

***City of Talent Urban Growth Boundary  
Amendment***

***Findings of Fact and Conclusions of Law***

***January 12, 2023***

## Introduction

The Phoenix-Talent School District has requested an amendment to the City and County Comprehensive Plans to add approximately 43 acres of land (one lot) for park/recreation and school facilities uses. The proposed UGB Amendment responds to the following;

- Availability of Urban Reserve Area (URAs). Adoption of the Greater Bear Creek Valley Regional Plan as the City's Regional Plan Element of the Comprehensive Plan (City County Ordinance No. 2012-865-O) established five (5) URAs that are first priority lands available for UGB expansion.
- Recreational/Open Space and Public Facility Needs. Inclusion of the area into the URA would enhance existing school facilities and recreational needs locally and regionally. This area would reduce long run operational costs for bussing and other vehicles. The parcel, owned by the District is committed to non-agricultural use and the proposed right-of-way are is already impacted by encroachment of adjacent residential development. The School District has included this URA into their 20 year Long Range Facilities Master Plan and seeks to solve identified but solvable facilities problems with the inclusion of this land into the UGB.
- Transportation. The regionally significant transportation corridor affecting this Urban Reserve Area, TA-1 are South Pacific Highway (OR 99) and Colver Road, a county regional corridor. The local streets that are within the adjacent residential neighborhood development terminate a cul-de-sac. There currently is no direct connectivity from the subject site at Colver Road and the Talent elementary and middle school to the south. Significant out of direct travel will be required to reach the site from the existing schools and residents to the south.

## Application

The Talent-Phoenix School District's application requests approval of a minor map amendment to amend the City of Talent and Jackson County Comprehensive Plan Maps.

The application requests the following land use approvals:

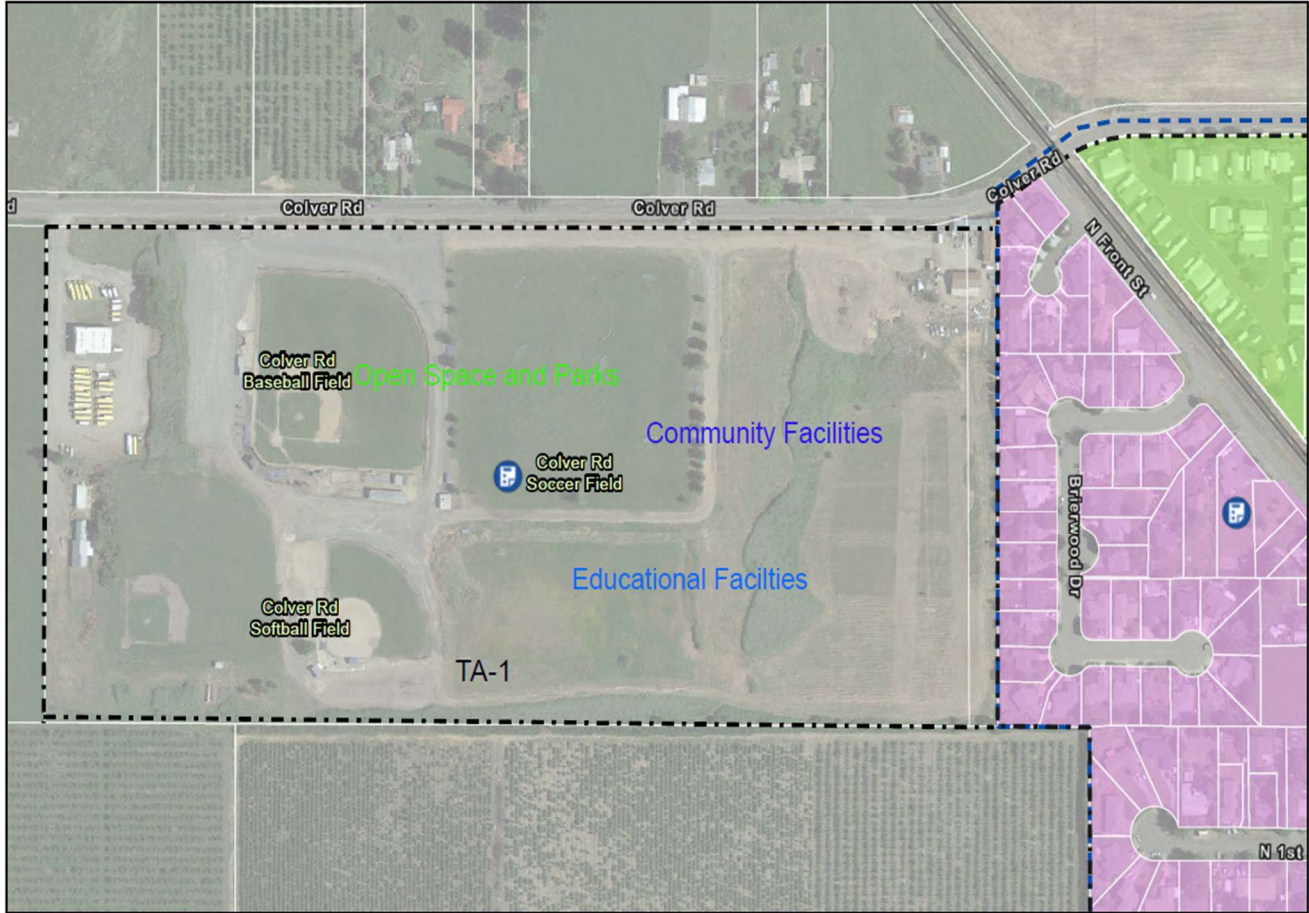
Minor UGB Amendment to add approximately 47.3 acres of land, consisting of approximately 4.3 acres of public road right-of-way and a single 43 acre property zoned Exclusive Farm Use owned by the Phoenix-Talent School District and situated next to the northwestern extent of the existing Talent municipal limits.

Amend the City's Comprehensive Plan Map to map the subject property as Public Facilities – Civic, see proposed Comprehensive Plan Map - Attachment 5, Volume 2, Atlas Page 18.







The subject property, Tax Lot 1000, is owned in fee simple by the Phoenix-Talent School District District"). Tax Lot 1000 is planned Agricultural Land on the County's Comprehensive Plan and zoned Exclusive Farm Use ("EFU") on the County's zoning map. The property will retain the County zoning following inclusion in the UGB until such time as the properties are annexed and the appropriate City of Talent zoning is applied. In addition to a portion of the subject property, the area to be amended includes approximately 4.3 acres of road right-of-way.

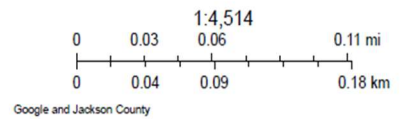
This application is being sought to better accommodate the existing uses on the subject property and meet the longer term needs of the District, consistent with the Large School District Facility Master Plan adopted by the District. See Attachment 2, Appendix

Section 7.1.5 for a copy of the Master Plan. The property has already been substantially developed by the District with school facilities. In the short term, the District has need of new outdoor sports-field facilities. In the longer term, the District is seeking to find an improved location for the Outdoor Discovery Program. In addition, community members have identified new recreational needs and have identified the subject property as an appropriate site. The subject UGB amendment would provide lands for a relocated Phoenix-Talent Little League and Boys and Girls Club. Amending the UGB to include the subject property will facilitate the necessary development of facilities to meet these needs.

