

## **ARTICLE 5                    GENERAL DEVELOPMENT STANDARDS**

### **SECTION 5.010                DEVELOPMENT STANDARDS**

In addition to the development standards specified for each zoning district, there are many standards that apply in more than one zoning district. The following Sections specify development standards applicable within any zoning district in the City of Tangent.

### **SECTION 5.020                PLAN CONFORMANCE**

All developments within the City shall conform to any approved Planned Development, PD Overlay adopted by the City. Developments located within an area that has an approved Planned Development shall comply with the design and construction standards of the Planned Development in addition to those contained in this Code. In cases of conflict, the approved Planned Development standards shall govern.

### **SECTION 5.110                HEIGHT STANDARDS**

Building height standards are specified in **Item (4) of each Zoning District**.

### **SECTION 5.111                BUILDING HEIGHT EXCEPTIONS**

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and similar objects not used for human occupancy may exceed the building height limitations of this Code by no more than ten (10) feet unless approved by the Planning Commission as a Variance.

### **SECTION 5.112                BUILDING PROJECTION EXCEPTIONS**

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flue shall not project more than 24 inches into a required yard unless approved by the Planning Commission as a Variance.

### **SECTION 5.113                LOT SIZE**

Lot size standards are specified in **Item (4) of each Zoning District**.

### **SECTION 5.114                LOT SIZE EXCEPTIONS**

If a legal lot, as recorded in the office of the County Assessor at the time of passage of this Code and as defined in this code, has an area or dimension that does not comply with the lot size requirements of the district in which the property is located, the property may be occupied by a use permitted in the district subject to the other requirements of the district. If there is an area deficiency, residential use shall be limited to a single- family dwelling or to the number of dwelling units consistent with the lot area per dwelling unit requirement of the zoning district.

### **SECTION 5.115                YARD SETBACKS**

Yard setback standards are specified in **Item (4) of each Zoning District**.

### **SECTION 5.116                YARD SETBACK EXCEPTIONS**

- (1) No building shall be erected on a lot that abuts a street having only a portion of the right-of-way (ROW) required by the City's Transportation System Plan (TTSP) dedicated, unless, the yard setbacks are increased to accommodate the required ROW plus the required yard setback.

- (2) The Planning Commission may require additional setbacks, street right-of-way dedications and street improvements for development projects that are submitted for review and approval as a Planned Development, Site Plan Review, Conditional Use or Variance.
- (3) The Planning Commission may reduce the required yard setbacks for special and unusual site conditions in conformance with Section 2.600, Variances where compliance with the setback provisions of this Code would create an undue or unnecessary hardship.
- (4) Automobile Service Station Setbacks. In a district where automobile service stations are permitted, freestanding gasoline pumps and pump stands may occupy a required exterior yard, provided they are a minimum of 15 feet from the property line.
- (5) Solar Access. It is necessary and desirable that every building and use have a right to adequate air, light and access to solar energy.
  - (a) The City may require additional setbacks to protect access to solar energy for non- residential buildings requiring a Site Plan Review or Conditional Use.
  - (b) This shall apply only in the zones where it is not permitted to build directly up to the property line.
  - (c) No obstruction by one building to another shall occur where the height of the new building will obstruct an existing building from solar exposure on the opposite side of a property line. This condition does not apply to buildings constructed on the same property.

**SECTION 5.117 DRAINAGEWAY SETBACKS**

- (1) Properties abutting North Lake Creek, Lake Creek and Oak Creek, which are all documented as fish-bearing streams, and all year-round flowing streams shall have a minimum setback of 50 feet from the top of each bank. Additional setbacks may be required for riparian areas, wetlands and floodplains as identified in the Tangent Local Wetlands and Riparian Area Inventory. Building permit applications and land use applications to the City shall clearly indicate the boundary limits for riparian areas, wetlands and floodplains. Vegetation removal, and alterations from within the 50-foot setback area, with the exception of invasive species, shall be prohibited. Alteration of these areas, other than for continuation of agricultural use, by grading or placement of structures or impervious surfaces is prohibited unless approved by the City in accordance with the procedures of city ordinances and state law.
- (2) All other intermittent drainageways and watercourses shall have a minimum setback that includes the vegetative fringe or a minimum 15 feet from the center of the drainageway whichever is greater. Setbacks are required for riparian areas, wetlands and floodplains as identified in the Tangent Local Wetlands and Riparian Area Inventory and **Section 5.118** and **Section 5.126, Storm Drainage, Item (2)** of this Code.

**SECTION 5.118 PONDS, WETLANDS & RIPARIAN AREAS**

**The Tangent Local Wetlands and Riparian Area Inventory is the City's official Local Wetlands Inventory (LWI). Compliance with the standards contained therein is required by this Code.**

**Wetlands** are defined as those areas that are inundated or saturated often enough to support a prevalence of vegetation adapted for life in standing water or saturated soil. (Hydric Soils). Wetlands include swamps, bogs, marshes and similar areas.

**Riparian Areas** are defined as the area immediately adjacent to surface water such as rivers, streams, ponds, lakes, wetlands and springs consisting of transition areas between aquatic ecosystems to terrestrial ecosystems.

**Ponds** are defined as a confined body of water in which water stands in a closed depression that is smaller than a lake.

- (1) **Regulation.** Development within wetlands is prohibited unless replacement or enhancement mitigation is accepted by the regulatory agencies. The Oregon Department of State Lands (DSL) is the coordinating agency for wetland permits. The US Army Corp of Engineers (Corps) is the federal regulatory agency administering Section 404 of the National Clean Waters Act. There are also other state and federal coordinating agencies, including DLCD.
- (2) **Notice. ORS 227.350** specifies that cities shall provide notice of proposed wetlands development to the DSL.

The city shall provide notice to the DSL, the applicant and the owner of record, within 5 working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Tangent Local Wetland and Riparian Area Inventory.

- (a) Subdivisions;
  - (b) Building permits for new structures;
  - (c) Other development permits and approvals that allow physical alteration to the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;
  - (d) Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and
  - (e) Planned unit development approvals.
- (3) The provisions of Subsection (2) of this Section do not apply if a permit from the DSL has been issued for the proposed activity.

- (4) Approval of any activity described in Sub-section (2) above shall include one of the following notice statements:
  - (a) Issuance of a permit under **ORS 196.600 to 196.905** by DSL is required for the project before any physical alteration takes place within the wetlands;
  - (b) Notice from DSL that no permit is required; or
  - (c) Notice from the DSL that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.
- (5) If DSL fails to respond to any notice provided under Subsection (2) of this section within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits.
- (6) The City may issue local approval for parcels identified as or including wetlands on the State- wide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing DSL with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.
- (7) Notice of activities authorized within an approved wetland conservation plan shall be provided to the division within five days following local approval.
- (8) Failure by the City to provide notice as required in this section will not invalidate City approval.
- (9) Development Standards. No development shall be permitted within designated wetlands unless a permit has been acquired from DSL and all other regulatory agencies having jurisdiction.
- (10) Any new development that affects flood storage capacity along Lake Creek, North Lake Creek and Oak Creek shall provide mitigation that replaces that ecological function in a location that would provide similar or greater flood storage for all properties downstream of where the impacts occurred.
- (11) There shall be established a 50-foot buffer within which the removal of native vegetation, grading and paving, land partitions and property line adjustments, spraying of pesticides or herbicides and tree removal would be prohibited.

## **SECTION 5.119 POND & WETLAND CONSTRUCTION**

- (1) **Purpose.** To Protect the City's groundwater from contamination the following measures are required to guide the construction of ponds and the restoration, enhancement and creation of wetlands. Modifications to existing ponds and jurisdictional wetlands shall qualify as a ponds and wetlands construction project and shall comply with the **Conditional Use** provisions of **Article 2.500** and this section.
  
- (2) **Conditional Use Application for Ponds & Wetlands Construction.** For consideration of a pond or wetland project construction request, the Applicant shall provide the City with a completed Conditional Use Application, accompanied by the following information:
  - (a) **Drawings.**
    1. A Vicinity map showing the location of the subject property in relation to the Tangent City Limits.
    2. A site plan showing the entire subject property and the proposed basin, with distances to property lines, wells, septic systems, including repair areas, structures, roads, driveways, and other physical features. The plan shall also indicate uses of all adjoining properties.
    3. The type and function of the proposed constructed pond or wetland project.
    4. Dimensions, including but not limited to length, width, depth(s), volume and configuration of the proposed basin.
    5. The source of water supply for the proposed constructed pond or wetland project.
    6. Soil types mapped for the entire subject property available from the USDA Natural Resources Conservation Service or from the City. Hydric soils, as defined by DSL, shall be highlighted or otherwise accented on the plans. A map and list of hydric soils in the Tangent Urban Growth Boundary is available at the Tangent City Hall.
    7. Existing vegetation and vegetation proposed to be cleared or otherwise removed, maintained, and/or introduced, including timing or phasing of plantings. Species that are native to the area in which the subject property is located shall be indicated. Wherever possible re-vegetation proposals shall be generally compatible with native species occurring at the site. Vegetation plans may depend largely upon the type and intended purpose of the pond or wetland construction project.
    8. Well locations, abandoned or operational, within the all of the contiguous property under the same ownership and the abutting properties. Well log reports, if existing, shall be provided for each well. Landowners and

applicants shall comply with all Oregon Water Resources Department (**WRD**) requirements applicable to wells.

(b) **Descriptive Narrative.** Provide a descriptive narrative describing the following:

1. Project type and intent;
2. Identification of all local, state and federal agencies requiring permits and the status of those permit applications;
3. Proposed materials and design of the basin's bottom surface;
4. Information about the permeability of soils.
5. Source of water for the project;
6. Practices intended to ensure levels of water adequate to meet the design criteria throughout the year;
7. A detailed explanation of plant species to be maintained or introduced. The proposed placement of seedlings, and the planned removal of any existing vegetation.
8. Phasing or timing of any excavation, impoundment, stream diversion, construction, removal or introduction of vegetation, or other activities associated with the project, and an estimate of the time of completion of the project;
9. The narrative may also include a discussion of the objectives of the project and any other pertinent information not otherwise provided for in the application.
10. Any additional details or materials requested by the City that are deemed necessary to facilitate a thorough review and evaluation of the Conditional Use Application.

(c) **Agency Coordination.** The Applicant shall submit the following agency coordination information to the City for the Record File.

