



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 5, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Talent Plan Amendment
DLCD File Number 001-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 18, 2008

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

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

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

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

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D L C D NOTICE OF ADOPTION DEPT OF

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

SEP 02 2008

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

submitted under #DCA 08-01

Jurisdiction: City of Talent Local File No.: DCA 2007-003 (If no number, use none)

Date of Adoption: 8/20/2008 (Must be filled in) Date Mailed: 8/27/2008 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1/11/2008

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

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

City revised annexation regulations to make land need a criterion, among other new criteria.

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."

Adopted regulations are nearly the same as the draft sent with the original notice. Changes were all clarifications instead of content changes.

Plan Map Changed from: N/A to
Zone Map Changed from: N/A to
Location: UGB Acres Involved:
Specify Density: Previous: N/A New:
Applicable Statewide Planning Goals: 10, 11, 14
Was an Exception Adopted? Yes: No: [checked]

DLCD File No.: 001-08 (16648)

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: None

Local Contact: John Adams Area Code + Phone Number: (541) 535-7401
Address: PO Box 445 (Talent City Hall)
City: Talent, OR Zip Code+4: 97540

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

ORDINANCE NO. 08-845-O

AN ORDINANCE Repealing Ordinance No. 421 and Amending Ordinance No. 423 (Zoning Code) to Establish Procedures Regulating Annexation.

The City of Talent Ordains as follows:

Article 1. Purpose

To control the pace of annexation by making it relational to actual land need in the interest of protecting the health, safety and welfare of the citizens of Talent and to ensure the provision of adequate public services in a timely and cost-effective manner.

Article 2. Repeal

Ordinance No. 421, as amended, is hereby repealed.

Article 2. Amendment


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

Article 3. Effective date

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

Duly enacted by the City Council in open session on 20 August 2008 by the following vote:

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0



Jay Henry
City Recorder and Custodian of City Records

Ordinance No. 845

Exhibit A

8-3 Division M, Article 3.

Annexation

8-3M.310 PROCEDURE

Annexation is a legislative procedure governed by Section 8-3M.160. In addition to other affected agencies, it is a requirement of the Talent Urbanization Program to notify Jackson County Planning Department.

8-3M.320 PETITION

Except for annexations initiated by the council pursuant to Section 330, a petition to annex shall include the following information:

- A. Consent to annexation which is non-revocable for a period of one year from the date of its signing.
- B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510.
- C. Boundary description and map prepared in accordance with ORS 308.225. A registered land surveyor shall prepare such description and map. Subsequent to Council approval of the proposed annexation the boundaries shall be surveyed and monumented as required by statute.
- D. Written findings addressing the criteria in Section 340.
- E. Written request by the property owner for a rezoning. Provided, however, no written request shall be necessary if the annexation has been approved by a majority vote in an election meeting the requirements of Section 11g of Article XI of the Oregon Constitution (Ballot Measure No. 47).

8-3M.330 INITIATION BY COUNCIL

- A. The Council may initiate a proposal for annexation by resolution and will follow the provisions of ORS 222.111 through 125.
- B. When the Council initiates an annexation the approval standards in Section 340 shall still apply, except in the following cases:
 - 1. The annexation is initiated because of current or probable public health hazard owing to a lack of full City sanitary sewer or water services; or

2. The lot or lots proposed for annexation comprise an "island" completely surrounded by lands within the city limits.

8-3M.340 APPROVAL STANDARDS

An annexation may be approved if the proposed request for annexation conforms to the following approval criteria, or can be made to conform through the imposition of conditions:

- A. The land is in the City's urban growth boundary (UGB).
- B. The land is currently contiguous for a distance of 60 feet or more with the present city limits.
- C. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map and/or adopted Master Plan map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- D. The following infrastructure can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff:
 1. Adequate facilities for the provision of water to the site, as determined by the Public Works Department and/or City Engineer;
 2. Adequate transport of sewage from the site to the waste water treatment plant, as determined by Rogue Valley Sewer Services;
 3. Adequate storm drainage as determined by the Public Works Department and/or City Engineer.
- E. Adequate transportation can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff. The purpose of this standard is to ensure that transportation facilities are extended to adjacent lands that are also available for annexation, though they may not be immediately eligible. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
 1. A 20-foot-wide paved access exists for vehicular transportation, or can and will be constructed, along the full frontage of or through the project site to the nearest fully improved collector or arterial street.

All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot-wide driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards.

2. Where future street dedications are indicated on the City's "Required Street Connections" maps in the Transportation System Plan, or an adopted master plan, or when required by the City, provisions shall be made for the dedication and improvement of these streets and be included with the petition to annex.
3. For bicycle transportation, safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
4. For pedestrian transportation, safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by code on all streets within the annexed area.

Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.

5. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.

F. One or more of the following standards are met:

1. The proposed annexation area will be zoned a Residential district in accordance with the Comprehensive Plan, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be calculated from the most current adopted vacant and redevelopable land inventory, or the inventory in the Housing Element of the Comprehensive Plan under the direction and approval of the City Planner; OR
2. The proposed lot or lots will be zoned a Commercial district under the Comprehensive Plan, and that the petitioner will obtain Site Development

Plan Review approval for an outright permitted use, or conditionally permitted use, concurrent with the annexation request; OR

3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; OR
4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; OR
5. The area proposed for annexation has existing City of Talent water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Talent; OR
6. There is inadequate infrastructure that is unduly preventing development of UGB lands and annexation will provide a means to extend infrastructure; OR
7. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits.

8-3M.350 BOUNDARY CHANGE REQUIRED BY CITY

- A. When an annexation is initiated by a private individual, the Planning Director may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City of Talent.
- B. The Director, in a report to the Commission and Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed.
- C. The purpose of this Section is to permit the Planning Commission and Council to make more logical and orderly extensions of the City's boundaries.

8-3M.360 FILING AND WITHDRAWAL

It is the duty of the City Recorder, or assign, to file all records, transcripts, and reports of annexations as required by statute (ORS 222.010), and to ascertain the need for, and take action to institute, any proceedings to withdraw annexed areas from special service districts within the time prescribed by law.

8-3M.370 ANNEXATION BY ELECTORATE VOTE

As per the City Charter, Chapter X, Section 36, the decision authority transfers from the City Council to the electors of the City of Talent if:

- A. Within thirty (30) days of the Council's decision to annex a verified petition requests a majority vote of the electorate. The petition must be signed by either 100

qualified voters or one (1%) percent of qualified voters in the City and the annexation territory, whichever is greater; or

- B. A majority of the City Council favors referring the decision to the voters; or
- C. When required by State law.

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



Attn: Plan Amendment Specialist
DLCD
635 Capitol St. NE, Ste. 150
Salem, OR 97301-2540