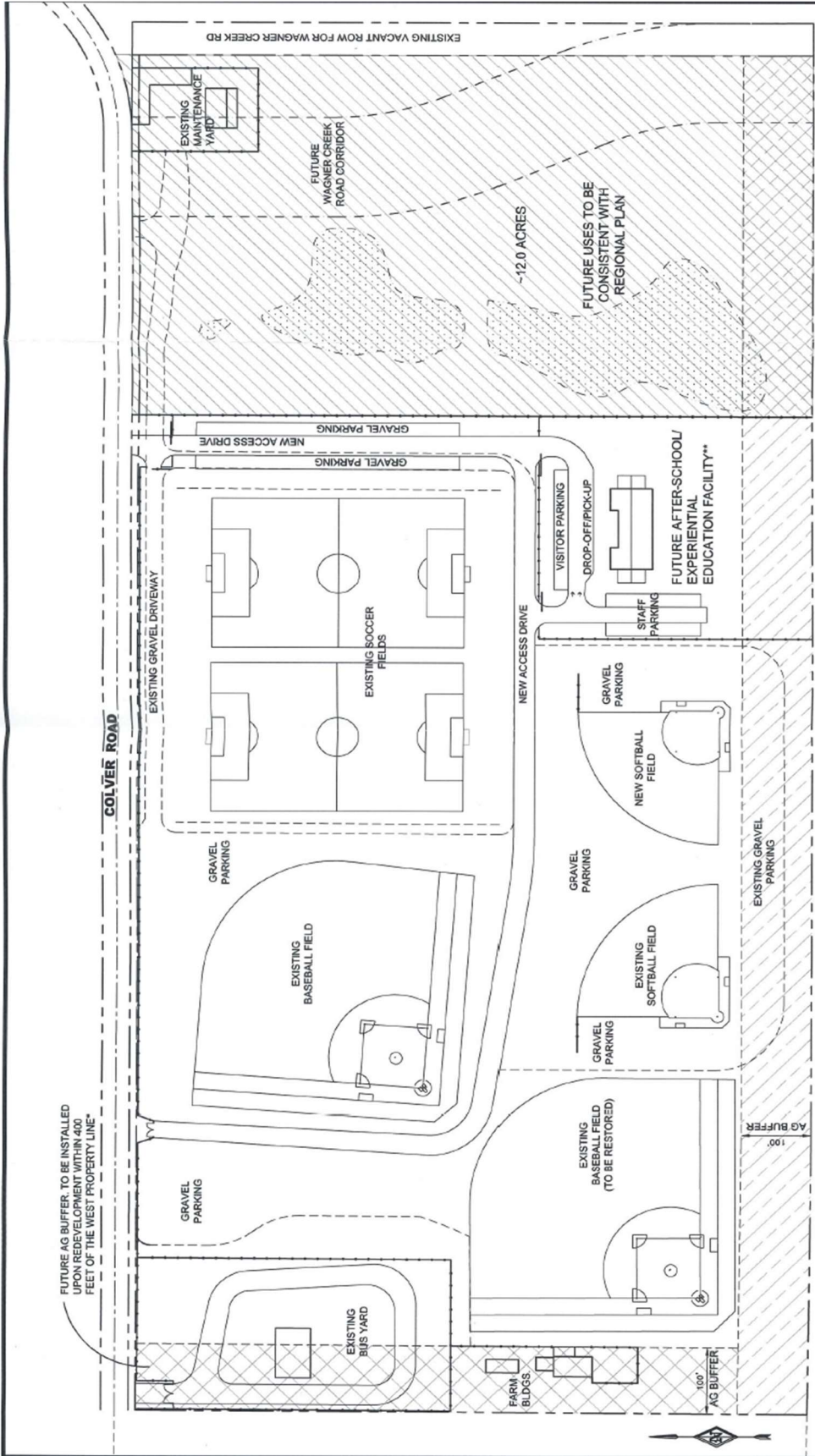


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-  Override 1
-  Pending Land Use Actions
-  City Limit (2007-836-0)
-  Urban Growth Boundary (1978-385-0)
- Tax Lot (Jackson County)
- Zoning (Effective 06/05/2020)
  -  Residential Zone - Single-Family - Medium Density
  -  Residential Zone - Manufactured Home



City of Talent Community Development Department



\*REDEVELOPMENT EXCLUDES REHABILITATION OF EXISTING FIELDS

\*\*CURRENTLY PLANNED TO BE HOME OF OUTDOOR DISCOVERY PROGRAM AND BOYS & GIRLS CLUB

**PHOENIX-TALENT SCHOOLS**



DATE: 4/2021

SCALE: NTS

**COLVER ROAD EDUCATIONAL FACILITIES CONCEPT PLAN**

## **Procedural Requirements**

The subject application is a major legislative UGB Amendment (Type IV) subject to joint city and county review in accordance with legislative procedures in Jackson County Land Development Ordinance (LDO). Amendments to the UGB are governed by the Urban Growth Boundary Management Agreement (UGBMA) between Jackson County and the City of Talent adopted per Ordinance No. 81-82 (Attachment 3). The proposed UGB Amendment is a Major Revision, which is subject mutual city and county review.

## **Approval Criteria**

The above amendments are governed by the UGBMA between the City and Jackson County and additional state and local criteria as set forth below;

### **Oregon Revised Statutes (ORS)**

ORS 197.298 – Priority of land to be included in the urban grown boundary.

#### Statewide Planning Goals/OARS

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 Spaces

Goal 6 – Air, Water, Land Resources Quality

Goal 7 – Areas Subject to Natural Disasters and Hazards

Goal 8 – Recreational Needs

Goal 9 – Economic Development

Goal 10 – Housing

Goal 11- Public Facilities and Services

Goal 12 – Transportation

Goal 13 – Energy Conservation

Goal 14 – Urbanization

Goals 15-19 – Address Willamette Valley and Ocean and Coastal Resources, which do not apply to City.

### **Oregon Administrative Rules (OAR)**

OAR 660-024 – Urban Growth Boundaries

### **Jackson County Comprehensive Plan**

Regional Plan Element Performance Measures 2.7, 2.8, 2.9, 2.10, 2.13, 2.17, 2.18, 2.20

Transportation System Plan Policies

Urban Lands Element: Policy 1

Map Designation Element

### **Jackson County Land Development Ordinance (LDO)**

Section 3.7.3 (E)

### **City of Talent Comprehensive Plan**

Citizen Involvement

Housing Element  
Parks, Recreation, Open Space and Urban Forestry  
Natural Hazards Element  
Transportation Element  
Economy Element  
Public Facilities and Services  
Regional Plan Element  
Energy Element  
Historic Preservation Policies and Strategies

## City of Talent Municipal Code (CTMC) 18.215- UGB Amendment and Master-Planned Development

### Exhibits

1. City Council Resolution No. 2022-055-R
2. Appendix and Detailed Facts and Information
  - 7.1 Application Materials
    - Jackson County Application Forms
    - City of Talent Application Forms
    - TA-1 Conceptual Master Plan
    - Phoenix-Talent School District Long Range Facilities Master Plan (Adopted by Phoenix-Talent School District Board)
  - 7.2 Subject Property Details
    - Assessor's Account Information
    - Lot Creation Document Warranty Deed found at Volume 234 Page 214
    - Summary of Historic County Permits
  - 7.3 Other Materials
    - Jackson County Board of Commissioners Order402-05
    - Phoenix-Talent Little League Letter of Intent
    - Boys and Girls Club of the Rogue Valley Letter of Intent
3. UGBMA with proposed revisions
4. Volume 3 Alternative Location Analysis Report
5. Volume 2 Atlas
6. Traffic Study
7. Regional Plan Progress Report
8. Conceptual Master Plan

## City of Talent UGB Amendment Background

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The City's UGB Amendment aims to provide a sufficient inventory of land that is both available and suitable for urbanization over a 20 year planning period. The current UGB was first established following the adoption of the Regional Problem Solving Plan in 2012. The city has not requested or approved a UGB amendment prior to this request. This UGB amendment is narrow in scope as it is currently owned and operated by the Phoenix-Talent School District for bus facilities and recreational fields. The District has requested this UGB to be able to further develop and expand the current uses on the subject property and to create facilities and employment opportunities for public service jobs with the creation of a proposed Discovery

School and the Boys and Girls Club location on the site.

In 2012 the city adopted the Greater Bear Creek Regional Problem Solving Plan as the City of Talent Regional Plan Element. The Regional Plan established five (5) Urban Reserve Areas (URAs) that serve as first priority land for UGB amendments. The Regional Plan includes twenty (20) performance indicators, including but not limited to minimum average density commitments for lands newly added to the UGB from the URAs and requirements to prepare conceptual land use and transportation plans and meet benchmarks for providing new housing and employment in mixed use/pedestrian friendly areas. The performance indicators have influenced the determination of the City's land need for housing, employment and the location of the proposed UGB expansion.

UGB amendments are governed by state, county, and city criteria designed to minimize impacts to valuable agriculture and forest lands, while promoting compact and livable urban development. To accomplish this the city evaluated its land needs relative to forecast growth and considered opportunities to accommodate growth within the current urban area. Subsequently, the city established a study area and evaluated lands based on priorities and criteria set forth in Oregon State Administrative Rules. Oregon Revised Statutes and City of Talent Comprehensive Plan to identify the most suitable location for the Talent UGB.

## **Land Needs**

The city's land needs are set forth in in the City of Talent Comprehensive Plan, including the following Elements,

**Housing Element (Ordinance 2017-935-O)** The Housing Need Analysis determines the number housing units and acreage need to meet the forecasted population growth over the next 20 years.

**Residential Buildable Lands Inventory (BLI)** This inventory addresses the buildable acres of land within its Urban Growth Boundary. This analyzes the current data for Talent and determines the quality of residential buildable land currently available inside the UGB.

**Economic Element (Ordinance No. 2016-923-O)** This Element was prepared in accordance with Goal 9 and acknowledge by DLCD. It is a guide to city policy and land us decisions related to commercial and industrial development within the city limits and the UGB.

**Employment Buildable Land Inventory** The city has 136.71 total acres of buildable commercial and industrial lots.

**Parks Recreation, Open Space and Urban Forestry Element (Ordinance 1999-670-O)** The Parks, Recreation Open Space and Urban Forestry sets forth the inventory of current Parkland in the UGB and land in the URA's outside the UGB that are owned by the City and identifies performance standards for core parks and associated land needs to provide core park recreation opportunities for the 20 year planning.

Although the city relies on the above documents for lands needs analysis this specific

urban growth boundary amendment relies on the District Long Range Facilities Master Plan (see attachment 2). The city acknowledges the Districts Long Range Facilities Master Plan to demonstrate the need to accommodate a large school district land need for an urban population consistent with a 20 year population forecast. The 2016-2017 Facilities Master Plan adopted by the Phoenix-Talent School District by Resolution 17-8 establishes the amount of land needed for this proposed UGB. The District currently uses the property for recreational uses and is developed with a bus barn and various school uses. The Facilities Plan document requires that the land need necessary for the proposed school uses is 31 acres. The attached Volume 3- Boundary Location Analysis outlines the future specific land needs for a Large School District school facility and the alternative site review. This attached analysis has used the OAR 660 Division 24 method to evaluate this UGB amendment.