1. The applicant is required to demonstrate coordination with all local, state and federal agencies participating in the proposed project. This testimony may be in the form of copies of the permits or official written correspondence from the applicable agencies indicating the necessary permits are pending. **Approval is contingent upon approval and permitting by the participating local, state or federal regulating agencies.**
2. Agencies which the applicant is responsible for contacting regarding a proposed ponds or wetlands construction project include and may not be limited

to: the Oregon Division of State Lands (DSL), the Oregon Department of Water Resources (WRD); the Oregon Department of Fish and Wildlife (ODFW), and the U.S. Army Corps of Engineers (ACOE). The U.S. Department of Agriculture, Agricultural Stabilization & Conservation Service must be notified for construction on farmlands.

3. No modification of an approved plan is permitted without acceptance of the revised plan by all participating agencies.
  4. If approved, construction of the project shall minimize impacts upon existing and natural conditions.
- (3) The Planning Commission may approve or deny an application to construct ponds or wetlands. Consistent with the provisions of **Section 2.500** the Planning Commission may also attach Conditions of Approval to ensure compatibility with surrounding natural systems and land uses and which are determined by the City to be in the public interest.

#### **SECTION 5.120            PARKING**

**The Tangent Public Works Design Standards (TPWDS) is the City’s official public works standards for all public construction. The TPWDS shall be adopted by Resolution and compliance with the standards contained therein is required by this Code.** For each new structure or use, each structure or use increased in area and each change in the use of an existing structure there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

- (1) Design and Improvement Requirements for Parking Lots:
  - (a) All parking areas and driveway approaches shall be paved, with asphalt or concrete, unless gravel is approved by the Planning Commission to facilitate drainage through the Conditional Use or Variance procedures of this Code.
  - (b) Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Parking must comply with the Oregon Structural Specialty Code and Americans with Disabilities Act (ADA).
  - (c) Off-street parking areas for other than single-family and two-family dwellings shall be served by a service driveway and turnaround so that no backing movements or other maneuvering shall occur within a street other than an alley. Design for parking lots shall conform to the Off-street Parking Diagrams contained in the **TPWDS**.
  - (d) Parking space dimensions shall conform to the Off-street Parking Diagrams contained in the **TPWDS**.
  - (e) The outer boundary and all landscaped islands of a parking area shall be designed for protection of landscaping, and pedestrian walkways. Curbed landscape islands shall be designed with 6” high curb with curb cuts. Otherwise, flush curbing with

wheel stops or other improvements shall be designed to prevent vehicles from parking on landscaped areas, and to allow rainwater to drain runoff into the landscaping to promote infiltration. Parking lots are subject to the minimum yard setback standards of the zoning district unless modified under **Section 6.212** or **6.213**, and no motor vehicle shall project over any property line.

- (f) All parking areas, except those in conjunction with a single family or two-family dwelling, shall have adequate drainage to dispose of the run-off generated by the surface area of the parking area. On-site collection of drainage water shall not allow sheet flow of water onto sidewalks, public right-of-ways or abutting property; shall retain runoff to the maximum extent feasible; and shall detain any excess runoff so out-flow velocities are equal to that of undeveloped land. All drainage systems shall conform to the standards contained in the **TPWDS** subject to approval by the City as part of the review and approval process for Planned Developments, Site Plan Reviews, Conditional Uses and Variances and for all Building Permits.
  - (g) Service driveways to off-street parking areas shall be designed and constructed to avoid impeding the flow of traffic, limiting safety of traffic access and egress, and limiting safety of bicycle and pedestrian and vehicular traffic on the site. The number of service driveways shall not exceed the minimum that will allow the property to accommodate and service the traffic anticipated.
  - (h) All off-street parking areas within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the City to minimize disturbances to adjacent residents pursuant to **Section 5.134 (9) (a)(3)**.
- (2) Required off-street parking shall be provided on the development site unless a Variance is approved by the City pursuant to **Section 2.600**.
  - (3) Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons and employees only and shall not be used for storage of vehicles, trucks, or materials used in the business, or for repair or servicing.
  - (4) Provisions for and maintenance of off-street parking spaces are continuing obligations of the property owner. No building permit or other approvals shall be issued until plans are presented that show the complete parking layout. The subsequent use of property for which approval is granted shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this Code.
  - (5) Should the owner or occupant of a lot or building change the use of the property to a use that increases the off-street parking requirements, it shall be unlawful and a violation of this Code to begin or to maintain such altered use until the required increase in off-street parking is provided.
  - (6) In the event several uses occupy a single structure or property, the total requirements for off- street parking shall be the sum of the requirements of the several uses computed separately unless a Variance is approved by the City pursuant to **Section 2.600**.



- (7) Owners of two or more uses, structures or properties may agree to use the same parking spaces jointly provided the off-street parking is the sum of the requirements of the several uses, except that if the hours of operation do not overlap, the parking requirement shall be for the largest number of required parking spaces between the two uses. An agreement shall be submitted and approved by the Planning Commission as part of a Site Plan Review, a Conditional Use or Variance for the cooperative use of the parking facilities.
- (8) A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled, shall accompany all requests for City approval or a Building Permit.
- (9) Parking lots shall be provided with landscaping as provided in **Section 5.134** and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control, enhanced stormwater detention/retention, to provide shade, and to improve the appearance of the parking lot.
- (10) Off-street parking shall be sufficient to accommodate the needs of the on-site use and shall not be less than the off-street parking requirements specified in **Section 5.121**. Fractional space requirements shall be counted as a whole space. When square feet are utilized to determine the required parking spaces, the area measured shall be the gross floor area of the building primary to the use but shall exclude any area within a building used for off-street parking, loading, or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season.

**SECTION 5.121                      MINIMUM OFF-STREET PARKING REQUIREMENTS**

<u>Use</u>	<u>Space Requirement</u>
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<b>(1) Residential</b>									
(a) One and two family	Two spaces/dwelling								
(b) Multiple family dwelling	<table border="0"> <tr> <td>Studio</td> <td>1 space/ unit</td> </tr> <tr> <td>1 Bedroom</td> <td>1 space/unit</td> </tr> <tr> <td>2+Bedrooms</td> <td>2 spaces/unit</td> </tr> <tr> <td colspan="2">Plus 1 space per six units for guests</td> </tr> </table>	Studio	1 space/ unit	1 Bedroom	1 space/unit	2+Bedrooms	2 spaces/unit	Plus 1 space per six units for guests	
Studio	1 space/ unit								
1 Bedroom	1 space/unit								
2+Bedrooms	2 spaces/unit								
Plus 1 space per six units for guests									
(c) Rooming or boarding house	Spaces equal to 80% of the number of guest accommodations plus 1 space per staff person.								
(d) Home Occupation	1 space per 500 sf of occupational space plus the residential requirement								

<b>Use</b>	<b>Space Requirement</b>
(e) Hotel, Motel, Inn	1 space per guest room plus 1 space per staff person
<b>(2) Institutional</b>	
(a) Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space per two beds for patients or residents plus 1 space per employee
<b>(3) Public Assembly</b>	
(a) Church	1 space per four seats or eight feet of bench length, or one space for each 50 sf of floor area of main auditorium not containing fixed seats
(b) Library, reading room	1 space per 400 sf of floor area
(c) Pre-school nursery, kindergarten	1 space per 10 children plus 1 space per teacher
(d) Elementary, Junior High, Middle School	1 spaces per classroom plus 1 space per employee
(e) High School	2 spaces per classroom plus 1 space per employee
(f) Other public assembly or meeting rooms	1 space per six seats or eight feet of bench length, or one space for each 50 sf of floor area for assembly room not containing fixed seats
<b>(4) Commercial</b>	
(a) Retail store or Shopping Centers	1 space per 300 sf of floor area designated for retail sales
(b) Service or repair shops equipment rental, retail stores handling bulky merchandise	1 space per 400 sf of floor area
(c) Banks and Offices	1 space per 300 sf of floor area

- (d) Medical and dental clinic 1 space per 300 sf of floor area plus one space per employee
  - (e) Eating, drinking or indoor recreational establishment 1 space per 200 sf. of floor area
- (5) **Industrial**
- (a) Manufacturing, fabrication processing, assembly 1 space per employee plus 1 space per 600 sf of office or public area
  - (b) Warehouses, mini-storage, rail or trucking freight terminal 1 space per employee plus one space per 300 sf of office or public area
  - (c) Wholesale sales and distribution 1 space per two employees plus one space per 300 sf of office or public area
- (6) **Parking Requirement**
- Required off-street parking shall be that needed to support the on-site uses including the public and employees regardless of the standards specified herein.
- (7) **Unspecified Uses**
- Any use not specifically listed in this section shall have a parking requirement determined by the City, based on the parking space requirements for comparable uses.

**SECTION 5.122 TRANSPORTATION STANDARDS**

The City of Tangent has adopted the **Tangent Transportation System Plan (TTSP)** and the **Tangent Public Works Design Standards (TPWDS)**. Compliance with the standards contained therein is required by this Code.

**(1) General Provisions**

- (a) The following provisions shall apply to the dedication, construction, improvement or other development of public right-of-ways in the City of Tangent. All public improvements shall be designed in conformance with the specific requirements of the City’s most current **TPWDS**.
- (b) Development proposals shall provide for the continuation of existing and proposed streets, bikeways and pedestrian facilities located outside the development, to maintain the continuity of traffic circulation for all modes of travel in the City.
- (c) The Tangent Comprehensive Plan and Transportation System Plan require that development proposals shall provide their proportional share of the transportation infrastructure necessary to accommodate the proposal, and to ensure the practicality and efficiency of providing adequate services to and through the subject property.
- (d) The **TTSP** plans for the transportation needs of the community by planning for improvements to existing and new transportation facilities to accommodate vehicle, bicycle, and pedestrian needs of the community as growth occurs.
- (e) Future development within the Tangent City Limits shall comply with the Future Streets Plan and the Bicycle and Pedestrian Plans contained in the **TTSP**.

**(2) Future Streets Plan Conformance**

- (a) At the time of development, property owners shall ensure that sufficient transportation infrastructure is available to serve the development. This can be accomplished through any of the following methods approved by the City:
  - 1. Dedicate right of way and construct streets indicated on the City’s Future Streets Plan;
  - 2. Participate in a Local Improvement District or similar mechanism to effect the construction of the streets indicated on the City’s Future Streets Plan;
  - 3. Enter into an agreement with the City of Tangent, acceptable to the City, indicating when and how the dedication and improvements will be completed;or

4. Any other method approved by the City that ensures the appropriate level of transportation infrastructure is available to serve the proposed development.
- (b) The level of participation by property owners in required new street construction shall be determined based upon evaluation of the amount of frontage that exists on an existing or future public street and upon the impacts of the proposed development to the City's transportation system.
  - (c) New streets indicated on the City's Future Streets Plan are conceptual in their general location, and may be modified by the City or upon request by property owners in conjunction with specific development requests. Such a change may only be effected upon a demonstration that:
    1. The requested modification will reasonably allow the continuation of the general layout of the future streets network as identified in the Transportation System Plan, and
    2. The public benefits of the development concept outweigh specific conformance with the City Street Plan

Consistent with **TTSP Policy 10**, no adjustment shall result in a future right-of-way indicated on the Future Streets Plan being relocated off-site from the tract or tracts upon which it is indicated on the City's Future Street Plan.

