



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 20, 2016  
Jurisdiction: City of Talent  
Local file no.: DCA 2016-001  
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/16/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 58 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 001-16 {24241}  
Received: 6/16/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Talent

Local file no.: **DCA 2016-001**

Date of adoption: 6/30/2016

Date sent: 6/30/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 1/26/2016

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

N/A

Local contact (name and title): Zac Moody, Community Development Director

Phone: 541-535-7401

E-mail: [zmoody@cityoftalent.org](mailto:zmoody@cityoftalent.org)

Street address: 110 E. Main St.

City: Talent

Zip: 97540-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Text Amendments to the Talent Zoning Code adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping. Other changes related to cross references in the code will also be addressed and include changes to Title 8, Chapter 3, Division C, D, F, G, J and L.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: City of Talent

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Amending Ordinances 918 (attached)

**ORDINANCE NO. 16-918-O**

**AN ORDINANCE AMENDING ORDINANCE 458, TALENT ZONING CODE, ADDING TITLE 8, CHAPTER 3, DIVISION J, ARTICLE 10, PUBLIC TREES, AMENDING TITLE 8, CHAPTER 3 DIVISION J, ARTICLE 3, FENCES AND HEDGES TO ADDRESS TREE PRESERVATION AND PROTECTION, AMENDING TITLE 8, CHAPTER 3, DIVISION J, ARTICLE 4, TREES AND LANDSCAPING TO ADDRESS LANDSCAPING, FENCING AND HEDGES, AND AMENDING TITLE 8, CHAPTER 3, DIVISION C, D, F, G, J AND L ADDRESSING CHANGES TO CROSS-REFERENCES RELATED TO THE AFORMENTIONED AMENDMENTS.**

WHEREAS, after due consideration, the City of Talent has made certain findings in connection with the proposed amendments and have followed the statutory procedures.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

**SECTION 1.** That the following sections within Title 8, Chapter 3 have been added as described in EXHIBIT A attached herein:

Division J, Article 10, Public Trees

**SECTION 2.** That the following sections within Title 8, Chapter 3 have been amended as described in EXHIBIT A attached herein:

Division J, Article 3, Fences and Hedges amended to address Tree Preservation and Protection and titled "Tree Preservation and Protection"

Division J, Article 4, Trees and Landscaping amended to address Landscaping, Fences and Hedges and titled "Landscaping, Fences and Hedges"

**SECTION 3.** That the following sections within Title 8, Chapter 3 have been amended as described in EXHIBIT A attached herein to address changes in section cross-references:

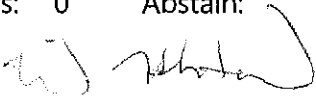
Division C, Article 1, Section 180 and 190  
Division C, Article 2, Section 280 and 290  
Division C, Article 4, Section 482, 484 and 486  
Division D, Article 1, Section 195 and 196  
Division D, Article 2, Section 295 and 296  
Division D, Article 3, Section 395 and 396  
Division D, Article 4, Section 495 and 496  
Division D, Article 5, Section 595 and 596  
Division F, Article 1, Section 190  
Division G, Article 1, Section 180  
Division J, Article 1, Section 121  
Division L, Article 8, Section 850

**SECTION 4.** That the amendments as described herein comply with all applicable Comprehensive Plan Policies of the City of Talent as well as all applicable State and Federal Laws.

**SECTION 5.** That the amendments as described herein have been advertised and publically noticed in accordance with Section 8-3M, Article 1 of the Talent Zoning Ordinance.

Duly enacted by the City Council in open session on June 15, 2016 by the following vote:

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



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Melissa Huhtala, City Recorder and Custodian of City records

# City of Talent

Community Development Department - Planning



## STAFF REPORT

Type-4 Land Use Application — Legislative Review — City Council

Meeting date: June 1, 2016  
File no: DCA 2016-001  
Prepared by: Zac Moody, Community Development Director  
Item: Adoption of regulations relating to tree preservation, landscaping and public trees.

### GENERAL INFORMATION

Petitioner ..... City of Talent

Requested Action ..... *Consideration of Text Amendments to the Talent Zoning Code adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping. Other changes related to cross references in the code will also be addressed and include changes to Title 8, Chapter 3, Division C, D, F, G, J and L. New language allows the City to require a tree removal permit for heritage and significant trees and provides quantifiable standards for landscaping. File: DCA2016-001. Applicant: City of Talent.*

### PROPOSAL

Staff is proposing changes to the Tree and Landscaping section of the Talent Zoning code to address concerns about the removal of large trees on private property and to provide clearer landscape standards for new commercial, industrial and residential property. Staff is also proposing changes to the section of the code that addresses public trees.

In order to make the necessary changes to the Tree and Landscaping code, Staff began reviewing all sections of the Talent Zoning Code that related to trees or landscaping. After reviewing each section, it became clear to Staff that not only was additional language needed to address deficiencies, but a reorganization of the sections of code was also necessary to make the code more usable to our citizens.

Staff is recommending that the following changes be made to the Talent Zoning Code:

- Remove Fences and Hedges section and consolidate with new Landscaping section (no changes)
- Add Landscaping, Fencing and Hedges as a new section (new code language)
- Add Tree Preservation and Protection section (new code language)
- Add Public Trees section (uses existing language with some changes)

These changes are summarized below:

#### Tree Preservation and Protection

Staff drafted the tree preservation and protection code based on state model code and other codes used

throughout the State. Considering the different climates that exist in Oregon, using a model codes really only helped to establish a backbone for the code and didn't provide Staff with a lot of support for the type of trees in this region. The proposed language provides staff a clear definition of significant and heritage trees and establishes a quantitative means to determine any mitigation necessary to replace a removed tree. Under the current regulation no mitigation is required unless the removed tree is within a riparian area.

The proposed language establishes four new tree permit types. The idea is to provide staff an opportunity to educate citizens on the importance of trees prior to removal and to educate on some optional mitigation opportunities to encourage preservation and protection of the City's urban canopy and to protect the watershed as a whole.

### **Landscaping, Fences and Hedges**

The proposed landscaping code provides staff with a quantitative methodology to determine the number of trees and shrubs required for any development. These changes provide staff and citizens with clear and objective standards and allow for alternate means of landscaping such as xeriscaping and reduction of landscape requirements to support solar projects.

Staff has recommended new xeriscaping language and updated sections of the code that conflicted with xeriscaping, such as required landscaping materials. Much of the language was taken from the City of Ashland's Lawn Replacement Program which provides cash incentives for removal of "live lawn" or grass. Since the City of Talent is not in the position to provide cash incentives, staff modified the ordinance to provide other incentives, such as the reduction of landscaped area if xeriscaping is used.

Staff proposes retaining the current solar code language for now, as it provides flexibility to reduce the required amount of landscaped area and/or the quantity of landscaping material to accommodate solar installations. Staff feels that this section is sufficient until such time that evaluating energy savings from tree influence on ambient temperature versus energy savings from active and passive solar installations becomes practical.

### **Public Trees**

Changes in this section were minimal, but the section was modified to be more consistent with the proposed landscape and tree preservation codes. Staff provided Public Works the opportunity to review the draft language and made some modifications based on their comments and concerns about location of private trees adjacent to the right of way and notification of public works projects.

Attached to this report are the final drafts of the proposed amendments with all suggested changes by the Planning Commission and Public Works.

### **AGENCY COMMENTS**

As of the date of this staff report both the City Manager as well as the Public Works Director commented. Their concerns related to the Public Trees amendment where the language addresses concerns over the time frame the City has to notify property owners of public tree maintenance.

### **PUBLIC COMMENTS**

As of the date of this staff report, no public comments have been received. Staff did reach out to many individuals and businesses requesting comments and received some verbal comments. Canopy LLC, a local

Arborist and tree trimming company assisted with language that defines heritage and significant trees. Additionally, Rogue Climate Talent was given the documents for review but did not provide any comment.

## **BACKGROUND**

The Planning Commission participated in two workshops to assist staff in preparing the aforementioned code amendments. The first work session was held on January 28, 2016 and proposed the scope of work and presented some preliminary draft language for the Commission to consider. The second work session was held on February 18, 2016 with the goal of reworking the draft amendments to better fit the needs of the community. On April 24, 2016, the Planning Commission held a properly noticed Public Hearing and unanimously recommended approval to the City Council. During these work sessions, the Planning Commission provided valuable suggestions to all of the proposed amendments. These suggestions have been included in the proposed ordinance (EXHIBIT B).

## **RECOMMENDATION**

Based on the findings for the proposed amendments outlined in the Signed Final Order of the Talent Planning Commission, staff recommends City Council approval of the proposed amendments.

## **RECOMMENDED MOTION**

*I move to approve Ordinance 16-918-O, an ordinance amending Ordinance 458, Talent Zoning Code, adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges to address Tree Preservation and Protection, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping to address Landscaping, Fencing and Hedges and amending Title 8, Chapter 3, Division C, D, F, G, J and L addressing changes to cross-references related to the aforementioned amendments. New language allows the City to require a tree removal permit for heritage and significant trees and provides quantifiable standards for landscaping.*

## **ATTACHMENTS**

The following information was submitted regarding this application:

- Planning Commission Signed Final Order – Exhibit A
- Ordinance 918 – Exhibit B



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Zac Moody, Community Development Director

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May 23, 2016

Date

Staff has recommended these amendments for approval, but it will require at least one public hearing before the Planning Commission and one public hearing before the City Council for a decision. The Talent Zoning Code establishes procedures for legislative hearings in Section 8-3M.160.

**A public hearing on the proposed action is scheduled before the Talent City Council on June 1, 2016 at 6:45 PM at the Talent Town Hall.**

For copies of public documents or for more information related to this staff report, please contact the Community Development



Director at 541-535-7401 or via e-mail at [zmoody@cityoftalent.org](mailto:zmoody@cityoftalent.org).

8-3 Division C. Article 1

**RESIDENTIAL ZONE**

**SINGLE-FAMILY—LOW-DENSITY (RS-5)**

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**8-3C.110 DESCRIPTION AND PURPOSE**

The Low-Density Single-Family Residential (RS-5) zone is intended to provide a stable, healthful and livable residential environment, together with the full range of urban services, for those residents choosing to live in neighborhoods where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur in a manner compatible with a single-family, small town, neighborhood character.

**8-3C.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Single-family detached dwellings.
- B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport; however, manufactured homes are prohibited within the Old Town District or other historic districts.
- C. Home occupations, subject to the provisions of 8-3L.6.
- D. *[Reserved]*
- E. Agricultural uses, including field crops, truck gardening, berry crops, orchards, raising of bees, rabbits and poultry, and raising and grazing of horses, cows, sheep and goats. Keeping of animals shall be subject to the following additional restrictions:
  - 1. Swine shall not be permitted.
  - 2. Horses, cows, goats and sheep shall not be permitted on any lot less than 20,000 square feet in area; no more than two head of livestock over six months of age shall be kept per acre of property area; and no livestock shall be kept within one hundred (100) feet of any dwelling other than the one on the same property.
  - 3. Bees may be kept provided there are not more than two colonies on any one lot and that there shall be a minimum of 8,000 square feet of lot size.
  - 4. The number of chickens, fowl and/or rabbits over the age of six months shall not exceed one for each 1,000 square feet of property; the number of young chickens, fowl and/or rabbits (under six months) shall not exceed three times the allowable number of animals over six months.
  - 5. Animals, including chickens or fowl, shall be properly fenced, caged or housed and proper sanitation shall be maintained at all times.
- F. Accessory buildings and structures, including private garages, guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy-conserving device

and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or Commission.

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

**8-3C.130 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in 8-3L.1.

- A. Two or three main buildings on an individual lot, provided that there shall be a minimum of 8,000 square feet of lot area per dwelling unit.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- C. Other uses determined by the Planning Commission to be similar to those listed above or under Section 120, above.

**8-3C.140 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses that are permitted subject to the provisions of 8-3L.1 and 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to how the use may be developed on the proposed site.

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of 20 percent (20%) of the property width but not less than ten feet.
- C. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious institution buildings. Other uses determined by the

Planning Commission to be similar to those listed above, or under Sections 120 or 130, above.

- D. Relocated Structures
- E. Accessory Dwelling Units on individual lots, subject to the provisions of 8-3L.5, "Accessory Dwelling Units."

### **8-3C.150 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in 8-3L.2. The following uses permitted conditionally in the RS-5 zone meet the description and purpose set forth in 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Community centers, fraternal or lodge buildings.
- F. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.
- G. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser. Such buildings must additionally meet the Building Height Transition Standards in 8-3J.123(B).
- H. The having, keeping or maintaining of any apiary of more than two colonies.
- I. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-5 zone.

### **8-3C.160 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
  - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height. The following additional provisions shall also apply to side setbacks:
    - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; Fifteen (15) feet when side street is a collector or arterial; Twenty (20) feet for garage and carport entrances.
    - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages; and Twenty (20) feet for double-frontage lots.

### **8-3C.170 LOT AREA AND DIMENSIONS**

In the RS-5 zone, the minimum lot area shall be as follows:

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
  - 1. 8,000 square feet.
  - 2. Corner lots: 9,000 square feet.
- B. Minimum Lot Area per Dwelling Unit:
  - 1. 8,000 square feet.
- C. Minimum Lot Width:
  - 1. 65 feet; reducible to 50 feet to permit flag lot partitioning.
- D. Maximum Building Bulk:
  - 1. Height: 30 feet.
  - 2. Building Coverage: 35 percent.
- E. Non-conforming Lots of Record:
  - 1. A lot having an area of less than 8,000 square feet of record at the time of the passage of this ordinance (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with.

### **8-3C.180 LANDSCAPING, FENCES, WALLS AND SIGNS**

In the RS-5 zone, all ~~required areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be properly maintained. landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4.~~ Signs shall be permitted in ~~conformance~~ accordance with Section 8-3J.7.

### **8-3C.190 SINGLE-FAMILY TRANSITIONS**

Single-family development that is adjacent to non-residential zones may be required to provide a transitional buffer ~~consistent in accordance~~ with 8-3J.460450(CB).

8-3 Division C. Article 2

**RESIDENTIAL ZONE**

**SINGLE-FAMILY— MEDIUM-DENSITY (RS-7)**

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**8-3C.210 DESCRIPTION AND PURPOSE**

The Medium-Density Single-Family Residential (RS-7) zone is intended to provide a stable, healthful and livable residential environment, together with the full range of urban services, for those residents choosing to live in neighborhoods where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur in a manner compatible with a single-family, small town, neighborhood character.

**8-3C.220 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Single-family detached dwellings.
- B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport; however, manufactured homes are prohibited within the Old Town District or other historic districts.
- C. Home occupations, subject to the provisions of 8-3L.6.
- D. *[Reserved]*
- E. Agricultural uses, including field crops, truck gardening, berry crops, orchards, raising of bees, rabbits and poultry, and raising and grazing of horses, cows, sheep and goats. Keeping of animals shall be subject to the following additional restrictions:
  - 1. Swine shall not be permitted.
  - 2. Horses, cows, goats and sheep shall not be permitted on any lot less than 20,000 square feet in area; no more than two head of livestock over six months of age shall be kept per acre of property area; and no livestock shall be kept within one hundred (100) feet of any dwelling other than the one on the same property.
  - 3. Bees may be kept provided there are not more than two colonies on any one lot and that there shall be a minimum of 8,000 square feet of lot size.
  - 4. The number of chickens, fowl and/or rabbits over the age of six months shall not exceed one for each 1,000 square feet of property; the number of young chickens, fowl or rabbits (under six months) shall not exceed three times the allowable number of animals over six months.
  - 5. Animals, including chickens or fowl, shall be properly fenced, caged or housed and proper sanitation shall be maintained at all times.
- F. Accessory buildings and structures, including private garages, guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy-conserving device

and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or Commission.

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

**8-3C.230 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in 8-3L.1.

- A. Two or three main buildings on an individual lot, provided that there shall be a minimum of 6,000 square feet of lot area per dwelling unit.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- C. Other uses determined by the Planning Commission to be similar to those listed above or under Section 220, where permitted by the Planning Commission after written application.

**8-3C.240 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses, which are, permitted subject to the provisions of 8-3L.1 and 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to how the use may be developed on the proposed site.

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of 20 percent (20%) of the property width but not less than ten feet.
- C. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.
- D. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 220 or 230.
- E. Relocated Structures
- F. Accessory Dwelling Units on individual lots, subject to the provisions of 8-3L.5, "Accessory Dwelling Units"

**8-3C.250 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in 8-3L.2. The following uses permitted conditionally in the RS-7 zone meet the description and purpose set forth in 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Community centers, fraternal or lodge buildings.
- F. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.
- G. Buildings over two and a half (2½) stories or thirty (30) feet in height, whichever is the lesser. Such buildings must meet the Building Height Transition Standards in 8-3J.123(B).
- H. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-7 zone.

#### **8-3C.260 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
  - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height. The following additional provisions shall also apply to side setbacks:
    - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
    - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages; and twenty (20) feet for double-frontage lots.

#### **8-3C.270 LOT AREA AND DIMENSIONS**

In the RS-7 zone, the minimum lot area shall be as follows:

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
  - 1. 6,000 square feet.
  - 2. Corner lots: 7,000 square feet.
- B. Minimum Lot Area per Dwelling Unit:
  - 1. 6,000 square feet.
- C. Minimum Lot Width:
  - 1. 50 feet; reducible to 40 feet to permit flag lot partitioning.



D. Maximum Building Bulk:

1. Height: 30 feet.
2. Building Coverage: 35 percent.

E. Non-conforming Lots of Record:

1. A lot having an area of less than 6,000 square feet of record at the time of the passage of this ordinance (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with.

**8-3C.280 LANDSCAPING, FENCES, WALLS, AND SIGNS**

In the RS-7 zone, all ~~areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be properly maintained, required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4.~~ Signs shall be permitted in ~~conformance~~ accordance with Section 8-3J.7.

**8-3C.290 SINGLE-FAMILY TRANSITIONS**

Single-family development that is adjacent to non-residential zones may be required to provide a transitional buffer ~~consistent in accordance~~ with 8-3J.460450(CB).

8-3 Division C. Article 3.

**RESIDENTIAL ZONE**

**SINGLE-FAMILY—MANUFACTURED HOME (*RS-MH*)**

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**8-3C.310 DESCRIPTION AND PURPOSE**

The Manufactured Home Zone is intended to provide a stable, healthful and livable environment, together with the full range of urban services, for those choosing to reside in manufactured homes on a permanent basis or in a neighborhood with a variety of housing types, including both manufactured homes and single-family dwellings. Small economic enterprises, such as home occupations and neighborhood commercial activity, may occur indistinguishably or compatibly with the residential character. This zone should provide residents with neighborhoods comparable in quality with Low-density Residential areas.