Division 24 can generally be understood as split into four steps. The first step is determination of lands needs. If it is determined there is a need for a land need for a specific use over the 20-year planning horizon, as in this case a school facility, the lands within the UGB must be first examined for suitability of accommodating the need. The second step is to identify an adequate study area if it is determined that there is insufficient land to accommodate urban land needs projected population growth over a 20-year period. The third step is to apply the Goal 14 Boundary location factors to lands in the study area to determine potential boundary amendment configurations. The final step is to select the land most appropriate for inclusion in the UGB (see attachment 4, Volume 3 Boundary Location Analysis).

## **Employment Lands**

The Regional Plan Element designates land use within the subject property entirely as Employment. Employment land generally includes three categories: retail, industrial and public. This specific site once annexed into the city limits would be zoned Public Facilities-Civic. The project area is not considered typical employment lands however, it currently does maintain bus services to the school district and should the proposed facilities be developed for the school and recreational facilities this site could provide employment as it relates to those uses. The proposed use of after school recreational use/school and fields use would establish this as public employment. In addition, since the area is already committed to school facility uses, this proposed amendment would efficiently accommodate the city's identified land needs for public and institutional land uses. As per the City of Talent Comprehensive Plan Economic Element the city is project to increase government employment by 22 from 2016 to 2036.

## **Transportation**

**Existing Road Functional Classification:** The subject property fronts upon Colver Road, which is a County maintained Rural Major Collector. The easterly lot line abuts the Wagner Creek right-of-way, which is currently unimproved. The District's maintenance buildings were located partially in this right-of-way. The City of Talent's TSP shows the Wagner Creek Road right-of-way as the location of a future collector.

**Access:** Existing access is taken from Colver Road. The property has five driveways distributed across the frontage. The bus barn uses the westerly most entrance. Most of the traffic to and from the sports fields uses the next entrance located to the east of the bus barn.

**Transportation Facilities:** The existing uses are relatively low intensity with minimal



average traffic during the a.m. and p.m. peak hours. The nearest public traffic count conducted just south of the intersection of Adams Road and Colver Road, calculated an average daily traffic (“ADT”) count of ~2,800 trips in 2020. This was roughly in line with the previous count in 2018, which found ~2,600 trips. According to the Jackson County TSP Table 7: Rural County Roadway Standards and Specifications, a major collector such as Colver Road is planned to have typical ADT between 1,500 and 5000.

The District has engaged Southern Oregon Traffic Engineering. A technical memo with supplemental Transportation findings and a Traffic Impact Analysis is attached to this document (see Attachment 6). The conclusion of this document is the comprehensive plan map amendment from EFU to Park Public Facilities (Civic) at the project site can be approved with proposed mitigations without creating adverse impacts on the transportation system.

### **Parks, Recreation and Open Space Lands**

Talent is growing in population with new residents that will create additional demand on parks and recreational facilities. As the City is guided by our Comprehensive Plan Parks Master Plan, the Phoenix-Talent School District has their 2018-2037 Long Range Facilities Master Plan that guides the expansion of their facilities. This Facilities Master Plan analyses property and building needs for the next 20 years. The District is projecting a slight decline in school population however, there are still the needs for improved recreational facilities and opportunities of alternative school facilities that is proposed on the 43 acre project site. The site would also be providing for regional recreational facilities for the district and the Rogue Valley.

### **Public Facilities**

**Water Service:** The nature and type of uses contemplated for the area are not expected to demand large supplies of domestic water and the density of such uses is likely to be too low to make immediate water extension cost-effective. If the Outdoor Discovery Program / After-School Uses are ultimately sited on the subject property, then an analysis of municipal water service needs for that use would occur at that future time. The site has and uses irrigation rights for 42.8 acres from the Talent Irrigation District. The District plans on retaining these irrigation rights, as they are vital to the continued maintenance of the playing fields which make up a large portion of the site.

**Storm Drainage:** The subject property will not be planned for traditional urban development and is already substantially developed. Consequently, new storm drainage impacts will result from localized development and appropriate engineering of the drainage system for the specific project would be undertaken at the time any such project is approved.

**Sanitary Sewer:** Sanitary sewer service is already provided to the property. It was extended and approved in 2005 under ZON2005-00966 after the failure of an existing septic system.

**Electrical Power.** The subject property has existing electrical service.

**Fire Protection:** The subject properties are within the boundary of Fire District #5 which provides rural service to the surrounding area as well as service to Talent proper.

**Police Protection:** Jackson County Sheriff’s Office provides patrol for the subject

property. City of Talent patrols would be added when the subject property is annexed to Talent following approval of this UGB amendment application.

Public Schools: The subject property and surrounding area is within the boundaries of the Phoenix-Talent School District.

## **Location**

The subject property is located within adopted Urban Reserve Area TA-1, see Attachment 5, Volume 2, Atlas Page 1. The text associated with this Urban Reserve Area TA-1 has been adopted by the City of Talent into its Comprehensive Plan within the Regional Plan Element.

The area proposed for Urban Growth Boundary inclusion lies next to the northwest boundary of the City of Talent, near the southwest corner of Colver Road and N Front Street. Immediately to the southeast corner of the property is another urban reserve area, TA-ROW. The proposed inclusion area is depicted in Volume 2 Atlas Page 17. Prior to execution of the adopting ordinances for the UGB amendment, a metes and bounds description of the UGB amendment will be prepared by a surveyor licensed to practice in the State of Oregon which can be referenced by the adopting ordinances.

The subject property is approximately 43 acres. The property is owned fee simple by the District. The entirety of the parcel is proposed for inclusion in the UGB. Of the 43 acres, approximately 25 are developed with some school facility use. A maintenance facility was located at the northeast corner of the property, but it was demolished in 2022. A substantial portion of the facility was located within the Wagner Creek right-of-way located at the easterly edge of the property.

The City-County Urban Growth Management Agreement requires that the City include adjacent street and other transportation rights-of-way. As such, the proposed UGB amendment includes the inclusion of both the adjacent Colver Road right-of-way and the adjacent Wagner Creek Road right-of-way.

The subject property has several school related uses. In terms of area, the largest uses are District's outdoor sports-fields. These fields and related infrastructure occupy approximately 21 acres on the property. The facilities include a baseball, softball, two soccer fields, a batting cage, bleachers, parking, and restrooms. ~3 acres in the northwestern corner of the parcel hosts the school district's bus barn. South of the bus barn, near the midpoint of the western property line, is approximately 1 acre of livestock barns and pens for the District's agricultural programs. The remainder of the property is unimproved open space, containing a mixture of mowed fields, dirt paths, and vegetation.

The surround properties are outlined below.

West: The westerly border is shared with one lot (38-1W-22D-900), an ~11 ½ acre parcel zoned EFU and owned by the Ziembra family. This lot features a residential dwelling and numerous farm buildings.

East: Immediately to the east of the property is the undeveloped public right-of-way that is approximately 65 feet in width. Beyond this right-of-way are urban residential neighborhoods within City limits, all zoned Single Family – Medium Density. Each of the City lots abutting the subject property appear to be developed with residential improvements. These lots average about .15 acres in size. Beyond the residential lots is the Central Oregon & Pacific Railroad (“CORP”), which runs diagonally from northwest to southeast along N Front St, which provides access to the urban residential dwellings

immediately abutting the subject property.

South: The southerly border of the subject lot is shared with two larger EFU zoned lots, one owned by Bear Creek Orchards (38-1W-27-4100) and one owned by Anthony Roth (38-1W-27-4200). They are approximately ~60 acres and ~14.5 respectively. Both are the site of existing pear orchards that have been actively farmed for decades. A portion of the lot owned by Bear Creek Orchards lies with the Urban Reserve Area TA-ROW.

North: To the immediate north of the subject property is Colver Road. Beyond Colver Road are lands primarily zoned for EFU along with a few parcels zoned for Rural Residential. Most of them appear to be primarily residential uses. Beginning at the northwest corner from the subject property is a roughly 13.5 acre EFU property (38-1W-22-700) that is owned by SJ Unlimited LLC. Tax Lot 700 is the home of a nursery, landscaping supply company, and existing residential dwelling. The nursery and landscaping supply business appear to have started operations around 2017. Immediately to the east of this parcel are two ~2 acre lots which are zoned EFU and that were recently developed with single family dwellings. The lots appear to have been approved through a Measure 37 claim. Continuing east, the next lot (38-1W-22D-500) is another EFU zoned parcel that is approximately ~2.9 acres. Owned by the Devenney family, this lot has a residence, barn, livestock paddocks, and pasture. The next lot (38-1W-22D-400) is owned by the Pribyl family and is approximately 1.9 acres in size. Unlike the previous lots, this property is zoned Rural Residential. It has a residence, barn, and pasture for horses. Continuing east, the next property (38-1W-22D-300) is an ~11.3 acre parcel zoned EFU. Tax Lot 300 is developed with a dwelling, barn, RV storage, and a mix of farm uses. The farm uses include a small orchard, pasture, possible hay or alfalfa, and a vegetable garden. After Tax Lot 300, there are two more properties before reaching the railroad. Both are zoned Rural Residential. The first property (38-1W-22D-200) is owned by the Eaton family and is approximately 2.25 acres. Tax Lot 200 has a residence and various farm buildings along with a small field that may be pasture. The final property (38-1W-22D-100) is owned by the Fleming family and approximately 3.1 acres in size. Tax Lot 100 is developed with a residence and multiple accessory farm buildings. Approximately 2.5 acres of Tax Lot 100 is a field that may be used for grass hay or as pastureland for small livestock.

