

City of Talent

Community Development Department - Planning



STAFF REPORT

Type-4 Urban Growth Boundary Amendment — Planning Commission

Meeting date: January 12, 2023
Prepared by: Kristen Maze

File no: UGB 2022-001
Item: Urban Growth Boundary Amend.

GENERAL INFORMATION

Applicant.....Phoenix Talent School District
Assessor's Map Number381W-22D-1000
Site Location..... 6100 Colver Road, Jackson County
Site Area.....43.09 acres
Zoning.....Exclusive Farm Use

PROPOSAL

Consideration of a Major Comprehensive Plan Amendment and Map amendment to add 47.3 acres of recreational/park and civic facilities to the Talent Urban Growth Boundary (UGB). The area is currently zoned as Exclusive Farm use, owned by the Phoenix-Talent School District (District) situated next to the northwestern corner of the existing Talent municipal limits and unimproved city right of way. This application is legislative according to Talent Municipal Code (TMC) 18.215. This proposed amendment would add 43 District acres, and 4.3 acres of right-of-way to the city. It will provide additional recreational/park and civic/school facilities designations on the General Land Use Map in the Land Use Element that will be effective upon annexation. The proposal also includes an amendment to the Urban Growth Boundary Management Agreement (UGBMA).

BACKGROUND

The Oregon Land Use Planning System provides a framework for cities and counties to anticipate and proactively respond to growth in a manner that aims to minimize impact to valuable farm, forest and natural resources. The Urban Growth Boundary (UGB) is a key feature of the program in that it requires cities to establish a 20-year land supply for its urban land needs. These are lands that are potentially eligible to be annexed into the city limits. To amend the UGB, cities must demonstrate there is a need for the type of urban land being added, that needed land cannot be provided in the existing UGB and selected lands reflect priorities established in ORS 197.298. Alternative boundary locations must be compared based on a variety of factors that are weighed and balanced. At the conclusion of the comparative analysis, the City and County must both approve amendments to their respective comprehensive plans for a UGB amendment to occur.

The proposed UGB is within Talent's Urban Reserve TA-1, which was adopted and acknowledged in the Bear Creek Valley Regional Problem Solving Plan (RPS). Both

Jackson County and the City of Talent have adopted by Ordinance and incorporated the RPS plan into their Comprehensive Plans.

City Code and the UGBMA with Jackson County dictate that a Major Amendment to the City of Talents and Jackson County Comprehensive Plans be processed to add 47.3 acres of recreational/park and civic employment and facility land needed for 20 years of growth.

PROJECT DESCRIPTION

This UGB Amendment will add approximately 47.3 acres of land, consisting of approximately 4.3 acres of public road right-of-way and a single 43 acres property zoned Exclusive Farm Use owned by the District. This project proposes to amend the city's Comprehensive Plan Map to map the subject property as Public Facilities-Civic.

The assessor map number for the District property is 381W-22D, Tax lot 1000. This lot is planned Agricultural Land in the County's Comprehensive Plan and zoned Exclusive Farm Use (EFU). The property will retain the county zoning following inclusion into the UGB until such time as the property is annexed and the appropriate City of Talent zoning is applied. As stated above, a portion of the property includes approximately 4.3 acres of road right-of-way which has not assessor map number.

The District initiated this UGB amendment to better accommodate the existing uses on the subject property and to meet its longer term needs, consistent with the Large-Range Facilities Master Plan (LRFMP). Much of the property has been substantially developed with school facilities. In the short term, the District has need for new outdoor sports-field facilities. In the longer term, it is seeking to find an improved location for the Outdoor Discovery Program. These uses were identified in the Conceptual Master Plan process required by TMC sections 18.215.070, 080 and 090, that were adopted by the City of Talent. City Council. Community members have identified new recreational needs and have identified the subject property as an appropriate site. In addition, the proposed UGB amendment would provide lands for a relocated Phoenix-Talent Little League and Boys and Girls Club.

This proposal also includes a text amendment to the Urban Growth Boundary Management Agreement (UGBMA). The UGBMA is part of the Regional Plan Element and sets forth policies and procedures related to the joint management of lands in the UGB. The purpose of the proposed amendment is to assure that prior to annexation, lands will remain rural and the potential of this land to efficiently accommodate urban land needs remains intact.

