



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED AMENDMENT

December 12, 2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Talent Plan Amendment
DLCD File Number 002-13

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. The submitted ordinance was adopted by the City of Talent on December 2, 2013, per ORS 197.615 (3) and DLCD did not notify within five working days of receipt, any persons who requested notification.

Appeal Procedures*

DLCD DEADLINE TO APPEAL:

Acknowledged under ORS Sections 197.615, 197.625, and 197.830 (9)

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Zac Moody, City of Talent
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

<paa> N



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

FOR DLCD USE
File No.: 002-13 (20119)
[17696]
Received: 12/2/2013

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

Jurisdiction: City of Talent

Local file no.: **DCA 2013-002**

Date of adoption: 11/20/13 Date sent: 12/2/2013

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

- Yes: Date (use the date of last revision if a revised Form 1 was submitted):
- No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

N/A

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

Phone: 541-535-7401 E-mail: zmoody@cityoftalent.org

Street address: 110 E. Main Street City: Talent Zip: 97540-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

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

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

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

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

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

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

8-3 Division J, Article 2, Section 240, Paragraph N, Residential Lot Improvement Standards

For a change to a zoning map:

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

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

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

Overlay zone designation: . Acres added: . Acres removed:

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

List affected state or federal agencies, local governments and special districts: None

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

Text amendment adds language that permits small accessory structures, less than 200 square feet, to be placed along side and rear property lines (zero setback) provided that certain dimensional and height standards are met.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

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

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

City of Talent

Department of Planning & Community Development



FINDINGS OF FACT

Type-4 Action — Legislative Review — City Council

File no: DCA 2013-002

Item: Amendments to the Talent Land Development Ordinance

The Talent City Council finds the following:

1. The Talent Planning Commission held a public hearing on September 26, 2013 on the proposed amendments after providing the required notice as per 8-3M.160 of the Talent Land Development Code.
2. The Talent City Council held a public hearing on November 20, 2013 after providing the required notice as per 8-3M.160 of the Talent Land Development Code.
3. The proposed amendments to the Talent Land Development Code are consistent with the goals and policies of the Talent Comprehensive Plan as stated in the findings below, and therefore comply with all applicable statewide planning goals.

FINDINGS OF FACT

For clarity, the following findings are responded to in outline form with the applicable criteria identified in *italics* and staff's response in regular font.

8-3M.160(G) Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. *The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197 (for Comprehensive Plan amendments only);*

Not applicable as this is not a Comprehensive Plan amendment. A development code amendment is presumed to enact policies in the Comprehensive Plan; the findings validating that presumption are outlined below.

2. *Comments from any applicable federal or state agencies regarding applicable statutes or regulations;*

The City sent the full text of the proposed amendment to Department of Land Conservation and Development (DLCDD), which has exclusive oversight of code amendments to insure compatibility with State Goals and Statues. At the present

time, no responses from either DLCD or any other public agencies have occurred. Staff would note that verbal discussions occurred with the Jackson County Building Department's Building Official, who Talent contract's plan review and inspections, who stated the proposed language complies with building codes.

3. *Any applicable intergovernmental agreements; and*

No intergovernmental agreements were found to be applicable to the proposed ordinance amendment.

4. *Any applicable Comprehensive Plan policies and provisions of the Talent Zoning Code that implement the Comprehensive Plan. Compliance with Section 160 of this Article shall be required for Comprehensive Plan Amendments, Zoning Map, and Text Amendments.*

Comprehensive Plan, Housing, Policy 5. States: Encourage creative design for residential development that balances the need to optimize infill while protecting scenic and natural resources.

Comprehensive Plan, Land Use, Implementation Strategies. States: Consider changes to the Talent Zoning Ordinance that will more effectively implement Comprehensive Plan goals that encourage mixed-use and high density development near the city center, and reduce private vehicle trips by increasing access to transportation alternatives.

In staff's opinion, the proposed amendment is simply a house-cleaning item that addresses numerous pre-existing conditions that for many citizens already believe is permissible, simply by their sheer existence and number as it's very common to see a "Sears" shed abutting a property line, but few know they conflict with current Zoning and Building Codes.