## **Environmental**

Floodplain: The subject property is not located within any mapped flood hazard areas.

Wetlands: The U.S. Fish & Wildlife Service National Wetlands Inventory data indicates no jurisdictional wetlands on the subject property or immediately abutting its boundaries.

Topography: The topography and physical character of the area is farmland with upland characteristics. Thus, the overall topography is relatively flat.

Soils: About 2/3rds of the property consists of Medford silty clay loam, 0 to 3 percent slopes. This soil is a common soil for Rogue Valley farmland and is a Type I irrigated soil class. The remaining 1/3rd consists of Coleman loam, which runs in two bands north to south through the property. The soils are as follows:

Map Unit 127A (Medford silty clay loam); Type I soil; 0 to 3 percent slopes

Map Unit 34B (Coleman loam); Type II soil, 0 to 7 percent slopes

## County and City Land Use and Zoning

The property is currently planned and designated for agricultural (EFU) use. The subject property is a single 43 acres parcel designated as Agricultural land. The District owns the property has developed it with a bus barn and vehicle service area as well as recreational sport fields. The parcel is not identified by the Resource Land Review Committee as an area with commercial agricultural lands.

This property is in the County and therefore does not have a designation of land use zone, however should the UGB Amendment be approved and the District moves forward with annexation the City will establish a zone district of Public Lands and Facilities, and the Comprehensive Plan designation will be Public Facilities -Civic.

## Procedural Conclusions of Law

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### City-County Urban Reserve Management Agreement Plan Procedural Requirements

**WHEREAS** City and County have previously entered into an intergovernmental agreement setting forth their rights and responsibilities within the Urban Growth Boundary (UGB) and outside the incorporated City boundaries and this Agreement remains in full force and effect; and

**Conclusions of Law:** The County and City conclude that the URMA is included in this UGB process to be reviewed concurrently for an update of the UGBMA between the City and the County to be consistent with the above conclusion of law.

#### Major Revisions

Major revisions in boundary or policies will be considered amendments to both the City and County Comprehensive Plans, and as such, are subject to a legislative review process.

A major revision shall include any boundary change that would necessitate revisions to the intent of City or County Plan goals, policies, text, and/or that has widespread and significant impact beyond the immediate area, such as quantitative changes allowing for substantial changes in population or significant increases in resource impacts; qualitative changes in the land use itself, such as conversion of residential to industrial use; or spatial changes that affect large areas or many different ownerships. Any change in urbanization policies is considered a major revision.

Major revisions will be considered by the City and County at five year intervals from the date of adoption of the Urban Growth Boundary and Urbanization Policies. If the City and County governing bodies find that circumstances prevail which have a significant effect on the public health, safety or general welfare of the community, a major revision could be considered at intervals of less than five years.

A request for a major revision can be initiated by an individual or group, citizen advisory committees, affected agencies, and governing bodies. The party who seeks the revision shall be responsible for filing adequate written documentation with the City and County governing bodies. The final legislative action on major revision requests shall be based on the following factors:

- 1) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities;
- 2) The orderly and economic provision of key urban/public facilities and services;
- 3) Maximum efficiency of land uses within the current urbanizable area;

- 4) Environmental, energy, economic and social consequences;
- 5) Compatibility of the proposed change with other elements of the City and County Comprehensive Plans;
- 6) The other Statewide Planning Goals.

Major revision proposals shall be subject to a mutual City and County review and an agreement process involving affected agencies, citizen advisory committees, and the general public. If the City and County cannot agree on a major revision, and until an acceptable revision is mutually reached and adopted, both jurisdictions will continue to administer existing Urban Growth and Area of Mutual Planning Concern Boundaries and Urbanization Policies.

#### Minor Boundary Line Adjustments

Minor adjustments to an Urban Growth Boundary line may be considered subject to similar procedures used by the City and County in hearing zoning requests. A minor amendment is defined as focusing on specific individual properties and not having significant impact beyond the immediate area of the change.

Application for a minor boundary line amendment can only be made by property owners, their authorized agents, or by a City or County governing body. Written applications for amendments may be filed in the office of the Jackson County Department of Planning and Development on forms prescribed by the County. The standards for processing an application are as follows:

- 1) Final action on minor boundary line adjustments shall be based on the same six factors required for major revision requests as listed in the preceding discussion titled "Major Revisions".
- 2) Applications will be reviewed by the affected City and County Planning Advisory Committees annually.
- 3) The applications will be reviewed at a joint City and County Planning Commission meeting held annually for the express purpose of considering minor boundary line adjustments.
- 4) The Planning Commissions are required to forward a recommendation and findings on each application to the City and County governing bodies for final consideration.
- 5) Amendments cannot be made to the Urban Growth Boundary line unless mutually agreed to by a majority from each governing body. The County governing body shall be responsible for the preparation of the actual legal instrument which officially amends the boundary line.

**Conclusions of Law:** The City concludes that approval of this application will modify the Talent Urban Growth Boundary, thereby increasing the amount of urbanizable land in the City of Talent, and further concludes as follows with respect to the procedural requirements of the Urban Growth Boundary Management Agreement (UGBMA):

1. The County and City finds that the proposed amendments are major based upon the foregoing conclusions of law addressing this requirement under JCLDO 3.7.1 and the General Introduction Element of the County Comprehensive Plan. The Talent Municipal Code Chapter 18.215 requires a Type IV review procedure and TMC 18,19.060 states that a Type IV procedure is legislative. The County and City further conclude that the process followed for post-acknowledgment changes to the comprehensive plan is generally analogous to the procedures to review for zoning map amendments.
2. The City concludes the application has been made by the property owner.
3. The City concludes it has been more than a year since the County and City held a joint meeting to consider minor boundary line adjustments and

therefore such meetings may now be scheduled at any time.

4. The City concludes that the County and City Planning Commissions can and will forward a recommendation on the application to its respective governing bodies with the requisite findings.
5. The County and City can and must reach consensus for approval of the subject application and upon approval of the boundary amendment request, the County can and will prepare the legal instrument to officially amend the boundary.

## Statewide Planning Goals

The statewide planning goals are addressed herein below. The entire goal language is provided for those goals where the goal contains provisions that are applicable to the subject application in one or more specific ways. For those goals that are only broadly applicable to the proposed UGB amendment application, only the overarching introductory goal statement is provided. The balance is omitted for the sake of brevity. Supplemental conclusions of law may be prepared during the course of the public proceedings on this application in the event detailed conclusions explaining compliance with omitted goal language is raised as a substantive issue.

### **Goal 1: Citizen Involvement**

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process...*[balance omitted for brevity]*

**Conclusions of Law:** The City concludes the proposed UGB amendment is legislative as per the UGB Amendment process outlined in TMC 18.215.090, in nature and therefore citizen involvement is assured by and through application of the city's adopted and acknowledged procedures for the conduct and noticing of legislative reviews, including the giving of proper public noticing and the proper conduct of public hearings. This is a joint city/county application for consideration and review.

### **Goal 2: Land Use Planning**

#### *PART I -- PLANNING*

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the

governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

*Affected Governmental Units* --are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan.

*Comprehensive Plan* – as defined in ORS 197.015(5).

*Coordinated* -- as defined in ORS 197.015(5). Note: It is included in the definition of comprehensive plan.

*Implementation Measures* – are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

*Plans* -- as used here encompass all plans which guide land-use decisions, including both comprehensive and single-purpose plans of cities, counties, state and federal agencies and special districts.

**Conclusions of Law:** The City concludes that both jurisdictions, Jackson County and the City of Talent have acknowledged land use plans that comply with Goal 2. The City further finds that the mutually adopted and acknowledged Urban Growth Management Agreement provides for annual review of growth boundary amendment requests and that such requests are required to be submitted on forms provided by the county. The city further finds that this application has been filed and evidence has been provided within Volumes 1, 2 and 3 submitted by the applicant. The application is complete and has assured an adequate factual basis in support of the City's decision to amend the Talent UGB consistent with Goal 2.

### **Goal 3: Agricultural Lands**

To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

#### *USES*

Counties may authorize farm uses and those nonfarm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices.

#### *IMPLEMENTATION*

Zoning applied to agricultural land shall limit uses which can have significant adverse effects on agricultural and forest land, farm and forest uses or accepted farming or forest practices.

Counties shall establish minimum sizes for new lots or parcels in each agricultural land designation. The minimum parcel size established for farm uses in farmland zones shall be consistent with applicable statutes. If a county proposes a minimum lot or parcel size less than 80 acres, or 160 acres for rangeland, the minimum shall be appropriate to maintain the existing commercial agricultural enterprise within the area and meet the requirements of ORS 215.243.