- (d) In addition to the new facility construction projects indicated in the TTSP new street dedications and/or constructions may also be required in conjunction with land divisions or development approvals and/or based upon a public need as identified by the City. It shall be the burden of the developer to provide internal streets for new subdivisions, land partitions, manufactured dwelling parks, industrial parks and commercial centers sufficient to serve the needs of those developments.

### (3) **Pedestrian & Bicycle Plan Conformance**

- (a) The purpose of this subsection is to provide safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, and to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided. This section is also intended to ensure that new development avoids wherever possible levels of automobile traffic that might interfere with or discourage pedestrian or bicycle travel. Consistent with **TTSP Policy 37**, the City of Tangent shall consider pedestrian and bikeways when reviewing all development proposals and street improvements.
- (b) At the time of development of new subdivisions; multi-family developments; planned developments; shopping centers; and commercial districts adjacent to residential areas and transit stops, such development shall provide on-site facilities to accommodate

safe and convenient pedestrian and bicycle traffic from within the development and to neighborhood activity centers within one-half mile of the development. New office parks and commercial developments shall employ accessways and clustering of buildings to provide internal pedestrian and bicycle circulation.

- (c) Developers shall be responsible for improvements conforming with the Sidewalks Plan of **Figure 34** of the **TTSP**. Sidewalks shall be required along arterial, collectors, and local streets, as shown on **Figure 34**.

#### (4) Existing Street System Improvements

- (a) Consistent with the procedures of **Section 5.122(2)(a)** and **(b)**, proposed development on property that is served by an existing public street or right of way that does not meet the City's adopted street standards shall result in a requirement that the owner or developer improve the existing street or right of way in order to accommodate the proposal and to bring the transportation facility into compliance with the applicable standards.
- (b) Consistent with subsection (3) and (4) above, any required off-site transportation improvements shall include accommodations for safe and efficient bicycle and pedestrian travel. Any required new street, parking area, or pedestrian or bicycle way may be required to be preceded by an approved drainage plan for approval by the City to ensure that the new construction will not cause or augment ponding or flood damage.
- (c) The City may consider a flexible interpretation and/or enforcement of street standards when the tests and procedures of **TTSP Policy 14** are met.

#### (5) Access Management

- (a) All new commercial or industrial uses, multi-family residential uses, subdivisions, and manufactured dwelling parks, including expansion of existing uses, that propose to utilize either Old or New Highway 34 (until such time as the State of Oregon no longer owns Old Highway 34) or Highway 99E as access shall submit for City approval a Traffic Assessment, which shall include the following:
  1. Location of access points;
  2. Estimates of the amount of traffic that will utilize the above access points;
  3. Effect that the proposed development will have on traffic movement of both vehicles and pedestrians on Highway 34 and/or 99E;
  4. The identification of all improvements that will be required to maintain adequate traffic flow; and
  5. Permit approval by the Oregon State Highway Division.

6. Additional details, including but not limited to a professional traffic impact study, may be required by the City of Tangent. Coordination with ODOT prior to undertaking a traffic impact study will help ensure that issues necessary for issuance of a road approach permit from ODOT are adequately addressed.
- (b) In accordance with the Oregon Highway Plan, where a right of access exists, access to a property at less than the designated spacing standard shall be in accordance with the Oregon Highway Plan. Where a right of access exists, access to a property at less than the designated spacing standard access shall be allowed only if that property does not have any other reasonable access and the designated spacing cannot be accomplished. If possible, other options should be considered, including joint access.
  - (c) Only one approach per property shall be allowed to a street owned by either the City of Tangent or Linn County, except that more than one access may be considered if the City finds that additional access is necessary to accommodate and serve traffic associated with the use of the property.
  - (d) Access to Highways 99E and 34 will be provided only where adequate access to another street or driveway is not feasible, and only in a manner that is consistent with the City's Transportation Policies and guidelines as contained in the TTSP; the Tangent Public Works Design Standards; the Oregon Highway Plan; and OAR Division 734-0051, Access Management Administration Rules and this section.
  - (e) Intersections and driveway spacing shall be regulated as prescribed in **TTSP Section 20.2.4, Access Management**.
- (6) **Clear Vision Areas:** In all districts a clear vision area shall be maintained at the corners of all property located at the intersection of two streets, a street-alley or a street-railroad. A clear vision area shall also be maintained at all driveways intersecting a street. **See Section 2.22 of the TPWDS.**
    - (a) All properties shall maintain a clear triangular area at street intersections, railroad-street intersections, alley-street intersections and driveway-street intersections for safety vision purposes.
    - (b) Clear Vision areas for Streets or Commercial or Industrial Driveways shall be as specified in the **TPWDS, Section 2.22**.
    - (c) A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstruction exceeding 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade.

## **SECTION 5.123                    STREETS**

**The Tangent Public Works Design Standards (TPWDS) is the City's official public works standards for all public construction. Compliance with the standards contained therein is required by this Code.** Urban public street improvements, which may or may not include curbs, gutters and storm drainage are required for all land divisions and property development in the City of Tangent in conformance with the **TPWDS Drawings Numbered 200 through 204.**

Consistent with **Section 5.122(2)**, urban street improvements may be deferred by the City as a condition of approval for Subdivisions, Partitions, Site Plan Reviews, Conditional Uses or Variances where future urban road or utility improvements will occur in the future and on property in the rural fringe of the City where urban construction standards have not yet occurred. Rural "Turnpike" public streets in conformance with **TPWDS Drawings Numbered 102** that have shoulders and side ditches may be approved in lieu of the required urban streets. A property owner is obligated to provide the required urban street when requested by the City or is obligated to pay their fair share of street improvements if streets are installed by the City at a later date as part of a Limited Improvement District. A Waiver of Remonstrance and a deed CC&R shall be attached to the property to guarantee compliance with this requirement.

- (1) The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. The arrangement of streets shall either:
  - (a) Provide for the continuation or appropriate extension of existing principal streets in the surrounding area; or
  - (b) Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- (2) Minimum right-of-way and roadway widths. The width of travel lanes for streets and roadways in feet shall be adequate to fulfill city specifications as provided for in **Article 7** of this Code and should not be less than the minimums shown in the **TPWDS** and the following Table unless otherwise approved on a development plan.



### Arterial, Collector & Local Street Design Table

Street Type	ROW Width	Edge-to-Edge Width	Center Turn Lane Width	Travel Lanes / Width	Bike Lane Width Each Side	On-Street Parking Width and Location	Landscape Strip Width	Sidewalk Width
Arterial	66'	44'	10'	2/12	6'	None'	5'	5'
Arterial	60'	40'	NA	2/12	6'	7' One Side	4'	5'
Collector w/ Parking	62'	44'	NA	2/11'	5'	7' Each Side	3'	5'
Collector w/o Parking	60'	32'	NA	2/11'	5'	None	8"	5'
Local Dense Street >50 DU	56'	34'	NA	2/10'	NA	7' Each Side	6'	5'
Local Standard Street 25-50 DU	50'	27'	NA	2/10'	NA	7' one side	6'	5'
Local Standard Street 25-50 DU	50'	28'	NA	¼' queuing	NA	7' Each Side	6'	5'
Local Access 5-25 DU	37'	23'	NA	1/16' queuing	NA	7' One Side	8' One Side	5' One Side
Local Lane <5 DU	30'	16'	NA	1/16' queuing	NA	None	8' One side	5' one side

DU = Dwelling Units

- (3) Street Design Considerations for Subdivision, Partition, Site Plan Review, Conditional Use or Variance approval:
- (a) A Center Turn Lane may be required at major intersections for traffic safety as determined by the City or County Engineer or the Oregon Department of Transportation, whichever has jurisdiction.

- (b) Streets without designated bike lanes shall provide a "shared roadway" bikeway where there is not enough right-of-way provide separate lanes.
  - (c) Private utility easements shall be required adjacent to right-of-ways.
  - (d) The Planning Commission shall approve "Skinny Streets" in developments to reduce maintenance costs and provide a pedestrian-friendly environment. The City Engineer shall determine the adequacy of proposed streets considering:
    - 1. The street shall be adequate to serve the number of dwelling units, as shown in the Arterial, Collector, and Local Streets Design Table.
    - 2. The street shall be limited in length and not provide through access.
  - (e) Street trees shall be provided as specified in Section 5.134.
  - (f) Any right-of-way remaining after constructing the above improvements shall be utilized for landscaping and utilities.
  - (g) Existing Local Streets with right-of-ways exceeding the improvement needs shall provide landscape strips between the curb and sidewalk.
  - (h) Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-ways may be accepted, if necessary, and replaced with slope, sidewalk or utility easements dedicated on both sides of the right-of-way.
  - (i) Where topographical conditions necessitate cuts or fills for proper grading of streets, additional right-of-ways or slope easements shall be required.
- (4) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of approval of the land division or land use approval, unless deferred under **Section 5.122(a)** or **(b)**.
  - (5) Half Street: Half streets shall be approved by the Planning Commission where it finds that the other half will be provided when the adjoining property is developed. Whenever a proposed subdivision or partition abuts a half street, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the feasibility of future street development.
  - (6) Cul-de-sacs: A cul-de-sac street shall have a maximum length of 600 feet. A longer length may be approved as a Variance where it can be demonstrated that there is no other alternative. A cul- de-sac shall terminate with a circular turnaround.
  - (7) Reserve Strips: A reserve strip is a 1 foot strip of land at the end of a right-of-way extending the full width of the right-of-way used to control access to the street. A Reserve strip shall be provided when requested by the City to control access to public streets. The

Reserve Strips shall be deeded to the City. A barricade shall be constructed at the end of the street by the land divider and shall not be removed until authorized by the City.

