



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

January 11, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Talent Plan Amendment
DLCD File Number 006-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 27, 2006

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

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

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

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

<paa> ya

DLCD NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

JAN 09 2006
LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Talent Local File No.: DCA 05-05 (If no number, use none)

Date of Adoption: 01/04/2006 Date Mailed: 01/06/2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 09/20/2005

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

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

Added rules for flag lot partitions to Land Divisions code and clarified traffic impact study requirements

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

Original notice did not include traffic impact study requirements clarification. Staff felt we could add it since it was a non-substantive change

Plan Map Changed from: N/A to N/A

Zone Map Changed from: N/A to N/A

Location: city wide Acres Involved: -

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

Applicable Statewide Planning Goals: 2

Was an Exception Adopted? Yes: No: [checked]

DLCD File No.: 006-05 (14701)

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

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

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

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

Affected State or Federal Agencies, Local Governments or Special Districts: ~~the~~ Fire District,
which commented on the flag lot rules

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

Address: PO Box 445

City: Talent OR Zip Code+4: 97540

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

ORDINANCE NO. 05-796-O

AN ORDINANCE AMENDING A PORTION OF ORDINANCE NO. 692, THE TALENT LAND DIVISIONS ORDINANCE, TO MODIFY REQUIREMENTS FOR TRAFFIC IMPACT STUDIES AND TO CREATE RULES FOR FLAG LOT PARTITIONING

THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT: That the material contained in "Exhibit A" and attached hereto shall amend and replace Section 7D of the City of Talent Land Divisions Ordinance.

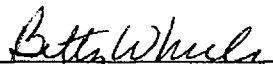
SECTION 2. AMENDMENT: That the material contained in "Exhibit B" and attached hereto shall become Section 26 of the City of Talent Land Divisions Ordinance.

SECTION 3. FINDINGS: That the City Council adopts the findings of the Planning Commission's Recommendation, attached hereto as "Exhibit C," which provide justification for the amendment.

SECTION 4. EFFECTIVE DATE: Under the provisions of the Talent Charter of July 1998, Chapter VIII, Section 33, the provisions of this ordinance shall take effect 30 days after adoption.

Duly enacted by the City Council in open session on 4 January 2006 by the following vote:

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 0



Betty Wheeler,
City Recorder and Custodian of City records

The following replaces Section 7D of the Land Divisions Ordinance

D. Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared by a certified professional transportation engineer acceptable to the City. The engineer must be currently licensed and otherwise qualified to perform the work under applicable professional and community standards and must have no financial interest in the project whatsoever and no past or current pecuniary association of any kind with the developer other than occasional work as an independent contractor performing traffic impact studies. The TIS shall determine the impact of the proposed development on existing and proposed transportation facilities and assess the applicant's plans to mitigate such impacts. ~~to determine access, circulation and other transportation requirements to mitigate impacts.~~ (See also Section 6—Transportation Facility Standards).

The following appends to the Land Divisions Ordinance as a new Section 26

Section 26—Flag Lot Partitions. The following standards apply to flag lots in all residential zones:

- A. Purpose. These standards allow the creation of a single flag lot out of a parent lot in limited circumstances. The limitations minimize the negative impacts of flag lots on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed. A flag lot is allowed only when the following are met:
1. An existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width standard of its zoning district.
 2. Only one flag lot is proposed;
 3. There will be only one residence on the flag lot (except in R2 zone);
 4. Minimum density, minimum lot size and maximum building coverage requirements of the zone will be met; and
 5. In the interest of protecting existing neighborhood context, structures taller than 16 feet will not be allowed if more than 50 percent of the lots sharing common lot lines, not including the parent lot, have houses on them that are less than 16 feet tall. Lots without houses on them will not be considered.
- C. Flag lot access pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
1. The pole must connect to a street and must be at least 13 feet wide at the street and for its entire length, or 24 feet if the length from the centerline of the street right-of-way to the flag portion is more than 150 feet or if there will be more than one residence on the flag lot;
 2. The pole portion must be part of the flag lot and must be under the same ownership as the flag portion.
 3. The access drive must be at least 12 feet wide (or 24 feet; see paragraph 1, above) and paved with concrete or asphalt. The drive must be designed so that stormwater run-off is directed toward an appropriate location and not onto neighboring properties.
 4. The flag lot and the existing lot will share the flag lot access pole for common access to the two lots unless the City Planner finds such a set-up physically impractical.