**8-3C.320 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Manufactured home or single-family dwelling on an individual lot.
- B. Manufactured home park, subject to the supplementary provisions of Article 8-3L.8, and including common use recreation and laundry facilities.
- C. Home occupation, subject to the provisions of Article 8-3L.6.
- D. *[Reserved]*
- E. Other uses similar to those listed above where permitted by the Planning Commission after written application.
- F. Accessory buildings and structures, including private garages, accessory living quarters and guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy conserving devices and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or Commission. Accessory structures that are not separated from a manufactured home are subject to the additional restrictions of Section 395(F) or Section 8-3L.850(U), as applicable.

**8-3C.330 BUILDING AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in 8-3L.1.

- A. Two or three main buildings on a single-family or manufactured home lot, provided that there shall be 6,000 square feet of lot area per single-family or manufactured dwelling.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- C. Other uses similar to those listed above or under Section 320, where permitted by the Planning Commission after written application.

**8-3C.340 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses which are permitted subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, as to the best methods to perform or develop the use.

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of twenty percent (20%) of the property width but not less than ten feet.
- C. Churches, except rescue missions and temporary revivals held outside of church buildings.
- D. Rental apartments within existing dwellings that contain at least 2,000 square feet of floor space, including garages, where off-street parking space is provided as set forth in Article 8-3J.5 and where the exterior of the building visible from the street is not changed.
- E. A second detached single-family dwelling, provided all setbacks, parking, buffering and lot coverage requirements are met and no dwelling contains less than 6,000 square feet of floor area.
- F. Travel trailer or recreation vehicle accommodations in a manufactured home park.
- G. Grocery stores, drug stores, restaurants, beauty and barber shops, and other compatible uses to provide services in a manufactured home park to the occupants of the park.
- H. Bins or containers along streets used for temporary storage of garbage or material for recycling.
- I. Other uses similar to those listed above, or under Section 320 or 330, where permitted by the Planning Commission after written application.
- J. Accessory Dwelling Units on single-family lots, subject to the provisions of Article 8-3L.5.

**8-3C.350 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedures set forth in Article 8-3L.2. The following uses permitted conditionally in the RS-MH zone meet the description and purpose set forth in Article 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Manufactured home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Golf courses, country clubs, tennis clubs and community swimming pools.
- F. Community centers, fraternal or lodge buildings.
- G. Cemeteries.
- H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to residences on adjacent properties.
- I. Buildings over two and one-half (2½) stories or thirty (30) feet in height, whichever is the lesser.
- J. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-MH zone.

**8-3C.360 MANUFACTURED HOME PARK REGULATIONS GENERALLY**

Additional regulations pertaining to manufactured home parks are contained in Article 8-3L.8. The following regulations apply to manufactured homes located on individual lots in the RS-MH zone.

**8-3C.370 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
  - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height. The following additional provisions shall also apply to side setbacks:
    - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
    - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages; and twenty (20) feet for double-frontage lots.

**8-3C.380 LOT AREA AND DIMENSIONS**

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

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
  - 1. 6,000 square feet.
  - 2. Corner lots: 7,000 square feet.
- B. Minimum Lot Area per Dwelling Unit:
  - 1. 6,000 square feet.
- C. Minimum Lot Width:
  - 1. 50 feet; reducible to 40 feet to permit flag lot partitioning.
- D. Maximum Building Bulk:
  - 1. Height: 30 feet.
  - 2. Building Coverage: 35 percent.
- E. Non-conforming Lots of Record:
  - 1. A lot having an area of less than 6,000 square feet of record at the time of the passage of this ordinance (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with.

**8-3C.390 LANDSCAPING, FENCES, WALLS AND SIGNS**

In the RS-MH zone, all ~~areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be properly maintained.~~ required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in ~~conformance~~ accordance with Section 8-3J.7.

**8-3C.395 ADDITIONAL STANDARDS FOR MANUFACTURED HOME INSTALLATION AND OCCUPANCY IN THE RS-MH ZONE**

(See also Article 8-3J.2). Installation and occupancy of manufactured homes on individual lots will be subject to the following additional requirements.

- A. The manufactured home shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.
- B. No manufactured home shall be occupied until it is connected with the public water and sewer systems.
- C. The manufactured home shall have its wheels removed and be placed on a concrete, concrete block, or similar foundation and, unless the foundation is continuous, shall have continuous skirting (conforming to state standards) installed within sixty (60) days of occupancy.

- D. Installation of a manufactured home on a lot shall be limited to a lot owned by the owner of the manufactured home.
- E. If the manufactured home is removed from its foundation and not replaced with another manufactured home, the owner shall remove the foundation and permanently disconnect the sewer, water and other utilities. If the owner fails to accomplish this work within forty-five (45) days from the date the manufactured home is removed from its foundation, the City may perform the work and place a lien against the property for the cost of the work.
- F. Any manufactured home accessory building or structure that is not visually separated from a manufactured home shall be constructed with material and appearance compatible with the manufactured home. This does not apply to patios, porches and decks, or out-buildings that are separated from the manufactured home.
- G. The manufactured home shall be in a condition that conforms to one of the following construction standards:
1. A manufactured home constructed after April 1972 shall bear the Oregon insigne of compliance to standards in effect in Oregon at the time of construction.
  2. A manufactured home constructed prior to April 1972 shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after April 1972, as determined by the building official.
- H. The manufactured home shall have a minimum area of six hundred (600) square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a manufactured home accessory structure shall not be included in the computation of minimum area. [amended 15 October 2008; Ord. No. 847]

8-3 Division C. Article 4.

**RESIDENTIAL ZONE  
MULTIPLE-FAMILY—HIGH-DENSITY (RM-22)**

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**8-3C.410 DESCRIPTION AND PURPOSE**

The Residential—Multiple-Family—High-Density (RM-22) zone is intended to provide a healthful and livable residential environment, together with the full range of urban services, for housing units at densities higher than provided for in other residential zones. This zone is also intended to accommodate housing alternatives to conventional housing and an area where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur indistinguishably or compatibly with the residential character. It is generally intended that high-density residential zones will be situated in close proximity to activity centers and major streets.

**8-3C.420 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Detached Single-family dwellings on individual lots.
- B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport. Manufactured homes are prohibited within the Old Town or other historic district.
- C. Use of existing structures for the permitted uses listed in Sections 430 and 440 of this Article below, where all the provisions of this Chapter and any amendment thereto are met.
- D. Home occupations, subject to the provisions of Article 8-3L.6
- E. *[Reserved]*
- F. Other uses determined by the Planning Commission to be similar to those listed above.
- G. Accessory buildings and structures, not including additional or accessory dwellings.

**8-3C.430 BUILDING AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site plan review process in Article 8-3L.1.

- A. Up to four dwelling units, either duplexes, multiple-family dwellings, condominiums, row houses and townhouses (attached single-family dwellings), but not including the conversion of multiple-family dwellings to unit ownership. Attached single-family dwellings (row houses or townhouses) are permitted only if vehicular access is provided via alleyway(s).
- B. Boarding and rooming houses not exceeding accommodations for five (5) residents.

- C. Conversion of existing single-family dwellings to multi-family units, up to four dwelling units, provided each unit shall have no less than 450 square feet of living area and 250 square feet of open space in compliance with the provision of Section 470, below.
- D. More than one single-family dwelling (detached or attached and not exceeding four dwelling units) on an individual lot that is with or without existing dwelling units.
- E. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- F. Other uses determined by the Planning Commission to be similar to those listed above or under Section 420.

**8-3C.440 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses, which are permitted subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to whether and how the use can be located on the designated site.

- A. Any use in Section 430, above, that exceeds the size thresholds listed.
- B. Parks and playgrounds.
- C. Public and semi-public buildings essential to the physical welfare of the area; such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of twenty percent (20%) of the property width but no less than ten (10) feet.
- D. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.
- E. Kindergartens, day nurseries and pre-schools.
- F. Relocated Structures.
- G. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 420 or 430.

**8-3C.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in Article 8-3L.2. The following uses permitted conditionally in the RM-22 zone meet the description and purpose set forth in Article 8-3L.2:

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



- B. Public and private elementary, junior high, and high schools and colleges.
- C. Community centers, fraternal or lodge buildings.
- D. Business, technical, art or music schools.
- E. Professional offices for accountants, attorneys, engineers, architects, landscape architects, surveyors, designers, planners and similar professionals.
- F. Studios for interior decorators, photographers, artists and draftsmen.
- G. Antique stores.
- H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area.
- I. Mobile home for the infirm, subject to the supplemental provisions of Section 8-3L.250.
- J. Building over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is less. Such buildings must also meet the Building Height Transition Standards in Section 8-3J.123(A).
- K. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RM-22 zone.

#### **8-3C.460 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
  - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height; zero (0) feet for attached single-family dwellings. The following additional provisions shall also apply to side setbacks:
    - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
    - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages.

#### **8-3C.470 LOT AREA AND DIMENSIONS**

In the RM-22 zone, the minimum lot area shall be as follows:

- A. Minimum lot size by dwelling type:
  - 1. Single-Family Residence (SFR)  
(detached): 5,000 square feet.

Note: Lots (or groups of lots forming a development) greater than two (2) acres in size may not be used for SFR developments; such lots shall be preserved for higher-density development. In developments larger than two acres, half of the area—but only up to two acres total—may be designed to contain SFRs.

2. Duplex: 6,000 square feet.
3. SFR (attached): 1,800 square feet.

Attached or zero lot line townhouses or row houses may be on individual pad lots smaller than 1,800 square feet so long as the density per net acre does not exceed 16 dwellings and for each dwelling there is at least 250 square feet of recreation area, as described in Section 480, below.

4. Apartment building containing three dwellings: 6,000 square feet. For each additional dwelling unit on the same lot, the lot size shall be 1,800 square feet larger.
5. Additional regulations:
  - a. Corner lots for all the above: increase minimum lot size by 1,000 square feet.
  - b. Double-frontage lots for all the above: increase minimum lot size by 1,000 square feet.

**B. Maximum number of dwellings by type per net acre (see definition below):**

1. SFR (detached) 6
2. Duplex 12 (i.e., six separate buildings)
3. SFR (attached) 16
4. Apartment 22

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

**C. Maximum Building Coverage**

1. SFR (detached): 40 percent
2. Duplex: 40 percent
3. SFR (attached): 40 percent, as averaged over the entire development area minus streets.
4. Apartment: 40 percent

**D. Minimum Lot Width**

1. SFR (detached): 40 feet
2. Duplex: 50 feet
3. SFR (attached): None
4. Apartment: 50 feet

**E. Maximum Building Bulk:**

1. Height: 30 feet.
2. Building Coverage: 40 percent.

F. Non-conforming Lots of Record:

1. A lot having an area of less than 5,000 square feet of record at the time of the passage of this ordinance may be occupied by one single-family dwelling or one duplex dwelling if all other dimensional requirements of the zone are complied with. [Section 6 amended by Ord. 793; 11/02/2005]

### 8-3C.480 RECREATION AREA FOR MULTI-FAMILY DWELLINGS

In addition to the required landscaped open space (see Section 476, below), a minimum of 250 square feet of useable recreation area shall be provided for each multi-family dwelling unit. The recreation area may be in one or more locations, and may include recreation buildings, but no area with any minimum dimension of less than fifteen (15) feet—except for bicycle paths—shall be counted toward this requirement.

### 8-3C.482 LANDSCAPING, FENCES, WALLS AND SIGNS

In the RM-22 zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges, and screen plantings shall be permitted in ~~conformance~~ accordance with the requirements of 8-3J.3. ~~All fences, walls, hedges and screen plantings shall be properly maintained. Fences and walls shall be permitted in accordance with Section 8-3J.4.~~ Signs shall be permitted in ~~conformance~~ accordance with Section 8-3J.7.

### 8-3C.484 BUFFERING

When a development or use is proposed on property in the RM-22 zone, which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450 sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. ~~In many cases, a fence, wall, berm, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, building and window location and orientation, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the Planning Commission, which shall review the buffering for adequacy and appropriateness as part of the site plan review process.~~

### ~~8-3C.486~~ LANDSCAPING

~~Landscaping and screening shall be provided in each multiple family development and shall satisfy the following minimum requirements in addition to those set forth in Article 8-3J.4:~~

- ~~A. All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses, shall be landscaped and maintained.~~
- ~~B. Screen plantings, masonry wall, or fencing shall be provided to screen objectionable views effectively within a reasonable time. Views to be screened include laundry drying yards, garbage trash collection stations, and other similar uses.~~
- ~~C. Other plantings of adequate size, quantity and character shall be planted and maintained to provide an attractive setting, adequate privacy and pleasant outlooks for dwelling units.~~

~~D.A. It shall be the responsibility of the management to see that landscaped areas and yards are well maintained.~~

8-3 Division D. Article 1.

**COMMERCIAL ZONE  
NEIGHBORHOOD (CN)**

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**8-3D.110 DESCRIPTION AND PURPOSE**

The Neighborhood Commercial Zone (CN) is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs for goods and services in convenient locations. This commercial zone is typically appropriate to small shopping clusters or integrated shopping centers in developments of one-third to one acre within residential neighborhoods. Facilities should be oriented to serve residents' commercial service needs, to strengthen neighborhood interaction and a rural character, to minimize the need for automobile trips and to make commercial services more readily available to senior citizens, families with only one car, and others who could walk or ride a bicycle to these facilities. These areas should be located adjacent to collector or arterial streets.

**8-3D.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

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

- A. Existing residential uses, without any increase in density.
- B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this Article.
- C. Use of existing structures for the permitted uses listed in Sections 130 and 140 of this Article below, where all the provisions of this Chapter and any amendment thereto, are met.
- D. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.

**8-3D.130 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include "drive-in," "drive-up" or "drive-through" facilities. Further, the following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets), shops and offices supplying commodities or performing services for residents of the surrounding community, such as food stores, bakeries (retail), drug or variety stores, and hardware stores.
- B. Repair and maintenance service of the types of goods to be found in the above- mentioned retailed trade establishments, provided such service is performed wholly within an enclosed building.
- C. Professional, financial and business offices, and personal service establishments such as beauty and barber shops, Laundromats, cleaning agencies (provided the equipment used for cleaning shall be

a type of unit using non-flammable cleaning solvent), shoe repair shops, and tailor or dress-making shops.

- D. Restaurants, cafes and soda fountains.
- E. Medical or dental clinics or medical laboratories.
- F. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- G. Other uses similar to those listed above, where permitted by the Planning Commission after written application.
- H. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.

#### **8-3D.140 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged, or structurally altered; neither shall any land be developed except for the following uses and buildings which are permitted, none of which shall include “drive-in,” “drive-up” or “drive-through” facilities. Further, the following uses are subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, as to the best methods to perform or develop the use.

- A. Community meeting buildings, fraternal and social organizations.
- B. Utility substations.
- C. Churches.
- D. Bins or containers along streets used for temporary storage of garbage or material for recycling.
- E. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of 20% of the property width but no less than ten (10) feet.
- F. Other buildings or uses similar to those listed above, or under Section 120 or 130, where permitted by the planning commission after written application.

#### **8-3D.150 BUILDING AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2. The following uses permitted conditionally in the CN zone meet the description and purpose set forth in Article 8-3L.2.

- A. Passenger terminals (bus or rail).
- B. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.

- C. Buildings over two and one half (2½) stories or thirty (30) feet in height, whichever is the lesser.
- D. Wireless communication towers.
- E. Other buildings or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the CN zone.

**8-3D.160 YARDS REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than ten (10) feet, including a parking setback of not less than a parking setback of not less than ten (10) feet; except when abutting a lot in a residential zone, and then the front yard and parking setback shall conform to the front yard requirement of the residential zone.
- B. Side yard.
  - 1. No side yard is required between commercially zoned properties.
  - 2. When abutting a lot in a residential zone, there shall be a minimum side yard of ten (10) feet.
  - 3. A side yard abutting a street and/or alley shall have a depth of not less than ten (10) feet.
- C. Rear yard. No rear yard is required between commercially zoned properties; when abutting a lot in a residential zone, there shall be a rear yard of not less than ten (10) feet.
- D. Existing residential uses. For existing residential structures or uses, setbacks in conformance with the Medium-Density, Single-Family Residential (RS-5) zone shall apply.

**8-3D.170 LOT AREA AND DIMENSIONS**

For existing residential uses, the minimum lot sizes of the High Density Residential Zone shall apply. For dwelling units above the ground floor of a business, there shall be a minimum of 1200 square feet of total lot area for each dwelling unit. For all other permitted uses, there shall be no minimum lot size or lot width.

**8-3D.180 LOT COVERAGE RESTRICTIONS**

In the CN zone there shall be no lot coverage restrictions except as provided in the yard setback and off street parking regulations.

**8-3D.190 PARKING AND LOADING REQUIREMENTS**

- A. Off-street loading spaces shall be provided as prescribed in Article 8-3J.5. Off-street parking spaces adequate to serve commercial establishments shall be made available, but may be provided on a district-wide or joint use basis rather than adjacent to each commercial use. If adequate public or commercial parking areas are not available, the individual business shall be responsible for providing adequate off-street parking in conformance with the requirements of Article 8-3J.5.
- B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages. Access to parking lots shall be from alleys wherever possible.

**8-3D.195 LANDSCAPING, FENCES, WALLS AND SIGNS**

All required landscaped areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be landscaped and maintained ~~installed in accordance with Section 8-3J.4.~~ Fences, walls, hedges and screen plantings shall be permitted in conformance ~~accordance~~ with section 8-3J.3. ~~All fences, walls, hedges and screen plantings shall be properly maintained.~~ Signs shall be permitted and in conformance with 8-3J.7.

### **8-3D.196      BUFFERING**

When a development or use is proposed on property within the CN zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the Planning Commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.~~

~~When the Planning Commission determines that buffering is required to promote compatibility between a CN property or use and an adjacent use (in any zone), buffering may be required in accordance with Section 8-3J.460(B). Similarly, the Planning Commission may waive buffering that would otherwise be required by Section 8-3J.460(B) if it finds that the need to fulfill the intent of the CN zone outweighs the need for buffering in accordance with Section 8-3J.450.~~



8-3 Division D. Article 2.