- (8) Alignment: As far as is practicable, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 300-feet between the centerlines of streets having approximately the same direction.
- (9) Future Extensions of Streets: Where necessary to provide access to or through a tract of land, or to permit a future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition. The resulting dead-end streets shall have a turn-around approved by the Fire District in lieu of a cul-de-sac. Reserve strips shall be required to preserve the future objectives of street extensions.
- (10) Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles as practical except where topography require a lesser angle, but in no case shall the acute angle be less than 75 degrees unless a Variance is approved. Intersection radius for various conditions is specified in the **TPWDS**.
- (11) Street Names: Except for extensions of existing streets, no street name shall be used that duplicate or may be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City.
- (12) Grades and Curves: Grades shall not exceed 6 per cent on Arterials, 10 per cent on Collector Streets or 12 per cent on other streets. Center line radii of curves shall not be less than 500 feet on Arterials, 300 feet on Collector Streets or 200 feet on other streets, and shall be to an even ten feet. In particularly flat areas, allowance shall be made for finished street grades having a minimum slope, of at least 0.5 per cent.
- (13) Streets Adjacent to Railroad Right-of-ways: Wherever a proposed land division contains, or is adjacent to a railroad right-of-way, a distance between the streets and the railroad right-of-way shall provide sufficient depth for landscape screening along the railroad right-of-way and for lot or parcel size in conformance with the zoning district.
- (14) Railroad Crossings: Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements shall be borne by the land owner unless an equitable means of cost distribution is approved by the City.
- (15) Private Streets: Private streets are permitted within Planned Developments, Manufactured Home Parks and singularly owned developments as part of the land division or development approval. Design standards shall be the same as those required for public streets unless an alternative is approved by the City as a Variance. The City shall require verification of legal requirements for the continued maintenance of private streets.
- (16) Traffic Signals: Where a proposed intersection will result in the need for street signals, signals shall be and the costs shall be borne by the land owner or developer unless an equitable means of cost distribution is approved by the City.

- (17) Street Signs: Street signs for identification and traffic control shall be provided by the land owner and the costs shall be borne by the land owner or developer unless an equitable means of cost distribution is approved by the City.
- (18) Mail Boxes: Joint mail boxes shall be provided in all residential developments. Joint mail box structures shall be placed adjacent to roadway curbs as recommended by the Post Office having jurisdiction and shall be noted on the plan. The cost shall be borne by the land owner or developer.

#### **SECTION 5.124                      SIDEWALKS**

**The Tangent Public Works Design Standards (TPWDS) is the City's official public works standards for all public construction. Compliance with the standards contained therein is required by this Code.** Public sidewalk improvements are required for all land divisions and property development in the City of Tangent and along Arterial and Collector streets. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. A deed CC&R shall be attached to the property and the owner shall provide a Waiver of Remonstrance to guarantee compliance with this requirement.

- (1) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City determines that full right-of-way acquisition is impractical.
- (2) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.
- (3) The City may approve alternate sidewalk alignments and widths to accommodate obstructions that cannot be altered.
- (4) Sidewalks in residential areas shall be a minimum of five (5) feet in width and shall be installed adjacent to a landscape strip within the right-of-way unless approved adjacent to the curb by the Planning Commission.
- (5) Sidewalks are required for Collector or Arterial Streets and shall be a minimum of five (5) feet in width separated by a landscape strip of 4 to 6 feet in width adjacent to the curb. Sidewalks may be approved adjacent to the curb where direct access is required. Sidewalks adjacent to the curb shall be a minimum of five (5) feet in width or a minimum of twelve (12) feet in width adjacent to Street Frontage Commercial properties. Planter openings adjacent to the curb are required within the twelve (12) foot wide walks.
- (6) Planter strips and the remaining right-of-way shall be landscaped and incorporated as part of the front yard of adjacent property.
- (7) Maintenance of sidewalks and planters shall be the continuing obligation of the adjacent property owner.

- (8) Mid-block Sidewalks. The City may require mid-block sidewalks for long blocks or to provide access to schools, parks shopping centers, public transportation stops or other community services. Mid-block sidewalks shall be raised and shall be 6 feet in width.
- (9) The Planning Commission shall approve sidewalk on only one side of the street associated with “Skinny Streets” in developments to reduce maintenance costs and reduce impervious surface area. The City Engineer shall determine the adequacy of proposed sidewalks considering:
  - (a) The sidewalk shall be adequate to serve the pedestrian needs of the street.
  - (b) The sidewalk shall be safe and convenient, as described by state rules (OAR 660-012-0045 (3) (d)).

**SECTION 5.125 BIKEWAYS**

**The Tagent Public Works Design Standards (TPWDS) is the City’s official public works standards for all public construction. Compliance with the standards contained therein is required by this Code.** Bikeways are required along Arterial and Collector streets. Bikeway locations are identified in the **Tagent Transportation System Plan (TTSP)**. Bikeways shall comply with the requirements of the standards contained herein, those contained in the adopted TTSP and should attempt to comply with the "Oregon Bicycle and Pedestrian Plan", an element of the Oregon Transportation Plan.

- (1) Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way. The City shall include bikeway improvements as conditions of approval for developments that will benefit from bikeways. Where possible, bikeways shall be separated from other modes of travel, including pedestrian ways.

(2) Pedestrian and Bicycle Improvement Requirements

Type of Use	Bikeways Parking & Pedestrian Accessways
Single Family Dwelling & Duplex	No
Multi-family Dwelling	Yes(4+ units)
New Commercial Building	Yes
Commercial Expansion	No
New Industrial Building	Yes
Industrial Expansion	No
Partitions, Subdivisions, Planned Developments, and Manufactured Dwelling Parks	Yes

- (3) Bicycle Parking. Minimum Development Requirements: At a minimum bicycle parking facilities shall be consistent with the following design guidelines.
- (a) Location: All bicycle facilities shall be:
    - 1. Within 100 feet from a building entrance.
    - 2. Located within a well lighted area.
    - 3. Clearly visible from the building entrance.
    - 4. Covered bicycle parking is encouraged but not required.
  - (b) Bicycle parking shall be visible or a sign shall be used to direct users to the parking facility.
  - (c) Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.
  - (d) An access aisle of at least 5 feet in width shall be provided in each bicycle parking facility.
  - (e) Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, "rack", upon which the bicycle can be locked. Structures that require a user supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured.
  - (f) Bicycle parking provided for employees shall be covered or employees shall be provided access to a secure room within a building for bicycle parking.
  - (g) Uses listed in this subsection shall provide bicycle parking at the following ratios, except that these requirements may be reduced by the Planning Commission in development review where warranted:

**Bicycle Parking Spaces Table**

<b>Type of Use</b>	<b>Minimum Number of Spaces</b>
Single Family Residential	None Required
Multi-Family Residential Over 4 units	1 space per dwelling unit
New Retail, Office, Transit or Institutional facilities	1 space per 20 vehicle parking spaces plus 4 spaces per public entrance
New Industrial facility	1 space per 20 vehicle parking spaces plus 4 spaces per employee entrance
Schools	4 spaces per classroom

Upon request, the City will provide ODOT’s guidelines for the construction of bicycle parking for the cost of copying.

**SECTION 5.126                      STORM DRAINAGE**

**The Tangent Drainage & Stormwater Management Plan is the City’s guide for stormwater management. Compliance with the standards contained therein is required by this Code.**

Conveyance improvements are required for all land divisions and property development in the City of Tangent. Urban low-impact development storm drainage systems consisting of open drainageways and landscaping are encouraged. Alternative urban or rural systems may be allowed upon approval by the City.

- (1) General Provisions. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. Property owners shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Paving, roof drains and catch basin outflows shall control stormwater discharge unless the City Manager determines that discharge controls are not required. Where feasible and prudent, or unless otherwise approved by the City, stormwater control shall be met by employing Low-Impact Development techniques which emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic conditions. Design reference is made to the manual by Puget Sound Action Team and Washington State University Pierce County Extension (January 2005), “Low Impact Development: Technical Guidance Manual for Puget Sound” and the “Low Impact Development Approaches Handbook” (Clean Water Services, Washington County, Oregon—July 2009) for examples and best practices. Maintaining proper drainage is a continuing obligation of the property owner. The City shall approve a land division or development request only where adequate provisions for storm and flood water run-off have been made as determined by the City Engineer.

The storm water drainage system must be separate and independent of any sanitary sewerage system. Inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage shall be shown on every land division or development plan submitted for approval.

- (2) **Natural Drainageways.** Open natural drainageways of sufficient width and capacity to provide for flow and maintenance are permitted and encouraged. For the purposes of this Section, an open natural drainageway is defined as a natural path which has the specific function of transmitting natural stream water or storm water run-off from a point of higher elevation to a point of lower elevation. The City requires protection of natural drainageways as linear open space features wherever possible within the City. Discharge of pollutants and sediments is prohibited. Setbacks are required for riparian areas, wetlands and floodplains as identified in the Tangent Local Wetlands and Riparian Area Inventory and **Sections 5.117** and **Section 5.118** of this Code.
- (3) **Easements.** Where a land division is traversed by a water course, drainageway, channel or stream, there shall be provided a public storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as defined in **Section 5.117**. Improvements to existing drainageways shall be required of the property owner.
- (4) **Accommodation of Upstream Drainage.** A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City shall review and approve the necessary size of the facility, based on sound engineering principles and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.
- (5) **Effect on Downstream Drainage.** Where it is anticipated by the City that the additional run-off resulting from the development will overload an existing drainage facility, the City shall require approval of the development to prevent such overloading, or deny the application if the overloading cannot be prevented through mitigation.
- (6) **Drainage Management Practices.** Developments within the City must employ drainage management practices approved by the City that limit the amount and rate of surface water run-off into receiving streams or drainage facilities. Stormwater runoff rates for new developments shall not exceed predevelopment runoff rates and volumes. Drainage management practices shall include, but are not limited to the following practices:
  - (a) Conservation of floodplain storage, riparian areas, wetlands, and other sensitive areas providing hydrologic benefits.
  - (b) Preservation of trees, topsoil and native vegetation areas on the site.
  - (c) Establishment of post-construction soil quality in disturbed pervious areas.
  - (d) Minimization of impervious surfaces.



- (e) Emphasis on natural drainageways.
  - (f) Prevention of water flowing from the development in an uncontrolled fashion.
  - (g) Distributed, Small-scale practices designed to retain infiltrate and evapo-transpire stormwater runoff from impervious surfaces.
  - (h) Temporary ponding or detention of water to control rapid runoff.
  - (i) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
  - (j) Collection and transport of runoff from impervious surfaces to a natural drainage facility with sufficient capacity to accept the discharge.
  - (k) Other practices and facilities designed to transport storm water and improve water quality.
- (7) Design Requirements for New Development. All new development within the City shall make provisions for the continuation and projection of existing storm sewer lines or drainageways serving surrounding areas. Drainage improvements shall be required through the interior of a property to be divided or developed to facilitate upstream flows.
- (8) NPDES Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit may be required from the Department of Environmental Quality (DEQ) for construction activities including clearing, grading, and excavation.