ISSUES

The problem that has faced the District regarding the use of the Colver Road property has to do with being able to "enhance and expand enclosed existing structure within a farm use zone within three miles of a UGB". In order to pursue the goals of the LRFMP the Colver Road property needs to be in the Talent UGB and ultimately the City.

One issue with this application is that the District’s representative has requested a quasi-judicial procedural criterion and a minor UGB amendment. However, the TMC, Chapter 18.215.060 clearly outlines this UGB amendment as a legislative review process. In consultation with Jackson County, they have concurred and the UGBMA takes precedence that this process is both a legislative process is a major UGB amendment.

Although the Agent’s findings state the proposed is a Minor UGB amendment, it has been determined by the Jackson County Development Services Director and the City of Talent Community Development Department Director to have significant impacts beyond the immediate area of the change, based on the proposed use of the property by Phoenix-Talent School District, Little League, and the Boys and Girls Club of the Rogue Valley.

Another issue is the incorporation of the public right-of-way into the acreage being proposed by the District. Although, not identified as a tax lot, the area constitutes 4.7 acres of land is needed to be included in this UGB amendment in order for the District property to be contiguous to current city limits for its ultimate annexation. This land includes Wagner Creek Road extension outlined in the Conceptual Master Plan and Colver Road fronting along the District property.

FINDINGS OF FACT AND CONCLUSION OF LAW

The proposed amendment to the City’s General Land Use Map and the UGBMA has been evaluated against the applicable criteria below and found to comply as evidence in the Findings of Fact and Conclusion of law (Attachment 1) as conditioned:

- Urban Growth Boundary Management Agreement (See pages 12-13)
- Statewide Planning Goal 1, Citizen Involvement, Goal 2, Land use Planning. Goal 3 Agricultural Lands, Goal 4 Forest Lands, Goal 5 Natural Resources, Scenic and Historic Areas, and Open Space. Goal 6 Recreational Needs, Goal 9 Economic Development, Goal 10 Housing, Goal 11 Public Facilities and Services, Goal 12 Transportation, Goal 13 Energy Conservation, and Goal 14 Urbanization. (See pages 14-25)
- Oregon Administrative Rule (OAR) 660 Division 24, Urban Growth Boundaries (See pages 29-30)
- Oregon Revised Statutes (ORS) 197.298, Priority of land to be included in the UGB (See pages 26-27)
- City of Talent Comprehensive Plan; Citizen Involvement Element; Parks Recreation, Open Space and Urban Forestry Element; Natural Hazards Element; Transportation System Plan; Economic Element; Public Facilities and Services Element; Housing Element; Regional Plan Element; Energy Element and Historic Element.

- City of Talent Municipal Code (TMC) Chapter 18.215 Urban Growth Boundary Amendment and Master Planned Development. (See pages 31-33)
- Jackson County Land Development Ordinance 3.7 Amendments to the Comprehensive Plan or Zoning Map (See pages 33-34)

RECOMMENDATION

Based on the Findings of Facts and the Conclusion of Law, staff recommends **AP-PROVAL** of the application for Urban Growth Boundary Amendment and Comprehensive Plan Amendment.

POTENTIAL MOTION

I move to recommend the City County approve the Type 4, major Urban Growth Boundary and Comprehensive Plan Amendment file # 2022-001 based on the Findings of Fact and Conclusion of Law.

ATTACHMENTS

The following information was submitted regarding this application:
Exhibit 1 – Findings of Fact and Conclusions of Law

Staff has recommended this proposal for approval, but it will require at least one public hearing before the Planning Commission for a decision. The Talent Zoning Code establishes procedures for legislative hearings in Section 18.190.050.

A public hearing on the proposed action is scheduled before the Planning Commission on January 12, at 5:30 PM, in the Jackson County Courthouse Auditorium and by videoconference. See City of Talent website for more information.

For copies of public documents or for more information related to this staff report, please contact the Community Development Director at 541-535-7401 or via e-mail at kmaze@cityoftalent.org.