



TALENT CITY COUNCIL
REGULAR MEETING AGENDA
 - HELD AT TOWN HALL & VIA ZOOM -
 206 E. Main Street
April 17, 2024 - 6:45 PM

All Council meetings are digitally recorded and will be available on the City website: www.cityoftalent.org. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, x1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

1. Call to Order / Roll Call

2. Additions / Corrections to Agenda

3. Community Announcements

4. Speakers Heard on Non-Agenda Items
Limited to 5 minutes or less per Mayoral discretion.

5. City Reports

5.1 City Manager Report.....

5.2 Urban Renewal Activities Report.....

6. Commission / Committee Member Appointments
Limited to 5 minutes or less per Mayoral discretion.

6.1 Appointment of Member to Planning Commission 03

7. Consent Calendar
The consent calendar consists of items of a repeating or routine nature that are considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

7.1 Acknowledgment of Together for Talent Committee Meeting Minutes, March 5, 2024 06

7.2 Acknowledgment of Parks & Recreation Commission Meeting Minutes, February 28, 2024 08

8. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures that will allow for public input at the announced time.

8.1 Public Hearing and Adoption of Ordinance 2024-948-O for Annexation of 6100 Colver Road to be Included in the City Limits..... 10

9. Unfinished Business

Unfinished business consists of outstanding items from previous meetings. These items will be handled in the same manner as regular agenda items.

9.1 Review Format of FY 24/25 Council Goals, Priorities, and Action Plan / Schedule workshop 95

10. New Business

Speakers will be provided the opportunity to offer comments on action items after staff members have given

their reports and, if there is an applicant, after the applicant has had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

10.1 Consideration of Urban Forestry Committee Recommendations on Public Tree Management 107

10.2 Presentation by Together for Talent Committee on Proposed Talent Gas Resolution 125

11. Commission / Committee Reports

12. Other Business and Future Agenda Items

13. Written Communications

This item is for written communications that have been submitted to the entire Council and where a request has been made that the item be included in the record. It will contain the communications only, and not additional attachments or Internet re-postings. Those items may be e-mailed directly to Council members or may be distributed in person via the City Recorder at Council meetings following an oral communication to Council. There will not be any Council discussion or public comment on this agenda item.

14. Adjournment

Upcoming Council Meetings

May 1st	5:30 pm – Study Session
May 1st	6:45 pm – Regular Council Meeting



City Council Agenda Report

Meeting Date:	April 17th, 2024	Staff Contact:	Gary Milliman
Department:	Administration	E-Mail:	gmilliman@cityoftalent.org
Staff Recommendation:	Appointment	Estimated Time:	5 mins.

ISSUE BEFORE THE COUNCIL

The appointment of member to the Planning Commission.

BACKGROUND

Section 22 of the City Charter states:

The Mayor and Council shall appoint:

- (1) Members of committees and commissions established by Council, and
- (2) Other persons required by the Council to act in an advisory capacity to the Council or its appointed committees and commissions.

The City’s Commission and Committee Appointment Policy, adopted by the Council on July 3, 2018, includes the following:

Staff will send completed applications to the Mayor and to the applicable Commission/Committee for review. Applicants will be interviewed by the Mayor and the Commission/Committee. The Commission/Committee will make a recommendation to the Mayor, who will, if so desired, then make an affirmative recommendation to appoint at the Council meeting. Mayor appointments, including the term of the appointment(s), will be placed on the Consent Agenda for Council. Re-appointments to a Commission or Committee will be made by the Mayor with approval from Council without the need for Mayor or Commission/Committee interviews.

The Talent Planning Commission consists of seven members. There is currently 1 vacancy for membership on this commission. Candidate Jason Clark was interviewed by Mayor Ayers-Flood and recommended for appointment to the seat.

RELATED COUNCIL POLICIES

POTENTIAL MOTIONS

I Move to affirm the Mayor’s appointment of Jason Clark as a commissioner of the City of Talent Planning Commission for a four-year term beginning April 17th, 2024.

ATTACHMENTS

- Application for Clark, Jason

For Office Use Only
Date received:

City of Talent
110 East Main Street • P.O. Box 445 • Talent, OR 97540
Phone: (541) 535-1566 • Fax: (541) 535-7423

Application for Commission or Committee

Position Applied For: Planning Commissioner Date: 2024/02/28

Name: Jason Clark

Address: [REDACTED]

City: Talent State: OR Zip: 97540

Mailing Address (if different): _____

Contact Phone: [REDACTED] E-mail: [REDACTED]

Current Occupation: Ecological Consultant
(If retired or unemployed, state your general or past profession)

How long have you lived in Talent? 14 years
(If you do not know if you live inside the city limits or urban growth boundary, please view the official zoning map at City Hall.)

How long have you lived in Jackson County? 14 years

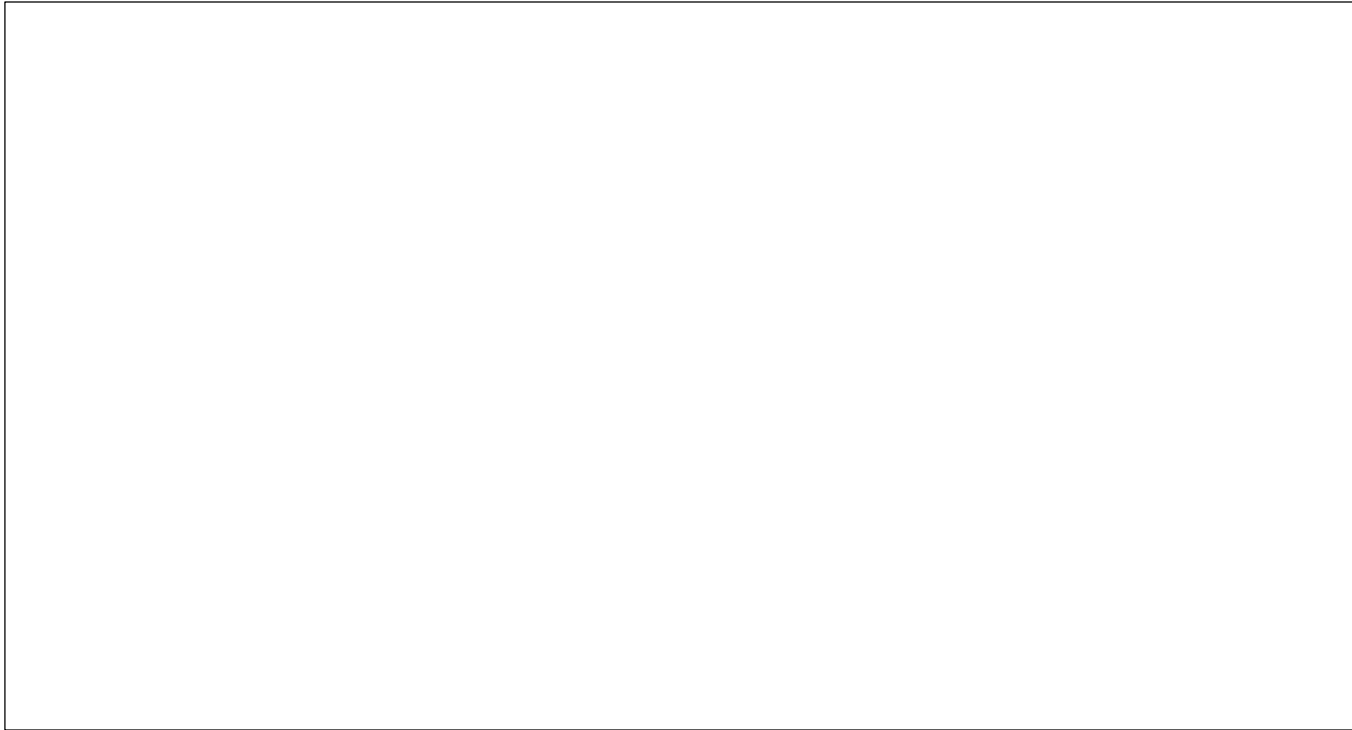
Are you an employee of the City of Talent, an occasional or potential contract employee, or do you have any other real or potential conflict of interest in working or serving in this capacity?