Counties authorized by ORS 215.316 may designate agricultural land as marginal land and allow those uses and land divisions on the designated marginal land as allowed by law.

LCDC shall review and approve plan designations and revisions to land use regulations in the manner provided by ORS Chapter 197.

#### DEFINITIONS

*Agricultural Land* -- in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.

More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4.

Farm Use -- is as set forth in ORS 215.203.

High-Value Farmlands – are areas of agricultural land defined by statute and Commission rule.

#### GUIDELINES

##### A. PLANNING

1. Urban growth should be separated from agricultural lands by buffer or transitional areas of open space.
2. Plans providing for the preservation and maintenance of farm land for farm use, should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

##### B. IMPLEMENTATION

1. Non-farm uses permitted within farm use zones under ORS 215.213(2) and (3) and 215.283(2) and (3) should be minimized to allow for maximum agricultural productivity.
2. Extension of services, such as sewer and water supplies into rural areas should be appropriate for the needs of agriculture, farm use and non-farm uses established under ORS 215.213 and 215.283.
3. Services that need to pass through agricultural lands should not be connected with any use that is not allowed under ORS 215.203, 215.213, and 215.283, should not be assessed as part of the farm unit and should be limited in capacity to serve specific service areas and identified needs.
4. Forest and open space uses should be permitted on agricultural land that is being preserved for future agricultural

**Conclusions of Law:** The Land Conservation and Development Commission has adopted administrative rules that implement the Statewide Planning Goals. The City finds that the administrative rule in OAR 660-024-0020(1)(b) provides that Goal 3 is not applicable to UGB amendment requests. Although the City finds this goal is not applicable that it might be interpreted to apply indirectly because Goal 3 continues to apply to those lands not included in the UGB and Goal 14 requires an analysis of impacts on Goal 3 protected lands.



Thus, the City has incorporated and adopts the conclusions of law below under Goal 14 which addresses impacts to lands protected by Goal 3. The City concludes that satisfaction of the Goal 14 requirements to evaluate agricultural land impacts will concurrently assure lands protected by Goal 3 have been adequately considered in the alternatives analysis and will satisfy the Goal 3 objective to continue to preserve and maintain agricultural lands in Jackson County. In addition, the Conceptual Master Plan has outlined an agricultural buffer zone along the West and South property lines where the subject property abuts existing agricultural zoned lands.

**Goal 4: Forest Lands**

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture...*(balance omitted for brevity)*

**Conclusions of Law:** The City finds that OAR 660-024-0020(1)(b) provides that Goal 4 does not apply to UGB amendments and concludes that the rule does not require further goal findings. However, the City also concludes in the alternative that the subject property is not near any land inventoried in the Jackson County Comprehensive Plan (nor zoned) as forest land and is not surrounded or near any lands known to be engaged in forest practices.

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic Rivers;
- e. State Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation Trails;
- h. Natural Areas;
- i. Wilderness Areas;
- j. Mineral and Aggregate Resources;
- k. Energy sources;
- l. Cultural areas.

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

- a. Historic Resources;
- b. Open Space;
- c. Scenic Views and Sites.

Following procedures, standards, and definitions contained in commission rules,

local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.

#### *GUIDELINES FOR GOAL 5*

##### *A. PLANNING*

1. The need for open space in the planning area should be determined, and standards developed for the amount, distribution, and type of open space.
2. Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open spacelands to inconsistent uses. The maintenance and development of open space in urban areas should be encouraged.
3. Natural resources and required sites for the generation of energy (i.e. natural gas, oil, coal, hydro, geothermal, uranium, solar and others) should be conserved and protected; reservoir sites should be identified and protected against irreversible loss.
4. Plans providing for open space, scenic and historic areas and natural resources should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
5. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.
6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.
7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the classification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710(23).

##### *B. IMPLEMENTATION*

1. Development should be planned and directed so as to conserve the needed amount of open space.
2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area.
3. The efficient consumption of energy should be considered when utilizing natural resources.
4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.
5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.
6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological, and recreational needs for significant natural areas.

7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.
8. State and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.
9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim, transitional and "second use" utilization as well as for the primary use.

**Conclusions of Law:** The City finds in general terms that the City has an adopted and acknowledged Comprehensive Plan that it relies upon to comply with Statewide Planning Goal 5. Future application of the City's comprehensive plan will assure future compliance with Goal 5 in the protection of natural resources, scenic and historic areas and opens spaces.

More specifically, the City concludes that the subject property is not known to be inventoried as a Goal 5 resource by either the City or County. The City has an acknowledged Old Town overlay to implement protection of historic resources. The subject property is not within the overlay or immediately adjacent. Neither does the subject property contain or abut City parks, wetlands, or any other open space. The uses are consistent with and do not conflict with any Goal 5 resources, plans, or objective acknowledged by the City.

#### **Goal 6: Air, Water and Land Resources Quality**

To maintain and improve the quality of the air, water and land resources of the state.

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

*Waste and Process Discharges* -- refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom. Included here also are indirect sources of air pollution which result in emissions of air contaminants for which the state has established standards.

#### **GUIDELINES**

##### **A. PLANNING**

1. Plans should designate alternative areas suitable for use in controlling pollution including but not limited to waste water treatment plants, solid waste disposal sites and sludge disposal sites.
2. Plans should designate areas for urban and rural residential use only where approvable sewage disposal alternatives have been clearly identified in such plans.
3. Plans should buffer and separate those land uses which create or lead to conflicting requirements and impacts upon the air, water and land resources.
4. Plans which provide for the maintenance and improvement of air, land and water resources of the planning area should consider as a major

determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

5. All plans and programs affecting waste and process discharges should be coordinated within the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plan.
6. Plans of state agencies before they are adopted should be coordinated with and reviewed by local agencies with respect to the impact of these plans on the air, water and land resources in the planning area.
7. In all air quality maintenance areas, plans should be based on applicable state rules for reducing indirect pollution and be sufficiently comprehensive to include major transportation, industrial, institutional, commercial recreational and governmental developments and facilities.

#### B. IMPLEMENTATION

1. Plans should take into account methods and devices for implementing this goal, including but not limited to the following:
  - (1) tax incentives and disincentives,
  - (2) land use controls and ordinances,
  - (3) multiple-use and joint development practices,
  - (4) capital facility programming,
  - (5) fee and less-than-fee acquisition techniques, and
  - (6) enforcement of local health and safety ordinances.
2. A management program that details the respective implementation roles and responsibilities for carrying out this goal in the planning area should be established in the comprehensive plan.
3. Programs should manage land conservation and development activities in a manner that accurately reflects the community's desires for a quality environment and a healthy economy and is consistent with state environmental quality statutes, rules, standards and implementation plans.

**Conclusions of Law:** The City finds that the proposed UGB inclusion area is already served with public sewer and can be served by storm drainage when more intensive uses are ultimately proposed. As the property is already substantially developed with a school use, minimal impacts to water and land resources are expected and to the knowledge of the Applicant there is no evidence testified to the contrary.

Air resources are examined on a regional basis and through point-source DEQ permitting. The proposed amendment will support the implementation of the City of Talent's Transportation System Plan which will over time support bicycle and pedestrian connections to the existing regional system, and this has the potential for small air quality benefits. There are no negative air quality impacts from this amendment and no party has testified otherwise.

#### **Goal 7: Areas Subject to Natural Hazards**

To protect people and property from natural hazards...*[balance omitted for brevity]*

**Conclusions of Law:** The City finds that the property is not within a mapped floodway and not subject to flooding. There are no other unusual natural hazard risks to the subject property and no party has testified otherwise.

**Goal 8: Recreational Needs**

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**RECREATION PLANNING**

The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and

(3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.

**Conclusions of Law:** The City finds that UGB inclusion of the subject property has limited direct Goal 8 implications because the use of the subject property will be primarily for public facilities, specifically school uses. However, the City concludes that this amendment has indirect Goal 8 implications because this property serves as an important recreation facility for local sports leagues for Talent and the surrounding communities. Further, the District has been coordinating with the Phoenix-Talent Little League and the Rogue Valley Boys and Girls Club, both of whom have provided a letter of intent to the District stating their desire to relocate from their present locations to the subject property for updated and expanded facilities. See Attachment 2, Appendix Section 7.3.2 and 7.3.3 for copies of the letters. The proposed amendment will continue to facilitate the existing community recreational use and is able to further provide for additional outdoor recreational opportunities for the region (Medford, Phoenix, Talent, Ashland).

**Goal 9: Economic Development**

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens...*[balance omitted for brevity]*

**Conclusions of Law:** The City concludes that this UGB amendment has limited direct Goal 9 implications because the use of the subject property will be for public facilities, specifically school uses. However, the City finds that this amendment has positive indirect Goal 9 implications because the subject property provides additional recreational facilities that indirectly benefits the area periodically as well as the infrastructure to support the education of a local workforce. The proposed amendment will further this mission by accommodating school specific development and additional workforce for the area.

**Goal 10: Housing**

To provide for the housing needs of citizens of the state.