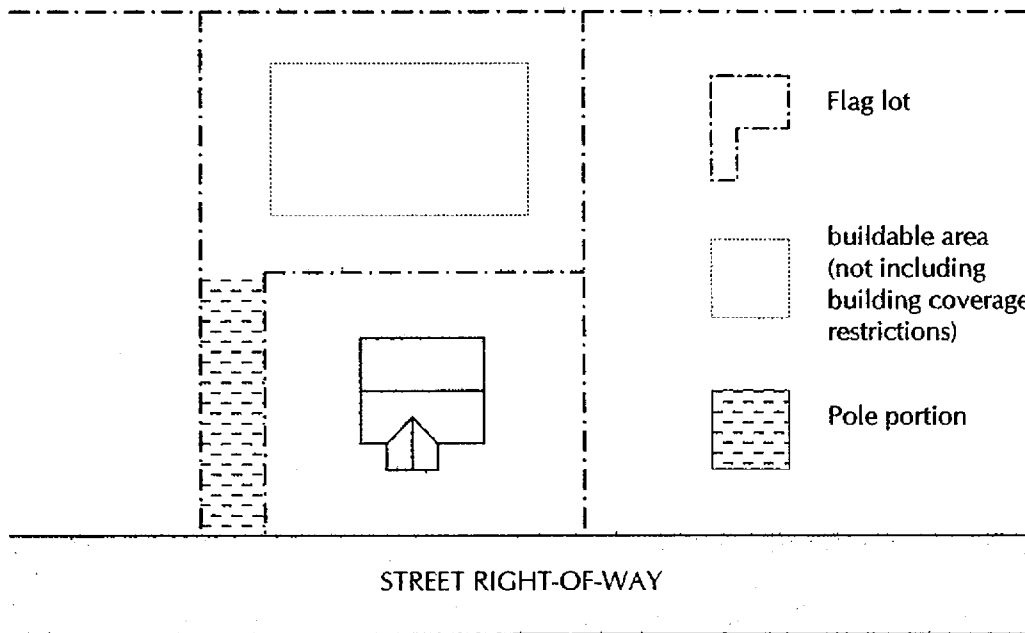
D. Minimum lot dimensions. No dimension of a flag lot may be less than 40 feet, excepting the pole portion. For the purposes of this subsection width and depth are measured at the midpoint of the opposite lot lines. All other lot dimension standards must be met.

E. Flag lot development standards. The following standards apply to development on flag lots:

1. Setbacks (See Figure 26–1). Flag lots have required building setbacks that are the same along all lot lines, except that the setback on the pole portion side shall be at least 13 or 24 feet, as appropriate, plus an additional 20 feet for garage entrances, or more if there is a possibility the pole may someday become part of a larger public right-of-way. The City reserves the right to require greater setbacks in such cases for garages and/or entire structures. The required setbacks for primary structures, including houses and garages, are:

<u>Zone</u>	<u>Setback</u>
R1-8	15 feet
R1-6, MH and R2	10 feet

Figure 26–1. Flag lot setbacks.



Planning Commission findings:

1. The Statewide Planning Goals do not apply in this case because the matter is one of clarification and refinement. The modified language under Section 7D does not impose an undue burden on applicants. The flag lot partitioning rules clarify what staff has had to pull together out of the existing code while adding provisions protective of existing neighborhoods where flag lots will be created;
2. The flag lot amendment complies with the Comprehensive Plan. The Housing Element of the Plan contains Policy 1: "Provide for all of Talent's housing needs for the twenty-year planning period within the existing urban growth boundary." The amendment encourages infill while protecting existing neighborhoods.

