA and CMP.
- D. Staff will present the CMP, findings for UGBA, and the City Council's decision to the County Board of Commissioners. The Board may approve, approve with conditions, or deny the UGBA.

8-8. Article 3.
ANNEXATION

8-8.310 ANNEXATION

The provisions of Article 8-3M.3 of the Zoning Code govern all annexations. Refer to that Article for submission and review procedures.

8-8. Article 4. DEVELOPMENT

8-8.410 TYPES OF DEVELOPMENT

Land subject to this Chapter may be developed as a subdivision, development of one or more individual lots, or development of one or more conditional uses on one or more individual lots.

8-8.420 PRELIMINARY SUBDIVISION PLAT — APPLICATION & REVIEW

An application for subdivision development is a quasi-judicial process governed by Chapter 8-2, the Subdivision Code, and Article 8-3M.1 of the Zoning Code.

- A. **General Submission Requirements.** The following shall be submitted in both hardcopy and electronic formats.
1. A type-III application, as per 8-2.310 and 320, along with fee.
 2. A preliminary subdivision plat demonstrating compliance with the adopted CMP for the area.
- B. **Review.** The provisions of Section 8-2.330 govern all subdivision applications, with the exception of Subsection 330(F), because the adopted CMP is presumed to fulfill the purpose of a future re-division plan. In addition, whatever provisions exist for density bonuses in Chapters 8-2 and 8-3 cannot be applied to MPD areas because the adopted CMP is presumed to have identified and accounted for all development and non-development areas.

For those areas subject to this Chapter, the following additional review criteria apply.

1. If the Planning Commission makes a positive finding for any one of subparagraphs a–c, following, and the plat meets the relevant approval criteria in Chapter 8-2, the Commission will approve the preliminary plat.
 - a. The proposed development conforms to the adopted CMP for the area;
 - b. The proposed development does not conform, but the differences from the adopted CMP are not significant with respect to the following parameters and for one or more reasons acceptable to the Planning Commission:
 - (1) Location(s) of major streets.
 - (2) Location(s) of off-site transportation stubs.

- (3) Open space is not changed by more than 10 percent, so long as riparian and wetland setbacks are not adversely impacted by any reduction.
 - (4) Overall residential density is not changed (due to zone change) by more than 10 percent.
 - (5) Commercial zoning is not changed to Industrial zoning, or vice versa.
 - (6) Residential zoning is not changed to Industrial zoning, or vice versa.
- c. The proposed development does not conform due to amendments necessitated by changed circumstances or changes in City objectives, and such amendments are reasonable, proportional responses to those changes.

8-8.430 SITE DEVELOPMENT PLAN — APPLICATION & REVIEW

An application for Site Development Plan review is a quasi-judicial process governed by Article 8-3L.1.

- A. **General Submission Requirements.** The following shall be submitted in both hardcopy and electronic formats.
- 1. A type-III application, as per 8-3L.130 and 140, along with fee.
 - 2. A Site Development Plan demonstrating compliance with the CMP for the area.
- B. **Review.** The provisions of Section 8-3L.1 govern all Site Development Plan applications. For those areas subject to this Chapter, the following additional review criteria apply.
- 1. If the Planning Commission makes a positive finding for any one of subparagraphs under 420(B)(1), above, and the proposal meets the relevant approval criteria in 8-3L.1, the Commission will approve the site development plan.

8-8.440 CONDITIONAL USE PERMIT — APPLICATION & REVIEW

An application for Conditional Use Permit review is a quasi-judicial process governed by Article 8-3L.2.

- A. **General Submission Requirements.** The following shall be submitted in both hardcopy and electronic formats.
- 1. A type-III application, as per 8-3L.240, along with fee.

2. A Conditional Use Permit development plan demonstrating compliance with the adopted CMP for the area.
- B. **Review.** The provisions of Section 8-3L.2 govern all Conditional Use Permit applications. For those areas subject to this Chapter, the following additional review criteria apply.
1. If the Planning Commission makes a positive finding for any one of subparagraphs under 420(B)(1), above, and the proposal meets the relevant approval criteria in 8-3L.2, the Commission will approve the conditional use permit.

8-8. Article 5.