Yes No

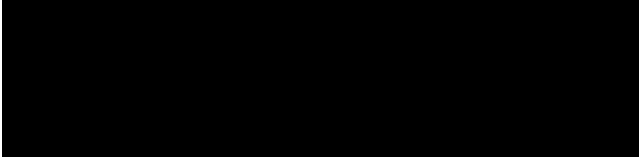
If yes, please describe: _____

I believe that I am qualified for and should be considered for the above position(s) for the following reasons (attach additional sheet if necessary):

I served on the Talent City Council for five years from 2019 through January 2024. I also served on the Talent Urban Renewal Agency including two years as the vice chair. Additionally, I served as the liaison to the Talent Urban Forestry Committee. Prior to my time on City Council, I served as chair of the Urban Growth Boundary Citizen Advisory Committee. I am familiar with the Talent Municipal Codes and city processes concerning permitting applications and evaluation by the Planning Commission and city staff. I have an eye for detail and an appreciation for the importance of following city procedures and adhering to city codes. This knowledge, experience, and commitment to Talent contribute to my competence to serve on the Talent Planning Commission.



By signing this application, electronically or otherwise, I affirm that all information included is true and accurate to the best of my knowledge.

Signature:  Date: 2024/02/28

How to Submit:

- By email to cityrecorder@cityoftalent.org
- In person at Talent City Hall, 110 East Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

Questions?

Call City Hall at (541) 535-1566 x 1012 or send an email to City Recorder, at cityrecorder@cityoftalent.org



TOGETHER FOR TALENT
REGULAR MEETING MINUTES

April 5th, 2024 at 4:00 PM

REGULAR COMMITTEE MEETING – 4:07 p.m.

Members Present:	Members Absent
<p>Charles Roome</p> <p>Hector Zaragoza, secretary</p> <p>David Spinney</p>	
<p>Also Present:</p> <p>City Liaison Tessa DeLine</p> <p>Councilwoman Eleanor Ponomareff</p>	

1. Call to Order/Roll Call

2. **Motion:** Approval of March 2024 Meeting Minutes
Unanimous approval

3. **Discussion Items**
 - Application of Nancy McKinnis to be on Together for Talent Committee
 - Unanimous recommendation to appoint Nancy Castillo McKinnis
 - Recommendation to delay appointment of Nancy Castillo McKinnis until she can attend an in-person meeting
 - Special meeting on Monday 4/8 at 4pm to finalize Spring Into Recycling event on 4/13/24

 - Recycling Event for 2024.
 - Planned for April 13th from 10am-4pm. Sharing the same date as Pear Blossom festival in Medford and Arbor day in Talent.
 - Title is: "Spring Into Recycling" event. Event advertising should make it clear that the event was for uncommon recyclables, with examples.
 - Volunteer Shifts are as follows:
 - 9:30 am -11:30 am
 - 11:15 am - 1:15 pm
 - 1 pm - 3 pm

- 2:45 pm - 4:45 pm
 - Planned expense less than \$125 for signage and \$150 for volunteer honorarium and coffee
 - David to do a volunteer request blast. Social Media will be posted.
 - Confirmed Vendors are: After Bits, Goodwill, Get in Gear, Radius (metal)
 - Volunteers: 5 confirmed, ideal goal is 20. List of volunteers needing to be sent to city for insurance purposes, waivers and safety vests needed
 - Please note, the State of Oregon does not consider kitchen appliances (such as blenders) to be recyclable.
- Unanimous recommendation to present Resolution No. 2024___ to City Council

Adjourn: 5:15 pm

Next Regular Meeting: Tuesday, May 7, 2024, 4 pm; Community Center, small meeting room.

Respectfully Submitted,
Hector Zaragoza, secretary

The City of Talent is an Equal Opportunity Provider

Note: These minutes and the entire agenda packet, including staff report and referenced documents are reposted on

the City of Talent website (www.cityoftalent.org) after each meeting. The minutes are not a verbatim record: the narrative has been condensed and paraphrased to reflect the discussions and decisions made.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1- 800-735-3896.

Together for Talent Regular Meeting Minutes | April 8th., 2024

7.2

Talent Parks Commission meeting minutes

February 28, 2024

- 1) **Call to order:** 6:32pm by chair Hilton Walker.
- 2) **Roll call:** Ted Hilton Walker, Mark Krause, Melissa Hendriks, Robert Slayton, Ana Byers, Brian Marlia-Larsen. Absent: Charley Cross
- 3) **Consent calendar:**
 - a. Approval of minutes. Motion by Krause, Hilton Walker seconds, unanimous
- 4) **Public comment:** Community member Margaret Clark in attendance to interview for position on Parks Commission.

5. New Business

- a. *Official welcome to Commissioners* Brian Marlia-Larsen and Melissa Hendricks
- b. *Appreciation for departing Commissioners* Donna Ruiz, Charley Cross, and Julie Greene
- c. *Election of Vice Chair for 2024.* Melissa Hendricks nominated. Vote to approve was unanimous.
- d. *Interview of Commission applicant Margaret Clark.* Motion passes unanimously to recommend Margaret to Parks Commission.
- e. *Replacement of sprinklers near Little Free Library in Chuck Roberts.* Robert Slayton: plans are in development for handling the irrigation in that area and Chuck Roberts in general. The little library will be returned at some point soon to another suitable location. Motion to remove sprinkler and replace with drip system in planter by Brian Marlia-Larsen, Melissa Hendrick's seconds. Passes unanimously.
- f. *Reschedule study session for Chuck Roberts design.* Study session will happen 530pm prior to the 6:30pm parks meeting at the community center on March 13th. Urban Forestry and Talent Garden Club will be invited.
- g. *Summary of City goal setting session by Chair.* Chair Hilton Walker summarized efforts for website design for parks and other parks related business.