**COMMERCIAL ZONE  
CENTRAL BUSINESS DISTRICT (CBD)**

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**8-3D.210 DESCRIPTION AND INTENT**

The Central Business District (CBD) Zone shall serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBD shall be pedestrian oriented and shall highlight and incorporate historic places and structures, parks and public transit facilities and opportunities.

**8-3D.220 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

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

- A. Existing residential uses, without any increase in density, or any expansion of use, floor area or improvements.
- B. Dwelling units, provided the units are above non-residential uses and the ground floor is devoted entirely to a commercial use or uses permitted in this Article. One dwelling unit is allowed at ground level behind a non-residential use, and cannot exceed 50 percent of the total ground floor space of buildings on the parcel.
- C. Use of existing structures for the permitted uses listed in Sections 230 and 240 of this Article, where all the provisions of the Zoning Ordinance and any amendment thereto are met.
- D. Uses and structures customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low- and medium-density residential zones.
- E. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of Article 8-3J.5. If a question arises as to conformance with said provisions, the City Planner shall subject the project to a site plan review without a public hearing.

**8-3D.230 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Department.

- A. Any use permitted subject to site plan review without a required public hearing in the Neighborhood Commercial Zone (CN).
- B. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services, not including automotive repair. Such uses may not exceed 6,000 square feet. Automotive parts and sales are permitted provided that the activity happens fully within enclosed buildings.

- C. Eating and drinking establishments (which may include entertainment) not exceeding 6,000 square feet.
- D. Churches and other religious institutions not exceeding 6,000 square feet.
- E. Guest lodging, not exceeding 10 rooms.
- F. Performing arts theaters and motion picture theaters (not including drive-ins), not exceeding 6,000 square feet.
- G. Public and commercial off-street parking lots or structures, not exceeding 200 parking spaces.
- H. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- I. Other uses similar to those listed above, where permitted by the City Planner after written application. Where there is question as to similarity, the Planner shall refer the matter to the Planning Commission for a determination.
- J. Uses and structures customarily incidental to the above uses.
- K. Live-work units.

**8-3D.240 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Commission in a public hearing. Although permitted, the following uses have characteristics that may negatively impact nearby properties.

- A. Any use permitted subject to site plan review with a required public hearing in the Neighborhood Commercial Zone (CN), excluding utility substations.
- B. Any use listed in Section 230, above, that exceeds the listed size/capacity threshold.
- C. Craft Manufactory & Retail, provided the structure housing the manufactory is sound and suitable for the intended use (refer to definition in Article 8-3B.1 for further information).
- D. Public parks, playgrounds and other similar publicly owned recreational areas.
- E. Passenger terminals for bus or rail.
- F. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, and government offices. Such uses, which may be developed in campus-like settings, are exempt from the dimensional requirements of the zone, except for parking lot setbacks.
- G. Other uses similar to those listed above, or under Sections 220 or 230, where permitted by the planning commission after written application.
- H. Uses and structures customarily incidental to the above uses.

**8-3D.250 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The planning commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2.

- A. Any uses permitted conditionally in the Neighborhood Commercial Zone (CN).
- B. Brewery, Distillery, Winery not exceeding 6,000 square feet (pub or tasting room required).
- C. Commercial or trade schools.
- D. Wireless communication towers.
- E. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser. Buildings more than 30 feet in height are permitted only if they include residential uses.
  - 1. The maximum height allowed through conditional use review is forty (40) feet. The proposed building must include site design and architectural elements such that it is compatible with the small town character of Talent. Building elements to be considered include, but are not limited to, size, proportion, massing, articulation, detailing and location. Landscaping, buffering, fencing and similar elements may also be considered, but not as the only method of ensuring compatibility.
- F. Temporary uses.
- G. Pump stations and water reservoirs.
- H. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBD zone.

**8-3D.260 YARDS REGULATIONS**

- A. Front yard.
  - 1. Minimum: Zero (0) feet.
  - 2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width.
  - 3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- B. Side yard.
  - 1. Minimum: Zero (0) feet.
  - 2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width on street-facing sides; ten (10) feet on alley-facing sides.
  - 3. Parking lots: 10 feet, which shall be landscaped to provide screening.
- C. Rear yard. No rear yard is required between commercially zoned properties.

- D. General provision applying to all setbacks: Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.
- E. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be twenty (20) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
- F. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

### 8-3D.270 LOT AREA AND DIMENSIONS

For dwelling units above the ground floor of a business, there shall be a minimum of 1,200 square feet of total lot area for each dwelling unit. For all other permitted uses, there shall be no minimum lot size or lot width.

### 8-3D.280 LOT COVERAGE RESTRICTIONS

In the CBD zone there shall be no lot coverage restrictions except as provided in the yard setback and off street parking regulations.

### 8-3D.290 PARKING AND LOADING REQUIREMENTS

- A. Off-street loading spaces shall be provided as prescribed in Article 8-3J.5. Off-street parking spaces adequate to serve commercial establishments shall be made available, but may be provided on a district-wide or joint use basis rather than adjacent to each commercial use. If adequate public or commercial parking areas are not available, the individual business shall be responsible for providing adequate off-street parking in conformance with the requirements of Article 8-3J.5.
- B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages. Access to parking lots shall be from alleys wherever possible.

### 8-3D.295 LANDSCAPING, FENCES, WALLS AND SIGNS

All required landscaped areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be ~~landscaped and maintained~~ installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in ~~conformance~~ accordance with ~~Article~~ Section 8-3J.34. In all cases, and at all times, they shall not exceed four (4) feet in height within front and street-side yards. ~~All fences, walls, hedges and screen plantings shall be properly maintained.~~ Signs shall be permitted ~~and in~~ conformance accordance with Article Section 8-3J.7.

### 8-3D.296 BUFFERING

When a development or use is proposed on property within the CBD zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the planning commission, who shall review the buffering for adequacy and appropriateness as part of the site plan review.~~

~~When the Planning Commission determines that buffering is required to promote compatibility between a CBD property or use and an adjacent use (in any zone), buffering may be required in accordance with Section 8-3J.460(B). Similarly, the~~The Planning Commission may waive buffering that would otherwise be required by Section 8-3J.460(B) if it finds that the need to fulfill the intent of the CBD zone outweighs the need for buffering.

8-3 Division D. Article 3.

**COMMERCIAL ZONE**

**HIGHWAY CENTRAL BUSINESS DISTRICT (CBH)**

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**8-3D.310 DESCRIPTION AND INTENT**

Akin to the CBD zone, the Highway Central Business District (CBH) Zone shall serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBH zone shall be developed with full accommodation for all travel modes, but will tend to be more automobile oriented than the CBD zone.

**8-3D.320 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

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

- A. Existing residential uses, without any increase in density, or any expansion of use, floor area or improvements.
- B. Use of existing structures for the permitted uses listed in Sections 330 and 340 of this Article, where all the provisions of the Zoning Ordinance and any amendment thereto, are met.
- C. Uses customarily incidental to the above uses.
- D. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of Article 8-3J.5. If a question arises as to conformance with said provisions, the City Planner shall subject the project to a site plan review without a public hearing.

**8-3D.330 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Department.

- A. Any use permitted subject to site plan review without a required public hearing in the Neighborhood Commercial Zone (CN) and Central Business District (CBD).
- B. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services.
- C. Eating and drinking establishments (which may include entertainment).
- D. Churches and other religious institutions.

- E. Performing arts theaters and motion picture theaters (not including drive-ins).
- F. Public and commercial off-street parking lots or structures.
- G. Wireless communication antennae subject to the provisions of Section 8-3G.910.
- H. Other uses similar to those listed above, where permitted by the City Planner after written application.
- I. Uses customarily incidental to the above uses.
- J. Live-work units.

**8-3D.340 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Commission in a public hearing. Although permitted, the following uses have characteristics that may negatively impact nearby properties.

- A. Any use permitted subject to site plan review with a required public hearing in the Neighborhood Commercial Zone (CN) and CBD zone, except that utility substations are not permitted in the CBH zone.
- B. Public parks, playgrounds and other similar publicly owned recreational areas.
- C. Craft Manufactory & Retail, provided the structure housing the manufactory is sound and suitable for the intended use (refer to definition in Article 8-3B.1 for further information).
- D. Passenger terminals for bus or rail.
- E. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries.
- F. Other uses similar to those listed above, or under Sections 320 or 330, where permitted by the planning commission after written application.
- G. Uses customarily incidental to the above uses.
- H. Civic center buildings and other buildings of a public service nature.
- I. Multi-family housing. In the CBH zone, multi-family housing is allowed on both the ground level and upper levels, provided total ground level area in housing is less than 50 percent of the parcel's gross area and commercial storefronts are provided along the street frontage.

**8-3D.350 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The planning commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2.

- A. Automobile service stations.
- B. Commercial amusement establishments, including bowling alleys, pool halls, or similar amusements.
- C. Craft Manufactory & Retail uses with more than 15 employees at any one time.
- D. Brewery, Distillery, Winery not exceeding 6,000 square feet (pub or tasting room required).
- E. Contractor offices and storage yards.
- F. Retail and wholesale business and service establishments providing home furnishings, drapery and floor coverings; nursery supplies; retail lumber, paint and wallpaper; plumbing, heating and electrical sales or service and retail sales of medical and recreational marijuana.
- G. Guest Lodging.
- H. Commercial or trade schools.
- I. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser. Only residential units are permitted above thirty (30) feet in height.
  - 1. The maximum height allowed through conditional use review is forty (40) feet. The proposed building must include site design and architectural elements such that it is compatible with the small town character of Talent. Building elements to be considered include, but are not limited to, size, proportion, massing, articulation, detailing and location. Landscaping, buffering, fencing and similar elements may also be considered, but not as the only method of ensuring compatibility.
- J. Drive-in, drive-up and drive-through facilities.
- K. Temporary uses.
- L. Pump stations and water reservoirs.
- M. Wireless communication towers.
- N. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CBH zone.

### **8-3D.360 YARDS REGULATIONS**

- A. Front yard.
  - 1. Minimum: Zero (0) feet.



2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width.
  3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- B. Side yard.
1. Minimum: Zero (0) feet.
  2. Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width on street-facing sides; ten (10) feet on alley-facing sides.
  3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- C. Rear yard. No rear yard is required between commercially zoned properties.
- D. General provision applying to all setbacks: Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.
- E. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be twenty (20) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
- F. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

#### **8-3D.370 LOT AREA AND DIMENSIONS**

For dwelling units above the ground floor of a business, there shall be a minimum of 1,200 square feet of total lot area for each dwelling unit. For all other permitted uses, there shall be no minimum lot size or lot width.

#### **8-3D.380 LOT COVERAGE RESTRICTIONS**

In the CBH zone there shall be no lot coverage restrictions except as provided in the yard setback and off street parking regulations.

#### **8-3D.390 PARKING AND LOADING REQUIREMENTS**

- A. Off-street parking and loading spaces shall be provided as prescribed in Article 8-3J.5 without exception and despite the exclusion provision found in Section 530 of that Article.
- B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages.

#### **8-3D.395 LANDSCAPING, FENCES, WALLS AND SIGNS**

All ~~required landscaped~~ areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be installed in accordance with Section 8-3J.4. landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.~~34~~. In all cases, and at all times, they shall not exceed 4 feet in height within front and street-side yards. ~~All fences, walls, hedges and screen plantings shall be properly maintained~~. Signs shall be permitted ~~and in conformance~~ in accordance with ~~Article Section~~ Article Section 8-3J.7.

**8-3D.396      BUFFERING**

When a development or use is proposed on property within the CBH zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the planning commission, who shall review the buffering for adequacy and appropriateness as part of the site plan review.~~

~~When the Planning Commission determines that buffering is required to promote compatibility between a CBH property or use and an adjacent use (in any zone), buffering may be required in accordance with Section 8-3J.460(B). Similarly, the~~The Planning Commission may waive buffering that would otherwise be required by Section 8-3J.~~460~~450(B) if it finds that the need to fulfill the intent of the CBH zone outweighs the need for buffering.

8-3 Division D. Article 4.  
**COMMERCIAL ZONE  
HIGHWAY (CH)**

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**8-3D.410 DESCRIPTION AND PURPOSE**

The Highway Commercial Zone (CH) (*formerly Retail-Wholesale Commercial, C3*) is intended to accommodate businesses and trade oriented toward automobile and truck usage. Tourist trade and heavy commercial or light industrial uses can also be accommodated in this zone. The zone is best located along arterial streets, and due to its exposure, high appearance standards are important. Uses permitted in this zone are frequently incompatible with pedestrian-oriented areas such as the Central Business District Zones CBD and CBH.

**8-3D.420 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

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

- A. Existing residential uses, without any increase in density.
- B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this Article.
- C. Use of existing structures for the permitted uses listed in Sections 430 and 440 of this Article below, where all the provisions of this Chapter and any amendment thereto, are met.
- D. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low-density residential zones.
- E. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of this Chapter. If a question arises as to conformance with the provisions of this Chapter, the staff advisor shall subject the project to a site development plan review without a public hearing.

**8-3D.430 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include “drive-in,” “drive-up” or “drive-through” facilities. Further, the following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Any use permitted subject to site development plan review without a required public hearing in the Highway Central Business District Zone (CBH), except civic center buildings or other buildings of a public service nature.
- B. Automobile parts sales, automobile repair and servicing, tire sales and service.

- C. Automobile, boat, trailer and motorcycle sales.
- D. Equipment sales, service, rental and repair.
- E. Commercial recreation facilities such as bowling alleys, skating rinks and dance halls.
- F. Retail (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and wholesale business and service establishments providing home furnishings; nursery supplies; retail lumber, paint and wall paper; plumbing, heating and electrical sales and service; drapery, floor covering and tile sales.
- G. Veterinary clinics and hospitals operated entirely within an enclosed building.
- H. Places for public assembly such as churches, meeting halls, auditoriums, lodges, clubs, fraternal organizations and mortuaries.
- I. Feed and fuel stores.
- J. Automobile service stations.
- K. Storage buildings for household goods and private vehicles.
- L. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- M. Other uses similar to those listed above, where permitted by the planning commission after written application.
- N. Uses customarily incidental to the above uses, including the usual accessory buildings.

**8-3D.440 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged, or structurally altered; neither shall any land be developed except for the following uses or buildings which are permitted, none of which shall include “drive-in,” “drive-up” or “drive-through” facilities. Further, the following uses subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, as to the best methods to perform or develop the use.

- A. Any use permitted subject to site development plan review with a required public hearing in the CBH zone.
- B. Commercial or trade schools.
- C. Motels.
- D. Tanks for storage or redistribution of fuel or recyclable material.
- E. Other uses similar to those listed above, or under Sections 420 or 430, above, where permitted by the planning commission after written application.

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

### **8-3D.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The planning commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2. The following uses permitted conditionally in the CH zone meet the description and purpose set forth in Article 8-3L.2.

- A. “Drive-in,” “drive-up” or “drive-through” facilities.
- B. Wholesale establishments other than those listed above.
- C. Brewery, Distillery, Winery (with or without pub or tasting room).
- D. Retail sales of medical or recreational marijuana.
- E. Overnight recreation vehicle parks.
- F. Caretaker or watch person dwelling on the premises of a non-residential use.
- G. Drive-in theater, golf driving range.
- H. Public utility buildings and structures.
- I. Automobile wrecking yards.
- J. Temporary Medical Hardship, subject to the supplemental provisions of Section 8-3L.246.
- K. Buildings over two and one-half (2½) stories in height or thirty (30) feet in height, whichever is the lesser.
- L. Light manufacturing, assembly, fabricating or packaging of products from materials such as cloth, plastic, paper, fiberglass, leather, precious or semi-precious metals or stones, subject to the provisions and requirements of the IL zone.
- M. Manufacture of electric, electronic or optical instruments or devices, subject to the provisions and requirements of the IL zone.
- N. Manufacture of food products, pharmaceuticals, and the like, but not including the production of fish, meat or fermented foods such as vinegar, or the rendering of fats and oils, subject to the provisions and requirements of the IL zone.
- O. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research, subject to the provisions and requirements of the IL zone.
- P. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, stone monuments, upholstery, welding, auto body and auto and truck repair, subject to the provisions and requirements of the IL zone.

- Q. Mobile Home sales business. (6-2-83 PC Action - File SUD-83-2)
- R. Adult Business as defined in Article 8-3B.1 (Ord. 654).
- S. Wireless communication towers.

**8-3D.460 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than ten (10) feet, including parking lots and internal access drives.[amended by Ord. 782; 7/6/2005]
- B. Side yard.
  - 1) No side yard is required between commercially zoned properties.
  - 2) When abutting a lot in a residential zone, there shall be minimum side yard of ten (10) feet.
  - 3) A side yard abutting a street and/or alley shall have a depth of not less than ten (10) feet.
- C. Rear yard. No rear yard is required between commercially zoned properties; when abutting a lot in a residential zone, there shall be a rear yard of not less than ten (10) feet. No structural improvements except road surfacing shall be allowed within ten (10) feet of the centerline of an alley.
- D. Existing residential uses. For existing residential uses or structures, setbacks in conformance with the RS-7 residential zone shall apply.
- E. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions. [amended by Ord. 782; 7/6/2005]

**8-3D.470 LOT AREA AND DIMENSIONS**

In the CH zone, the minimum lot area shall be six thousand (6,000) square feet. The minimum lot width shall be sixty (60) feet and the minimum lot depth shall be one hundred (100) feet.

**8-3D.480 LOT COVERAGE RESTRICTION**

In the CH zone there shall be no lot coverage restrictions except as provided in the yard setback and off-street parking regulations.

**8-3D.490 PARKING AND ACCESS REQUIREMENTS**

Off-street parking and loading spaces and access shall be provided as prescribed in Articles 8-3J.5 and 8-3J.6.

**8-3D.495 LANDSCAPING, FENCES, WALLS AND SIGNS**

All required landscaped areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be landscaped and maintained~~installed in accordance with Section 8-3J.4~~. Fences, walls, hedges and screen plantings shall be permitted in conformance~~accordance~~ with Article~~Section~~ 8-3J.34. ~~All fences, walls, hedges and screen plantings shall be properly maintained.~~ Signs

shall be permitted and in conformance with Article 8-3J.7.

**8-3D.496      BUFFERING**

When a development or use is proposed on property within the CH zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer in accordance with Section 8-3J.450. ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the planning commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.~~

Planning Commission may waive buffering that would otherwise be required by Section 8-3J.450 if it finds that the need to fulfill the intent of the CBH zone outweighs the need for buffering.

8-3 Division D. Article 5.