#### **SECTION 5.127 WATER**

**The Tangent Water Feasibility Analysis & Water System Master Plan is the City's guide for water system construction standards. Compliance with the standards contained therein is required by this Code.** Water systems shall be designed to City standards so that they can be incorporated into a future City water system.

Where water systems are required, the City shall require water systems to be installed with adequate fire flows in consultation with the Tangent Fire Chief and City Engineer, and to meet the requirements of Insurance Service Offices (ISO) for all categories of development.

- (1) When Public Water is Available. All new development, including a single-family residence, must extend and connect to the public water system when service is available within 200 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed by the developer as required by the Local Fire District.
- (2) Water Line Extensions. Water distribution lines serving a property or development shall accommodate system expansion and provide system looping to accommodate fire flows. All public water system line extension sizes shall be approved by the City.

- (3) Water Plan Approval. All proposed water plans and systems must be approved by the City as part of the review and approval process.
- (4) Design Requirements for New Development. All new development within the City shall make provisions for the extension of public water lines as provided in the Water System Master Plan.
- (5) Restriction of Development. The Planning Commission or City Council may limit development approvals where a deficiency exists in the water system or portion thereof that cannot be corrected as a part of the proposed development improvements.

#### **SECTION 5.128 SANITARY SEWERS**

**The Tangent Public Works Design Standards (TPWDS) is the City's official public works standards for all public construction. Compliance with the standards contained therein is required by this Code.**

- (1) When Public Sewer access is available all new development located within the Urban Growth Boundary must extend and connect to the public sewer system.
- (2) Sewer Line Extensions. Sewer collection lines serving a property or development shall accommodate system expansion. All public Sewer collection line extension sizes shall be approved by the City.
- (3) Sewer Plan Approval. All proposed sewer plans and systems must be approved by the City as part of the review and approval process.
- (4) Design Requirements for New Developments. All new development within the City shall make provision for the extension of existing sewer lines to serve adjacent areas as provided for in the Sewer System Master Plan.
- (5) Restriction of Development. The City may limit development approvals where a deficiency exists in the sewer system or portion thereof which cannot be corrected as a part of the development improvements.

#### **SECTION 5.129 UTILITIES**

- (1) It is the intent of the City to place all utilities underground wherever practical except as otherwise provided herein.
- (2) All utilities shall be located underground in subdivisions.
- (3) All utilities shall also be located underground in all partitions to City minimum urban parcel size.
- (4) All subdivided lots and all minimum parcel partitions shall have a covenant requiring underground utility installations in the Covenants, Conditions and Restrictions for each lot or parcel.

- (5) Exceptions. The City may permit overhead utilities as a condition of approval where the Applicant can demonstrate one of the following conditions:
- (a) Underground utility locations are not feasible.
  - (b) The proposed lots or parcels are larger rural properties or where existing properties in the vicinity have overhead utilities.
  - (c) Temporary or emergency installations.
  - (d) Major transmission facilities located within right-of-ways or easement.
  - (e) Industrial developments with large power requirements.
  - (f) Surface mounted structures, substations or facilities requiring above ground locations by the serving utility.

#### **SECTION 5.130 EASEMENTS**

- (1) Easements granting limited use of property for any defined purpose may be approved for any lot or parcel.
- (2) Access easements may be approved by the Planning Commission as provided in **Section 5.122**. Single lane easements shall be a minimum of 12 feet wide. Two lane access easements Utility easements shall be provided for sewers, water mains and public or private utilities necessary to provide full service to all developments. Land dividers shall show on the Tentative Plan and on the final Plat all easements and shall provide all dedications, covenants, conditions or restrictions with the Supplemental Data submitted for review.
- (4) Water Courses. If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a setback containing the top of bank, vegetative fringe, and such further width as will be adequate for protection and maintenance purposes as specified in **Section 5.117**. Culverts or other drainage facilities shall be sized to accommodate storm and flood run-off from the entire upstream drainage area and shall be verified and approved by the City Manager.

#### **SECTION 5.131 BLOCKS**

- (1) General: The length, width, and shape of blocks shall be designed to provide building sites for the intended use in conformance with the Zoning District and shall accommodate the limitations and opportunities of topography.
- (2) Size: Block size shall not be more than 1,000 feet between street corners unless topography, development obstructions, or the location of adjoining streets justifies a Variance. A block shall have sufficient depth to provide for two tiers of building sites.
- (3) Large Property Divisions: The Planning Commission shall require that large rural land divisions be of such size and shape that the property can accommodate the extension and

opening of streets at intervals that will permit a subsequent re-division of property into lots, parcels or blocks of smaller urban size.

- (4) Traffic Circulation: Blocks shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, neighborhood activity centers and commercial and industrial areas unless alternative pedestrian and bicycle accessways are provided.

## **SECTION 5.132 BUILDING SITES**

- (1) Size and shape: The size, shape and orientation of building sites shall accommodate the intended use and shall comply with the standards of the Zoning District and the other standards of **Article 5** specified herein.
  - (a) No lot or parcel shall be created or utilized unless there will exist a municipal water and sewage disposal system to support the proposed use.
  - (b) The size and configuration of commercial and industrial properties shall accommodate the intended use, the required off-street service and parking facilities and landscaping.
  - (c) Existing lots or parcels smaller than City standards may be maintained as a nonconforming use within the district. Damaged or destroyed buildings and structures may be restored or replaced in conformance with **Section 4.080**.
  - (d) Land division proposals for large rural lots that are capable of further division into smaller urban lots shall provide plans that show by dash lines future streets and lot divisions to smaller urban standards as part of the Tentative Plan approval process. Proposed buildings shall be located within the future urban property line and setback standards to facilitate an orderly division and use of the property in the future.
  - (e) Flag Lots or Parcels: Flag lots or parcels are not permitted. The Planning Commission may permit Flag Lots only when other alternative means of access cannot be provided as described in **Item (3)** below.
- (2) Access: Every property shall abut a public street, other than an alley, for a minimum width of 25 feet, except where the City has approved an easement for access or where the easement existed prior to the adoption of this Code.
- (3) Access Alternatives: The following access alternatives to Flag Lots or Parcels may be approved by the City for partitions or, in some circumstances, small subdivisions:
  - (a) Approval of a single access road easement to serve all of the proposed parcels with a provision for conversion to a dedicated public road right-of-way when requested by the City. The easement shall have the same width as required for city street right-of-way.
  - (b) Approval of a road right-of-way without providing the road improvements until the lots are developed. This places the burden for road improvements on the City although

the City can assess all of the benefiting properties when improvements are provided in the future. As a condition of approval, the City shall require a waiver of remonstrance and an agreement for improvements as a deed condition.

- (c) Approval of a private road that does not meet all of the standards for public streets. This approach shall only be used for isolated short streets serving a limited number of sites and where future City street alignments will not be needed.
- (d) Through Lots and Parcels: Through lots and parcels are not permitted unless approved as a Variance to accommodate unusual conditions affecting the property or use.
- (e) Lot and Parcel Side Lines: The lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. An alternative design may be approved when such a pattern is not practicable.
- (f) Building Lines: If special building setback lines are to be established in a land division, they shall be shown on the subdivision or partition Tentative Plan and Plat or, if temporary in nature, they shall be included in the deed restrictions.

### **SECTION 5.133 CLEARING AND GRADING**

General grading shall conform to **Tangent Ordinance 98-01 Excavation and Grading** and the **Linn County Code** as it applies to the **Oregon Structural Specialty Code**, and the following standards unless engineered and approved by the City.

- (1) Cut and Fill Slopes  
Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion, and match contours as much as is feasible and prudent.
- (2) Slope Stabilization  
Slopes, as with earth berms or depressions, shall be stabilized in accordance with the requirements of this section. The applicant shall:
  - (a) Minimize clearing and grading on slopes fifteen (15) percent or greater.
  - (b) Limit the maximum gradient of artificial slopes cut slopes to no steeper than 1.5:1 (one and a half (1.5) feet of horizontal run to one (1) foot of vertical fall) and fill slopes to no steeper than 2:1 unless a geotechnical engineering report and slope stability analysis is provided.
  - (c) Do no clearing, excavation, stockpiling, or filling on the potential slide block of an unstable or potentially unstable slope unless it is demonstrated to the City's satisfaction that the activity would not increase the road, drainage, or erosion on the slope.
  - (d) Do no clearing, excavation, stockpiling, or filling on any unstable or potentially unstable areas (such as landslide deposits) unless it is demonstrated to the City's satisfaction that the activity would not increase the risk of damage to adjacent property or natural resources or injury to person.

- (e) Intercept any ground water, subsurface water, or surface water drainage encountered on a cut slope and discharge it at a location approved by the public works director, city engineer or designee. Off-site stormwater (run-on) or groundwater shall be diverted away from slopes and undisturbed areas with interceptors dikes, pipes and/or swales. Off-site stormwater shall be managed separately from stormwater generated on the site.
  - (f) Design and protect cut and fill slopes to minimize erosion.
- (3) The type and characteristics of imported fill soils shall be the same or compatible with the existing soils on the site.
  - (4) Fills for streets and building sites shall be engineered and approved by the City.
  - (5) All sites shall be graded to direct storm water to City storm sewers or to natural drainage ways.
  - (6) All grading activities shall comply with any required removal or fill permits issued by the State or Federal agencies.
  - (7) Minimize Potential Impacts  
All grading and clearing activities shall be conducted so as to minimize potential adverse effects of these activities on forested lands, surface water quality and quantity, groundwater recharge, fish and wildlife habitat, adjacent properties, and downstream drainage channels. The applicant shall attempt as is feasible and prudent to prevent impacts and minimize the clearing of naturally occurring vegetation, retain existing soils, and maintain the existing natural hydrological functions of the site.
  - (8) Clearing and Grading and Land Disturbance Limits  
Clearing and grading activities for developments shall be permitted only if conducted pursuant to an approved site development plan (e.g., subdivision approval, site plan approval, etc.) that establishes permitted areas of clearing, grading, cutting and filling. When establishing clearing and grading areas, consideration shall be given to minimizing removal of existing trees and minimizing disturbance/compaction of native soils except as needed for building purposes. Clearing and grading areas and any other areas required to preserve critical or sensitive areas, buffers, native growth protection easements, or tree retention areas shall be delineated on the site plans and the development site. Prior to beginning land disturbing activities, including clearing and grading, all clearing limits, sensitive areas, critical areas and their buffers, and trees, including root zones, that are to be preserved within the construction area shall be clearly marked, both in the field and on the plans, to prevent damage to trunk, and roots, and offsite impacts.
  - (9) Natural Features and Vegetation Retention  
Vegetation, drainage, duff layer, native top soil, and other natural features of the site shall be preserved, and the grading and clearing be performed in a manner that attempts to limit areas of impact to the development area (e.g., structures, roads, utilities, sidewalks, parking, landscaping, etc.). Groundcover and tree disturbance shall be minimized, and root zones

shall be protected. Land disturbance activities shall be conducted so as to expose the smallest practical area to erosion for the least possible time, as is feasible and prudent. Projects shall be phased to the maximum degree practical and shall take into account seasonal work limitations, to decrease exposed soils and minimize adverse impacts to natural features and vegetation resulting from land disturbance activities. No ground cover or trees which are within a minimum of twenty-five (25) feet of the annual high water mark of creeks, streams, lakes, and other shoreline areas or within twenty-five (25) feet of the top of the bank of the same shall be removed, nor shall any mechanical equipment operate in such areas, provided that conditions deemed by the City to constitute a public nuisance may be removed, and provided that a property owner shall not be prohibited from making landscaping improvements where such improvements are consistent with the aims of this section, and where the owner can convincingly demonstrate such consistency to the City.