6. Staff Report – Public Works

- a. Public Works updates
 - i. *Kamerin Springs Restroom facility.* Fully open and operational.
 - ii. *Talent Tiny Park sign.* Still a work in progress.
 - iii. *Other updates.* Water usage at Chuck Roberts under discussion to reduce cost. Splash pad water recycle system is in development.

7. Ongoing Business

- a. *Dog Park actions.* City attorney should review language of modified ordinance for allowing dogs on leash in Chuck Roberts by next city council meeting.

b. *Labyrinth update.* none

c. *Skate Park update.* Bids for resurfacing are solicited. Grants are available and plan discussed for applying.

d. *Tennis/Pickleball update.* 167 responses so far (less than 2 weeks available and not yet published in TNR).

8. Council Liaison Report – Ana Byers

9. **Committee Reports.** Council goal setting session. Together for Talent working toward a community input survey and outreach in a single survey.

a. *Report from Bee City Subcommittee.* Chair Hilton Walker summarized Gerlinde Smith’s update: Spiral native pollinator garden has been planted at Colver and Talent Ave. More pollinator kits will be supplied in the Fall of this year and the Bee City group will apply for one.

b. *Report from Talent Public Art Committee.* Given Donna Ruiz’ departure from the commission it was discussed whether we should continue having this as an agenda item. Robert Slayton would like to keep it given relevance of art efforts to park design and planning.

10. **TNR Suggestions.** Robert Slayton recommends publishing results from questionnaire.

11. **Items for Next Month’s Agenda.** Robert Slayton would like to see template letter of support for skate park upgrade as a project for grant writing that is approved by parks commission that can be sent with grant applications. End of march and end of sept 2024 are deadlines for grants.

12. **Adjournment.** 8:03pm

Meeting minutes submitted and attested by

A handwritten signature in black ink, appearing to read "Ted Hilton Walker", written in a cursive style.

Ted Hilton Walker, Chair Parks and Recreation Commission



City Council Agenda Report

Meeting Date:	April 17, 2024	Staff Contact:	Kristen Maze/Gary Milliman
Department:	Comm. Dev.	E-Mail:	gmilliman@cityoftalent.org
Staff Recommendation:	Annexation Request	Estimated Time:	30 mins.

ISSUE BEFORE THE COUNCIL

Review and discuss annexation of 43 acres of land located in the unincorporated area of Jackson County adjacent to the city limits, at 6100 Colver Road. The current parcel is zone Exclusive Farm Use, once annexed to the city this zone district will become Public Lands and Facilities (PLF) zone district consistent with the Public Facilities-Civic comprehensive plan designation. The property was recently approved for an urban growth boundary (UGB) amendment to the Talent UGB. The applicant, Phoenix-Talent School District “District” desires to move forward with development of the property.

BACKGROUND

The applicant is requesting approval of annexation in order to move forward with development of the property. The property has several existing uses operated by the School District. This list includes.

- A school bus operations facility,
- Two baseball fields,
- One softball field,
- Two soccer fields,
- A cross country running course,
- Agricultural education facilities,
- Parks/open space, and
- Facilities and structures to serve the above uses.

The parcel was created in 1942 via a Warranty Deed found in the county records. This property was lawfully created because the parcel was created by deed before September 1973 enactment of zoning regulations in Jackson County and prior to any land division regulations. The subject property was transferred to the Phoenix-Talent School District in 1965 via a Bargain and Sales Deed recorded in Jackson County official records.

In 2023, the City of Talent approved Ordinance 2023-967-O, amending the City’s Urban Growth Boundary and the comprehensive plan map designating the subject property as Public Facilities -Civic. The School District is requesting annexation to the City of Talent to move forward with improvements and development of the site. This annexation is required prior to any development on the project site. If annexation is approved, the District will be required to apply for a conditional use permit for future improvements to the site. A conditional use permit will require a public hearing before the Planning Commission, conditions will be set for the development at that time.

Prior to annexation and development, the School District initiated a Phase 1 and 2 Environmental Site Assessment (ESA). Phase 2 ESA involved soil and groundwater investigations. The subject property

was used for agricultural purposes as far back as 1910. An agronomy station administered by Oregon State University Extension Service used the site from 1911 to 1958. After 1958 the site was used for agricultural purposes until 1970 when the School District purchased the site. As a result of these uses some concern has been expressed by local residents regarding the Districts' proposed use of a School, Boys and Girls Club and development of the recreational facilities on the site. The School District retained CBA Planning to undertake the environmental review work and a summary report is included in this packet.

The School District and the City Council conducted a joint meeting on March 21, 2024, hosted by the District to understand these environmental issues moving forward. (See attached Technical Memo dated March 26, 2024).

PUBLIC COMMENTS

The city has received six public comments. Four of those comments are in favor of approval of the project and two comments would like the project to be denied. (See attached public comments) One commenter is concerned about the Wagner Creek Road extension decreasing their house value and their privacy. The other negative comment also had concerns about Wagner Creek Road extension, privacy issues and destroying their greenspace.

FINDINGS

TITLE 18: TALENT ZONING CODE

18.200.020 Petition.

Except for annexations initiated by the council pursuant to TMC [18.200.030](#), a petition to annex shall include the following information:

A. Consent to annexation which is nonrevocable for a period of one year from the date of its signing.

Finding: A copy of the required consent to annexation forms, including the required nonrevocable consent have been provided with this application (**Exhibit A**). **The standard is met.**

B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS [222.510](#).

Finding: All required taxes, including those paid to special districts, are current as of the date of this application. A copy of the most current tax statement is provided demonstrating compliance with the provisions of this section (**Exhibit B**). **The standard is met.**

C. Boundary description and map prepared in accordance with ORS [308.225](#). A registered land surveyor shall prepare such description and map. Subsequent to council approval of the proposed annexation the boundaries shall be surveyed and monumented as required by statute.

Finding: A copy of the required boundary description and map prepared in accordance with ORS 308.225 by a registered land surveyor is provided with this request (**Exhibit A and B**). **The standard is met.**

D. Written findings addressing the criteria in TMC [18.200.040](#).

Finding: The subject property is within the UGB as approved in 2023 by the City Council. The property is adjacent to the city limits along the easterly property line. The applicant has made a written request for concurrent consideration to zone the property as Public Land and Facilities zone that is consistent with the comprehensive plan designation of Public Facilities -Civic. The site is presently served by basic urban services including both sewer and water. The property currently has

irrigation rights for 42.8 acres from the Talent Irrigation District. Rogue Valley Sewer Services provides sanitary sewer services to the site. The property fronts Colver road, which is maintained as a rural Major Collector. As part of the UGB amendment the City of Talent agreed it would take jurisdiction of Colver Road as part of any future annexation. See traffic study attached for details. Findings addressing the criteria in TMC 18.200.040 are provided in the attached application. **The standard is met.**

E. Written request by the property owner for a rezoning. Provided, however, no written request shall be necessary if the annexation has been approved by a majority vote in an election meeting the requirements of Section 11g of Article XI of the Oregon Constitution (Ballot Measure No. 47).