**COMMERCIAL ZONE  
INTERCHANGE (CI)**

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**8-3D.510 DESCRIPTION AND PURPOSE**

The Interchange Commercial Zone (CI) is intended to provide a location for freeway user and tourist-oriented commercial development to serve the traveling public at or near freeway interchanges. Due to the area's exposure to the traveling public and location as a major entrance into Talent, high appearance standards are important.

**8-3D.520 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

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

- A. Existing residential uses, without any increase in density.
- B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this Article.
- C. Use of existing structures for the permitted uses listed in Sections 530 and 540 of this Article below, where all provisions of this Chapter, and any amendment thereto, are met.
- D. Use customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.
- E. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of this Chapter. If a question arises as to conformance with the provisions of this Chapter, the staff advisor shall subject the project to site development plan review without a public hearing.

**8-3D.530 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include "drive-in", "drive-up" or "drive-through" facilities. Further, the following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Automobile service station.
- B. Hotel or motel.
- C. Eating and drinking establishments.
- D. Gift shops.



- E. Public parks.
- F. Wireless communication antennae subject to the provisions of Section 8-3J.910.
- G. Other uses similar to those listed above, where permitted by the Planning commission after written application.
- H. Uses customarily incidental to the above uses, including:
  - 1. Necessary or customarily incidental services maintained as a convenience to the traveling public, such as barber shop, beauty shop and dress shop, when carried on in the same building or on the same lot as the service station, gift shop, restaurant, bar, hotel or motel to which they are accessory (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets).
  - 2. Any use, building or structure customarily appurtenant to a permitted use, such as incidental storage facilities.

**8-3D.540 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be erected, enlarged, or structurally altered; neither shall any land be developed except for the following uses and buildings which are permitted, none of which shall include “drive-in”, “drive-up” or “drive-through” facilities. Further, the following uses are subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, as to the best methods to perform or develop the use.

- A. Overnight recreational vehicle park.
- B. Truck stop facilities and repair shops.
- C. Buildings and uses of a public works, public service or public utility nature, but not including equipment storage or repair yards, warehouses or related activities.
- D. Bins or containers along streets used for temporary storage of garbage or materials for recycling.
- E. Other uses similar to those listed above, or under Sections 520 or 530, above, where permitted by the Planning Commission after written application.
- F. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.

**8-3D.550 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2.

- A. Buildings over two-and-a-half (2½) stories or thirty feet in height, whichever is the lesser.

- B. “Drive-in”, “drive-up” or “drive-through” facilities.
- C. Wireless communication towers.
- D. Other buildings or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the CI zone.
- E. Recreational vehicle sales as an incidental use in an R.V. park. (3-24-83 p.c. file #58 SUD 83-1)

**8-3D.560 YARD REGULATIONS**

The minimum yard regulations may be increased substantially by the Planning Commission when necessary to comply with buffering requirements.

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet. All parking spaces on the front of the property shall be set back no less than twenty (20) feet. Front yards shall be landscaped and maintained.
- B. Side yard
  - 1. No side yard is required between commercially zoned properties.
  - 2. When abutting a lot in a residential zone, there shall be a minimum side yard of ten (10) feet.
  - 3. When abutting property in an agricultural zone, there shall be a minimum side yard of twenty (20) feet.
  - 4. A side yard abutting a street and/or alley shall have a depth of not less than ten (10) feet.
- C. Rear yard. No rear yard is required between commercially zoned properties; when abutting a lot in a residential zone, there shall be a rear yard of not less than ten (10) feet. No structural improvements except road surfacing shall be allowed within ten (10) feet of the centerline of an alley. When abutting property in an agricultural zone, there shall be a minimum side yard of twenty (20) feet.
- D. Existing residential uses. For existing residential uses or structures, setbacks in conformance with the RS-7 residential zone shall apply.
- E. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

**8-3D.570 LOT AREAS AND DIMENSIONS**

There shall be no minimum lot area, lot width or lot depth in the Commercial Interchange zone.

**8-3D.580 LOT COVERAGE RESTRICTIONS**

In the CI zone there shall be no lot coverage restrictions except as provided in the yard setback and off-street parking regulations.

**8-3D.590 PARKING AND ACCESS REQUIREMENTS**

Off-street parking and loading spaces and access shall be provided as prescribed in Articles 8-3J.5 and 8-3J.6.

### **8-3D.595 LANDSCAPING, FENCES, WALLS AND SIGNS**

All required landscaped areas ~~not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses~~ shall be landscaped and maintained~~installed in accordance with Section 8-3J.4~~. Fences, walls, hedges and screen plantings shall be permitted in conformance~~accordance~~ with Article-Section 8-3J.34. ~~All fences, walls, hedges and screen plantings shall be properly maintained.~~ Signs shall be permitted and in conformance with Article 8-3J.7.

### **8-3D.596 BUFFERING**

When a development or use is proposed on property within the CI zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450. ~~sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the Planning Commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.~~

Planning Commission may waive buffering that would otherwise be required by Section 8-3J.450 if it finds that the need to fulfill the intent of the CBH zone outweighs the need for buffering.

8-3 Division F. Article 1.

**INDUSTRIAL ZONE  
LIGHT (IL)**

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**8-3F.110 DESCRIPTION AND PURPOSE**

The Light Industrial Zone is intended to provide an opportunity for research or development of materials, methods or products, light manufacture, and compatible service-oriented heavy commercial activities that are employment-intensive, when possible employing from Talent's labor pool, environmentally sound and aesthetically appropriate to locate in Talent.

**8-3F.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT  
REVIEW**

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

- A. Existing residential uses, without any increase in density.
- B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this Article.
- C. Use of existing structures for the permitted uses listed in Section 130 and 140 of this Article below, where all the provisions of this Chapter and any amendment thereto are met.
- D. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low-density residential zones.
- E. Paving, surfacing, or resurfacing of existing parking lots subject to city staff review for conformance with the provisions of this Chapter. If a question arises as to conformance with the provisions of this Chapter, the staff advisor shall subject the project to a site development plan review without a public hearing.

**8-3F.130 BUILDINGS AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed, except for the following uses, none of which shall include “drive-in”, “drive-up” or “drive-through” facilities. Further, the following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Wireless communication antennae subject to the provisions of Section 8-3J.910.

**8-3F.140 BUILDING AND USES SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building, structure or land shall be used and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses, which are subject to the provisions of a site development plan review as set forth in Article 8-3L.1. The Planning Commission may, at its discretion, conduct a public hearing subject to the provisions of Section 8-3M.130. The purpose of the hearing is to obtain input on best methods to perform or develop the use, not to determine whether to grant or deny, or to determine the desirability of the use.

- A. Light manufacturing, assembly, fabricating or packaging of products from materials such as cloth, plastic, paper, fiberglass, leather, precious or semi-precious metals or stones.
- B. Manufacture of electric, electronic or optical instruments or devices.
- C. Manufacture of food products, pharmaceuticals, and the like, including the compounding of medical or recreational marijuana. Manufacturing of food products does not include the production of fish, meat or fermented foods, or the rendering of fats and oils.
- D. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
- E. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, stone monuments, upholstery, welding, auto body, and auto and truck repair.
- F. Bin or containers along streets used for temporary storage of garbage or materials for recycling.
- G. Offices appurtenant to and serving permitted uses.
- H. Public utility buildings and yards.
- I. Parks.

- J. Other uses similar to those listed above, which are consistent with the purpose of Light Industrial Zone and will not have a detrimental effect upon neighboring uses, where permitted by the Planning Commission after written application.
- K. Uses customarily incidental to the above uses, including the usual accessory buildings, such as incidental storage facilities and the like, provided they meet all requirements contained herein.
- L. Truck brokerage. (5-17-82 p.c. action File # SUD-82-1)

**8-3F.150 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2 for the following uses:

- A. Warehouse and distribution uses which the Planning Commission finds to be consistent with the intent of the Light Industrial Zone.
- B. Cold storage, fruit packing, meat processing and packing, or similar uses, which the Planning Commission finds will not have a detrimental effect upon the neighboring areas or permitted uses and which are consistent with the intent of the Light Industrial Zone.
- C. Processing uses such as bottling plants, creameries, carpet and rug cleaning.
- D. Buildings over thirty-five (35) feet in height.
- E. Buildings not meeting required yard setbacks.
- F. Wireless communication towers.

**8-3F.160 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet.
- B. Side yard. There shall be a side yard on each side of the building of not less than ten (10) feet.
- C. Rear yard. The rear yard shall have a depth of not less than ten (10) feet.
- D. Side and rear lot requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinating vehicular access and parking development and party wall or adjoining building walls meet fire separation requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. The joint development agreement must be approved by the City of Talent attorney as to form and content, recorded in the Office of the County Recorder and copies thereof filed with the City Recorder.
- E. Street Yard. Any yard adjacent to a street other than an alley shall have a depth of not less than twenty (20) feet; except that a yard adjacent to an arterial street shall have a depth of not less than twenty-five (25) feet.
- F. Any yard adjacent to residentially or agriculturally zoned property shall have a depth of not less than thirty-five (35) feet.
- G. Lot requirements for parking, loading and access ways shall not be considered as part of a required yard.

- H. No setback or yard shall be required where a property abuts a railroad spur if the spur will be utilized by the permitted use.

**8-3F.170 LOT AREA AND DIMENSIONS**

There shall be no minimum lot area, lot width or lot depth in the Light Industrial zone.

**8-3F.180 LOT COVERAGE RESTRICTIONS**

There shall be no maximum lot coverage except as provided in the yard setback and off- street parking regulations.

**8-3F.190 LANDSCAPING, FENCES, WALLS AND SIGNS**

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in conformance with Article 8-3J.7.

~~Fences, walls, hedges and plantings shall be permitted in conformance with the requirements of Article 8-3J.3, and may be required in conformance with Sections 162 and 164, below. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted and in conformance with Article 8-3J.7.~~

**8-3F.195 CONDITIONS REQUIRED OF ALL USES IN THE LIGHT INDUSTRIAL ZONE**

- A. Any use or portion thereof must demonstrate, by noise prediction methods, that it shall not exceed State Department of Environmental Quality standards set forth in Oregon Administrative Rules, Chapter 340, Division 35; Oregon State noise Control Regulations for Industry and Commerce.
- B. Any use or portion thereof producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard to any property adjacent to the Light Industrial Zone.
- C. There shall be no emissions of odorous, toxic or noxious matter, or dust, in such quantities as to be readily detectable from any point outside the Light Industrial Zone as to produce a public nuisance, hazard, or violation of state environmental quality rules and standards.
- D. All off-street parking or loading spaces shall be surfaced with a dust-free material and shall be maintained.
- E. All materials, including wastes, shall be stored, and all grounds maintained, in a manner which will not attract or aid the propagation of insects or rodents, ore create a health hazard.
- F. All business, service, repair, processing, storage or merchandise display abutting or facing a lot in a residential zone shall be conducted wholly within an enclosed building, unless screened from the residential zone by a site-obscuring hedge or fence permanently maintained and at least six (6) feet in height.
- G. No fences or hedges shall be located in any required yard area.
- H. Access points from a public street to properties in the Light Industrial Zone shall be so located as to minimize traffic congestion on arterials and to avoid directing traffic onto local access streets of a primary residential nature, and will conform with the requirements and provisions of Article 8-3J.6.

- I. As every light industrial development contains circumstance peculiar to its given situation, other conditions may be required to protect the best interest of the surrounding property, neighborhood, or the city as a whole, and to maintain consistency with the intent of the Light Industrial zone.

**8-3F.196      ~~LANDSCAPING AND MAINTENANCE OF GROUNDS~~**

- A. Properties abutting residentially zoned properties shall provide and maintain a ~~dense evergreen landscape buffer, which attains a mature in accordance with Section 8-3J.450 height of at least six (6) feet, or such other screening methods~~ or with measures as prescribed by ~~the provisions of Article 8-3J.4 and by~~ the Planning Commission during the site development plan review process.
- B. Yards adjacent to streets and those abutting residentially zoned properties shall be continuously maintained in lawn or live ground cover, with trees or shrubs, in a manner providing a park-like character.
- C. Other yards and unused property shall be maintained in lawn or other suitable live ground cover.

**8-3F.197      PROCEDURES AND REQUIREMENTS**

Any industrial development shall be subject to the following procedures and requirements set forth in the Subdivision Code (8-2), including any amendments that may be made to these section:

- A. Article 8-2.3, where a land division is involved.
- B. Applicable sections of Article 8-2.2.
- C. Article 8-2.250, when applicable to the land parcel.



**8-3F.198 SITE DEVELOPMENT PLAN**

Before any building permit shall be issued for development in the Light Industrial Zone, a site development plan for the total parcel or development shall be submitted by the developer or his or her agent in conformance with the requirements of Article 8-3L.1. In addition, the following information shall be submitted as part of the site development plan review by the Planning Commission.

- A. A written description of the operation proposed, in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, toxic or noxious matter, vibration, odors, heat, glare, air pollution, wastes and other potentially objectionable conditions.
- B. Engineering or architectural plans for the treatment of and disposal of all wastes, noise, air pollution, dust, fire hazards and safety hazards.
- C. Designation of types of energy to be used; estimates of the quantities of energy and water to be used.
- D. The proposed maximum and minimum number of employees anticipated and the number of shifts to be worked.
- E. A detailed description of all landscaping, buffers, yard setbacks, and the aesthetic characteristics of the proposed building or buildings.

**8-3F.199 ADMINISTRATION AND ENFORCEMENT**

- A. As a condition for the granting of a building permit in the Light Industrial Zone, the user shall agree that upon request by the City, information sufficient to determine the degree of compliance with the standards stated herein shall be furnished by the industry. Such requests may include a requirement for continuous records of operations likely to violate the standards, or for special surveys in the event a question arises as to compliance.
- B. When a use is determined to be in violation of this Article, it shall be declared a public nuisance and shall be dealt with as prescribed in Chapter 4-8 of the General Ordinances.

8-3 Division G. Article 1.

**PUBLIC LANDS & FACILITIES (PLF)**

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**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, shall be designated PLF on the Map. This designation serves notice to those owning or buying land in proximity to publicly owned land that it shall contain public uses.

**8-3G.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered except for the following uses:

- A. Basic utility.
- B. Parks and open space (identified in a Specific Area Plan or approved subdivision).
- C. Accessory uses and structures subordinate to the primary use.

**8-3G.130 BUILDING AND USES SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures. The following uses are permitted subject to the provisions of Article 8-3L.1.

- A. Commercial parking lots.
- B. General office up to 4,000 sq. ft. (operated by a government, sub-unit thereof, or a utility).
- C. Parks and open space (changes to existing parks).
- D. Wireless communication antenna subject to the provisions of Section 8-3J.910.

**8-3G.140 BUILDING AND USES SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures. The following uses are permitted subject to the provisions of Article 8-3L.1 and review by the Planning Commission in a public hearing. Although permitted, the following uses have characteristics that may negatively impact nearby properties.

- A. Community service facilities.
- B. Public Works building & yard.
- C. Parks and open space (new park establishment)
- D. General office more than 4,000 sq. ft. (operated by a government, sub-unit thereof, or a utility).

**8-3G.150 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant a conditional use permit in accordance with the procedure and provisions set forth in Article 8-3L.2 for the following uses:

- A. Water quality or detention facility.
- B. Educational facility (publicly owned).
- C. Wireless communication towers.

**8-3G.160 YARDS REGULATIONS**

- A. Front yard.
  - 1. Minimum: Ten (10) feet.
- B. Side yard.
  - 1. Minimum: Ten (10) feet.
  - 2. Minimum: Ten (10) feet on street-facing sides.
  - 3. Parking lots: Ten (10) feet, which shall be landscaped to provide screening.
- C. Rear yard.
  - 1. Minimum: Ten (10) feet.
- D. Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be ten (10) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.
- E. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions.

**8-3G.170 LOT AREA AND DIMENSIONS**

There shall be a minimum of 4,000 square feet of total lot area. There shall be a minimum lot width of forty (40) feet.

**8-3G.180 SCREENING, BUFFERING AND LANDSCAPING, FENCES, WALLS AND SIGNS**

All required landscaped areas shall be installed in accordance with Section 8-3J.4. Fences, walls, hedges and screen plantings shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in conformance with Article 8-3J.7.

A. Properties abutting residentially zoned properties shall provide and maintain a dense evergreen landscape buffer, which attains a mature height of at least six (6) feet, or such other screening methods or with measures as prescribed by the provisions of Article 8-3J.4 and by the Planning Commission during the site development plan review process.

B. Yards adjacent to streets and those abutting residentially zoned properties shall be continuously maintained in lawn or live ground cover, with trees or shrubs, in a manner providing a park-like character.

C. Other yards and unused property shall be maintained in lawn or other suitable live ground cover.

A. Landscaping of Parking Area Setbacks. The area of the parking setback shall be landscaped with shrubs and trees that shall 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.190 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 shall 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 shall be obtained. The use shall be subject to all requirements of the new zone. Further, the zone shall be established as an overlay zone with the underlying zone retaining its original PLF designation.

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8-3 Division J. Article 3.

**TREE PRESERVATION AND PROTECTION**

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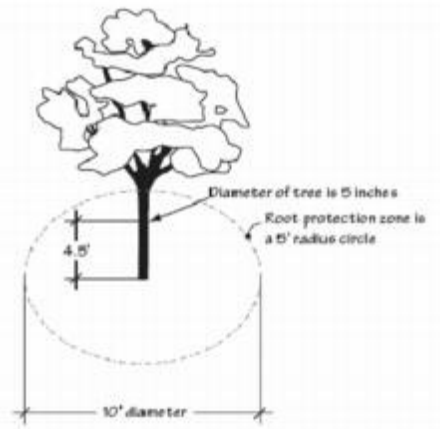
**8-3J.300 DESCRIPTION AND PURPOSE**

The City recognizes the importance of trees to the character and beauty of Talent. This chapter is intended to preserve and enhance that urban forest within the City of Talent through effective management of private and public trees. The City has therefore determined that reasonable regulation of the removal of certain trees is necessary and that this regulation of trees is based upon the following general guidelines:

- A. Trees benefit the public health, safety, and welfare by protecting air and water quality, preventing erosion and flooding, reducing energy costs, increasing property values, and providing natural beauty and contrast to the built environment which contributes to the physical and mental well-being of residents;
- B. Trees provide both shade and shelter in riparian areas which are essential for aquatic and land-going species;
- C. Trees enhance the local economy and increase property values by providing an attractive and aesthetically pleasing environment;
- D. Undeveloped or development property should be protected from unregulated removal of trees prior to the approval of development plans. Trees on such properties should be preserved so that they may be considered for incorporation into development plans.