In addition, reduced setbacks for small accessory structures provide a number of other benefits that include:

- more useable recreational area within a yard;
- less storage area between the structure and fence lines that are often used for debris and trash which tend to be nesting areas for rodents and other vermin; and
- provide for improved living conditions and promote urban infill while at the same time provide for sustainable compact housing.

Overall, the proposed amendment attempts to bridge these elements in order for Talent residents to make better use of their property and at the same time "generally" recognize what has already been prevalent throughout the community.

8-3 Division J. Article 2

RESIDENTIAL LOT IMPROVEMENT STANDARDS

8-3J.210 PURPOSE

The purpose of this Article is to provide specific guidelines and requirements for the development of residential dwellings of all kinds within the City of Talent in order to better ensure the health and safety of community residents and also to better ensure the quality, appearance, aesthetic values, and property values of all residential neighborhoods.

8-3J.220 APPLICATIONS

- A. The provisions of this Article shall not apply to manufactured home parks, which shall be designed and constructed in accordance with the minimum standards contained in OAR 814-28, and other provisions contained in this Chapter that pertain to manufactured home parks, including 8-3L.830.
- B. The provisions of this Article shall apply to all new residential subdivisions, whether intended for "conventional" site-built dwellings, modular home, pre-fabricated home, factory-built homes, manufactured homes, or mobile homes. Such subdivisions shall be developed in accordance with the requirements of the City's Subdivision Code (8-2) and any other applicable codes.
- C. The provisions of this Article shall also apply to all new residential development that is constructed, assembled, or placed upon any legal tax lot in any residential zoning district of the City of Talent, with the exception of manufactured home parks.
- D. Any building or structure containing one or more residential dwelling unit that is moved in the City, relocated within the City, rehabilitated or remodeled to an extent greater than fifty percent (50%) of its appraised market value, shall be made to conform to the requirements of this Article and to the minimum standards for the construction of that type of dwelling that are in effect at the time of subject action or activity.
 - 1. All residential dwellings that are defined in 8-3B.1 as "Dwelling, Manufactured Home" shall comply with the current minimum construction standards for manufactured homes, as administered by the

Department of Housing and Urban Development (HUD) and any amendments to that code.

2. All residential dwelling units, including multiple-family buildings, other than manufactured homes, shall comply with the provisions of the Uniform Building Code, as adopted by the City of Talent.
- E. Any residential dwelling unit or residential structure that is subject to the requirements of this document shall be brought into compliance with all applicable requirements prior to occupancy of that dwelling and in no case shall a dwelling unit remain uninhabitable longer than six (6) months.

8-3J.230 LOCATION BY HOUSING TYPE

- A. The location of any particular type of residential structure is controlled by the provisions of each zoning district and specified in the lists of permitted and conditional uses in Division C of this Chapter.
- B. All proposed residential land uses in all residential zoning districts of the City of Talent shall be reviewed for compliance with this Article prior to issuance of a building permit or, in the case of a manufactured home, a manufactured home placement or installation permit.

8-3J.240 RESIDENTIAL DEVELOPMENT STANDARDS

The following development standards shall apply to all residential development in the City of Talent, with the exception of manufactured homes located within manufactured home parks.

- A. The owner of any residential dwelling shall also be the owner of the tax lot on which the dwelling is constructed or placed. No lots or portions of lots shall be rented or leased to another party for the temporary placement of a dwelling unit.
- B. All newly constructed or placed dwelling units shall meet the construction codes for that type of structure that are in effect at the time of construction or placement, as stated in Section 220(D) above.
- C. Any dwelling unit that was not totally constructed on the site shall remove all appliances or other attachments that were necessary for its transport to the site, but that are not necessary for the residential use of that structure, including wheels, axles, tongues, trailers, etc.
- D. All homes, other than manufactured homes, shall be placed on permanent perimeter foundations and shall be attached thereto. Manufactured homes shall be sited, at a minimum, according to the manufacturers specifications and shall