Finding: The subject property has a City of Talent Parks and Public Facilities Comprehensive Plan Designation and is zoned Exclusive Farm Use on Jackson County's zoning map. Once annexed into the City of Talent, the city is required to assign a zoning designation consistent with the city's Comprehensive Plan considering the current comprehensive plan designation, the city's Public Lands and Facilities (PLF) zoning is the appropriate designation, consistent with the Comprehensive Plan Map and shall be assigned. The property owner accepts this designation and does not request an alternative zoning designation. Therefore, a request for rezoning is not required. **The standard is not applicable.**

18.200.040 Approval standards.

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

A. The land is in the city's urban growth boundary (UGB).

Finding: The subject property is located within the city's urban growth boundary as per Ordinance 2023-967-O approved in 2023 and shown on the attached Urban Growth Boundary Map (**Exhibit 5 and 6**).

B. The land is currently contiguous for a distance of 60 feet or more with the present city limits.

Finding: The subject property is adjacent to the city limits along the easterly border for a distance of property for more than 60 feet as shown on the Annexation Survey (**Exhibit 4**). **The standard is met.**

C. The proposed zoning for the annexed area is in conformance with the designation indicated on the comprehensive plan map and/or adopted master plan map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.

Finding: The subject property has a City of Talent Parks and Public Facilities Comprehensive Plan Designation as approved by Ordinance 2023-967-O and is zoned Exclusive Farm Use on Jackson County's zoning map. Although no development is being proposed concurrently, the Applicant is requesting the zone map amendment to be Public Lands Facilities consistent with the Comprehensive Plan Map. The PLF zone would allow the proposed uses, subject to the development review procedures set forth in the Annexation Agreement to occur on the site. The property owner accepts this designation and does not request an alternative zoning designation. A concept plan for the future development is provided to demonstrate the future development of the property. (**Exhibit 7**). **The standard is met.**

D. The following infrastructure can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff:

1. Adequate facilities for the provision of water to the site, as determined by the public

works department and/or city engineer;

2. Adequate transport of sewage from the site to the wastewater treatment plant, as determined by Rogue Valley Sewer Services;

3. Adequate storm drainage as determined by the public works department and/or city engineer.

Finding: The parcel is served by all required facilities and can continue to be served when annexed. Storm Drainage: The subject property is large enough to accommodate stormwater for the proposed uses as shown in the Concept Plan. Sanitary Sewer: The property is served by Rogue Valley Sewer Services which was approved in 2005 after the failure of an existing septic system. Water Facilities: The property is served by municipal water and has an existing water meter. If future uses are proposed, an analysis of municipal water service needs would occur at that time. **The standard is met.**

E. Adequate transportation can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff. The purpose of this standard is to ensure that transportation facilities are extended to adjacent lands that are also available for annexation, though they may not be immediately eligible. For the purposes of this section “adequate transportation” for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:

1. A 20-foot-wide paved access exists for vehicular transportation, or can and will be constructed, along the full frontage of or through the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20-foot-wide driving surface. The city may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards.

Finding: The applicant is proposing vehicular transportation improvements in phases for future development of the site shown in the conceptual plan. These transportation improvements include provisions for the improvement of portions of Colver road and the construction of an extension of Wagner Creek Road to city standards on the site. Currently the TSP does not classify Colver Road west of the existing city limits. Colver Road within city limits is classified as a Collector street and it is likely the city will continue that classification along the project site at 6100 Colver Road. The property currently has five driveway accesses along Colver Road. These driveways would be reduced to the time of development to manage traffic entering and exiting the site on to Colver Road. Adequate vehicular facilities have been planned and will be provided in accordance with the appropriate development stages. **The standard is met.**

2. Where future street dedications are indicated on the city’s “Required Street Connections” maps in the transportation system plan, or an adopted master plan, or when required by the city, provisions shall be made for the dedication and improvement of these streets and be included with the petition to annex.

Finding: The project site has frontage along Colver Road. Colver Road is currently a County maintained rural major collector. As part of the UGB amendment the City of Talent agreed to take jurisdiction of Colver Road upon future annexation of the site. **The standard is met.**

3. For bicycle transportation, safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.

Finding: The proposed project site has frontage on Colver Road which is considered a rural major collector, once annexed to the city the frontage on Colver Road will become city limits and will be classified as collector street. The street will not be an arterial street and therefore does not require bike lanes. The future Wagner Creek Street extension will be built with pedestrian and cycling facilities for the entire length of that street for safe ped and bike access. **The standard is met.**

4. For pedestrian transportation, safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by code on all streets within the annexed area.

Finding: The applicant has proposed adequate pedestrian and bicycle transportation improvements in phases that correspond with the development impacts of the proposed uses on the subject property. These transportation improvements include provisions for sidewalks along a portion of Colver Road, a multi-modal path along the remainder of Colver Road, and the build out of pedestrian and cycling facilities along the proposed Wagner Creek extension. **The standard is met.**

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

Finding: No site development is proposed as part of this request. The subject property is located within ¼ of a mile from an existing sidewalk system and upon site development will be connected to the existing facility as required by this section. **The standard is met.**

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

Finding: No site development is proposed as part of this request. There are currently no transit services available to the subject property, it is also not likely to be extended to the site. However, adequate bicycle and pedestrian facilities will be provided by the applicant in accordance upon site development. **The standard is met.**

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

1. The proposed annexation area will be zoned a residential district in accordance with the comprehensive plan, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five year supply shall be calculated from the most current adopted vacant and redevelopable land inventory, or the inventory in the housing element of the comprehensive plan under the direction and approval of the city planner; or

Finding: The subject property is not zoned residential, nor will it be as part of this request. **The standard is not applicable.**

2. *The proposed lot or lots will be zoned a commercial district under the comprehensive plan, and the petitioner will obtain site development plan review approval for an outright permitted use, or conditionally permitted use, concurrent with the annexation request; or*

Finding: The parcel will be zoned Public Land Facilities (PLF); however, no site development is proposed as part of this request. **The standard is not applicable.**

3. *A current or probable public health hazard exists due to lack of full city sanitary sewer or water services; or*

Finding: No public health hazard exists on the subject property. The site has sanitary sewer and water service to the site. There has been some concern about previous uses of the site and possible contaminants on site. The applicant has completed Phase 1 and 2 environmental assessments by Alpine Environmental. However, this annexation is not a development application and future development is required to go through the final Department of Environmental Quality completeness for all environmental concerns. **The standard is met.**

4. *Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or*

Finding: The subject property has adequate water and sanitary sewer service available. Adequate service can be provided upon development. **The standard is not applicable.**

5. *The area proposed for annexation has existing city of Talent water or sanitary sewer service extended, connected, and in use, and a signed “consent to annexation” agreement has been filed and accepted by the city of Talent; or*

Finding: The subject property has both water and sanitary service extended and connected and has provided the required consent to annexation agreements with this application. **The standard is met.**

6. *There is inadequate infrastructure that is unduly preventing development of UGB lands and annexation will provide a means to extend infrastructure; or*

Finding: The subject property has adequate infrastructure and will have adequate infrastructure upon development. **The standard is not applicable.**

7. *The lot or lots proposed for annexation are an “island” completely surrounded by lands within the city limits.*

Finding: The property is adjacent to the city limits on the easterly side of the property it is not an island **The standard is not applicable.**

RECOMMENDATION

Based upon the information submitted, the Talent Community Development Department finds that the applicant has provided information demonstrating that the proposed annexation meets or can meet with the criteria of the Talent Zoning Code.