**8-3J.310 DEFINITIONS**

- A. Arborist means a person who has met the criteria for certification from the International Society of Arboriculture or American Society of Consulting Arborists, and maintains his or her accreditation.
- B. “Critical root zone” or “CRZ” means a circular area determined by either of the following methods. The method used shall be indicated on the plans.
  - 1. Method A. A circular area equal to one foot in radius for every inch of tree diameter at breast height measured from the outside trunk of the tree at four and one-half feet above ground level; or
  - 2. Method B. An area determined for an individual tree to be the necessary root area for the tree’s continued normal growth as demonstrated in a written report by a certified arborist and based on documented field investigations. Reasonable alteration of the shape based on factors such as existing infrastructures, tree lean



or steep slopes may be considered.

- C. “Community Development Director” means the City of Talent Community Development Director, or his/her designee.
- D. “Commercial wood lot” means parcels or lots which meet the following criteria on the effective date of the ordinance codified in this chapter:
1. The site is at least two acres in size.
  2. Trees have been actively managed and maintained on the subject property for the purpose of harvesting.
  3. The owner has supplied the city with proof that the property has been in tax-deferred status under state law provisions such as forest land deferral or small woodlands deferral for a minimum of five consecutive years immediately prior to application.
- E. “Diameter at breast height” or “dbh” means the diameter of the tree measured in inches at four and one-half feet above ground level. For trees with multiple trunks, dbh shall be measured at the narrowest point between ground level and the point where the trunk diverges, or shall be the sum of the diameters of the two largest trunks at breast height, whichever is smaller. All measurements shall be rounded to the nearest inch.
- F. “Dead” means the tree is obviously lifeless without any live leaves, needles or buds.
- G. “Dying” means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees.

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- H. “Hazardous tree” means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
- I. “Heritage tree” means any deciduous tree 28” in diameter or larger or any conifer tree 32” or larger which are not hazardous trees as defined above. Exception: Japanese Maple and Dogwood trees with a diameter greater than 8” are considered heritage. Deciduous and Conifer trees may include but are not limited to the following:

### **Deciduous**

Black, White, Red and Burr Oak

Beech

Sycamore or Planetree

Zelcova

Maple

Ash

Dogwood

Madrone

### **Conifer**

Douglas Fir

Redwood

Blue Atlas Cedar

Bald Cypress

Monterey Cypress

Ponderosa Pine

Sequoia

Deodar Cedar

Incense Cedar

- K. “Impacted tree” means a significant tree whose critical root zone will be impacted by proposed development. Impacts include, but are not limited to, fill, cuts, soil compaction, paving, placement of structures, stockpiling of soil, utility trenching and other activities that may impact the health and viability of the tree.

- L. “Remove” means:

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1. To cut down a tree, or to damage a tree so as to cause the tree to decline and/or die within a three-year period. Types of damage which may constitute removal include but are not limited to topping, damage inflicted upon a root system by application of toxic substances, and girdling. “Removal” does not include normal trimming or pruning of trees as defined by ANSI A300 pruning standards current on the day this definition was adopted.
  2. To perform activities which result in impacts to more than 30 percent of the critical root zone if the CRZ is determined by Method A in subsection (2) of this section.
  3. To perform activities which impact any of the CRZ if determined using Method B in subsection (2) of this section.
- M. “Significant tree” means any deciduous tree 15” in diameter or larger or any conifer tree 18” or larger which are not hazardous trees as defined above. Exception: Japanese Maple and Dogwood trees with a diameter greater than 1” are considered significant. Deciduous and Conifer trees may include but are not limited to the following:



### **Deciduous**

Black, White, Red and Burr Oak  
Beech  
Sycamore or Planetree  
Zelcova  
Maple  
Ash  
Dogwood  
Madrone

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### **Conifer**

Douglas Fir  
Redwood  
Blue Atlas Cedar  
Bald Cypress  
Monterey Cypress  
Ponderosa Pine  
Sequoia  
Deodar Cedar  
Incense Cedar

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- N. “Public tree” A tree or woody plant with its base located within or adjacent to a public right-of-way or any tree or woody plant within a city park, or other publicly owned property. Public Trees include trees within existing planting strips or sidewalk tree wells. Public Trees typically have a single trunk at least 2 inches in diameter at a point six inches above the mean ground level at the base of the trunk.
  - O. “Topping” the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.
  - P. “Tree” means any significant tree or tree within a designated wetland or riparian area setback as defined by Section 8-3H.230(C) of the Talent Zoning Code.

**8-3J.320 PERMIT EXEMPTIONS**

- A. City sanctioned activities that intend to increase overall wellbeing of the environment and the lives of those who live in Talent.
- B. Removal of dead or dying trees.
- C. Activities associated with tree trimming for safety, as mandated by the Oregon Public Utilities Commission. Tree trimming shall be done by a certified arborist, Journeyman Tree Trimmer, or party designated by the Community Development Director.

**8-3J.330 APPLICATION FOR TREE REMOVAL PERMIT**

- A. A person seeking to remove one or more trees shall apply for a tree removal permit Type A, B, C, or D, depending on the applicable standards as provided in this chapter.
- B. By submission of an application, the applicant shall be deemed to have authorized city employees, representatives, or consultants to have access to applicant’s property after providing 24 hours’ notice as may be necessary to verify the information provided, to observe site conditions, and, if a permit is granted, to verify that terms and conditions of the permit are followed.
- C. Time of Application. Application for a tree removal permit shall be approved before removing or transplanting significant trees except in emergency situations where immediate action must be taken to ensure public safety, or imminent property damage. See section 8-3J.320 for exemptions. Where the site is proposed for development necessitating site plan or tentative plat review, application for a tree removal permit shall be made concurrent with subdivision, partition, site plan review, or other development application as specified in this chapter.

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- D. Fees. A person applying for a tree removal permit shall pay an application fee, as established by resolution of the City Council.

**8-3J.340 APPLICATION REVIEW PROCEDURE**

- A. Reviewing Authority.
1. Type A, B, or D. Where site plan review or tentative plat approval by the Planning Commission is not required by city ordinance, the review of the tree removal permit application shall be the responsibility of the Community Development Director.
  2. Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Planning Commission, the tree removal permit shall be reviewed concurrently by the Planning Commission.
- B. Timeline and Notice – Review Period for Complete Applications.
1. Type A and B permit applications shall be approved or denied within 10 calendar days.
  2. Type C permit applications shall be reviewed for completeness within 30 calendar days, and final action shall take place within 120 days as required by ORS 227.178. Notice of proposed action shall be given to surrounding property owners according to 8-3M.150. A Type C permit shall follow the hearings procedures required for the accompanying land use application. If the accompanying land use application is denied or is withdrawn or expired, the tree removal permit shall similarly be denied, withdrawn, or expired.
  3. Type D permits shall be approved or denied within 45 calendar days.
- C. Conditional Approval. Whenever an application for a tree removal permit is granted, the Community Development Director may attach to the permit any reasonable conditions considered necessary to ensure compliance with applicable standards.
- D. Tree removal permits and tree surveys shall be valid for a period not to exceed three years.

**8-3J.350 PERMIT TYPES**

**Type A permit.**

- A. Type A permit applications will be approved when all of the following conditions are met:
1. A completed request for Type A permit has been filed on the forms provided by the city.

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2. The request is for removal of a single tree within a single 12-month period.
  3. The trees subject to removal are not heritage trees or public trees.
  4. The trees subject to removal were not retained as part of a previous site development approval or planted as mitigation for a previous tree removal.
  5. The tree removal request is not proposed in conjunction with land development which requires a land use approval including but not limited to site plan review or amendment, subdivision, or partition approval.
- B. Tree removals under a Type A permit do not require mitigation; however, replanting is generally recommended, and recipients of Type A permits who wish to replant may qualify for assistance from the city's tree fund if funds are available.

**Type B permit.**

- A. An applicant must apply for a Type B permit to remove trees when any of the following conditions are met:
1. The applicant proposes to remove two or more trees within a 12-month period, independent of an application for site development review; or
  2. The applicant proposes to remove a tree or trees which were preserved as part of a previous land use permit or planted as mitigation for previous tree removal; or
  3. The applicant proposes to remove a heritage tree; or
  4. The proposed tree removal is for clearing of a home site on a lot subsequent to land division approval. All trees removed for home sites prior to occupancy shall be mitigated according to the standards of this chapter.
- B. Application for the Type B permit shall contain the following information unless specifically waived by the reviewing authority under subsection (2)(g) of this section:
1. A brief statement explaining why tree removal is being requested, to ensure that another permit type or consolidated application is not more appropriate.
  2. An accurate map, drawn to scale, which shows:
    - a. The shape and dimensions of the property, and the location of any existing and proposed structures, improvements, easements and setbacks.

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- b. The location of all impacted trees on the site including critical root zones, species and/or common name, and diameter at breast height (dbh).
  3. Tree Protection. Tree protection measures must be outlined to address protection of the tree trunks, canopy and soils within the critical root zones during and after the tree removal process. Examples of tree protection methods include mulching, irrigation, protective fencing, compaction reduction measures, erosion control, etc.
  4. Field Identification. All trees to be removed shall be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction or application documents.
  5. Mitigation Plan. A description of the proposed tree replacement program with a detailed explanation including the number, species, size within five (5) years, size at maturity and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.
  6. Existing Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas governed by CC&Rs, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.
  7. Waiver of Documentation. The Community Development Director may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to review the application, or alternate forms of information have been provided which provide sufficient detail to allow the Community Development Director to review the application.
- C. Approval Criteria. Tree removal or transplanting pursuant to a Type B permit shall be limited to instances where the applicant has applied for a Type B permit in accordance with subsection (1) of this section and has provided complete and accurate information as required by this chapter.

**Type C permit.**

- A. Approval to remove two or more trees on a single lot or parcel as part of a site plan review or amendment, subdivision, or partition application may be granted as a Type C permit in conformance with subsection (5) of this section.
- B. Type C permit applications shall be reviewed concurrent with the development review process. If a Type C permit or its associated development application is appealed, no trees shall be removed until the appeal has been resolved.

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C. Submittal Requirements. The applicant must provide 10 copies of a tree maintenance and protection plan completed by a certified arborist that contains a summary of existing conditions and a mitigation plan as follows:

1. Summary of existing conditions including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:

a. Property Dimensions. The shape and dimensions of the property, and the location of any existing or proposed structures, utility installations, grading, or other improvements.

b. Tree Survey.

i. The survey must include an accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch equals 100 feet including:

A. The location, number of trees, tree size as dbh (see 8-3J.310 (5), and proposed trees for removal.

B. The critical root zone of impacted trees, and the extent of likely impacts.

C. The common name of impacted trees.

D. Heritage trees shall be clearly noted on the survey.

ii. Where a stand of 20 or more contiguous trees will be removed, the required tree survey may be simplified to accurately show the location of all heritage trees, and significant trees which are within 50 feet of the edge of the development envelope. Only these trees are required to be field tagged. Interior tree areas shall be depicted with clouds or other similar linework and the dbh, common name, and total number of all interior trees shall be accurately stated on the plans.

iii. Neighboring Properties. All impacted trees on neighboring properties shall be shown on the tree survey. If the applicant cannot obtain permission to survey the neighboring properties, the person or persons preparing the survey shall make a note to this effect on the survey and locate the trees and CRZs to the best of

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their ability. The survey shall show the percentage of CRZ for these trees which will be impacted by the proposed improvements.

- A. When a proposal includes activities which will result in removal of trees on neighboring properties, the applicant shall include the removal of the neighboring trees in the permit application and mitigate for their removal.
- c. Arborist Report. The report shall describe the health and condition of all heritage trees including species, common name, dbh, approximate height, and age. The report shall identify hazardous, dead, or dying trees. The report shall identify opportunities for preservation of groves or stands of trees and make recommendations regarding special tree protection and maintenance practices necessary to restore preserved trees to full health.
- d. Field Identification. Impacted trees shall be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.
- e. Tree Protection. A statement addressing tree protection during construction. See section 8-3J.380.
- 2. Mitigation Plan. A plan prepared in accordance with Section 8-3J360 by a certified arborist or landscape architect describing the proposed tree replacement program with a detailed explanation including the number, species, size at five (5) years, size at maturity and planting location of replacement trees, and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.
- D. Waiver of Documentation. The Planning Commission may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to determine conformance with applicable criteria, or alternate forms of information have been provided which provide sufficient detail to allow such a determination.
- E. Approval Standards for Type C Permits. All Type C permits submitted as part of a proposed residential development shall be reviewed under Option A in subsection (5)(a) of this section unless the applicant chooses the alternative design review available in Option B in subsection (5)(b) of this section. All commercial and industrial developments shall comply with the criteria of Option B.
  - 1. Option A – Numerical Preservation Standard for Residential Developments. Existing trees must be preserved. The total tree diameter on the site is the total

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diameter of all significant trees on the site, minus the diameter of all exempt trees as defined by this chapter. The applicant must choose one of the following options. Calculations shall be in accordance with subsection (5)(c) of this section.

- a. Preserve at least 30 percent of the total significant tree diameter on the site;
- b. Preserve all heritage trees and at least 30 percent of the significant trees on the site;
- c. If the site is larger than one acre, preserve at least 25 percent of the total tree canopy area on the site.

2. Option B – Commercial/Industrial and Alternative Residential Design Review. Tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles. Application of the standards of this section shall not result in a reduction of overall building square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height, different design, or alternate location. Tree removal or transplanting pursuant to a Type C permit shall be limited to instances where the applicant has provided complete and accurate information as required by this chapter and where the reviewing authority determines that the following criteria have been met.

- a. The proposal includes provisions for mitigation and tree protection.
- b. The proposed removal is necessary for the construction of roads, structures, or other site improvements and the applicant has demonstrated that there are no feasible and reasonable location alternatives and/or design options which would better preserve significant trees on the site while providing the same overall level of density and design functionality.
- c. Other. Where the applicant shows that tree removal or transplanting is reasonable and necessary under the circumstances.

3. Under Option A, when calculating the amount of tree diameter and the number of significant trees on the site, the applicant may choose one of the following methods of measurement:

- a. Tree Inventory. A tree inventory identifies all trees on the site, specifying location, species, and diameter of each tree; or
- b. Statistical Sampling. Statistical sampling may be used to estimate the total tree diameter and total number of significant trees present. Sampling must be carried out by individuals with demonstrated experience performing

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such surveys and shall be based on generally accepted standard methodologies.

- c. **Tree Canopy.** When calculating the amount of tree canopy on the site, the total canopy area is based on the most recent aerial photograph available. If the most recent aerial photograph available is more than five years old, the applicant must provide a more recent photograph.

**Type D permit.** The owner or operator of a commercial wood lot shall apply and receive approval for a Type D permit before beginning harvesting operations of more than three trees within any 12-month period. Type D permit applications shall be reviewed by the Community Development Director.

- A. Application for a Type D permit shall include the following:
  1. Proof that the subject property is a “commercial wood lot” as defined by this chapter;
  2. A map of the property including property boundaries;
  3. The size, species and location of all significant trees other than Douglas fir;
  4. The size, species and location of all heritage trees.
- B. Approval Standards for Type D permits. An application for a Type D permit shall be granted when all of the following criteria are met:
  1. The applicant has submitted a complete application as required by subsection (1) of this section;
  2. All heritage trees other than Douglas fir will be protected according to the requirements of this chapter;
  3. All non-fir significant trees in excess of three shall be mitigated.
  4. All applicable standards of the Oregon Forest Practice Rules are met;
  5. The applicant has submitted and obtained approval of an erosion control plan from **the city engineer**; and
  6. If the tree removal proposed is a final harvest, and no further planting, maintenance, or rotation of trees is proposed, the applicant shall submit a long-term erosion control and revegetation plan for review and approval.



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**8-3J.360 MITIGATION**

A. Requirement Established. Type B or C tree removal permit grantees shall plant one replacement tree for each significant tree removed in excess of the three that could otherwise be removed under a Type A permit. Type D permit grantees shall mitigate nonfir trees as required by Section 8-3J.360(B) below. Mitigation is not required for removal of hazardous, dead, or dying trees.

B. Heritage trees shall be mitigated based on the following methodology:

$$\text{Replacement trees} = 1 + (A - Q)$$

Where:

A = Actual dbh of the tree in question.

Q = Minimum dbh for this species to qualify as a heritage tree.

C. Replacement Trees. Trees planted as mitigation must meet all of the following standards:

1. To encourage a diversity of species when four or more trees are required as mitigation, no more than 25 percent of trees planted as mitigation shall be of any one species. Use of native trees where appropriate is encouraged;
2. All replacement trees shall be appropriately chosen for the site conditions (especially soil and hydrology) from an approved tree species list supplied by the city, and shall be state Department of Agriculture and American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade;
3. All replacement trees shall be two-inch caliper. The planning official or planning commission may allow the use of replacement Oregon white oaks and other native trees with the largest available nursery stock if two-inch caliper trees are not available;
4. Replacement trees shall be planted prior to plat for land divisions and prior to issuance of final certificate of occupancy for other applications. Mitigation requirements shall run with the land until all required mitigation has been completed;
5. Replacement trees must be staked, fertilized, mulched, and irrigated as necessary to ensure survival; and

- 6. Trees planted as mitigation for a Type C permit shall be guaranteed by the permit grantee or the grantee's successors-in-interest for three years after the planting date through an irrevocable development agreement.

D. Alternatives to On-Site Mitigation.

- 1. Relocation or Replacement Off Site. If in the opinion of a certified arborist or landscape architect there is insufficient available space on the subject property to accommodate the required mitigation plantings, the following alternatives may be used to fulfill mitigation requirements:

- a. Replanting may occur on other property in the applicant's ownership or control within the city, or in a city-owned or dedicated open space or park. If planting on city-owned or dedicated property, the city may specify the species, size, and location of the trees. Nothing in this section shall be construed as an obligation of the city to allow trees to be planted on city-owned or dedicated property.
- b. Payment in Lieu of Planting. The applicant may pay into the tree fund an amount equal to the number of replacement trees required times a per-tree rate as established by resolution of the city council.

- E. Trees preserved or planted as mitigation may be used to fulfill the landscaping requirements as set forth in Section 8-3J.4.

- F. To encourage the retention of established trees which do not yet meet the definition of a significant tree, credit towards mitigation requirements shall be given on a tree-for-tree basis for preservation of the following healthy, structurally sound trees. If such trees are to be used towards meeting the mitigation requirements of this section, required tree preservation and planting plans shall include the size, species, and location of these trees, and these trees shall be given the protections in accordance with Section 8-3J.370 and shall then be considered significant trees. Trees located within the floodplain, parks, and greenway zone (OFPG) may not be counted towards required mitigation.