**Conclusions of Law:** Based upon the evidence, the City finds Goal 10 is not applicable to this UGB amendment because this amendment is not expected to result in any new supply of land for residential development in the City of Talent Urban Growth Boundary.

**Goal 11: Public Facilities and Services**

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development...*[balance omitted for brevity]*

**Conclusions of Law:** Based upon the existing facilities outlined above, the City concludes the subject property is already served by sewer facilities and municipal water and storm drain facilities can feasibly be extended if such facilities become necessary to serve the types of uses that might be permitted under Talent Municipal Code.

**Goal 12: Transportation**

To provide and encourage a safe, convenient and economic transportation system.

**Conclusions of Law:** The conclusion of law reached by the City is that OAR 660 Division 12 implements Goal 12 and that OAR 660-024-0020(1)(d) makes explicit that detailed findings of compliance with OAR 660-012-0060 are not required when adopting a UGB amendment where the proposed land will retain its current zoning. Since the proposed amendment will not change the zoning of the subject property, the City has not apply OAR 660-012-0060 to this UGB amendment.

While application of OAR 660-012-0060 is not required at this time, the City finds that addressing the goal is appropriate. In this regard, the City finds that proposed amendment primarily serves to make pre-existing uses conforming by locating them inside a UGB and allow for some expansion of those school facilities over time. An indirect benefit of the UGB amendment will be the addition of municipal police protection into the area which will help support transportation safety. In these ways, the City finds that this UGB amendment will provide and encourage a safe, convenient and economic transportation system, consistent with Goal 12.

**Goal 13: Energy Conservation**

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles

**Conclusions of Law:** The City finds that the proposed amendment will enable the location of additional school recreation facilities next to existing facilities and that school facilities near population centers will conserve energy by reducing vehicle trip lengths and on this basis concludes the amendments complies with Goal 13.

**Goal 14: Urbanization**

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**Urban Growth Boundaries**

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments.

An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

**Conclusions of Law:** The City finds that this UGB amendment will provide for an orderly and efficient transition from rural to urban land use by amending the UGB to include the subject property that is already developed for an urban use near the expanding urban population of Talent consistent with Goal 14.

**Land Need**

Establishment and change of urban growth boundaries shall be based on the following:

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments, or for cities applying the simplified process under ORS chapter 197A, a 14-year forecast; and
- (2) Demonstrated need for housing, employment opportunities, livability or uses

such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

**Conclusions of Law (Goal 14 Continued):** The City is relying upon the School District's Long Range Facilities Master Plan, to conclude that there is a demonstrated need to accommodate a school need for an urban population consistent with a 20-year population forecast. Although the city has not adopted this Plan, the Facilities Master Plan describes the real property and infrastructure needs of the District over the next 10-20 years using a population forecast that takes into account projections from Portland State's Population Research Center, the Jackson County Comprehensive Plan, and the Oregon Office of Economic Analysis.

With respect to the *amount of land needed*, the City will rely upon the Long Range Facilities Master Plan and the Letters of Intent provided to the District by the Phoenix-Talent Little League and the Boys and Girls Club of the Rogue Valley (See attachment 2, Appendix 7.3). Currently, most of the subject property is already developed with school uses. The Master Plan determined these existing uses as necessary for the functioning of the School District and further demonstrates a need to replace the existing maintenance facility on the property and find a new site for the Outdoor Discovery School. In addition, both the Boys and Girls Club of the Rogue Valley and the Phoenix-Talent Little League have signed Letters of Intent confirming their intention to relocate and expand facilities to the subject property.

The City finds that, in accommodating the identified school need and to accommodate the intention of the Little League and Boys and Girls Club to relocate, suitable lands should be approximately 43 acres in size and located near other school facilities in order to facilitate the organizational efficiency needs of the School District and to limit unnecessary trips for students and staff.

The City further finds that there are acknowledged and adopted policies to support the inclusion of the property in the UGB in order to facilitate the School District's long-term needs. After the approval of sewer services to the property to remediate a failing septic system, the County officially declared support for the inclusion of the property into the UGB via Board Order 402-05. A copy of the Board Order is found at the attachment 2, Appendix 7.3. The City's adopted Comprehensive Plan Public Facilities Element has Objective 5.1.2, which instructs the City to work with the District to ensure available land is provided for school needs, including specifically supporting an UGB amendment to include the subject property. Thus, the City concludes that 43 acres are necessary to accommodate the school use based on a 20-year population forecast used to create the Long Range Facilities Master Plan, the demonstrated need therein for school facilities, the documented intent of the Phoenix-Talent Little League and the Boys and Girls Club of the Rogue Valley to relocate and expand their facilities to the subject property, and the past policy actions of the County and City.

#### **Boundary Location**

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197A.320 or, for the Metropolitan Service District, ORS 197.298, and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

#### **Urbanizable Land**

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

#### **Unincorporated Communities**

In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by commission rules which ensure such uses do not adversely affect agricultural and forest operations and interfere with the efficient functioning of urban growth boundaries.

#### **Single-Family Dwellings in Exception Areas**

Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:

- (a) Was lawfully created;
- (b) Lies outside any acknowledged urban growth boundary or unincorporated community boundary;
- (c) Is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and
- (d) Is planned and zoned primarily for residential use.

#### **Rural Industrial Development**

Notwithstanding other provisions of this goal restricting urban uses on rural land, a county may authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, on certain lands outside urban growth boundaries specified in ORS 197.713 and 197.714, consistent with the requirements of those statutes and any applicable administrative rules adopted by the Commission.

**Conclusions of Law (Goal 14 Continued):** The City adopts the analysis and conclusions of the Volume 3 Boundary Location Analysis, which evaluates alternative boundary locations consistent with ORS 197A.320 and with consideration of the four Boundary Location Factors herein above. As concluded in Volume 3, Section 8, an Urban Growth Boundary expansion that includes ~43 acres of the Subject Lot together with right of way on Colver Road and Wagner Creek Road is consistent in all ways with the priority lands statute at ORS 197A.320 and inclusion of these lands represents a reasonable and appropriate balance of the four boundary location factors of Statewide Planning Goal 14 and the comprehensive plan and adopted land use regulations in effect at the time of the initiation of this subject amendment.



## GUIDELINES

### A. PLANNING

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area; (2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.
2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.
3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

**Guideline Summary:** The City concludes that the planning guidelines of Goal 14 are not explicit criteria, but instead provide general guidance on Goal 14 planning efforts. In this regard, the City notes that the proposed amendment will designate sufficient amounts of urbanizable land to accommodate the growth planning of the area for schools; the size and arrangement of the property are sufficient to accommodate additional school needs in this area and enhance the livability of Talent.

### B. IMPLEMENTATION

1. The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion.
2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.
3. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.
4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.
5. Additional methods and devices for guiding urban land use should include but not be limited to the following: (1) tax incentives and disincentives; (2) multiple use and joint development practices; (3) fee and less-than-fee acquisition techniques; and (4) capital improvement programming.
6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities.

**Implementation Summary:** The City concludes that the implementation provisions of Goal 14 are not explicit criteria but provide general guidance on Goal 14 implementation. In this regard, the City notes that the proposed amendment is responsive as a logical inclusion of Phoenix-Talent's existing school facilities within the proposed UGB expansion area and will allow additional urban services to be extended to serve future uses – if necessary.

**Conclusions of Law (Goal 14 Ultimate Conclusion):** Based upon the foregoing

conclusions of law, the ultimately finds the subject UGB amendment is consistent with Goal 14.

### ***State of Oregon Procedural Requirements***

Urban Growth Boundaries are foundational to the State’s land use planning program. ORS 197 and related rules are directed at implementing this system and the procedures to amend the urban growth boundary are addressed herein.

### **Oregon Revised Statutes**

**197.626 Submission of land use decisions that expand urban growth boundary or designate urban or rural reserves.** (1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the manner provided for review of a work task under ORS 197.633 and subject to subsection (3) of this section:

- (a) An amendment of an urban growth boundary by a metropolitan service district that adds more than 100 acres to the area within its urban growth boundary;
- (b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;
- (c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropolitan service district or by a city with a population of 2,500 or more within its urban growth boundary;
- (d) An amendment of the boundary of an urban reserve by a metropolitan service district;
- (e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban reserve by a city with a population of 2,500 or more within its urban growth boundary; and
- (f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to 195.145 by a county, in coordination with a metropolitan service district, and the amendment of the designation.

**Conclusions of Law:** Based upon the City Housing Element the evidence enumerated in Section 2, and supporting record, the City concludes that the City of Talent UGB contains more than 2,500 people<sup>2</sup>, but that the requested UGB amendment is less than 50 acres and is not, therefore, required to be submitted in the manner provided for periodic review pursuant to ORS 197.628 to 197.650. On this basis, the City herewith concludes the subject application requesting UGB amendment for less than fifty acres is subject to the standard review process for post-acknowledgement comprehensive plan map changes.