The City Council shall review the proposed annexation and approve the property located at 6100 Colver Road to be annexed into the city limits for future development.

RELATED COUNCIL POLICIES

None

MOTIONS

I move to approve Ordinance 2024-984-O for annexation of 6100 Colver Road to be included in the city limits.

ATTACHMENT

1. Technical Memo CSA March 26, 2024
2. Public Comments
3. ANX 2024-001 Application with Exhibits
4. Ordinance 2024-984-O with Exhibits
5. Annexation Agreement – Colver Fields
6. Hearing Notices 3/30 and 4/6

Attachment 1 – Tech Memo



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Nathan@CSAplanning.net

Technical Memorandum

To: Kristen Maze, City of Talent
Cc: Brent Barry, School District #4
Date: March 26, 2024
Subject: Colver Field Development and DEQ Voluntary Cleanup Pathway

BACKGROUND

During the UGB amendment review for the Colver Fields property (identified as Maplot 38-1W-22D-1000), participants in the UGB amendment process raised questions about historical agricultural use of the property and potential residual pesticide environmental contamination from the past agricultural use.

Even though this type of potential environmental issue is not a land use planning issue, the District responded appropriately to the public's comments by engaging Alpine Environmental Consultants to conduct a Phase I Environmental Site Assessment (ESA) for the Colver Fields property in the summer of 2023. The Phase I ESA involved a review of Oregon Department of Environmental Quality (ODEQ) known contamination databases and historic use analysis. The Phase I ESA indicated historical use as an experimental Agronomy Station by the Oregon State University (OSU) Extension Service. Briefly summarized, aerial photo analysis and historical records research indicates the OSU Extension Service used the Agronomy Station for experimentation and testing of row crops and similar farm products; no evidence of historic orchard use was identified.

The historic use pointed up potential for residual pesticides contaminants. The Phase I ESA recommended a Phase II ESA. The Phoenix-Talent School District directed Alpine Environmental to proceed with a Phase II ESA in the fall of 2023. The Phase II ESA was completed on March 19, 2024. The Phase II process involved taking representative soil samples of the site and testing them for residual pesticides and testing the water quality for the three on-site wells.

The School District has provided the Phase I ESA and Phase II ESA to the City of Talent. The School District's understanding, based upon the Mayor's comments at the joint Council/School Board meeting on March 21st is that the City of Talent intends to put the Phase I and Phase II reports in the record for the annexation and zone change proceedings. For this reason, they are not attached to this memo.

Briefly summarized, the Phase II ESA revealed low levels of residual pesticide contamination, but some of the results were above Regional Screening Levels for clean fill but none of the results indicated and immediate risk to human health. The Phase II ESA suggests the School District consider entering ODEQ's Voluntary Cleanup Pathway (VCP) as part of the future development of the site.

CSA has extensive experience working with property owners and the owner's environmental consultants on development project sites with Recognized Environmental Conditions (REC). After reviewing the results of the report with



Phoenix-Talent School District management, CSA recommended the School District enter the VCP to ensure the contaminants are handled in an environmentally protective manner that will result in third-party government oversight and approval by ODEQ. School District Superintendent Brent Barry has made the decision to enter the VCP as part of development of the site; the School Board has reviewed the report and confirmed the Superintendent's decision to enter the VCP. Alpine Environmental has been directed to prepare and file the Voluntary Cleanup Pathway Intent to Participate Form on the School District's behalf; this is expected to be filed in the coming weeks.

VCP PROCESS

The District may initiate the cleanup process at any time, but the site is not under any order from ODEQ for immediate cleanup nor is such an order expected to be forthcoming. To perform remediation of RECs economically and in a manner that is a fiscally responsible use of taxpayer money, remediation is appropriately done as part of new development and redevelopment of the site.

As part of the VCP, the District will be assigned a project manager from ODEQ who will work with them from start to finish. This includes a review of the assessment completed by Alpine, a site visit, and the creation of a work plan for additional analysis if needed. The work plan will characterize the REC to the satisfaction of ODEQ, determine risks to human health, and evaluate potential solutions.

As an example of potential remediation strategies that might be proposed for the site, the Phase II ESA suggested one possible solution would be to excavate impacted soils and create berms that can be used as buffers between the subject property and adjacent agricultural uses. Done properly, these berms would provide remediation that is safe, efficient, and protective of human health.

Following the approval of the work plan, the School District will submit a remediation strategy to ODEQ. ODEQ will review the remediation strategy to ensure the proposed remediation meets all applicable requirements of the Environmental Cleanup Law and will gather public comments. As described by ODEQ, the VCP was created to "provide oversight to property owners and others wishing to investigate and clean up hazardous substance sites in a voluntary, cooperative manner."

Once the remediation strategy is approved, the remediation process will commence concurrent with the applicable development phase.

During the course of each development phase build-out, the School District's environmental consultant will document the earthwork is being completed consistent with the approved remediation strategy. Once the applicable development phase is completed, the environmental consultant will provide a report to ODEQ documenting the remediation has been completed in accordance with the approved remediation plan and request a No Further Action letter from ODEQ. An NFA is issued after ODEQ has determined that a site "poses no unacceptable risks to human health or the environment."

Attached are handouts from ODEQ that provides additional explanation of the VCP and NFA.



ANNEXATION & LAND USE PLANNING PROCESS INTEGRATION

Remediating a Recognized Environmental Condition is not a land use criterion nor does the City or State law have any specific criterion regarding remediation of an REC as a pre-requisite to annexation. Nevertheless, annexation is a political decision on some level. The District has no objection to providing additional assurance to the City of Talent that an NFA will be obtained from ODEQ prior to occupancy of any new or redeveloped components of the site.

Accordingly, the Applicant agrees to stipulate to a condition of annexation approval requiring a NFA letter from ODEQ before receiving approval for occupancy or commencement of a new use subject to land use approval on the Colver Fields property.

CSA Planning, Ltd.

A handwritten signature in blue ink, reading 'Nathan Emerson', is written over a horizontal line.

Nathan Emerson
Associate

Attachments:

- A. DEQ Voluntary Cleanup Pathway Fact Sheet
- B. DEQ No Further Action Fact Sheet

Voluntary Cleanup Pathway

Background

DEQ's Voluntary Cleanup Program offers two options for owners and operators of contaminated property to voluntarily investigate and, if necessary, clean up their sites: the standard Voluntary Cleanup Pathway and the Independent Cleanup Pathway. Please see the ICP information packet for details on the Independent Cleanup Pathway, which is available on DEQ's website at <http://www.oregon.gov/deq/FilterDocs/ICUPathwayInfoPacket.pdf>.