Big leaf maple	8" dbh or larger
Oregon ash	8" dbh or larger
Madrone	6" dbh or larger

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Red alder	6" dbh or larger
Ponderosa pine	6" dbh or larger
Western red cedar	6" dbh or larger
Chinquapin	6" dbh or larger
Pacific dogwood	6" dbh or larger
Douglas fir	6" dbh or larger
Oregon white oak	6" dbh or larger

**8-3J.370 TREE PROTECTION DURING CONSTRUCTION**

Where trees are to be preserved as part of a development plan, the following standards apply:

- A. All trees to be protected must be clearly differentiated from those being removed by clearly marking trees to be removed in an obvious visible manner such as bright-colored paint, ribbon, etc.
- B. Protective Barrier. Before development, vegetation removal, filling, or any land alteration for which a tree removal permit is required, the developer shall erect and maintain suitable barriers to prevent damage to remaining trees. Barriers shall be erected at the edge of the critical root zone of trees to be preserved. Protective barriers shall not be moved and shall remain in place until the city authorizes their removal or issues a final certificate of occupancy, whichever occurs first. At a minimum, barriers shall consist of 48-inch-high heavy duty, high visibility plastic fencing, or silt fencing, attached to anchored metal or wooden posts.
- C. Prior to commencement of ground-disturbing activities, the applicant shall request and receive an inspection of all tree protection barriers to ensure that the approved tree removal plans are accurately implemented on the ground. All inspection requests shall provide a minimum of 24 hours' notice.
- D. Construction Near Preserved Trees. No person may conduct any construction activity damaging to a tree designated to remain, including, but not limited to, placing solvents,

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building material, construction equipment or depositing soils within the tree protection zone, attaching fencing or other items to trees, using trees as anchors, or placing irrigated landscaping within the protective barrier.

- E, Where trees are removed from within the CRZ of a tree to remain, the removal shall be done by cutting the tree near the ground and grinding the stump or leaving it in place. Removal of trees or stumps within the CRZ of a protected tree by pushing trees down or pulling trees and/or stumps out of the ground is prohibited.

**8-3J.380 TIMING OF REMOVAL, INSPECTIONS AND EXPIRATION OF APPROVED PERMITS**

- A. No tree removal permitted as a Type B, C, or D permit shall take place until the applicant has received a notice to proceed from the city engineer on public improvements. When no public improvements are proposed, tree removal shall not occur until building permits have been issued. The Community Development Director may make exceptions to this requirement when warranted due to extenuating circumstances or when no such permits are necessary.
- B. For applicants seeking a Type B permit to remove trees independent of site improvements, no tree removal shall take place until tree protection measures have been inspected and approved by the Community Development Director.
- C. Inspection and approval of all required tree protection measures by the Community Development Director is required prior to tree removals permitted as Type B, C, and D permits.
- D. Forty-eight hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted.
- E. All required mitigation shall be completed within one (1) year of the removal o

**8-3J.390 ENFORCEMENT**

- A. Any person found to have removed a significant tree in violation of this chapter shall incur a penalty of not more than \$1,000 nor less than \$250.00 per violation.
- B. Any person found to have removed a heritage tree in violation of this chapter shall incur a penalty of not less than the value of the tree according to Section 8-3J.360(D) plus no less than \$500.00 for each heritage tree removed.
- C. Failure to comply with any condition of the permit issued to the applicant shall constitute a violation of this chapter and shall subject the applicant to a fine of not more than \$1,000,

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- nor less than \$500.00. Any fines collected by the city under this section shall accrue to the city tree fund.
- D. Each tree removed in violation of this chapter or any permit issued pursuant to this chapter shall constitute a separate violation.
  - E. Each tree that the applicant fails to replant or replace as required by the terms of the permit, and each violation of any other condition of a permit, shall constitute a separate violation.
  - F. **Retroactive Permit.** A person who removes a tree without obtaining a Type A permit may apply retroactively for a permit. In addition to all application requirements of this chapter, the person must be able to demonstrate compliance with all requirements of this chapter, in addition to paying an additional fee as established by resolution of the City Council. Mitigation requirements of this chapter may apply to all retroactive permits.
  - G. **Withholding Permits and Stop-Work Orders.** The building official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this chapter, including any conditions attached to a tree removal permit, have been fully met.
  - H. **Revocation of Permit.** The city administrator may revoke any tree removal permit when the planning official or designee thereof has clearly demonstrated that the application was incomplete or inaccurate to such a degree as to invalidate the approval. Such a revocation may be immediately followed by a stop-work order and the applicant required to either:
    - 1. Revise and resubmit the permit for review and approval; or
    - 2. Pay fines for removing trees in violation of the permit under subsections (1) and (2) of this section.
  - I. The city shall notify the property owner in writing that a violation has occurred and mitigation is required. Within 30 days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the city. The plan shall provide for replacement of a tree or, at the city's discretion, payment into the tree fund in accordance with Section 8-3J.10.
  - K. **Alternative enforcement.** In the event that a person, company, or other operating unit commits more than one violation of this chapter, the following alternative fees may be imposed by the City:
    - 1. A person that has gained money or property through the commission of an offense under this section may be required to pay an amount, fixed by the City, not to exceed double the amount of the gain from the commission of the offense.

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2. “Gain” is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the city. “Value” shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.

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## 8-3 Division J. Article 10. PUBLIC TREES

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### 8-3J.1000 DESCRIPTION AND PURPOSE

The purpose of this Article is to provide for the regulation of planting, maintenance, and removal of publicly owned trees, shrubs, and other plants adjacent to public rights-of-way.

### 8-3J.1010 DEFINITIONS

- A. **Public Tree.** A tree or woody plant with its base located within or adjacent to a public right-of-way or any tree or woody plant within a city park, or other publicly owned property. Public Trees include trees within existing planting strips or sidewalk tree wells. Public Trees typically have a single trunk at least 2 inches in diameter at a point six inches above the mean ground level at the base of the trunk.
- B. **Significant and Heritage Tree.** See Section 8-3J.310 of the Talent Zoning Code.

### 8-3J.1020 PREMISSION TO PLANT OR REMOVE

The removal of public trees should be compatible with guidelines adopted by the Oregon Department of Forestry. Except for the purposes of removal of dying or hazardous branches, maintenance by city crews, or pruning for purposes of maintaining tree health, no person shall plant, remove, cut above the ground, or disturb any public tree until a permit has been issued by the Community Development Department. A permit for the removal of any public tree shall be in accordance with the Tree Preservation and Protection requirements of Section 8-3J.3 of the Talent Zoning Code and shall also require a Right-of-Way permit. Applicants for a removal permit may be required to mitigate the removal of tree or trees in accordance with the provisions of Section 8-3J.360 Mitigation.

Planting of public trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. When public trees are proposed, their selection and installation shall be according to the following requirements.

- A. **Species selection.** Trees shall be selected from the City's adopted tree list and shall be appropriate for the planting location based on the criteria found therein.
- B. **Caliper Size.** All street trees shall be a minimum of 2 inch caliper at time of planting.
- C. **Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40 foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All public trees shall be placed outside utility easements and clear vision areas.
- D. **Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and

desired color and appearance. The following should guide tree selection by developers and approval by the City:

1. Provide a broad canopy where shade is desired, except where limited by available space.
2. Use low-growing trees for spaces under low utility wires.
3. Select trees which can be “limbed-up” to comply with vision clearance requirements.
4. Use species with similar growth characteristics on the same block for design continuity.
5. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.

E. **Replacement.** Replacement of public trees shall be the responsibility of the developer for a period of 2 years from the time of planting, and shall be guaranteed through a warranty bond prior to final plat.

### **8-3J.1030 TREE PLANTING NOTIFICATION**

The City may plant trees on any public right-of-way, park, or other public property. The City will notify private property owners 24 hours in advance before any tree, shrub, or plant is planted on public property within six (6) feet of any owner’s property.

### **8-3J.1040 TREES PROHIBITED**

No person shall plant on any public property or private property the following trees if the tree’s future critical root zone (CRZ) at maturity (CRZ is defined in Section 8-3J.310) is within the public right-of-way: poplar, willow, cottonwood, fruit tree, or ailanthus, unless part of a City-authorized riparian restoration project. The Recommended Street Tree List should be consulted before any tree is planted within or adjacent to the public right-of-way. No person shall plant any tree anywhere in the City so as to adversely affect public utilities.

### **8-3J.1050 PUBLIC TREE MAINTENANCE**

A. **Tree Maintenance.** The City may require any trees, shrubs, plants, or vegetation in any public right-of-way, park, or other public property to be trimmed or pruned.

1. The City will maintain trees within the public right-of-way along collector and arterial streets.
2. The owners of property abutting streets other than arterial and collector streets in residential zoning districts within the City shall be responsible for the care and maintenance (trimming, pruning and spraying) of trees and shrubs located in the public right-of-way. Property owners shall also be responsible for repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub where the CRZ is within the public right-of-way.
3. All owners of property within the City shall be responsible for the following:



- a. Trimming, pruning and spraying trees on private property that overhang a public right-of-way.
  - b. Trimming, and pruning of vegetation that obstructs motorist or pedestrian view of traffic signals, signs, street lights, street names, or other markings or safety fixtures in the public way. Branches over the street shall be pruned to a height of thirteen feet, six inches (13'6") and eight (8) feet above a sidewalk.
  - c. Repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub on private property.
  - d. Removing trees and shrubs on private property that have been declared a public nuisance or a hazard.
  - e. Debris Removal. The person working on trees on a street, highway, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Community Development Director, or designee. The acceptable standard shall be a broom clean finish or better.
4. If any property owner neglects to perform any duty required by this section and causes injury or damage to any person or property, that owner shall be liable to the person suffering such injury or damage and shall indemnify the City for all damages the City has been compelled to pay in any such case. Such damages may be collected in a civil action against the property owner.

**B. Tree Topping.** It shall be unlawful as a normal practice for any person, firm, or City department to top any tree in the public right of way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms, or other causes, or certain trees under the utility wires or other obstructions where other pruning practices are impractical may be exempt from this provision.

**C. Dangerous Tree – Nuisance – Removal.** Any tree or shrub growing in any public property, on private property, or in a planting strip abutting public property, which is a public safety hazard or which may endanger the security or usefulness of any public street, sewer, or sidewalk; is declared to be a public nuisance. The abatement procedure of 4-8.20 through 4-8.25 shall be applied.

**D. Trees – Abuse – Mutilation.** No person shall abuse, destroy, or mutilate any tree, shrub, or plant in a public planting strip, park, or any other public property. This includes attaching or placing any rope or wire (other than one used to support a young or damaged tree), signs, posters, or handbills to any public tree; or allowing any wire charged with electricity, or any gaseous, liquid, or solid substance which is harmful to the trees, to come in contact with the roots or leaves of any such tree.

**8-3J.1060 PUBLIC TREE COMMITTEE**

The Tree Committee shall be a subcommittee of the Parks Commission. The responsibilities of the Tree Committee shall include the following:

- A. Making recommendations to the City Council for nominating public trees for Locally Significant or Heritage Tree designation;
- B. Assisting City staff with Arbor Day observance.

**8-3J.1070 ARBOR DAY OBSERVANCE**

City shall observe Arbor Day once a year. The Tree Committee shall assist City staff with organizing any event to celebrate Arbor Day and the Mayor shall issue a proclamation declaring the observance of Arbor Day.

**8-3J.1080 TREE NOMINATIONS – HERITAGE OR SIGNIFICANT**

Any community member may go before the Tree Committee to nominate a public tree to be designated as a Locally Significant or Heritage Tree. The Tree Committee will make a recommendation to the City Council. Upon owner approval, City Council may pass a resolution to designate the nominated tree.

8-3 Divison J. Article 1.

**GENERAL PROVISIONS**

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**8-3J.110 FOREGOING REGULATIONS SUBJECT TO THIS ARTICLE**

Divisions A–H are subject to the provisions of this Article.

**8-3J.120 MAINTENANCE OF MINIMUM REQUIREMENTS**

No lot area, setback or other open space, or required off-street parking or loading area existing on or after the effective date of this Chapter shall be reduced in area, dimension, or size below the minimum required herein; nor shall any lot area, setback or other open space, or off-street parking or loading area which is required by this Chapter for one use be used as the lot area, setback or other open space, or off-street parking or loading area requirement for any other use, except as specifically provided in this Chapter.

**8-3J.121 SETBACK REQUIREMENTS**

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

- A. **Setback Measurements.** All setback measurements shall be made from the property line to the building or nearest projection thereof and shall be unobstructed from the ground upward, except as specifically provided herein.
- B. **Projections Into Required Setbacks and Exceptions to Setback Requirements.** Every part of a required setback shall be open and unobstructed from the ground upward, except for the following:
  - 1. Ordinary building projections such as cornices, eaves, belt courses, sills, buttresses, bay windows or other similar architectural features extending not more than twelve (12) inches into any required setback.
  - 2. Apparatus needed for the operation of active and passive solar energy systems, including but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors and piping.
  - 3. Open uncovered fire escapes projecting not more than four (4) feet into any required setback.
  - 4. Chimneys projecting not more than two (2) feet into any required setback.
  - 5. Open, unenclosed porch or paved terrace or platform, not covered by roof or canopy, projecting not more than eight (8) feet into a required front setback or four (4) feet into a required side or rear setback.
  - 6. An unenclosed, covered front porch may extend into the required front setback area by eight (8) feet, provided it is not closer than 15 feet from the adjacent curb of a local street or closer than 20 feet to the adjacent curb of a collector or arterial street, and provided it:
    - a. Remains unenclosed by walls or glass;
    - b. Is no less than five (5) feet deep (front-to-back dimension) to promote usable porches;
    - c. Has a floor no more than 30 inches above adjacent grade and the porch is overall no more than 16 feet high; and

d. Is consistent with the architectural character of the house.

[Paragraph 6 added by Ord. No. 794; 11/16/2005]

7. Planting boxes or masonry planters, not exceeding three-and-a-half (3½) feet in height, and window boxes extending not more than twelve (12) inches into any required setback.
8. Landscaping, and fences or walls conforming to the regulations of Article 8-3J.34.

**C. Storage Yards.**

1. The storage of building materials other than for immediate use in the construction of buildings on the premises, or wood or fuel outside a building other than for use on the premises, is prohibited in residential zones (RS-5, RS-7, RS-MH, RM-22).
2. The open storage of materials and equipment is permitted in commercial and industrial zones under the following conditions:
  - a) The stored material or equipment is not visible from property in another adjacent zone, and
  - b) The stored material or equipment is not visible from a public street.

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

1. A building or structure shall not be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the setbacks provided and maintained in connection with such building or structure have a width and/or depth of that portion of the lot needed to complete the road width plus the width and/or depth of the setbacks required on the lot by this Chapter. This applies to all zones.
2. Where a precise plan adopted pursuant to law includes the plans for the widening of existing streets, the connecting of existing streets, or the establishment of new streets, the placement of buildings and the maintenance of setbacks, where required by this Chapter, shall relate to the future street boundaries as determined by said precise plans.



or use—including garages, accessory storage structures, solar energy collectors or other energy-conserving device and equipment used for the mounting or operation of such devices, and other uses which are customarily incidental to permitted uses—shall be considered accessory when located on the same lot. A use which involves an increase in the number of dwelling units in a building or on a lot beyond that which is permitted in the zone, or which constitutes, in effect, the conversion of a use to one not permitted in the zone, shall not be considered an accessory use. This provision shall not apply to guesthouses, which are clearly subordinate to the main dwelling on the lot.

#### **8-3J.125 DISTANCE BETWEEN BUILDINGS**

A minimum distance of six (6) feet shall be maintained between buildings on the same lot that are designed for living purposes.

#### **8-3J.126 MINIMUM FRONTAGE REQUIREMENT**

Every lot shall have at least twenty (20) feet of frontage on a street. Alleys are not considered to be streets for the purposes of this requirement.

#### **8-3J.130 ADEQUACY OF PUBLIC FACILITIES AND SERVICES**

No building permit will be issued unless or until public facilities and services are adequate in condition and capacity to accommodate the development; or until appropriate arrangements, such as cash or bond deposits, or public improvement districts, have been made with the City to install needed public facilities and services.

#### **8-3J.135 INSTALLATION, STANDARDS AND SPECIFICATIONS OF PUBLIC FACILITY AND SERVICE IMPROVEMENTS**

- A. **Standards and Specifications.** Public facility and service improvements (hereinafter called “improvements”) required as a condition of development under this Chapter will be at least the equivalent of the standards and improvements set forth in Sections 220 and 420 of the Subdivision Code, except as otherwise provided by the Zoning Chapter. In the absence of adopted improvement specifications, the City shall determine the specifications of improvements to be installed for each development, but the specifications to be at least equal to the most recent Oregon A.P.W.A. Standard Specifications of Public Works Construction. If the improvements are to be constructed within the right-of-way under the jurisdiction of an entity other than the City of Talent, that entity shall have the right to determine the standards and design to be imposed. If the entity having jurisdiction within the right-of-way determines that it will not set standards and specifications, the City will do so.
- B. **Review Process.** The applicant shall submit a copy of the plans and specifications for improvements to the City and shall submit to the entity the necessary permits to construct the improvements. Plans prepared in accordance with the standards and specifications set by the City shall be submitted to the engineer of the City’s choice for approval or comment, at applicant’s expense. Thereafter, the plans, if they are for improvements within a public right-of-way and are to become the City’s responsibility, shall be submitted to the City Council for its approval or rejection.
- C. **Inspections.** Whenever the City is to accept responsibility for or jurisdiction of the required improvements and the entity having jurisdiction of the right-of-way will not conduct inspection of the construction work, an engineer engaged by the City will do the inspections at applicant’s expense. However, if the City Council determines that the nature and size of the improvements justify it, the applicant, in lieu of utilizing the City’s engineer for inspections, may employ his own

engineer who shall make inspection in accordance with a list of construction tests to be met at specified events in the course of the construction process; and, in such event, the list shall be approved by an engineer engaged by the City but need not be prepared by him.