(10) Aesthetics

Land disturbance activity shall be undertaken in such a manner so as to preserve and enhance the City of Tangent's aesthetic rural character. Important landscape characteristics that define this aesthetic rural character, such as large landmark trees, important vegetation species, and unique landforms or other natural features shall be preserved to every extent practical.

(11) Erosion Control

Soil erosion shall be controlled using the following methodologies:

- (a) Site Containment
- (b) Install Sediment Controls
- (c) Construction Access
- (d) Stabilization of Disturbed Areas
- (e) Dust Suppression
- (f) Stabilize Channels and Outlets
- (g) Erosion and Sedimentation Control Plan

(12) Native Soil Protection and Amendment

The duff layer and native topsoil should be retained in an undisturbed state to the maximum extent practicable. In any areas requiring grading, remove and stockpile the duff layer and topsoil on site in a designated, controlled area, not adjacent to public resources and critical areas, to be reapplied to other portions of the site where feasible.

- (a) Soil quality. All areas subject to clearing and grading that have not been covered by impervious surface, incorporated into a drainage facility or engineered as structural fill or slope shall, at project completion, demonstrate the following:

1. A topsoil layer with a minimum organic matter content of ten percent dry weight in planting beds, and 5% organic matter content in turf areas, and a pH from 6.00 to 8.0 or matching the pH of the original undisturbed soil. The topsoil layer shall have a minimum depth of eight inches except where tree roots limit the depth of incorporation of amendments needed to meet the criteria. Subsoils below the topsoil layer should be scarified at least 4 inches with some incorporation of the upper material to avoid stratified layers, where feasible.
  2. Planting beds must be mulched with 2 inches of organic material.
  3. Quality of compost and other materials used to meet the organic content requirements:
    - A. The compost must also have an organic matter content of 35% to 65%, and a carbon to nitrogen ratio below 25:1. The carbon to nitrogen ratio may be as high as 35:1 for plantings composed entirely of plants native to the Willamette Valley region.
    - B. Calculated amendment rates may be met through use of composted materials as defined above; or other organic materials amended to meet the carbon to nitrogen ratio requirements, and meeting the contamination standards of Grade A Compost. The resulting soil should be conducive to the type of vegetation to be established.
- (b) Implementation Options: The soil quality design guidelines listed above can be met by using one of the methods listed below:
1. Leave undisturbed native vegetation and soil, and protect from compaction during construction.
  2. Amend existing site topsoil or subsoil either at default “pre-approved” rates, or at custom calculated rates based on specific tests of the soil and amendment.
  3. Stockpile existing topsoil during grading, and replace it prior to planting. Stockpiled topsoil must also be amended if needed to meet the organic matter or depth requirements, either at a default “pre-approved” rate or at a custom calculated rate.
  4. Import topsoil mix of sufficient organic content and depth to meet the requirements. More than one method may be used on different portions of the same site. Soil that already meets the depth and organic matter quality standards, and is not compacted, does not need to be amended.

(13) Protection of Critical Areas

The function and values of all critical areas, as identified in the City’s Comprehensive Plan and natural resource inventory maps and including all stream types, geologically



unstable areas, critical aquifer recharge areas, frequently flooded areas, wetlands, and fish and wildlife conservation areas or habitats, and their critical areas buffers located on or adjacent to the site shall be protected from clearing and grading activities that result in sedimentation, erosion, and degradation. Such impacts shall be avoided by compliance with appropriate use of setbacks, erosion, and sediment control measures.

(14) Construction Phasing

Development projects shall phase land disturbance to the maximum degree practicable and shall take into account seasonal work limitations as defined in section (15) below.

(15) Seasonality – Temporary Restrictions

Seasonality refers to the wet season (defined as the period from October 1 through March 31). Clearing, grading, and other land disturbing activities may be approved by the, city engineer or designee for proposals that have minimal disturbance of soils and are on sites with predominant soils that have low runoff potential, and are not hydraulically connected to sediment/erosion- sensitive features. The following criteria also apply:

- (a) Wet season clearing, grading, and other land disturbing activities may be approved provided an erosion and sediment control plan is prepared by a professional engineer or a licensed geo-technical specialist that specifically identifies methods of erosion control for wet weather conditions to control erosion/sedimentation, surface water runoff, and safeguard slope stability. In a situation where erosion or sediment is not contained on site, construction activity shall cease immediately and notification of the City shall be made within twenty-four (24) hours.
- (b) When approval is issued in the dry season (defined as the months of April 1 through September 30), and work is allowed to continue in the wet season, the City of Tangent may require additional measures to limit erosion/sedimentation for slope stability. The City may prohibit land-disturbing activities during certain days of the wet season. Determinations shall be made on a site-specific basis and evaluation of the following:
  - 1. Average existing slope on the site.
  - 2. Quantity of proposed cut and/or fill.
  - 3. Classification of the predominate soils and their erosion and runoff potential.
  - 4. Hydraulic connection of the site to features that are sensitive to erosion impacts.
  - 5. Storm events and periods of heavy precipitation.
- (c) If a clearing and grading approval is issued for work during the wet season and the City subsequently issues a “Stop Work” order or correction notice for insufficient erosion and sedimentation control, the approval shall be suspended until the dry season, or until the City determines that weather conditions are favorable and effective erosion and sedimentation control is in place.

- (d) The following activities are exempt from the seasonal clearing and grading limitations:
1. Routine maintenance and necessary repair of erosion and sediment control best management practices (BMPS);
  2. Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in the removal of the vegetative cover to soil;  
and
  3. Activities where there is one hundred percent infiltration of surface water runoff within the site in approved and installed erosion and sediment control facilities.

## SECTION 5.134 LANDSCAPING

- (1) **Purpose.** The City of Tangent recognizes the aesthetic and economic value of landscaping, and encourages its use to:
- (a) Establish a pleasant community character.
  - (b) Enhance the community's general appearance;
  - (c) Buffer and screen parking areas and lots, unsightly features and other potential impacts;
  - (d) Provide aesthetic consistency in developments;
  - (e) Conserve energy by providing shade and shelter.
  - (f) Protect ecological function of riparian areas; and
  - (g) Provide essential functions of wildlife habitat.

To achieve these goals, all properties shall be landscaped and maintained according to the standards contained herein. All front yard or street side yard setbacks and parking areas shall be landscaped in accordance with the following requirements:

- (2) **General Provisions.** The general provisions stated below apply to all new developments where landscaping, buffering, screening or fencing is required.
- (a) Landscaping shall primarily consist of ground cover, trees, shrubs or other living plants with irrigation to maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, fences and similar elements may be placed within the area. **Exceptions:** Undeveloped properties or the undeveloped portion of large properties with an unused area exceeding 4,000 square feet are exempt from the landscape requirements specified herein provided the lot or area is maintained so weeds and wild vegetation do not adversely affect adjacent developed properties. Removal of noxious weeds and vegetation will be enforced through the City's Nuisance Ordinance.
  - (b) A site and species-specific, detailed landscape and irrigation plan shall be submitted to the City for review and approval with all applications. Existing trees, plantings and special site features shall be shown on all submitted plans and shall clearly indicate items proposed to be removed and those intended to be preserved. The plan shall be drawn to a scale that is a multiple of 10 feet, shall include required landscaping, fencing, buffering, screening, tree plantings, and any monument locations. The plans shall be of professional quality, and must be acceptable to the City. Development permits shall not be issued until the City determines that the plans comply with the specific standards of this Section. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy, and provide a minimum of eighty percent ground coverage within three years.

- (c) Care and maintenance of on-site landscaping and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City Ordinances specify otherwise. A City permit is required to plant, remove, or significantly prune any trees in a public right-of-way.
- (d) It shall be the continuing obligation of the property owner to maintain required landscaped, screened and fenced areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.
- (e) Existing plant and tree specimens and special site features shall be preserved, protected, maintained and integrated into the design of proposed developments except where the City otherwise deems such plantings would pose a hazard.
  - 1. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval.
  - 2. Existing trees may be utilized in complying with this section if no cutting or filling of the soil takes place within the drip-line and the tree is protected from damage during construction.
  - 3. Clearing shall not occur outside of the areas designated on the clearing plan.
  - 4. No tree(s) or ground cover shall be removed from a native vegetation area or environmentally sensitive site designated on the grading and landscape plans unless submitted plot plans and other supporting materials can demonstrate that the removal is necessary for development of the site and will enhance the area. An exception for the installation of roads and utilities may be approved if it can be demonstrated that alternative access is not practical or would be more damaging and is developed pursuant to an approved development plan.
  - 5. A tree replacement for native trees shall be included in the landscape plan, which shall be submitted to and approved by the City. Enhancement may include non- mechanical removal of noxious or intrusive species or dead or diseased plants and replanting of appropriate native species.
  - 6. Plans must comply with **Section 5.117**, Drainageway Setbacks, and **5.118**, Ponds, Wetlands and Riparian Areas.
- (f) Protection During construction

Where the drip line of a tree overlaps a construction line, this shall be indicated on the grading and landscaping plans and indicated on the grading and construction survey and the following tree protection measures shall be employed.

1. The applicant shall not fill, excavate, stack or store any equipment, or compact the earth in any way within the area defined by the drip line of any tree to be retained.
2. The applicant shall erect and maintain rope barriers on the drip line or place bales of hay to protect roots. In addition, the applicant shall provide supervision whenever equipment or trucks are moving near trees.
3. If the grade level adjoining a retaining tree is to be raised or lowered, the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be equal to the tree's drip line.
4. The applicant shall not install ground level impervious surface material within the area defined by the drip line of any tree to be retained.
5. The grade level around any tree to be retained shall not be lowered within the greater of the following areas: (1) the area defined by the drip line of the tree, or (2) an area around the tree equal to one foot in diameter for each one-inch of tree caliper.
6. The applicant may prune branches and roots, fertilize and water to encourage vigor and health as horticulturally appropriate for any trees and ground cover which are to be retained. The City may approve the use of alternative tree protection techniques if those techniques provide an equal or greater degree of protection than the techniques listed above.