Both options offer flexibility and allow for more efficient investigation and cleanup to facilitate the use, sale, refinancing and/or redevelopment of contaminated property, while protecting human health and the environment.

Benefits of voluntary cleanups

The VCP is a flexible full-service program that:

- Provides DEQ oversight throughout the investigation and cleanup.
- Ensures that your cleanup meets Oregon's Environmental Cleanup Law.
- Is available for high-, medium- and low-priority sites and all environmental media.
- Is accepted by banks and insurance companies.
- Can provide exemption from permits for some on-site work.

Risks

All sites that enter the VCP are added into DEQ's Environmental Cleanup Site Information database. Sites with a verified release are listed on the state's Confirmed Release List. Sites requiring further action are also added to the Inventory List.

If you enter VCP with a site having high environmental risk, and work falls unreasonably behind the agreed-to schedule, you may be required to enter the Site Response program and sign a consent order to ensure that human health and the environment are protected.

Services

DEQ's Voluntary Cleanup Program issues No Further Action determinations for sites shown not to present unacceptable risks. DEQ also provides the following services:

- Preliminary assessment review.
- Risk-based cleanup standards.

- Operable unit approach, where a portion of the site may be redeveloped while cleanup is still occurring on other sections.
- Report/document review.
- Technical assistance and regulatory guidance.
- Negotiated scope of work.
- Estimating DEQ oversight costs.
- Prospective purchaser agreements.
- Public participation/public involvement.

How to join the program

You can join the Voluntary Cleanup Program by submitting the Intent to Participate form available in this packet and on DEQ's website at <http://www.oregon.gov/deq/FilterDocs/VCUPathwayInfoPacket.pdf>. DEQ's goal is to assign a project manager within 90 days of receiving the Intent to Participate form.

Steps in the process

Some participants have already completed significant work at their sites before entering the program. Others may demonstrate that their sites pose no unacceptable risks, and therefore require no remediation. A typical project goes through the steps below.

- You submit the Intent to Participate form.
- DEQ prepares a cost recovery letter agreement and requests a \$5,000 deposit when a project manager is assigned. An example cost recovery agreement is included in this packet.
- When the agreement is signed and the deposit received, DEQ completes a file review, site visit, and strategy recommendation as needed to assess conditions at your site.
- DEQ works with you to develop an appropriate scope of work and agreement for your project.
- You develop work plans and reports for DEQ approval to: define the problem, determine the risk to human health and the environment, and evaluate potential solutions.
- You propose a remedy to DEQ; we then evaluate it to be sure it meets requirements of the Environmental Cleanup Law, and gather public comments on the proposal.
- You implement the remedy that DEQ selects.



State of Oregon
Department of
Environmental
Quality

**Environmental
Cleanup Program**
700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
Contact: Tiffany Johnson
www.oregon.gov/DEQ

Last Updated: 9/14/17
By: Tiffany Johnson

- DEQ issues a No Further Action determination once protective conditions have been achieved through remediation and/or institutional controls. This process also includes a public comment period.

Insurance note

Before beginning investigative and cleanup work at a site, responsible parties should evaluate their insurance coverage – including present and past policies – to determine if the insurance might cover part or all of the cleanup costs. They also should be sure to discuss cleanup plans with their insurance agent before beginning cleanup activities. At a minimum, many insurers require notice and an opportunity to review cleanup plans before action is taken, as a condition for coverage of cleanup expenses.

Contacts for Further Information

Additional information and materials related to the Voluntary Cleanup Program are available on DEQ's website at

<http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Voluntary-Cleanup.aspx>.

Information about brownfield redevelopment is on DEQ's website at

<http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Brownfields.aspx>.

Information about Prospective Purchaser Agreements is available on DEQ's website at

<http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Prospective-Purchaser-Agreements.aspx>.

You may also contact a DEQ regional cleanup program representative.

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email

deqinfo@deq.state.or.us.

Information about Oregon DEQ's No Further Action Decisions



State of Oregon
Department of
Environmental
Quality

Environmental Cleanup Program

700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
Contact: Tiffany Johnson
www.oregon.gov/DEQ

Background

DEQ's Cleanup and Leaking Underground Storage Tank (LUST) programs manage a wide variety of sites with different levels and types of contamination from hazardous substances, including petroleum. Some sites may have one contaminant in a small area of shallow soil, while others may have high concentrations of many substances in soil, surface water, sediments or groundwater. A common goal of the Cleanup and LUST programs is to lead these sites to *No Further Action* (NFA) determinations.

What does an NFA mean?

DEQ's Cleanup and LUST programs make a No Further Action decision after determining that a site – or one part of a site – poses *no unacceptable risks* to human health or the environment. This usually follows investigative or cleanup activities under DEQ oversight or review. It means DEQ will not require additional remedial action, based on the agency's knowledge of site conditions when it issues the NFA. Some NFAs rely on [institutional or engineering controls](#) – often less expensive to implement than the removal of contamination – that are designed to prevent exposure to contaminants left in place. DEQ's Cleanup Program labels such sites as *Conditional* NFAs (CNFAs); the LUST Program uses the NFA label even at sites where such controls are in place.

How do LUST & Cleanup NFAs differ? All No Further Action determinations are based on meeting established risk standards designed to protect human health and the environment. However, a LUST NFA usually applies only to the contamination relating to the underground storage tank system. The LUST NFA may not apply to other spills or releases not associated with tanks or piping. Conversely, a Cleanup NFA usually does apply to the entire facility and all suspected sources of contamination. Always review DEQ's *NFA letter* to know what environmental conditions it covers.

What about heating oil tanks?

Heating oil tanks (HOTs) are a special category. Until 1999, DEQ reviewed HOT releases and issued No Further Action letters for those sites. In 1999, the state legislature created a third-party certification program, implemented in 2000.

Under this program, DEQ licenses independent contractors to perform tank decommissioning and cleanup, if needed. The contractor certifies whether the project involved a clean decommissioning or completion of a cleanup meeting DEQ's acceptable risk standards. Licensed contractors submit certifications to DEQ, and DEQ randomly audits a portion of these reports.

What contingencies might an NFA have?

Sites with Conditional No Further Action decisions, and some LUST sites with NFA decisions, have formal controls in place that are recorded on the property deed and must be maintained for the NFA to remain valid.

Other NFA determinations are based on current and reasonably likely land and water uses (as required by Oregon law), or on expectations of certain activities occurring (for example, well removal) or NOT occurring (for example, razing buildings). When such unanticipated uses or events occur, they may create unacceptable risks. In any case, site contingencies, which are typically identified in the NFA letter, may require future actions or ongoing considerations on the part of owners/lessees.