- D. **Acceptance by the City.** Before the City will accept responsibility for or jurisdiction of the improvements, the applicant shall deliver to the City in approved form the following:
1. A signed statement from a professional engineer registered in the State of Oregon that the improvements have been constructed in accordance with the approved plans and specifications, and if the engineer was employed by the applicant, that the required construction tests set forth in Subsection C, above, have been conducted and have yielded positive results;
  2. A one-year guarantee that the improvements have been constructed in a workmanlike manner and are free from defects in work and materials, the guarantee to be secured by a surety bond issued by a bonding company licensed by the State of Oregon;
  3. One set of “as-built” improvement plans; and
  4. If the improvements are constructed upon private property, a recordable easement in a form approved by the City attorney that permits use by the public and maintenance by the City of the improvement.
- E. **Miscellaneous Tasks of the City Engineer.** The City, with advice of an engineer engaged by it, shall establish bonding amounts, and the City may in any event engage an engineer to conduct inspections necessary to protect the interests of the City.
- F. **Reimbursement for Engineering and Attorney Services.** The applicant shall reimburse the City for any work prescribed herein, and conducted by the City’s engineer and attorney.

#### 8-3J.140 BUILDING PERMITS

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

- A. **Conformance with Chapter Provisions.** No building permit or Certificate of Use of Occupancy shall be issued where such construction, addition or alteration or the use thereof would fail to meet or would be in violation of any provisions of this Chapter.
- B. **Plot Plan.** No building permit shall be issued unless the application is accompanied by a sketch showing a least all of the following:
1. The location and dimensions of the lot upon which construction is proposed;
  2. The floor plan of the proposed structure or alteration and relationship to lot boundary lines;
  3. The location of the lot in relation to streets and the name and widths of all abutting streets;
  4. The location of trees with circumference of fourteen (14) inches or greater, measured three (3) feet above grade at the base of the tree; and
  5. The location of proposed construction in relation to other structures on the same lot.

6. The location and size of all proposed parking spaces and street access points. More information may be required with a building permit application as required in various articles of this Chapter.

**8-3J.150 BUSINESS LICENSES**

No business license shall be issued for a business that is not a permitted use in the zone in which it is located. No business license shall be issued for a home occupation until the home occupation has been approved by the staff advisor to the Planning Commission or the Planning Commission, per the provisions of Article 8-3L.6. No business license shall be issued unless or until the City building official is satisfied of substantial compliance with the provisions of this Chapter or any approved development plans with any required conditions thereof and/or has granted a certificate of use of occupancy.



**8-3J.160 INSPECTION AND RIGHT OF ENTRY**

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

**8-3J.161 ABATEMENT**

Any use which is established, operated, erected, moved, altered, enlarged or maintained contrary to the zoning regulations and approved development plans shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such.

**8-3J.162 PENALTIES**

Any person, firm or corporation, whether as a principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not more than \$350.00. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which the violation continues. [Ord. 530 (2-20-91)]

**8-3J.163 ENFORCEMENT**

- A. **Building Inspector.** The building inspector for the City shall have the authority to enter any building or upon any premises for the purpose of investigation and inspection; provided, however, that no dwelling shall be so entered without consent of the occupant unless a twenty-four (24) hour notice of intention to enter shall have been served upon such occupant.
- B. **City Attorney.** The City attorney, upon request of the City Council, shall institute any necessary legal proceedings to enforce the provisions of this Chapter.
- C. **Chief of Police.** The Chief of Police and his authorized representatives shall have the authority, upon request of the City Council, to assist in the enforcement of the provisions of this Chapter.

**8-3J.170 INTERPRETATION**

Where the conditions imposed by a provision of this Chapter are less restrictive than comparable conditions imposed by any other provisions of this Chapter or any other city ordinance, resolution or regulation, the provisions that are more restrictive shall govern.

**8-3J.171 SEVERABILITY**

The provisions of this Chapter are severable. If any section, sentence, clause or phrase is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective, such decision shall not affect the validity of the remaining portions of this ordinance.

**8-3J.173 USES NOT PERMITTED IN ALL ZONES**

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

State Department of Environmental Quality certifying whether or not the proposed use meets said rules and standards.

**8-3J.180      BUFFERING**

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

**8-3J.190      RESIDENTIAL DEVELOPMENT REQUIREMENTS**

- A.      The design and development of any manufactured home park or the expansion, improvement, or other modification of an existing manufactured home park within the City of Talent shall be in accordance with the minimum standards contained in OAR, Chapter 814, Division 28, and with the provisions contained in Article 8-3L.8.
  
- B.      All residential development, including both new and modifications to existing development, other than within a mobile home park, shall conform to the requirements and development guidelines contained in Article 8-3J.2.

[amended by Ord. No. 772; 11/03/2004]

## 8-3 Division J. Article 4.

# LANDSCAPING, FENCING AND HEDGES

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### **8-3J.410 DESCRIPTION AND PURPOSE**

The purpose of this Article is to provide for the regulation of planting, maintenance, and removal of landscaping within the City of Talent. All yards, required buffers or screening areas, and parking areas shall be landscaped in accordance with this chapter.

### **8-3J.420 MINIMUM LANDSCAPED AREA**

- A. The minimum percentage of required landscaping is as follows:
1. Residential Zones. 30 percent of each lot for residential developments.
  2. Central Business District (CBD) and Central Business Highway (CBH) Zones. 20 percent of the site.
  3. Commercial Highway (CH) and Commercial Interchange (CI) Zones. 20 percent of the site.
  4. Industrial Zones (IL). 15 percent of the site.
  5. When the above requirements conflict with landscaping requirements found elsewhere in this ordinance, the standard which maximizes landscaped area shall apply.

### **8-3J.430 MINIMUM VEGETATION AND GROUND COVER**

- A. Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:
1. One tree, minimum 2" caliper.
  2. Four 5-gallon shrubs or accent plants.
- B. Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material as defined in Section 8-3J.430(C) below, shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy unless a xeriscape plan is approved.
- C. Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting. The landscape materials below may be modified as part of an approved xeriscape plan.
1. **Existing Vegetation.** Existing non-invasive vegetation may be used in meeting landscape requirements.
  2. **Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City's water supply.

3. **Plant Establishment.** Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two (2) years to ensure viability.
4. **Soil amendment.** When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.
5. **“Invasive” plants,** shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.
6. **Hardscape features.** May cover up to ten percent (10%) of the required landscape area (unless a xeriscape plan is approved); except in the Downtown Area where publicly accessible hardscape features may cover up to eighty percent (80%) of the required landscape area, subject to approval through Site Development Plan Review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.
7. **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants unless approved as part a xeriscape plan.

#### **8-3J.440 TREES PROHIBITED**

No person shall plant on any public property or private property the following trees if the tree’s future critical root zone (CRZ) at maturity (CRZ is defined in Section 8-3J.310) is within the public right-of-way: poplar, willow, cottonwood, fruit tree, or ailanthus, unless part of a City-authorized riparian restoration project. The Recommended Street Tree List should be consulted before any tree is planted within or adjacent to the public right-of-way. No person shall plant any tree anywhere in the City so as to adversely affect public utilities.

#### **8-3J.450 BUFFER AND SCREENING**

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

- A. **Commercial and Industrial Transition Buffers.** The following standards shall be considered during any land use review that include commercial or industrial uses adjacent to a residential use.
1. The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use.
  2. The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired.
  3. Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography or other features. **In the case that a proposed building is directly adjacent to the required setbacks, a fence or wall is not an appropriate buffer and a Section (b) below shall be required.**
    - a. When a fence or wall is being proposed as a buffer it shall be sight-obscuring. In order to be “sight-obscuring”, fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall.
    - b. Hedges shall be of an evergreen species which will meet and maintain year-round 75 percent opacity. Opacity shall be obtained within three (3) years of planting.
    - c. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis at the discretion of the Community Development Director or Planning Commission.
- B. **Single-family Transition Buffers.** The following buffers may be required during any land use reviews that include single-family development adjacent to a non-residential zone:
1. The Planning Commission may require application of the same buffering standards as are required of commercial development (Section 8-3J.450(A), above).
  2. In addition to the general provisions of Section 8-3J.450(A), the Planning Commission may require one or more of the following types of buffering fences, walls and landscaping:
    - a. A masonry wall (stucco, stone, or similar quality material), coupled with trees planted 30 feet on center planted within six (6) feet of the wall.
    - b. A “see-through” wall (wrought iron or similar quality material), coupled with trees planted 30 feet on center.
    - c. A “living wall” where a combination of trellises and plants provide a 95% opaque vegetative screen to a minimum height of six (feet). The living wall shall be coupled with trees planted 30 feet on center planted within 10 feet of the living wall. A five (5) foot wide planted strip that has continuous landscaping consisting of ground cover(s), shrubs that potential to reach minimum 6-feet in height and be 95% opaque, and trees planted 30-feet on center.
- C. **Agricultural Buffers**
- To implement the Agricultural Buffering Standards of the Greater Bear Creek Valley Regional Plan, buffering provisions in Section 8-8.560 shall be addressed when urban

development on land along the urban growth boundary abutting land zoned Exclusive Farm Use is proposed.

### 8-3J.460 FENCES AND HEDGES

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

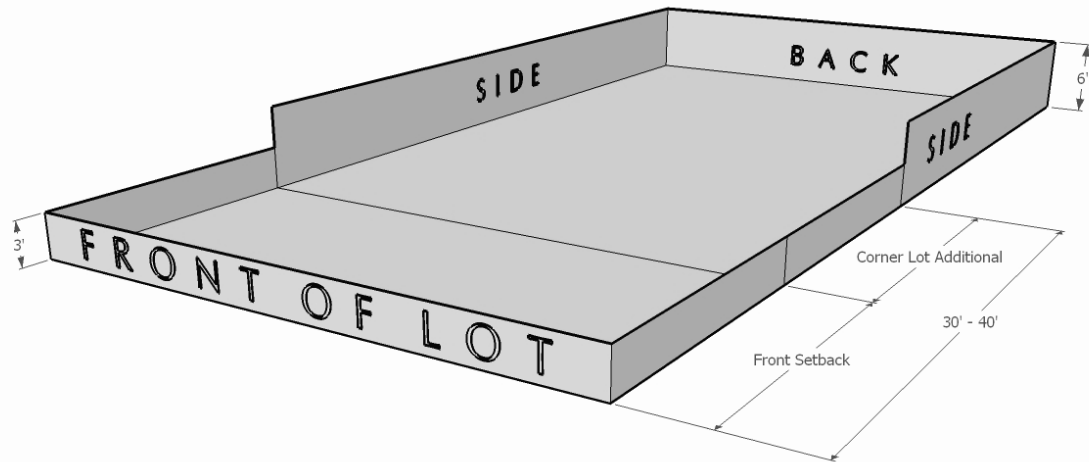
All fences and hedges are subject to the following standards:

- A. **Materials.** No one may construct fences or walls of or containing material(s) that can do bodily harm, such as barbed wire, broken glass, or any other hazardous or dangerous materials. For barbed wire and electric fence exceptions, see Section 4-8.13 of the City Ordinances.
- B. **Placement.** Fences and walls may be erected directly up to common property lines. An exception to this rule may be required when the placement would prevent the use of adjacent property or right-of-way, or prevent the safe use of a driveway or alley. In such cases, the City may require the fence or wall to be set back a minimum distance from the driveway, right-of-way, alley or property line.

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

- C. **Height Limitations.** Figure 3-1 illustrates the regulations. See also definitions of “yards” in 8-3B.1.
  - A. Front Yard: 3 feet.
  - B. Side Yard: 6 feet.
  - C. Rear Yard: 6 feet.
  - D. Corner Lot: 3 feet for a distance of 40 feet along the street side yard when that street is a collector or arterial; otherwise 30 feet. This is to provide a clear ‘sight triangle’ of 30’ x 30’ or 30’ x 40’ at intersections.

Figure 3-1



**D. Measuring Height.**

1. Generally, height is measured from the adjacent ground upward.
2. When fences are built on top of retaining walls, or one lot is markedly higher than an adjacent lot, height shall be measured from the highest adjacent grade, except that a fence or wall may not be higher than eight (8) feet above the lowest adjacent grade.
3. Below-Grade Lots. On lots that are not generally level with the adjacent street, height may be measured from the top of the adjacent curb, or, where curbs are absent, from the crown of the adjacent street. Exercise of this exception shall be at the discretion of the City.
4. Lots on Collector Streets. Because of heavier traffic volumes and greater speeds, the same exception allowed in the preceding subsection may apply to lots on collector streets. Exercise of this exception shall be at the discretion of the City.

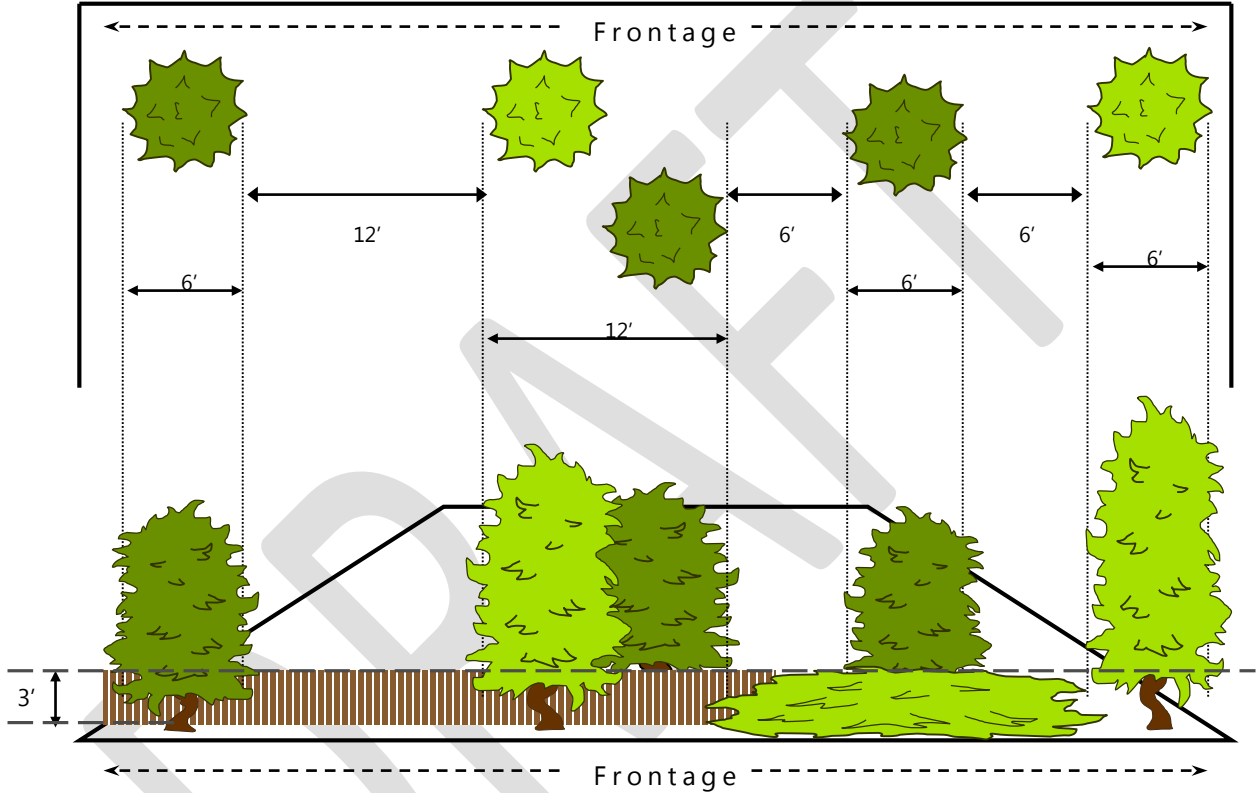
**E. Allowances.**

1. A hedge or a screen planting is defined as vegetation that has the purpose or effect of obscuring or blocking casual viewing through it and is six (6) feet or more in diameter or width. Non-pyramidal trees are not considered to be such vegetation.

Individual bushes, trees, hedges, and similar vegetation, or groupings of such, that have the effect of substantially inhibiting visibility above the height limitation for the yard in which they are located are permitted if the total blockage of the frontage is 50 percent or less *and* there are six-foot gaps for every 12 feet of grouping (see *Figure 3-2*). This allowance does not extend to the 'sight triangle' area in 350(D).

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

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



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



2. Entryway or gate arbors are permitted in front yards provided they are no more than 8 feet tall, 6 feet wide, 6 feet deep, and are no less than 15 feet from a property corner or driveway, including those on adjacent lots.
3. The City Planner may grant a special allowance for fences, walls, hedges, or screen plantings that exceed the height limits or location requirements of this Article for the circumstances listed below. The process used for granting a special allowance will be administrative and include consultation with the Police Department and/or Public Works Department, and notification of adjoining neighbors, whose interests will be considered.
  - a. Lots with unusual shapes or in unique situations, where it is shown that public safety is not decreased.
  - b. Fences or walls surrounding tennis courts, swimming pools, schools, or other special facilities, not including residences, where it is shown that the normal use or level of protection requires a greater height for safety or other reasons.
4. Security fences may be constructed up to 10 feet high in commercial and industrial areas, provided they are a see-through, chain-link type and set back a distance equal to their height in front yards and street-facing side yards, plus any necessary accommodations for sight distance on corners.

F. **General Safety Provisions.**

1. Recognizing that the best intentions and most careful crafting of regulations do not account for all variables, the City can either disallow or require the elimination or mitigation of fences, walls, hedges, screen plantings, and similar that it finds deleterious to public health or safety, or at odds with the purpose of this Article.
2. Property owners aggrieved by a decision made under this Section may appeal the decision to the Planning Commission, which may reverse, uphold or modify staff's decision based on its evaluation of the evidence presented.

### **8-3J.470      LANDSCAPE MAINTENANCE**

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

#### **A.      Residential Areas**

In all residential zones, areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be maintained.

#### **B.      Commercial Areas**

In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.420 and 430 above.

### **8-3J.480      SOLAR CONSIDERATIONS**

Solar energy use can be considered as an option to reduce the total number of required trees for a development plan. A clear plan must be created which demonstrates the location of solar panels, intended use of energy from them, and demonstration that the planting of all required trees would pose an obstacle to the development.

### **8-3J.490      XERISCAPING**

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

#### **A.      Eligibility.**

1.      Must be City of Talent utility customer with potable water (not TID) for irrigation.
2.      Project must demonstrate a reduction in water use compared to the necessary water required for standard landscaping.
3.      The square footage of the xeriscape area must be at least 50% of the required landscaped area in Section 8-3J.415. Proposed projects meeting this requirement will be allowed to reduce the overall landscaped area by 10% of that required in Section 8-3J.415 above.