(g) Re-vegetation

The site shall be re-vegetated and landscaped as soon as practical, prior to an occupancy permit being issued by the City. This shall occur in accordance with a re-vegetation plan and the tree replacement plan, approved by the City.

1. A permanent re-vegetation plan, utilizing vegetation that is known to have a high natural survival rate, shall be implemented consistent with Tangent climate and landscaping, tree protection and replacement, and permanent re-vegetation regulations.
2. Where permanent re-vegetation measures are not in place within seven (7) days in the dry season and two (2) days in the wet season, the applicant shall provide temporary re-vegetation or stabilization measures and maintain such measures in good condition until the permanent re-vegetation measures are installed and inspected by the City.
  - A. Temporary re-vegetation during the dry season for all disturbed areas of the site (exposed and un-worked) that are not covered by permanent improvements such as buildings, parking lots, and decks shall be hydro-seeded and irrigated within seven (7) days until vegetation has been successfully established or the site otherwise re-vegetated or stabilized using straw mulch, or other approved methods on an interim basis.

- B. Temporary re-vegetation during the wet season for disturbed areas of the site (exposed and un-worked) that are not covered by permanent improvements such as buildings, parking lots, and decks shall be hydro-seeded, otherwise re-vegetated, or stabilized using plastic sheeting or other approved methods, on a temporary basis within two (2) days until vegetation has been successfully established.
3. Landscaping plans for re-vegetation shall incorporate native species to reduce the need for irrigation to the maximum extent practicable. Irrigation systems shall be required for non- native planting areas, unless specifically waived by the City. A detailed irrigation system plan shall be submitted with the development permit application and must be approved by the City. The plan shall indicate source of water, pipe location and size, and specifications of the backflow device. The irrigation system shall utilize 100 percent sprinkler head to head coverage or sufficient coverage to assure ninety percent coverage of plant materials in three years. Where planting areas include only native species, irrigation systems may be temporary to facilitate establishment of plantings and may be removed upon demonstration of plant survivability.
  4. In no case shall shrubs, conifer trees, or other screening be permitted within the vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would pose a hazard. All plants shall be checked against the Oregon Department of Agriculture's noxious weed list.
- (h) Required landscaping, tree plantings, buffering, screening and fencing shall be installed prior to building occupancy. With the exceptions noted below, temporary occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 110% of the cost of materials and labor, as determined by the approval authority, is filed with the City assuring such installation within nine months of issuance of the temporary occupancy permit. An extension of three months may be granted by the City Manager when circumstances beyond the control of the developer prevent earlier completion.

Security shall be approved by the City Attorney and may consist of a letter of credit payable to the City, cash, certified check, time certificate, or deposit, or by the builder's/ developer's lending agency certifying to the City that funds are being held until completion or such other assurances as may be approved by the City Manager.

If the installation of the landscaping is not completed within the required period, the security may be used by the City to either complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until such time as the improvements are completed. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. If the security is insufficient to complete the installation, the property owner is liable for the excess costs including all costs required to obtain the excess.

- (i) It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the City approves the site as one where tree roots will not likely interfere with public infrastructure.
  - (j) It is unlawful to plant any of the following trees in or adjacent to any street right-of-way or parking strip in the City: Box Elder, Tree of Heaven, Golden Chair, Holly, Sweet Gum, Silver Maple, Bamboo, Poplar, Willow, Conifers, Cottonwood, fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), and Ailanthus.
  - (k) Long expanses of fences and walls shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping. Developers are encouraged to plant native vegetation.
  - (l) The Planning Commission may approve alternate standards as part of the approval process for Planned Development, Site Plan Reviews and Conditional Uses if the alternate standards do not alter the purpose and intent of this Section.
- (3) **Residential & Minimum Front Yard Setback Landscaping.** All front yard setback areas and exterior street side yard setback areas are required to be landscaped. Minimum landscaping per 1,000 square feet of required setback area shall be as follows unless buffering is required as specified **Item (8)** of this section:
- (a) Street Trees in conformance with **Item (5)(a)** and **(b)** below, unless Street Trees are provided in a street landscaped strip.
  - (b) A minimum of 1 tree at least six feet in height if Street Trees are provided in a street landscaped strip.
  - (c) Five 1-gallon shrubs or accent plantings.
  - (d) A minimum of Fifty percent (50%) of the remaining landscaped area exclusive of walks, drives, shall be planted with suitable living ground cover such as lawn, ivy, shrubs, bulbs and perennial bedding plants. Other plantings, such as for rain gardens, exclusive of decorative design elements such as fountains, benches, sculptures, planters and similar elements may be placed within the required landscaping area. The remaining area shall be covered with rocks, bark or other decorative ground cover, or maintained for general gardening purposes.
  - (e) Resource uses and dwellings in conjunction with farm uses are exempted from this requirement.
- (4) **Parking Lot Landscaping:**
- (a) Parking lots adjacent to residential districts shall be screened from abutting residential districts by a combination of fences, walls, and landscaping adequate

to screen lights, provide privacy and provide separation for the abutting residences.

- (b) Parking lots shall have landscaped islands and trees at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface. The minimum depth of the landscaped area excluding the curbs shall be 4 feet and the landscaping shall be protected from vehicular damage by wheel guards.
  - (c) Parking lots containing more than 16 parking spaces shall have a minimum of 5 percent of the area devoted to vehicular circulation and parking areas in landscaping and trees. Landscaping shall be evenly distributed throughout the parking lot and long rows of parking spaces shall be interrupted by landscaped islands. The 5 percent landscaping shall be within or abutting the parking area and shall be in addition to the required landscaped yard setbacks
- (5) **Required Tree Plantings.** Tree plantings in accordance with the following standards are required where there is a City approved street tree plan, for all parking lots with 16 or more cars, and for all public road, street or highway frontages that have a landscaped strip. Street trees shall be planted within a designated landscape strip between the curb and sidewalk or outside the right-of-way in street facing yards where there is no landscape strip.
- (a) **Required Quantity of Trees Planted:** The frequency of street and parking trees required in a landscape strip or parking lot shall be determined by the canopy size specified in (b) and (c) below). Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.
  - (b) **Street Tree Maximum Spacing**
    - 1. Large canopy trees - 50 feet
    - 2. Medium canopy trees - 30 feet
  - (c) **Parking Lot Minimum Tree Plantings**
    - 1. Medium canopy trees - 1 tree per 8 cars
    - 2. Large canopy trees - 1 tree per 12 cars
- (6) **Tree Locations.** Trees may not be planted under the following conditions unless approved by the City:
- (a) Within three feet of permanent hard surface paving or walkways unless using special planting techniques and specifications approved by the City.
  - (b) Within 10' of fire hydrants and telephone poles;
  - (c) Within 20' of street light standards;



- (d) Within 10' of a public sanitary sewer, storm drainage or water line;
  - (e) Where the tree poses a hazard to the public.
  - (f) Where the minimum clearance is less than eight feet above sidewalks and twelve feet above street and roadway surfaces.
- (7) **Tree Species:** Trees prohibited by **Section 5.134(2)(i)** and **(j)** may not be planted to meet standards of this code. Tree species shall be selected from the City's approved list. Alternate selections may be approved by the City Manager following written request.
- (8) **Landscape Buffering.** Buffer Plantings are used to visually enhance the City, reduce building scale, provide transition between uses, and generally mitigate incompatible or undesirable views. They are used to soften rather than block views. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. Buffering is not required for single-family residential properties.
- (a) A 12-foot wide buffer is required for all commercial and industrial street facing yards and for side and rear yards where a proposed use differs from the abutting property use or zone. (e.g., proposed commercial development adjacent to a residential use).
  - (b) A buffer depth is 12-feet unless otherwise specified as part of the conditions specified for an approval. A buffer length is equal to the length of the property line with the street or the abutting use.
  - (c) A buffer area may only be occupied by landscaping, utilities, screening, walkways, bikeways, and accessways. No buildings, or parking areas shall be allowed in a buffer area unless a Variance to this requirement has been approved by the City.
  - (d) The minimum improvements within a buffer area shall consist of the following at the time of planting:
    1. Trees, not less than 10 feet high for deciduous trees spaced not more than 30 feet apart and 5 feet high for evergreen trees spaced not more than 15 feet apart.
    2. At least 5 five-gallon shrubs or 10 one-gallon shrubs for each remaining 1,000 square feet of required buffer area; and
    3. The remaining area treated with suitable living ground cover (i.e., lawn, ivy, evergreen shrubs, etc.).
  - (e) Buffering requirements shall supersede the front yard or street side yard landscaping required in **Item (3)** above.
  - (f) Required Buffering shall be shown on all development plans submitted for approval.

(9) **Landscape Screening.** Screening is used to obscure or block unsightly views or visual conflicts and where privacy and security are desired. Fences, hedges, berms and walls may be used for screening. Acoustically designed fences and walls are also required where noise impacts require mitigation.

(a) Screening may be required for the following uses in lieu of Buffering as part of the City's Site Plan Review or Conditional Use approvals:

1. Any use other than a single-family residence that abuts a single-family residence or Single-family Residential Zone including commercial, industrial, public and multi-family developments shall have their yard setbacks landscaped and screened to protect the abutting single-family residential properties.
2. Any Multi-family Development, Manufactured Dwelling Park, Subdivision or Planned Development.
3. Any Parking Lot exceeding 8 Spaces.
4. Any Industrial or Utility use abutting Residential, Commercial or Public Uses.
5. Except for one and two family dwellings, garbage collection areas, and service facilities located outside the building shall be screened from public view and landscaped.

(b) Where screening is required or provided, the following standards shall apply:

1. One row of evergreen shrubs shall be planted that will grow to form a continuous hedge at least six feet in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within two years of planting, or
2. A minimum of a five-foot wood fence or masonry wall shall be constructed, providing a uniform sight obscuring screen, or
3. An earth berm combined with evergreen plantings or wood fence or masonry wall shall be provided which shall form a sight and noise buffer at least six feet in height.
4. At least 5 five-gallon shrubs or 10 one-gallon shrubs for each remaining 1,000 square feet of required buffer area; and
5. The remaining area treated with suitable living ground cover (i.e., lawn, ivy, evergreen shrubs, etc.).
6. Except for one and two family dwellings, any refuse container or disposal area that would otherwise be visible from a public street, or customer or resident parking area shall be screened from view by placement of a solid wood fence, masonry wall or evergreen hedge between 5 and 8 feet in height. All refuse

materials and mechanical equipment shall be contained within the screened area.