-
- have the perimeter of the structure enclosed with cement block or cement footing wall-style skirting.
- E. All residential structures shall be constructed or placed with a minimum clear space under the lowest structural floor support beam of eighteen (18) inches.
 - F. Crawl space access of a least 18" x 24" shall be provided in a location that is convenient to sewer, water or other under-structure connections, but not at a location which may be a low point or water collection point.
 - G. All manufactured homes, modular homes, or other "manufactured" or "factory built" dwellings shall be recessed to achieve a low profile. The depth of the recess shall be no more than twelve (12) inches above the finished backfilled grade.
 - H. Garages or Carports: Garages shall be constructed to conform to the construction code of the type of residence it will serve and may have either a single double-width door or two single-width doors. The exterior finishes of garages or carports shall conform in pattern, shape, texture, and color to the materials used on the primary dwelling structure, including the siding, roofing, and any architectural decorative trim. (Amended by Ord. no. 808; 09/06/2006)
 - I. Siding: Exterior siding may include painted or stained wood siding, or aluminum or vinyl siding that is textured to simulate wood or that is otherwise similar to the established architectural style or character of the neighborhood.
 - J. Roofs: All residential dwellings shall be designed with gable, mansard, or other pitched roof having an average slope of no less than 1:4 and covered with asphalt, fiberglass, or wood shingles, shakes, or tile. Accessory structures, such as garages, carports, sheds, etc., shall have the same roofing type. An exception may be made by the Planning Commission without a variance for roofs that are designed to be flat, or that may be unsuitable for the specified roofing materials for some other documented reasons. Metal or similar roofing materials may only be used on flat or slightly sloping roofs that are not visible from the street or surrounding properties and are not suitable for shingles or other materials.
 - K. Sewer: All residential dwellings shall be connected to the public sewer system at the time of construction, placement, or major rehabilitation.
 - L. Any structural addition to an existing residential structure shall meet the following requirements:
 - 1. Any addition shall be designed to conform to the design and construction of the original building. An exception may be made in the case of a total structural remodel which will change the original design.

2. The roof type and pitch of any new addition shall conform to the type and pitch of the main structure.
 3. Exterior building materials shall be the same basic type, texture and color as those of the primary building.
 4. Any addition to an existing dwelling shall include an extension of the foundation along the perimeter of the new addition.
 5. Such additions as porches, awnings, patios, patio covers, decks, or storage sheds may be permitted if designed and constructed as required above. In no case shall a "ramada" be approved. (A ramada is a stationary structure having a roof extending over the dwelling unit, primarily for protection from sun and rain, and usually associated with old deteriorated manufactured homes).
- M. An under-structure drainage system must be constructed to ensure that water does not collect beneath the structure, but drains property to the street or other approved storm drain system.
- N. [Accessory Structures: As defined in 8-3J.124 shall meet all setback and building coverage requirements for the zone. However, up to two \(2\) accessory structures with a combined total area of 200 square feet or less are not required to have rear or side yard setbacks, provided such structures shall be placed at least 40 feet from any right-of-way, shall not exceed 10 feet in height and shall not exceed 20 feet in any horizontal dimension. Storm water from the roof of the exempted structures shall not flow onto the neighboring property. No accessory structure excepted under this provision shall be used as an apiary or for the keeping of livestock, including the housing of bees, swine, horses, chickens or rabbits. Conversion of Accessory Structures into accessory residential units is prohibited unless in compliance with the zone's standard setbacks. Maintenance of accessory structures without yard setbacks shall be the responsibility of the structure's property owner.](#)

8-3J.250 REMOVAL OF A DWELLING OR RESIDENTIAL STRUCTURE

- A. When a dwelling unit, regardless of type or size, is removed from its site, the owner of the property shall, within sixty (60) days of the dwelling's removal, ensure the removal of all foundations, supports, blocks, piers, and other materials that will not be necessary for the future development and use of the property and that may, in the interim, be a hazard or neighborhood nuisance, or an eyesore that may adversely affect the community's or the neighborhood's appearance.

- B. Following removal of a dwelling from its site, the owner of the property shall immediately disconnect all utility services to the property, cap the sewer connection and well or other water source and cover or fill an excavation or basement that may be a hazard.

- C. Should the property owner fail within sixty (60) days after the removal of the dwelling to perform the requirements of 250(A) and (B) above, the City of Talent is authorized to perform the work and thereafter record a lien against the real property. Prior to the initiation of the work, the City of Talent shall deliver or mail by certified mail, notice to the last known address of the owner specifying that the work will be initiated by the City of Talent within ten (10) days from the date of the notice and that the cost will be liened against the property unless the owner, within the ten (10) day period, initiates the work described in 250(A) and (B) above.