**197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.**

- (1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.
- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

- (3) Submission of the proposed change must include all of the following materials:
  - a. The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;
  - b. If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;
  - c. A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;
  - d. The date set for the first evidentiary hearing;
  - e. The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and
  - f. Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.
- (4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:
  - a. Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and
  - b. Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.
- (5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.
- (6) If, after submitting the materials described in subsection (3) of this section, the proposed change is altered to such an extent that the materials submitted no longer reasonably describe the proposed change, the local government must notify the Department of Land Conservation and Development of the alterations to the proposed change and provide a summary of the alterations along with any alterations to the proposed text or map to the director at least 10 days before the final evidentiary hearing on the proposal. The director shall cause notice of the alterations to be given in the manner described in subsection (4) of this section. Circumstances requiring resubmission of a proposed change may include, but are not limited to, a change in the principal uses allowed under the proposed change or a significant change in the location at which the principal uses would be allowed, limited or prohibited.
- (7) When the director determines that a proposed change to an acknowledged comprehensive plan or a land use regulation may not be in compliance with land use statutes or the statewide land use planning goals, including administrative rules implementing either the statutes or the goals, the department shall notify the local government of the concerns at least 15 days before the final evidentiary hearing, unless there is only one hearing or the proposed change has been modified to the extent that resubmission is required under subsection (6) of this section.
- (8) Notwithstanding subsection (7) of this section, the department may provide advisory recommendations to the local government concerning the proposed change to the acknowledged comprehensive plan or land use regulation. [1981 c.748 §4; 1983 c.827 §7; 1985 c.565 §27; 1989 c.761 §20; 1999 c.622 §1; 2011 c.280 §1]

**Conclusions of Law:** The subject application requires 35-day written notice to the Department of Land Conservation and Development, the City of Talent Municipal Code requires 45 day written notice to the Department of Land Conservation and Development

in accordance with the statute, and the same will be provided by the Jackson County Planning Department in accordance with the statute, as a duly attached joint submittal authorization statement from the City of Talent.

**197.615 Submission of adopted comprehensive plan or land use regulation changes to Department of Land Conservation and Development.**

- (1) When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the decision to the Director of the Department of Land Conservation and Development within 20 days after making the decision.
- (2) The submission must contain the following materials:
  - (a) A copy of the signed decision, the findings and the text of the change to the comprehensive plan or land use regulation;
  - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;
  - (c) A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under ORS 197.610 and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and
  - (d) A statement by the individual transmitting the submission, identifying the date of the decision and the date of the submission.

**Conclusions of Law:** The subject application requires notice of final adoption to the Department of Land Conservation and Development. The same can feasibly and will be provided by the Jackson County Planning Department in accordance with the statute after final decision by the County and City. The City of Talent will provide a duly attached joint notice of adoption authorization statement.

- (3) The director shall cause notice of the decision and an explanation of the requirements for appealing the land use decision under ORS 197.830 to 197.845 to be provided to:
  - (a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and
  - (b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.
- (4) On the same day the local government submits the decision to the director, the local government shall mail, or otherwise deliver, notice to persons that:
  - (a) Participated in the local government proceedings that led to the decision to adopt the change to the acknowledged comprehensive plan or the land use regulation; and
  - (b) Requested in writing that the local government give notice of the change to the acknowledged comprehensive plan or the land use regulation.
- (5) The notice required by subsection (4) of this section must state how and where the materials described in subsection (2) of this section may be obtained and must:
  - (a) Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;
  - (b) List the locations and times at which the public may review the decision and findings; and
  - (c) Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845. [1981 c.748 §5; 1983 c.827 §9; 1999 c.255 §1; 2011 c.280 §2]

**Conclusions of Law:** Based upon the Findings of Fact the City concludes the subject application requires notice of final adoption in the manner prescribed above in ORS

197.615.(4) to persons who participated orally or in writing in the proceedings or requested such notice. The County and City further conclude that the same can feasibly and will be provided by the Jackson County Planning Department in accordance with the statute after final decision by the County and City, and the same includes a duly attached joint submittal authorization statement from the City of Talent.

## **Oregon Administrative Rules**

### **660-018-0020**

#### **Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation**

- (1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.
- (2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:
  - (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rule;
  - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;
  - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;
  - (d) The date set for the first evidentiary hearing;
  - (e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and
  - (f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.
- (3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.
- (4) If a local government proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals, the local government may adopt such a change without holding a public hearing, notwithstanding contrary provisions of state and local law, provided:
  - (a) The local government provides notice to the department of the proposed change identifying it as a change described under this section, and includes the materials described in section (2) of this rule, 35 days before the proposed change is adopted by the local government, and
  - (b) The department confirms in writing prior to the adoption of the change that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.
- (5) For purposes of computation of time for the 35-day notice under this rule and OAR 660-018-0035(1)(c), the proposed change is considered to have been "submitted" on the day that paper copies or an electronic file of the applicable notice forms and other documents required by section (2) this rule are received or, if mailed, on the date of mailing. The materials must be mailed to or received by the department at its Salem office.

**Conclusions of Law:** Based upon the Findings of Fact and the evidence outlined above the City finds the subject application requires 35-day notice to the Department of Land Conservation and Development Director and the same has been provided by the Jackson County Planning Department in accordance with and including all materials required by the above administrative rule. The City of Talent can feasibly and will provide a duly attached joint submittal authorization statement.

**660-018-0021**

**Joint Submittal of Notices and Changes**

- (1) Where two or more local governments are required by plan provisions, coordination agreements, statutes or goals to agree on and mutually adopt a change to a comprehensive plan or land use regulation, the local governments shall jointly submit the notice required in OAR 660-018-0020 and, if the change is adopted, the decision and materials required by OAR 660-018-0040. Notice of such proposed changes must be jointly submitted at least 35 days prior to the first evidentiary hearing. For purposes of notice and appeal, the date of the decision is the date of the last local government's adoption of the change.
- (2) For purposes of this rule, a change to a comprehensive plan or land use regulation that requires two or more local governments to agree on and mutually adopt the change includes, but is not limited to, the establishment or amendment of an urban growth boundary or urban reserve by a city and county in the manner specified in Goal 14.

**Conclusions of Law:** The City concludes the requested UGB amendment requires joint consideration and agreement. The City also concludes that the adopted and acknowledged UGMA provides that the request shall be filed with Jackson County on forms provided by the County and the City thus find the UGMA requires the County will be the lead agency in application processing. All required notices and procedures can feasibly and will be completed during the course of application review.

**660-021-0060**

**Urban Growth Boundary Expansion**

All lands within urban reserves established pursuant to this division shall be included within an urban growth boundary before inclusion of other lands, except where an identified need for a particular type of land cannot be met by lands within an established urban reserve.

**Conclusions of Law:** The City adopted the Regional Plan element in 2012 by Ordinance 865, as a new Element to its Comprehensive Plan in response to County adoption of the Greater Bear Creek Valley Regional Plan. This Element established five Urban Reserve Areas for the City. This proposed Urban Reserve area is known as TA-1. The City of Talent Urban Reserve Areas must meet performance indicators outlined in the Regional Plan Progress Report, see attached report. With these designated URA's it allows the City and the County to review this URA – TA-1 for inclusion into the UGB. The city has updated its Regional Plan Progress Report, and with the Conceptual Master Plan process that was adopted by the City Council this UGBA meets the land needs for recreation/ open space and public facilities the that have been outlined through the findings.

## ***City of Talent Procedural Requirements***

### **City of Talent Zoning Ordinance**

**18.215.060 Review steps and review procedure.**

- A. Review Steps. There are four required steps to planned development approval; they may occur only sequentially, never concurrently, with the exception of the steps in subsections (A)(2) and (A)(3) of this section:
  1. Development and approval of a conceptual master plan (CMP) at time of UGB

amendment;

**Conclusions of Law:** City finds that the proposed urban growth boundary amendment is accompanied by an approved conceptual master plan (CMP), which has followed the approval process set forth by Talent Zoning Ordinance Section 18.215.080. See approved CMP.

B. Review Process.

1. Submit an application for inclusion in the city's UGB. Follow the steps in Chapter 18.195 TMC. If approved, the result is a conceptual master plan (CMP) adopted by the city in conjunction with adoption of the UGBA and appropriate MPD designations on the comprehensive plan land use map. This is a legislative review process (see TMC 18.190.060).

**Conclusions of Law:** The City finds that the proper application has been submitted and that a CMP was approved by the Talent City Council on June 1<sup>st</sup>, 2022. The City further concludes, that the subject application is legislative in nature, and herewith incorporate and adopt the Conclusions of Law above that address JLCDO Section 3.7 that address a legislative process for a major amendment.

**8.215.070 Urban growth boundary amendment and conceptual master plan – Application.** An application to include land in the city's urban growth boundary (UGB) is a legislative process that includes coordination with Jackson County and approval from Jackson County Board of Commissioners. Such a process is called an urban growth boundary amendment (UGBA). Because such an amendment can be a lengthy process, the time can be used to advantage by developing a conceptual master plan for the area in question.

The initiation of an urban growth boundary amendment by any one or more property owners in the urban reserve area will be the trigger for planning the entire urban reserve. The city will not master plan subsets of URAs.