ZONING DISTRICT STANDARDS

8-8.510 ZONING DISTRICTS

There are four districts distinctive to MPD regulations and four districts common throughout the City that are available for application to lands in MPD areas:

MPD-Only Districts

- A. **Residential 4 (RS-4).** A low-density residential district allowing detached single-family homes on lots no less than 7,000 square feet (0.16 acres) at a maximum density of four units per acre.
- B. **Residential 8 (RS-8).** A medium-density residential district allowing detached and attached single-family homes on lots no less than 3,500 square feet (0.08 acres) at a maximum density of eight units per acre.
- C. **Residential/Commercial 16 (R/C-16).** A mixed residential-commercial district allowing high-density residential in combination with retail-oriented and commercial office uses. The maximum residential density is 16 units per acre.
- D. **Industrial/Research/Office Park (IRO).** A district allowing the development of office, research, production or assembly firms, and other complementary uses.
[Details to be developed later]

Common Districts

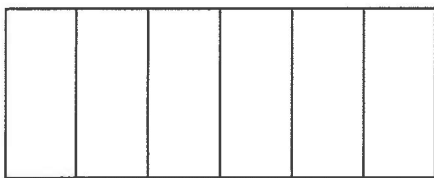
- E. **Public Lands & Facilities (PLF).** A district for the development of open space and public facilities and services. This is a district common throughout the City; refer to 8-3G.1 for complete details.
- F. **Commercial.** As appropriate, the **Commercial—Neighborhood (CN)**, **Central Business—Highway (CBH)**, or the **Commercial—Highway (CH)** districts common throughout the City will be applied to MPD areas. Refer to Division 8-3D for complete details.

8-8.520 DENSITY

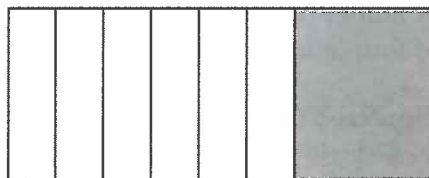
Density is an inviolable standard in the MPD process. A zoning district labeled RS- x , for example, permits the development of up to x residential units for any given gross acre in that district. The variable used in conjunction with this standard is a small minimum lot size, which provides the developer of land the flexibility to respond to physical constraints or to target a particular householder by shrinking or enlarging lots.

The following illustrates a simplified scenario using the concept:

6 lots on 1 acre



6 lots on 1 acre, plus open space



Both scenarios show development on the same piece of land. The one on the left is evenly divided into equally sized lots. On the right, there are six townhouse lots and a common open space area. The scenario does not account for right-of-way needs because the CMP will have already accounted for those deductions.

8-8.530 USES

Table 530 indicates whether a use is permitted, permitted under the standards and procedures in 8-3L.1, conditionally permitted under the standards and procedures in 8-3L.2, or not permitted. Article 8-3B.2 defines the “Use Categories” in the table.

Table 530. Permitted Uses

Use Categories	Permissibility by District		
	RS-4	RS-8	R/C-16
	P = Permitted S = Permitted with Site Plan Review		C = Permitted Condi- tionally = Not Permitted
Residential Categories			
<i>Household Living</i>			
One Family (not attached)	P	P	P
Accessory Dwelling	S	S	
Two Family (duplex)	S	P	P

Table 530. Permitted Uses

Use Categories	Permissibility by District		
	RS-4	RS-8	R/C-16
	P = Permitted S = Permitted with Site Plan Review		C = Permitted Condi- tionally = Not Permitted
One Family (attached)		S	S
Manufactured Home	S	P	P
Zero Lot Line Housing	S	S	S
Multiple Family		S	S
<i>Group Living</i>			
Group Home	S	S	S
Group Facility		S	S
Commercial Categories			
Bed-and-Breakfast Inn	C	S	S
Drive-up, drive-through, drive-in			
Home Occupation	S	S	S
Office (2,000 sq. or less per use)		S	P
Quick Vehicle Servicing or Vehicle Repair			
Retail Sales & Service (2,000 sq. ft. or less per use)			P
Self-Service Storage			
Industrial Categories			
Industrial Service			
Manufacturing & Production, enclosed in primary building			C
Warehouse & Freight Movement			
Waste Related			
Wholesale Sales			

Table 530. Permitted Uses

Use Categories	Permissibility by District		
	RS-4	RS-8	R/C-16
	P = Permitted S = Permitted with Site Plan Review		C = Permitted Condi- tionally = Not Permitted
Institutional Categories			
Basic Utilities	P	P	P
Daycare, adult or child; does not include Family Daycare (12 or fewer children) under ORS 657A.250	P	P	P
Parks and Open Space	C	C	C
Parks and Open Space identified in a Specific Area Plan or approved as part of a subdivision	P	P	P
Religious Institutions and Houses of Worship	C	C	C
Schools	C	C	C
Other Categories			
Accessory Structures (with a permitted use)			
No taller than 14 ft. and footprint no larger than 1,000 sq. ft.	P	P	P
Taller than 14 ft. or footprint larger than 1,000 sq. ft.	C	C	C
Radio Frequency Transmission Facilities	C	C	C

8-8.540 LOTS

Table 540 establishes minimums and maximums for density, lot size, coverage, and setback requirements for MPD zoning districts.