7. A chain link fence with or without slats shall not qualify as screening.
- (10) The property owner of each proposed development is responsible for the installation and maintenance of all buffers and screens. The City may waive the buffering and/or screening requirements of this section under the Site Plan review procedures where it is determined to be unnecessary due to existing
- (11) Where a proposed use abuts land zoned Exclusive Farm Use (EFU), no buffer shall be required on the portion of the property adjacent to EFU zoned property.
- (12) Single-family and two-family dwellings and farming are exempt from the buffering and screening provisions.
- (13) Buffering and screening provisions shall be superseded by clear vision requirements, where applicable.
- (14) **Fencing:**
  - (a) Residential fences, hedges and walls may be located within yard setbacks. Height is limited to 6 feet in required side, rear or interior yards. Height is limited in required exterior street facing yards to 3 feet in height and in a Vision Clearance Areas. Commercial or industrial properties may have 8-foot high fences except in a street facing front yard setback where fences are limited to 6 feet in height. Fences exceeding six (6) feet in height may require design by an Oregon certified engineer.
  - (b) Materials. Residential fences and walls shall not be constructed of or contain any material that would do bodily harm such as electric, barbed or razor wire, broken glass, spikes, or any other hazardous or dangerous materials. Commercial or industrial properties may have barbed wire above 6 feet in height except in the street facing front yard. Link fencing less than 6 feet in height shall be constructed so there will be no barbed ends at the top.
  - (c) Protective fences other than those specified herein shall comply with State Laws and shall be submitted for approval of the City.
  - (d) Sight-obscuring fences, walls or landscaping may be required as part of the City's review and approval process. Sight-obscuring means 80% opaque when viewed from any angle at a point 25 feet away. Vegetative materials must be evergreen species that meet this standard year-round within 3 years of planting.
  - (e) Maintenance. Fences shall be structurally maintained in a safe condition of repair and shall not lean over an adjoining property or sidewalk, have missing sections or slats, or broken supports.

### **SECTION 5.135 EXTERIOR LIGHTING**

The purpose of this Ordinance is to regulate outdoor lighting in order to reduce or prevent light pollution. This section is further intended to provide for the conservation of energy, and promotion of safety and security. All applications for building permits or land use planning review which include installation of outdoor lighting fixtures shall include lighting plans conforming to the provisions of this Ordinance.

- (1) **Street Lighting** shall be provided for all public streets in conformance with the standards specified in the **Tangent Public Works Design Standards**.
- (2) **On-site Lighting** is required to protect the safety and welfare of employees, occupants, users, customers and the general public. Exterior lighting shall be provided in parking lots and may be provided elsewhere.
- (3) Lighting shall be located and designed to not face directly or reflect glare into adjacent rights of way or adjacent properties.
- (4) Automatic timing devices, such as photocells and light and or motion sensors that control the operation of an exterior light fixture or fixtures, circuit or circuits, are encouraged with existing structures and with new construction.
- (5) All area lights, including street lights and parking area lighting, shall be full cut-off fixtures; that is, fixtures as installed that give no emission of light above a horizontal plane.
- (6) Holiday lighting, such as festoon type lights limited to small individual bulbs on a string designed for decorative purposes, where the output per bulb is no greater than 15 lumens, is an allowed temporary use.

### **SECTION 5.136 SIGNS**

Signs and similar identification devices may be erected and maintained in compliance with the following standards unless other standards are approved by the Tangent Planning Commission in conformance with the **Site Plan Review** procedures of Section 2.400 and **Variances** procedures of Section 2.600, as indicated below.

#### **(1) Definitions**

**Sign:** Any writing (including letters, words or numerals); pictorial representation (including murals, illustrations or decorations); emblem (including devices, symbols or trademarks); flag (including banners or pennants); identification displays (including objects, inflatables or balloons); or any other device used to inform, attract attention or advertise that is visible from a public right-of-way.

**Elevated Signs:** Any sign supported by any structure at a minimum of eight feet above grade.

**Freestanding Signs:** A permanent sign that is self-supporting in a fixed location and not attached to a building. A freestanding sign can be connected or attached to a sign structure,

fence, or wall that is not an integral part of a building. Freestanding signs include, but are not limited to ground level signs, elevated signs not attached to a building, monument signs and pole signs.

**Ground level Signs:** Any ground level sign not to exceed 6 feet in height.

**Off-premise Sign** is a sign that is owned, maintained, managed or provided by an individual or group other than the owner, lessee, or renter of the property upon which the sign is located subject to written permission of the property owner and approval by the Tangent Planning Commission under subsection (2), below.

**Outdoor Advertising Signs:** Billboards and other signs as provided in **ORS 377.705**.

**Projecting Signs:** Any sign attached to a building wall that projects more than 12 inches, including but not necessarily limited to awning signs and signs that are perpendicular to the building wall.

**Wall Sign:** Any sign painted upon or attached to a building that projects less than 12 inches.

**Window Signs:** Any sign outside or inside a window visible from a public road.

(2) **General Sign Provisions:**

- (a) Each sign or outdoor advertising display shall be located on the same property as the use it identifies or advertises unless approved as an Off-premise Sign by the Tangent Planning Commission.
- (b) Signs may be illuminated by indirect or internal lighting. Lighting and signs shall not, by light, brilliance, type, design, or character, create a public or private nuisance or interfere with traffic or limit visibility, and shall not produce glare into residences. The use of flashing or rotating lights is prohibited. Reader Boards or moving electronic message signs require approval by the Planning Commission under the Site Plan Review process of Section 2.400.
- (c) No sign shall be constructed or erected that inhibits or impairs the Clear Vision Area specified in Section 5.122 (6) or other sight lines necessary for the safety of the traveling public.
- (d) Sign materials and design elements should be complimentary to the materials used in development.
- (e) Signs shall not interfere with, imitate, or resemble any official traffic control sign, signal, or device, or attempt to direct the movement of traffic.
- (f) Signs shall not be located on trees, or painted or drawn on a rocks or other natural features.
- (g) Sign colors shall not be fluorescent or phosphorescent.

- (h) All freestanding or projecting signs shall be engineered and comply with the State of Oregon Structural Specialty and Life Safety Code and the adopted Electric Code for any electrically powered signs.
  - 1. Any freestanding or projecting sign may be double-faced.
  - 2. Freestanding signs shall not be located within five (5) feet from the street right-of-way unless approved by the Planning Commission.
- (i) Any freestanding or projecting sign may be double-faced.
- (j) Freestanding signs shall not be located within five (5) feet from the street right-of-way unless approved by the Planning Commission.
- (k) All signs, together with their supporting structure, shall be maintained in a safe, clean and attractive condition, shall be constructed of durable materials, and shall be provided with an engineered foundation or supports.
- (l) Abandoned signs that no longer apply to the property shall be removed by the property owner within 90 days of disuse.
- (m) Outdoor Advertising Signs, as defined in this section, are prohibited in all zones.

**(3) Permitted Signs**

- (a) Any on-site sign specifically identified as permitted herein.
- (b) Signs existing at the date of adoption of the sign ordinance provisions.
- (c) Flags of national, state or local government.
- (d) Temporary signs for the duration of the event 32 square feet in area or less. Off-premise temporary signs require permission is by the landowner.
- (e) Signs placed by local, state or federal agencies.
- (f) Public safety and convenience signs including parking and directional signs, open/closed and business hour signs, restroom and other locational signs 12 square feet in area or less.
- (g) Temporary seasonal signs and decorations subject to safety and nuisance standards.
- (h) One construction Project sign 64 square feet in area or less per street frontage.
- (i) Existing signs shall be considered non-conforming uses which may be maintained and repaired, but may not be replaced.

**(4) Permitted Residential Sign Standards**

- (a) One name plate 4 square feet in area or less, placed flat against the building for each dwelling or Home Occupation as defined in **Section 6.110** of this ordinance. Signs may have indirect illumination.

- (b) House or building numbers 6 inches or less in height.
  - (c) One non-illuminated temporary sign 12 square feet in area or less for the duration of the event.
  - (d) One Freestanding ground level or building wall identification sign per street frontage for Subdivisions, Apartment complexes or Manufactured Dwelling Parks 64 square feet or less in area per sign.
  - (e) One Temporary Freestanding Subdivision or Manufactured Home Park sales sign per street frontage 64 square feet in area or less for the duration of the event.
- (5) **Permitted Commercial & Industrial Sign Standards**
- (a) One primary Wall Sign per street frontage per business.
  - (b) Miscellaneous Window Signs for product or business advertising are permitted.
  - (c) One Projecting Sign per street frontage, not exceeding the height of the primary roofline, and a maximum of 60 square feet in area, per business. Projecting signs shall have a minimum height clearance of 8 feet in pedestrian areas and 15 feet over parking or drive areas.
  - (d) One Freestanding Ground level sign per street entrance of a property not to exceed 6 feet in height or 80 square feet in area per sign.
  - (e) One Freestanding Elevated Sign per street frontage of a property not to exceed 30 feet in height or 100 square feet in area. Elevated signs shall have a minimum height clearance of 8 feet in pedestrian areas and 15 feet over parking or drive areas.
  - (f) One Temporary Sign per street frontage, 32 square feet or less in area, for the duration of the event.

(6) **Signs Requiring Approval**

The following signs may be permitted subject to Site Plan Review approval by the Tangent Planning Commission in conformance with **Section 2.400 and Section 2.600, Variances, as applicable.**

- (a) Any sign not specifically identified herein as a Permitted Sign.
- (b) Permitted signs exceeding the standards specified herein, subject to Planning Commission approval of a Variance under Section 2.600.
- (c) Rooftop signs.
- (d) Moving electronic message signs, subject to Planning Commission approval of a Variance under Section 2.600.
- (e) A banner which spans or is displayed over any roadway, highway, or street within the City limits.
- (f) Any Off-Premise sign and any sign placed within a public right-of-way by other than a public agency.

(7) **Application Information**

Applications for signs requiring approval shall conform to **Sections 2.130 and 2.140 and Section 2.400** of the **Tangent Land Development Ordinance** and shall also include:

- (a) A Site Plan showing the sign locations on site.
- (b) Building elevations showing sign locations.
- (c) Sign construction showing dimensions, area, height, and structure.
- (d) Sign design showing lettering, logos, symbols, materials, colors, and method of illumination.
- (e) Engineering specifications if required for any freestanding or projecting signs.