NFAs are not forever

While it does not happen often, DEQ may rescind an NFA or CNFA if:

- DEQ learns of a new contaminant release or a previously unknown past release;
- Contaminant risk factors change dramatically as scientific knowledge advances; or
- Conditions linked to the NFA are not implemented or maintained as expected.

How can I learn more about an NFA?

The single most important document to review is the site's NFA letter, which usually outlines the basis for the NFA and any associated conditions or contingencies. This is often accompanied by a DEQ *Staff Report* that provides details on the No Further Action decision process.

To find out more about a site's conditions, please review DEQ's [Cleanup](#) and [LUST](#) program databases, respectively.

Conclusions

Know your site. A CNFA label indicates that controls are in place, but an NFA (that is, no *Conditional* label) does not necessarily mean the site is available for unrestricted use. Before leasing, purchasing, or financing a site with a DEQ NFA or CNFA, know the circumstances or conditions that DEQ based its decision on. (See [Liability Management Tools for Buyers of Contaminated Property in Oregon](#), available on DEQs Prospective Purchaser Agreement page.) If you're an owner or operator of such a site, be familiar with use restrictions or other conditions that DEQ may have attached to its NFA decision before you make changes to the property.

For more information please contact:

Contact Tiffany Johnson, Program Coordinator, at 503-229-6258, johnson.tiffany@deq.state.or.us.

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

Attachment 2 – Public Comments



**NOTICE OF PUBLIC HEARING
Request for Annexation
AND**

Request For Comments from Property Owners & Affected Agencies To:

CITY OF TALENT COMMUNITY DEVELOPMENT DEPARTMENT
P.O. Box 445, Talent OR 97540; (541) 535-7401

Public Hearing: April 17, at 6:45 pm at the Town Hall

DATE: February 28, 2024
MAP AND TAX LOT: 381W22D 1000

FILE: ANX-2024-001
PROPERTY ADDRESS: 6100 Colver Road

RE: City Council review of an application to annex a 43-acre parcel at 6100 Colver Road owned by the Phoenix-Talent School District into the city limits. The property is located within the City of Talent Urban Growth Boundary. Property is currently zoned Exclusive Farm Use (EFU), once annexed to the city the zone district will be Public Lands and Facilities (PLF) consistent with the Public Facilities - Civic comprehensive plan designation for the City of Talent. The City Council will base their decision on the criteria of Ordinance 2024-984-O, addressing the relevant statewide planning goals and comprehensive plan goals and expressing its conclusion as to whether the proposed annexation is consistent with such goals and policies.

A **staff report** on this matter will be available on the city website and at City Hall at 5:00 p.m., **April 10, 2024**. If you need additional information, please contact the Planning Office at **535-1566** by **April 1, 2024**, so your concerns, if any, may be expressed in the staff report and can be made available to the applicant. Note that issues that may provide the basis for an appeal must be raised in writing prior to any scheduled public hearing or entered into the record at the hearing. Issues shall be raised with sufficient specificity to enable the decision makers to respond to the issue.

I/We have no comment. Please let us know the results.

I/We encourage approval of this request.

Please address the following concerns should this application be approved:

Comments submitted separately by email to Kristen Maze on 3-28-2024

I/We encourage denial of this request for the following reasons:

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: Sandra Scase
Address: 130 Nicoya Place
Talent

Date: 3-28-2024
Attachments: Zoning Map, and Illustration of Proposal



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- I/We have no comment. Please let us know the results.
- I/We encourage approval of this request.
- Please address the following concerns should this application be approved:

I/We encourage denial of this request for the following reasons:

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: _____
Address: _____

Date: 3-21-24
Attachments: Zoning Map, and Illustration of Proposal



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- I/We have no comment. Please let us know the results.
- I/We encourage approval of this request.
- Please address the following concerns should this application be approved:

I/We encourage denial of this request for the following reasons:

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: _____

Address: _____

Date: _____

Attachments: Zoning Map, and Illustration of Proposal



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- I/We have no comment. Please let us know the results.
- I/We encourage approval of this request.
- Please address the following concerns should this application be approved:

I/We encourage denial of this request for the following reasons:

An extension of Wagner Cr. Rd would ruin all quiet privacy for neighbors homes facing fields. My house & my neighbors are at the end of subdivision & we would be most affected.

Please feel free to attach additional sheets as needed to complete your comments. *It would be awful*

Comments by: Joan Sallitt
Address: 120 Barnwood Dr
Talent, OR 97540

house values would go way down

Date: 3/6/24
Attachments: Zoning Map, and Illustration of Proposal



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A **staff report** on this matter will be available on the city website and at City Hall at 5:00 p.m., **April 10, 2024**. If you need additional information, please contact the Planning Office at **535-1566** by **April 1, 2024**, so your concerns, if any, may be expressed in the staff report and can be made available to the applicant. Note that issues that may provide the basis for an appeal must be raised in writing prior to any scheduled public hearing or entered into the record at the hearing. Issues shall be raised with sufficient specificity to enable the decision makers to respond to the issue.

- I/We have no comment. Please let us know the results.
- I/We encourage approval of this request.
- Please address the following concerns should this application be approved:

I/We encourage denial of this request for the following reasons:

*- Privacy issues - pollution - Greenspace destroyed
- lack of divider between homes & field
- lack of water in Talent*

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: Resident
Address: Berwood Drive

Date: 3/1/24
Attachments: Zoning Map, and Illustration of Proposal



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- I/We have no comment. Please let us know the results.
- I/We encourage approval of this request.
- Please address the following concerns should this application be approved:

See attached page - ☺

- I/We encourage denial of this request for the following reasons:

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: John & Lori Thickett
Address: 250 Sweetbrier Dr.
Talent, OR 97540

Date: 4/1/2024
Attachments: Zoning Map, and Illustration of Proposal

4/1/2024

Dear City of Talent Community Development Department,

From the beginning, we have been members of a committee dealing with the Phoenix-Talent School District and their plans for the described 43-acre parcel at 6100 Colver Road.

We attended meetings learning of the school district's future plans for the land. Input, concerns, suggestions were highly encouraged. This was about a year ago now.

Later our neighborhood was asked for our input as one of the major stakeholders in the plan. We will be directly affected by whatever is done. Brent Barry, Superintendent, said the District wanted to be good neighbors and valued our concerns. Our input and concerns were, we felt, taken seriously and listened to.

Once they had most of the stakeholders meetings, a blueprint of the Colver Road property was designed by ZCS Engineering and Architecture (Greg Covey - lead landscape architect).

Our neighborhood stakeholders that wanted to attend (at least a dozen) saw the plan and were given details on how and what was designed. It was evident the homeowners concerns, etc. were addressed. That was greatly appreciated!

As long as the design/plan has not had any changes from what we saw and supported, we encourage approval of this request. If approved and changes occurred, the neighborhood stakeholders would like to see what changes were made. We have worked hard to work with the District and they with us, we feel.

We appreciate you reading this and taking time to consider the District's request.