Table 540. Dimensional Standards

Standard	District		
	RS-4	RS-8	R/C-16
Density, Maximum	4	8	16
Density, Minimum	2	4	8
Lot Area, Minimum (<i>in sq. ft.</i>)			
One-Family, detached	7,000	3,500	3,000
One-Family, attached	N/A	2,000	1,500
One-Family, with Accessory Dwelling	7,500	4,000	4,000
Two-Family	8,000	6,000	5,000
Multiple-Family or Condominium	8,000	8,000	8,000
Lot Width, Minimum (<i>in feet</i>)			
One-Family, detached	50	40	40
One-Family, attached	N/A	20	16
Two-Family	60	50	50
Multiple-Family or Condominium	50	50	50
Building Coverage, Maximum <i>Foundation plane as percent of lot area</i>			
One-Family, detached	35	35	35
One-Family, attached	N/A	70	70
Two-Family	60	60	60
Multiple-Family or Condominium	60	60	60

Table 540. Dimensional Standards

Standard	District		
	RS-4	RS-8	R/C-16
Setbacks, Minimum (<i>in feet</i>)			
- <u>Front</u>			
Structure >18' height	16	16	16
Structure ≤18' height	16	16	16
<i>Exceptions:</i>			
Garages and Carport Entries (in no case may a garage entrance be forward of the front plane of the house)	20	20	20
Open Structures (e.g., porch, balcony, portico, patio, wall), where structure is less than 50% enclosed on side elevations	12	12	12
<i>Note: always avoid utility easements when building near property lines.</i>			
Setbacks, Minimum (<i>in feet</i>)			
- <u>Side</u>			
Habitable Structure ≤18' height	10	5	5
Habitable Structure >18' height	12	5	5
Habitable Structure when adjacent to EFU-zoned lot >10 acres	<i>See special buffering stds.</i>	<i>See special buffering stds.</i>	<i>See special buffering stds.</i>
Garage/carport entry, except on alleys	20	20	20
Accessory Structure	10	5	5
<i>Exceptions:</i>			
Alley	5	5	5
Open Structures (see def. above)	5	5	5
Common Walls	0	0	0
Zero Lot Line	0 and 20	0 and 15	0 and 10

Table 540. Dimensional Standards

Standard	District		
	RS-4	RS-8	R/C-16
Setbacks, Minimum (<i>in feet</i>)			
- <u>Rear</u>			
Habitable Structure	20	16	16
Habitable Structure when adjacent to EFU-zoned lot >10 acres	See special buffering stds.	See special buffering stds.	See special buffering stds.
Accessory Structure	10	5	5
Exceptions:			
Garage on Alley	6	6	6
Open Structures (see def. above)	5	5	5
Common Walls	0	0	0

A. Interpretations of Table 540.

1. The provision requiring a greater setback for garage entrances facing streets means that the plane of the garage entrance may not be forward of the front plane of the house.
2. The "lot width" standard applies to the midpoint between front and rear lot lines. The variability at the front and rear lot lines may be only 20% of the minimum width required. *Example:* a trapezoidal lot may be 40 feet wide at the front lot line and 60 feet wide at the rear lot line.
3. "Special Buffering Standards" are explained in Section 560.

8-8.550 OPEN SPACE

Open space is vital to the health and welfare of the public. While it probable that open space will be identified and preserved via CMPs, there may be opportunities to supplement it during development by clustering lots. The reviewing body will observe the following standards when an applicant seeks a development permit.

- A. Area added to pre-identified open space is acceptable if it is directly adjacent to that open space and its use will not be hindered by obstructions or intrusions of developed land.

- B. The City will not accept maintenance responsibility for any park, open space or preservation area with an extent of less than two (2) acres, unless otherwise approved by the City Council.

8-8.560 BUFFERING

MPD areas may be adjacent to EFU zoning districts. In order to reduce conflict between urban and rural uses, the buffering standards adopted for application to Regional Problem Solving-identified URAs will apply.

For other buffering requirements, see Sections 8-3J.180 and 8-3J.460.

8-8.590 REFERENCE TO OTHER ZONING STANDARDS

- A. Except where otherwise specified, the site development standards in Division J of the zoning chapter (8-3) apply to MPD areas.
- B. The riparian and wetland protection standards in 8-3H.2 apply unless specifically addressed during development of the conceptual master plan.

8-8. Article 6.

DEFINITIONS

8-8.610 INTERPRETATIONS

For any term, phrase, or word not defined in the following Section, refer to Article 8-3B.1. If not found in either place, the City shall base its interpretations on the appropriate definition found in the current edition of *Merriam-Webster's Collegiate Dictionary*.