A. General Submission Requirements. The following shall be submitted in both hard copy and electronic formats:

1. A Type IV application, as per TMC 18.190.060(C), and ORS 197.296, along with fee.
2. Topographic map of the proposed boundary amendment area, including land within 500 feet of the exterior bounds of the area. Said map will show existing buildings, utilities, streets and ways, natural features, bodies of water, and wetlands.
3. A description of the applicant's vision for eventual development.
4. Special studies prepared by qualified professionals may be required by the city planning official, planning commission or city council to determine potential traffic, geologic, noise, environmental, natural resource, natural hazard, and other impacts
5. Any additional materials required by Section 3.7.3(E) of the Jackson County Land Development Ordinance, or its successor provision(s). [Ord. 847 § 2 (Exh. A), 2008; Ord. 817 § 8-3M.621, 2006.]

**Conclusions of Law:** City concludes that the appropriate application was filed with the relevant approving authorities with required topographic maps, description of project, studies commissioned by relevant subject matter experts, and all materials required to consider approval of a UGB Amendment.

**18.215.080 Conceptual master plan - Procedure.** There are two interconnected tasks at this stage: coordination with the county and development of the conceptual master plan.

- A. City and county officials will establish a list of stakeholders who will be invited to be on the development committee for the CMP. Stakeholders include, but are not limited to, owners of adjacent property, representatives of the city council, planning commission, parks commission, Phoenix-Talent School District, Fire

District No. 5, DLCD, ODOT, RVS, MWC, RVMPO, RVTD, and any recognized adjacent neighborhood associations.

Individual participation is a choice, not a prerequisite of approval, except for the city, the county, and the petitioner(s) for UGB inclusion.

- B. The city will host CMP development committee meetings. It should take no more than five meetings to complete the steps in the following section. The reason for this rule is that participation and interest may wane during an extensive process, and the goal of public involvement would not be well served. Materials and notice to participants will be provided at least seven days before each meeting date.
- C. CMP development will generally follow these guidelines:
  - 1. The city and owners of territory in the proposed UGBA area will first meet to discuss design and urbanization objectives. From this discussion, the city will produce two or three site design concepts to present to the whole development committee.
  - 2. At the first meeting of the development committee (CMP-DC) the city will present the design concepts, which may include uses, densities, siting of public facilities, and locations of preservation areas (for both open space and natural hazard areas). The committee members will submit, in writing and by drawing on the concept maps, comments, suggestions or critiques of the plans at the meeting. Members may submit comments up to 10 days before the next scheduled meeting.
  - 3. At subsequent meetings, the city will post comments and the amended concept maps, answer questions, and receive additional comments. Members may again submit additional comments up to 10 days before any subsequent meeting.
  - 4. The final meeting will include the whole planning commission. City staff will present the conclusions and recommendations of the CMP development committee.
  - 5. City staff will finalize a draft CMP for the city's planning commission. The CMP will contain at least the following elements: a development concept map, textual description of the development concept, draft UGMA, base maps, memos, committee minutes, and other supporting documentation, as appropriate. [Ord. 847 § 2 (Exh. A), 2008; Ord. 817 § 8-3M.622, 2006.]

**Conclusions of Law:** The City finds that the Conceptual Master Plan for the subject property is relatively narrow in scope when compared to a more “typical” CMP that might involve many different property owners, land use patterns and complex infrastructure considerations. In the case of the subject application, the CMP includes educational and recreational uses, many of which are already built. The proposed land uses are already contemplated in the Regional Plan which was the genesis of the requirements for Conceptual Master Plans. Thus, this CMP acts as a refinement for the specific planning actions and policies already taken by the City and the County.

The City conclude the District provided the City of Talent and the Jackson County with the initial CMP and discussed urbanization objectives. Thereafter, the City of Talent duly scheduled and hosted the first meeting with stakeholders as prescribed by the code above, on April 21<sup>st</sup>, 2022. Subsequently, the City held another meeting as a community open house to discuss the CMP with the public on April 28<sup>th</sup>, 2022. On May 24<sup>th</sup>, 2022, the Talent Planning Commission discussed the CMP and passed a resolution recommending approval. Thereafter, on June 1<sup>st</sup> City staff presented the CMP to the Talent City Council, which they approved unanimously.

The City has conducted its prescribed duties herein above as evidenced by the Planning Commission’s recommendation for approval of the CMP and the record for these land use



proceedings document that the required process for CMP development has occurred.

**18.215.090 Urban growth boundary amendment and conceptual master plan – Review.** At this step the city and county review, evaluate, and adopt or reject the CMP and the UGBA.

- A. At least 45 days before the first evidentiary hearing on adoption the city will provide notice to DLCD on the proposal to amend the UGB and adopt the CMP.
- B. Staff will present the CMP and findings for UGBA to the planning commission for hearings. In order to recommend the UGBA for approval, the commission must find it meets the criteria of OAR 660-024 and the need and locational factors of Statewide Planning Goal 14. The commission may recommend approval, approval with conditions, or denial to the city council.
- C. Staff will present the CMP, findings for UGBA, and the planning commission's recommendation to the city council for hearings. The council may approve, approve with conditions, or deny the UGBA and CMP.
- D. Staff will present the CMP, findings for UGBA, and the city council's decision to the county board of commissioners. The board may approve, approve with conditions, or deny the UGBA. [Ord. 847 § 2 (Exh. A), 2008; Ord. 817 § 8-3M.623, 2006.]

**Conclusions of Law:** The City concludes that the approval of the CMP and UGBA are the subject of this application, as outlined by the City of Talent's criteria above. Further, they conclude the following:

1. Proper notice has been provided to DLCD at least 45 days as per TMC 18.215.090 before the first evidentiary hearing on adoption of the subject UGB amendment.
2. The Conclusions of Law regarding the need and locational factors of Oregon Planning Goal 14 and the Conclusions of Law regarding the criteria of OAR 660-024 are incorporated and adopted.
3. The subject application has been jointly heard by the Jackson County and Talent planning commissions and the County and City.

## **City of Talent Comprehensive Plan**

**Conclusions of Law:** The City finds that the Talent Comprehensive Plan, outside of Element H, Regional Plan which implements the Regional Problem Solving agreement does not have specific criteria related to the processing of an UGB amendment. The City further concludes that the subject application meets the Talent Municipal Code criterion for a UGB amendment, which implements the adopted City Comprehensive Plan.

## ***Jackson County Procedural Requirements***

### **Jackson County Land Development Ordinance**

#### **3.7 Amendments To The Comprehensive Plan or Zoning Maps**

##### **3.7.1 Types of Comprehensive Plan Amendments**

###### **A) Amendments to Text**

Except for quasi-judicial map amendments (see Section 3.7.1(B)(1)), which may be initiated by private property owners, all Comprehensive Plan amendments must be initiated by a motion of either the Planning Commission or Board of County Commissioners.

- 1) **Minor Text Amendments (Legislative):** Text amendments to the Comprehensive Plan that do not directly affect adopted goals, policies, or patterns of land use. Examples include but are not limited to: changes to document style, format, or layout to enhance clarity; revising text to reflect updated inventories; adding explanatory text; and

grammar. See Section 3.8 for text amendments to this Ordinance.

- 2) Major Text Amendments (Legislative): Amendments that directly affect adopted goals, policies, or patterns of land use. Examples include, but are not limited to: adopting a new policy or implementation strategy; or revising goals of the Plan.

B) Amendments to the Official Comprehensive Plan Maps or Zoning Maps

1)) Minor Map Amendments (Quasi-Judicial): Amendments that propose a change applicable to a relatively small area or number of parcels or ownerships and that do not have significant impact beyond the immediate area of the proposed change (e.g., changes to the Map designation of a single property). Such changes will be based on the factual evidence supporting the change.

- 2) Minor Map Amendment (Legislative): Amendments that propose a change to correct mapping, iconographic, scrivener and similar errors and that do not alter the substance of a map. Such changes will be based on a comparison of the map with the ordinance that created it and the legislative history of the ordinance.

- 3) Major Map Amendments (Legislative): Amendments that may have widespread and significant impact beyond the immediate area or parcels where a land use action is proposed that are subject to the amendment; or that involve a qualitative change of use; or that involve a spatial change affecting a large area or many ownerships. Such amendments are intended to be the result of special studies or other information that can serve as the factual basis to support the change.

**Conclusion of Law:** The City of Talent has reviewed the application submitted for an Urban Growth Boundary Amendment and Comprehensive Plan Amendment based on the criteria above as well as the criteria in the Talent Municipal Code. The City will be addressing this project as a legislative, major map amendment. The applicant in its proposal dated June 7, 2022, states that the project is a quasi-judicial, minor UGB Amendment. This proposal will not be considered a quasi-judicial, minor UGB Amendment for the following reasons: 1) Talent Municipal Code (TMC) Chapter 18.215.060 specifies that an application for inclusion into the city's UGB is a legislative review process. 2) Although the subject parcel is small, the proposal has significant impacts beyond the immediate area of the proposed change. The proposal has regional significance as it will provide additional lands for Phoenix-Talent School District, relocated Phoenix-Talent Little League, and Boys and Girls Club of the Rogue Valley. 3) Jackson County and the City of Talent have determined that the process is legislative as per the Land Use and Zoning Codes. In addition, the proposed change is not to correct mapping, iconographic scrivener, or other errors. For this reason and the regional significance, the Jackson County Development Services Director and the City of Talent Community Development Director have determined this Amendment to be a Major Amendment.