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

1. Interested parties wishing to xeriscape a portion of a parcel to reduce landscaping requirements shall supply the City with a completed xeriscape application.
  2. Site Description. Applicants are required to submit a simple site design plan including all required landscaping, proposed xeriscaping and irrigation to be installed. The plan shall include the location of plants and type of irrigation for each plant. All xeriscaping shall meet the landscaping requirements below:
    - a. Plants. 90% of the plant material must be drought tolerant or considered low water use plants (based on the Water-Wise Landscaping Website, WUCOLS).
    - b. Plant Coverage. At completion, xeriscape areas must contain enough plants to create at least 50% living plant cover at maturity. Xeriscape areas may NOT include any live lawn (grass) or invasive plant species as defined by the Oregon Department of Agriculture noxious weed list.
    - c. Efficient Irrigation Components. If a watering system is used, all sprinkler heads in the xeriscape areas must be low volume (drip, micro-spray, bubblers, or low precipitation rotating nozzles).
    - d. Prevent Overspray. The xeriscape area shall not be irrigated or oversprayed by other required non-xeriscape areas.
    - e. Permeable Surfaces and Treatments. In residential areas, no concrete, plastic sheeting or other impermeable surfaces shall be used in an identified xeriscape area.
    - f. Mulch. Exposed soil must be completely covered by a layer of mulch. Common mulching materials include wood chips, decomposed granite, river rock, and bark. If weed barrier is used beneath the mulch, it must be manufactured to be permeable to air and water.
    - g. Living Groundcover. Qualifies as mulch provided the plants are installed at a density to assure 100% plant coverage at maturity.
- C. Approval Criteria. After examination of the design plan, City Staff shall approve or approved with conditions if the following requirements have been met:
1. Submittal requirements of Section 8-3J.426(B) have been met;
  2. A pre-inspection of the site has been conducted by City Staff to determine the feasibility of the plan.
- D. Inspection Process. All projects shall have a final inspection to ensure that all proposed xeriscaping has been completed in accordance with the approved plan. Certificate of Occupancy shall be issued once final inspection and approval has been granted.

8-3 Division L. Article 8.

**MANUFACTURED HOME PARK  
Development Standards and Procedures**

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**8-3L.810 STATE AND LOCAL LAW**

A manufactured home (MH) park shall be built to all state standards in effect at the time of construction and shall comply with the additional provisions of this Section. The following statutes, as they now read or are hereafter amended to read, are hereby adopted by reference and made a part of this Article: ORS 446.003 through ORS 446.145. Construction and maintenance of a new MH park and expansion or reconstruction of existing MH park shall be in conformance with the standards established by this Section. (As amended by Ord. 530)

**8-3L.820 SITE AND DEVELOPMENT PLAN AND FEE**

No land within the City of Talent shall be developed for use as a MH park, and no plan for a MH park shall be filed or recorded, until submitted to and approved by the Planning Commission. All applications submitted for approval of a MH park shall consist of eight (8) copies of a development plan and a nonrefundable filing fee. The amount of the fee shall be established, and may be changed, by general resolution or ordinance of the City Council. In addition to the nonrefundable fee, the applicant shall be liable for the expense of engineering services provided by the City Engineer in reviewing the plans and for any other reasonable services rendered. The plan shall be submitted at least fifteen (15) days before the Planning Commission meeting at which consideration is requested, and shall contain at least the following information:

- A. Name of person who prepared the plan.
- B. Name(s) and address(es) of person(s) owning and/or controlling the land proposed for a MH park.
- C. Name of MH park and address.
- D. Date, scale and north point of the plan.
- E. Boundaries and dimensions of the MH park.
- F. Vicinity map showing relationship of MH park to adjacent properties and surrounding zoning.
- G. Location and dimensions of each MH site, with each site designated by number, letter or name.
- H. Location and dimensions of each existing and proposed building.
- I. Location and width of MH park streets, bicycle ways and pedestrian ways.
- J. Location of each lighting fixture for lighting the park.
- K. Location of recreational areas and buildings and common areas.

- L. Location and type of trees, landscaping, fences, walls or combination of any of these, or other methods of screening or buffering proposed.
- M. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
- N. Location of existing and proposed fire hydrants.
- O. A drainage plan.
- P. Topography of the park site with contour intervals of not more than five (5) feet.
- Q. The plan shall indicate positions of the MHs on the MH sites, so that the Commission may determine adequacy of entrances, setbacks, solar orientation and access, etc.
- R. Enlarged plot plan of a typical MH space, showing location of the stand, storage space, parking, sidewalk, utility connections and landscaping.
- S. Natural features, including all trees with a circumference of fourteen (14) inches or greater, measured at a point three (3) feet above grade at the base of the tree.
- T. Location and types of natural hazards occurring on the site, including, but not limited to, flood plains and floodways; soils and areas with erosion, shrink-swell, high runoff, mass movement and high ground water characteristics; with a description of how any hazards will be mitigated.
- U. Names, location, mature heights, crown diameters, growth rates, shadow patterns between the hours beginning at 9:00 AM and ending at 3:00 PM Pacific Standard Time on November 21, and maintenance facilities of and for existing and proposed street and shade trees.
- V. Any other data as may be required to permit the Planning Commission to make the necessary findings for approval.

**8-3L.830 PLANNING COMMISSION REVIEW OF SITE AND DEVELOPMENT PLAN**

- A. Following receipt of the site and development plan, the staff advisor to the Planning Commission shall prepare a report including information on compliance with ordinance requirements, the City Comprehensive Plan, any other adopted City plan and any other data as appears pertinent to the Planning Commission's review of the plan.
- B. Planning Commission shall hold a public hearing on the proposed MH park. Notice of the public hearing shall be provided as set forth in Section 8-3M.130.
- C. The Planning Commission shall take action to approve, disapprove or conditionally approve the plan within sixty (60) days from the first regular Planning Commission meeting following submission of the site and development plan, unless an extension of such time limit is mutually agreed upon by an extension of such time limit is mutually agreed upon by the applicant and the Commission. The plan shall be approved if it contains all of the information required in subsection B, above, and the proposed MH park conforms with the provisions of law and the standards set forth in this Article. Approval of the site and development plan shall indicate approval of the final

plan provided there is no change from the approved plan and there is full compliance with all requirements of this Article.

### **8-3L.840 FINAL APPROVAL**

Planning Commission will grant final approval of MH park plans when all of the following conditions are met:

- A. A site and development plan has been approved.
- B. Detailed plans for the construction of roadways, pedestrian walkways, bicycle paths, parking areas, MH stands, sewer and water facilities, and drainage systems have been approved by the City Engineer as being in compliance with the standards of this Section, the plans approved by the Planning Commission, and other applicable Articles of this Chapter. Applicant shall be liable to the City for the expense of plan review and inspection of improvements by the City Engineer.
- C. A detailed tree planting landscaping and buffering plan is submitted and approved by the Planning Commission, showing information about landscape and fencing or wall materials to be used, spacing, size and botanical names of plants, and maintenance systems for landscaped areas.
- D. If final approval is not granted within one (1) year of site and development plan approval or conditional approval, the site and development plan must be resubmitted to the Planning Commission and reviewed following the procedure prescribed in Subsection c) above.
- E. Final approval granted by the Planning Commission pursuant to this section shall expire in one (1) year from the date of such approval unless the plan is substantially implemented.
- F. Any final approval of MH park plans granted by the Planning Commission prior to the effective date of this Chapter shall expire in one (1) year from the effective date of the Chapter unless substantially implemented.

### **8-3L.850 STANDARDS AND IMPROVEMENTS**

The following standards and improvement requirements shall be required for the development of a MH park or the expansion or reconstruction of an existing MH park. In the case of an expansion of an existing park, the requirements shall apply to the expanded portion only, unless the improvements within the existing part of the park are less than the standards in effect when the park was originally approved. In that case, the improvements shall be brought into compliance with those standards, in the pre-existing portion of the park, within one (1) year of the Planning Commission's approval of the park expansion.

- A. Certificate of sanitation. A MH park shall have a certificate of sanitation issued by the State Department of Commerce, and must comply with all state requirements for MH parks.
- B. Area. A MH park shall not be less than two (2) acres nor more than thirty (30) acres in area. MH parks which would accommodate housing for residents numbering more than five percent (5%) of

Talent's population (based on 2.5 people per MH) shall be staged or phased so that the population increase that would be created in any one year by the MH park will amount to less than five percent (5%) of the City's population.

- C. Permitted uses in a MH park. Uses permitted outright and uses permitted subject to site development plan review and conditional use processes in a MH park are listed in Sections 8-3C.320, 330, 340, and 350.
- D. MH park access.
1. All MH parks shall have at least two hundred (200) feet of frontage on a public street. All parks over ten (10) acres in size shall be located so as to have principal access on a street designated by the City as a collector or arterial street.
  2. At least two (2) pedestrian exits and one vehicular exit shall be provided in every MH park, and shall be located no closer than one hundred and fifty (150) feet from any other exit.
- E. Density of MHs. No more than eight (8) MH units shall be located per net acre (net acreage includes MH spaces and common open space and recreational uses, but does not include roads, parking areas or commercial uses).
- F. Parking. Two (2) off-street parking spaces shall be provided at each MH site. Additional parking space shall be provided in parking lots distributed around the park to accommodate at least one (1) space per eight (8) MHs, but not more than one (1) additional space per MH. In addition, sufficient off-street parking shall be provided for MH park employees. Parking facilities shall conform to the requirements of Article 8-3J.5.
- G. Streets and accessways.
1. Each MH park site shall have an accessway of at least thirty-six (36) feet in width which connects to an existing public street.
  2. The first fifty (50) feet of an accessway, measured from the public street, shall be surfaced to a width of at least twenty-eight (28) feet, with no on-street parking permitted. Where a MH park street intersects an existing public street, the MH park developer shall improve the park street to the center line of the existing City street.
  3. Exterior streets abutting the MH park which are not improved to subdivision standards shall be improved as set forth in 8-2.260(B).
  4. For MH park accessways, beyond the first fifty (50) feet, the minimum surfaced width of the roadway within the park shall be ten (10) feet for each travel lane and eight (8) feet for each parking lane.
  5. All roadways shall be paved with crushed rock base and asphalt concrete surfacing according to structural specifications prescribed by the City (Refer to *City of Talent Standard Details*).
  6. Streets shall be oriented in a manner that permits MH pads and spaces to provide maximum solar access to MHs.

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- H. Pedestrian ways. Pedestrian walkways shall be separated from vehicular ways and shall be developed and maintained to provide safe and convenient movement to all parts of the park walkways leading to destinations outside the park. Pedestrian walkways shall be surfaced with concrete at least three inches thick, to a width of at least three (3) feet.
- I. Bicycle Ways. Bicycle paths shall be provided, where determined appropriate by the Planning Commission for the public convenience, to provide safe and convenient movement to locations in the park and to connect to bicycle routes or streets which can be utilized safely by bicyclists outside of the park. Bicycle ways shall be improved to standards approved by the City.
- J. MH park perimeter setbacks. All MHs, MH park buildings, and required parking areas shall be located at least twenty-five (25) feet from the property line abutting upon a public street or highway and at least fifteen (15) feet from other MH park boundary lines.
- K. Utilities.
1. Undergrounding of Utilities. All utilities shall be installed underground, according to the provisions of the Talent Subdivision Code (8-2).
  2. Water and Sewer. Each MH site shall be connected to the public water and sewer system, and each occupied MH shall be connected to same.
  3. Electricity. Each MH site shall have an electrical connection with service adequate for electric cooking and other household appliances.
  4. Fire Hydrants. Each MH shall be located within two hundred and fifty (250) feet of an accessible fire hydrant. Determination of accessibility shall be made by the Fire Chief.
  5. Telephone Service. Public telephone service shall be available in every MH park.
  6. Safety Lighting. Vehicular and pedestrian accessways shall be adequately lighted by a safety lighting plan utilizing underground wiring.
- L. Drainage. The MH park shall be well-drained and provisions for drainage shall be made according to plans approved by the City Engineer. The condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.
- M. Recreation Area. In a MH park, not less than six percent (6%) of the net park area shall be developed for recreation use. The recreation area may be in one or more locations, none of which shall be less than 2,500 square feet in area or less than twenty-five (25) feet in width, with the exception of bicycle paths which may be counted toward the recreation area requirement. Recreation areas shall be developed and maintained as usable open space, playgrounds, playfields, swimming pools, bicycle paths, community gardens and/or joint use recreation buildings, or other approved recreation uses for the common use of MH park residents. Required parking areas and pedestrian walkways may not be counted as part of the recreation area requirement.
- N. Storage of Unoccupied MHs, Recreation Vehicles and Boats. Unoccupied MHs, recreation vehicles and boats may be stored only in areas designated and suitable for such purposes. They shall not be stored in accessways, required parking spaces, or areas designated for another purpose.



- O. Orientation of MH Pads and Spaces. MH pads and spaces shall be oriented to provide as many mobiles a major south wall of uninterrupted solar access as possible.
- P. MH Location and Setbacks. Occupied MHs shall be parked only on MH stands, shall be set back at least ten (10) feet from any park roadways, at least fifteen (15) feet from any other MH or park building, at least ten (10) feet from any separate accessory structure, and at least twenty-five (25) feet from any public street. No MH space within a MH park shall be located in such a manner that a public street must be used to place a MH in the space.
- Q. Buffering. Buffering beyond the perimeter requirements set forth in this section shall be required when necessary to conform to the buffering standard set forth in the Subdivision Code (8-2).
- R. Improvements Required for Each MH Space or Site. Each MH space or site shall have the following improvements:
1. A MH foundation stand, which shall be improved to provide adequate support for the placement and tie-down of the MH. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and shall be constructed so that it will not heave, shift or settle unevenly under the weight of the MH due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Each stand design shall be approved by the Building Inspector. The stand must be at least as large as the MH placed on it.
  2. A patio or combination of patios of concrete, asphalt, flagstone, wood or other equivalent material with an area of not less than 150 square feet and no dimension less than seven (7) feet.
  3. Two (2) paved parking spaces and at least fourteen (14) feet of direct access to a park street.
  4. A deciduous tree shall be planted on the south side of each MH site where active solar collectors will not be utilized.
- S. MHs Permitted. Only MHs meeting the following requirements will be permitted as an outright use:
1. Every occupied MH shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.
  2. The MH shall be in a condition that conforms to one of the following construction standards:
    - a. A MH constructed after April 1972 shall bear the Oregon insigne of compliance to standards in effect in Oregon at the time of construction.
    - b. A MH constructed prior to April 1972 shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after April 1972, as determined by the Building Inspector.
  3. The MH shall have a minimum area of four hundred (400) square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a MH accessory structure shall not be included in the computation of minimum area.
- T. MH Placement and Exterior Finishing.

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

U. Accessory Buildings and Structures.

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

V. Fences, Walls, Hedges and Screen Plantings and Signs. All fences, walls, hedges and screen plantings shall conform to the requirements of 8-3J.34, except as may be permitted in [Paragraph Section 8-3L850\(A\)\(23\)](#), below, and be properly maintained. Signs shall be permitted and in conformance with 8-3J.7.

W. Landscaping and Screening.

1. Perimeter Landscaping and Buffering. The outer perimeter of the MH park shall be improved with:
  - a. A sight-obscuring fence or wall at least six (6) feet in height, set back at least fifteen (15) feet from the front property line; and at least five (5) feet from the side and rear property lines if it exceeds six feet in height; or
  - b. Maintained evergreen landscaping that is at least ten (10) feet in depth and which will reach at least six (6) feet in height within a period of five (5) years, set back at least fifteen (15) feet from the front property line, and at least five (5) feet from side and rear property lines if over six feet in height; or
  - c. A combination of a. and b. above.
  - d. Where perimeter landscaping is set back from the property boundary line, a yard containing lawn or other suitable ground cover, flowers, and shrubs and/or trees shall be established and maintained between the boundary lines and the chosen screening.
2. Landscaping Within the MH Park. All open areas and recreation areas within the park not otherwise used shall be suitably landscaped and maintained. Prominent aspects such as rock outcroppings, trees with circumferences of fourteen (14) inches or greater (measured at a point three feet above grade at the base of the tree), and other natural landscaping features are encouraged to be worked into the landscaping plan. The maintenance of open spaces is necessary to the continued renewals of the MH park license.

X. Licensing of MH Parks.

1. License Required. No use or occupancy of any MH park, or building or facility in connection therewith, shall be permitted within the City of Talent until a MH park license is issued.
2. Application for License.
  - a. New MH Parks. An application for a license to operate a new MH park shall be submitted to the City Council after final approval of the development plans by the Planning Commission. An enlargement of a MH park or an increase in the number of MH spaces in an existing park shall be subject to the provisions of this Section regulating new parks.
  - b. Existing Parks. Application for the renewal of a business license for an existing MH park shall be made to the City and will be granted as long as the park conforms to all applicable state laws and any conditions set forth at the time the MH park was approved, and provided the condition set forth in Subsection 26, below, is met.
3. License Fee. The annual license fee for a MH park shall be the same as prescribed by the City of Talent for business licenses.
4. Term of License. MH park licenses shall be valid for a period not to exceed one (1) year, unless a longer time is noted and approved by the Planning Commission on the signed copies of the development plan, and such time period is approved by the City Council.

Y. Upgrading of Pre-Existing MH Parks for Fire Protection. Within three (3) years of the date of enactment of this ordinance, every pre-existing MH park shall either install fire hydrants or provide adequate access to fire hydrants, so that every MH is located within two hundred fifty (250) feet of an accessible fire hydrant. Conformance with this requirement will be determined by the Talent Fire Chief. Any MH park that does not meet this requirement will be ineligible for renewal of the MH park license.

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

AA. MH Set-Up Permits. No MH shall be moved onto a MH space or lot until a MH set-up permit has been issued.

**8-3L.860      ADDENDUM: NEW MH PARK RULES**  
Design and Land Use (814-28-060(1))

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

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

B. Exceptions.

1. Non-HUD-approved MHs may be placed ten (10) feet apart in MH parks that comply with the Fire Safety Standards listed in Appendix “A”.
2. Parallel non-HUD approved MHs with less than half their lengths side by side may be ten (10) feet apart on both sides.
  - a. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD-approved MHs may be ten (10) feet apart on both sides but must be at least fourteen (14) feet apart for half their length.
  - b. Adjacent MHs in all parks must be placed at least fourteen (14) feet apart where a flammable or combustible fuel storage vessel is located on or between units.
  - c. A MH may not be closer than ten (10) feet to a park building within the MH park, or closer than five (5) feet to a park property line. The area occupied by the MH, accessory buildings, and structures on a MH lot shall not exceed seventy-five (75%) of the lot area.

[Amended by Ord. No. 772; 11/03/2004]