8-8.620 DEFINITIONS

Accessory Uses and Buildings Accessory uses, buildings or other structures customarily incidental to and commonly associated with a permitted use, provisional use or conditional use are permitted, provided they are operated and maintained according to the following standards:

- The accessory use is subordinate to the principal use of the property and contributes to the comfort, convenience or necessity of occupants, customers, or employees of the principal use;
- The accessory use, building or structure is under the same ownership as the principal use or uses on the property;
- The accessory use, building or structure does not include structures, structural features, or activities inconsistent with the uses to which they are accessory;
- Except for approved off-street parking located on a separate lot, the accessory use, building, or structure is located on the same lot as the principal use or uses to which it is accessory; and
- The accessory use, building, or structure conforms to the applicable base zone regulations and to the specific approval criteria and development standards contained in this Title.

Annexation The process of incorporating land into a city's municipal boundary.

Building Coverage Same as defined in Chapter 8-3.

Comprehensive Plan The guiding document for development of the city. It maps the land-use areas of the city in a general fashion.

Conceptual Master Plan (CMP) This is (a) the *map* showing existing features, prospective streets, open spaces, densities, developable acreages, and uses; and (b) the *text* describing the plan objectives, obstacles, opportunities, and so forth. It is the plan that the City adopts when it includes land in its urban growth boundary.

Density Density pertains to residential development. It expresses the number of primary dwelling units per unit area of land—in this case, an acre (43,560 square feet).

Lot, Zero-Lot-Line A lot with a side setback of zero on one side and more than zero on the opposite side. The zero side may not be adjacent to a right-of-way, such as on a corner lot. No one may plat a zero-lot-line lot without including an easement on the abutting lot for the purpose of access for maintenance of the side of the structure facing the abutting lot.

Specific Area Plan The term applied to the Conceptual Master Plan *after* it has been adopted through a UGBA, at which point it becomes part of the Comprehensive Plan.

Master Plan Zoning District A zoning district that contains a variety of uses and dimensional standards arranged into intensity subcategories. See RS-4, RS-8 and R/C-16 descriptions under Section 510.

Structure, Open A porch, balcony, portico, patio, wall, or similar, where such structure is less than 50% enclosed on side elevations. If an object does not fit this definition it is defined as a building or structure with respect to setbacks and coverage.

Subdivision Plat A plat of subdivision that embodies the Master Plan.

Urban Growth Boundary (UGB) An area of land that a city may annex for development. It is established in conjunction with the county where the city lies and is acknowledged (accepted) by the Land Conservation and Development Commission (LCDC).

Urban Growth Boundary Amendment (UGBA) The process of changing the city's urban growth boundary. This is also an amendment to a city's comprehensive plan.

Urban Reserve Area (URA) Land outside of an urban growth boundary identified as highest priority for inclusion in the urban growth boundary when the boundary is expanded in accordance with Goal 14 (OAR 660-021-0010(1)). "Cities and counties cooperatively...may designate urban reserve areas under the requirements of [OAR 660-021], in coordination with special districts listed in OAR 660-021-0050(2) and other affected local governments, including neighboring cities within two miles of the urban growth boundary" (OAR 660-021-0020).

8-8.630 ACRONYMS

CMP	Conceptual Master Plan
DLCD	Department of Land Conservation and Development
LCDC	Land Conservation and Development Commission
UGBA	Urban Growth Boundary Amendment
URA	Urban Reserve Area

8-8. Article 7.

APPLICABILITY TO INFILL SITES

8-8.710 PROCEDURE

There are some infill sites in the City and UGB that would benefit from the flexibility offered by these regulations. With the deletion of planned unit development regulations from Chapter 8-3, the preceding Articles of this Chapter can be employed to infill sites in the following manner:

- A. **Areas in UGB but not in city limits.** For property wishing to annex to the City and utilize this Chapter, the application will follow the procedures from Article 8-8.3 onward, with the exception that the applicant will produce a CMP in consultation with staff. The Planning Commission will make findings with respect to the Comprehensive Plan and the CMP's interpretation of it.
- B. **Areas in the City.** For property wishing to develop utilizing this Chapter, the application will follow the procedures from Article 8-8.4 onward, with the exception that the applicant will produce a CMP in consultation with staff and apply for a rezoning to an MPD zoning district that is compatible with adjacent zoning. The Planning Commission will make findings with respect to the Comprehensive Plan and the CMP's interpretation of it.



City of Talent
Planning Department
PO Box 445
Talent, OR 97540

Attention: Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540