Sincerely,  & 

Attachment 3 – Application and Exhibits



Annexation Application

**PO Box 445, Talent, Oregon 97540
541-535-7401 Fax 541-535-7423**

Fee: \$2,570.00

I. Property Information:

- A. Location (Address If Available) 6100 Colver Road, Talent OR
- B. Assessor's I.D.:
Township 38 Range: 1W Section: 22D Tax Lots(S) 1000
- C. Size Of Parcel(S): Acres 43.09 Square Feet 1,877,000
- D. Describe Adjacent Land Uses (Example: Single Family, Restaurant, Auto Repair, Etc.):

 - North: See Attached - Exhibit 1 Findings of Fact
 - South: See Attached - Exhibit 1 Findings of Fact
 - East: See Attached - Exhibit 1 Findings of Fact
 - West: See Attached - Exhibit 1 Findings of Fact

II. Description Of Annexation:

- A. Comprehensive Plan Land Use Designation
 - 1) Current Jackson County Designation: _____
 - 2) Proposed City of Talent Designation: Public Facilities - Civic
- B. Zoning
 - 1) Current Jackson County Zoning: Exclusive Farm Use
 - 2) Proposed City of Talent Zoning: Public Lands and Facilities

III. Submittal Requirements:

Submit one of each of the Submittal Requirements that follow for review by the City Planner. Once this "Application Package" is deemed complete, submit 20 additional "Application Packages" (excluding numbers 6 & 9) to the Planning Department.

- 1. A 24x36 copy of an assessor's map of the proposed annexation area. The map shall identify those parcels for which consents to annex have been acquired. An 8 1/2"x11" set of reductions and one (1) set of 8 1/2" x 11" clear transparencies of all exhibits.
- 2. Submit **one** of the following:
 - a. Consent to annex forms completed and signed by all consenting property owners within the proposed annexation area, or
 - b. Consent to annex form by a majority of the registered voters living within the proposed annexation area.

3. Legal metes and bounds description of the annexation area. Legal metes and bounds description of adjacent roadways that will be annexed with the parent annexation.
4. Specific information on each parcel within the proposed annexation area.
 - a. Current assessed valuation as determined by the county.
 - b. Acreage to the hundredth percentile
 - c. Map and tax lot number
 - d. Current county zoning designation
5. Addresses of all dwelling units and businesses located within the annexation area.
6. Property owners master mailing list and notification labels (see attached instruction sheet).
7. Written findings which address the following:
 - a. Existing land uses within the annexation area.
 - b. Existing improvements: **See Attached Exhibit 1 - Findings of Fact**
 - _____ water system
 - _____ streets
 - _____ sanitary sewer
 - _____ storm sewer
 - c. Special districts within the area:
 - City of Talent _____ water system
 - City of Talent _____ streets
 - Fire District #5 _____ fire district
 - Phoenix-Talent _____ school district
 - RVSS _____ bear creek valley sanitary authority
 - Talent Irrigation _____ others
 - d. The present availability of urban services to the proposed annexation area, their capacity, and cost of extension or improvement: **See Attached Exhibit 1 - Findings of Fact**
 - _____ sanitary sewer _____ parks
 - _____ storm drainage _____ water
 - _____ fire _____ power
 - _____ streets _____ police
 - e. Compliance with all applicable goals and policies of the comprehensive plan.
See Attached Exhibit 1 - Findings of Fact
 - f. Compliance with the annexation criteria provided in the city's zoning ordinance.
See Attached Exhibit 1 - Findings of Fact
8. Completed application with property owner and applicant signatures.
9. Application fee.

Notice To Applicants: Applications Cannot Be Processed Until All Of The Required Information Has Been Submitted And Has Been Found To Be Complete. Refer To The Handout Titled "Planning Application Submittal Requirements". Also Refer To The Document Titled "City of Talent Procedural Requirements" For A More Detailed Description of What Must Be Included With Any Application Package. Because Of State Rules Annexation Applicants Are Requested To Waive The 120 Day Processing Requirement. Please Sign The Following Waiver:

On This Date 1/19/24 I Agree to Waive the State 120-Day Application Processing Mandate.

[Signature]
Applicant's Signature

IV. Property Owner/Applicant Information

Property Owner Name: School District #4

(Please Print Or Type)

Address: PO Box 698, Phoenix OR

Phone: _____ 2nd Phone: _____

Applicant's Name: Same

Address: _____

Phone: _____ 2nd Phone: _____

Other Contact Name: Agent - CSA Planning, Ltd

Address: 4497 Brownridge Ter Ste 101, Medford OR 97504

Phone: 541-779-0569 2nd Phone: _____

V. Applicant's Certification: I Do Hereby Certify That The Information Submitted Herein Is True And Correct To The Best Of My Knowledge And Belief.

[Signature]
Applicant's Signature

Date 1/19/24

Vi. Property Owner Certification: I Do Hereby Certify That The Information Submitted Herein Is True And Correct To The Best Of My Knowledge And Belief.

Property Owner Signature

Date

<u>For City Use Only</u>	
Received By: _____	Date: _____
Fee Received: _____	Receipt No.: _____
File No. Assigned: _____	

APPLICATION FEES & DEPOSITS

(Application fees are calculated by ACTUAL PROCESSING COSTS)

Fees and deposits are intended to cover the full cost for processing applications. Applicants seeking development which requires more than one type of review (such as site plans and conditional use permits) must pay all applicable fees and deposits.

Application Deposits: Certain application fees are represented by a deposit amount. Applicants shall be charged for actual processing costs incurred by the City. The actual costs charged to the City for technical review of land use applications, including but not limited to City's planning, public works, engineering, administration, legal, wetland specialists, geologists, biologists, arborist, and any other services provided in processing applications, shall be charged to Applicant, at the rate(s) charged to the City. In addition, the actual costs of preparing and mailing notices to abutting property owners or others required to be notified, the costs of publishing notices in newspapers, and any other mandated costs shall be charged to applicant. Any additional costs incurred beyond the deposit amount shall be charged to and paid by the applicant on a monthly basis. The applicant agrees that any deficiencies shall be collected from applicant, and that applicant's failure to pay these amounts triggers the City's option to pursue any or all remedies, as listed below.

Fixed Fee Applications: Fees are non-refundable and are based on average application processing costs rounded to the nearest dollar.

Applicant acknowledges and agrees that Applicant's failure to pay City costs over the deposit fee amounts, as charged monthly by the City, may result in the City pursuing any or all legal remedies available, including but not limited to liening property in the amount owed; prosecution for violation of the City's current fee resolution and City land development or division ordinances; issuance of a stop work order, non-issuance of building permits for property, or cessation of related proceedings; set-off against any reimbursement owed; and turning amounts owed over to a collection agency.

Applicant's Signature

B. B. B.
Property owner's Signature (required)

Date

1-29-24.
Date

I hereby acknowledge that my applications may be consolidated. When an applicant applies for more than one type of land use or development permit (e.g., Type-II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: (1) City Planner, (2) the Planning Commission, and (3) the City Council. Joint meetings between governing bodies may be held to streamline the decision process.

J. W. C.
Applicant's Signature Agent: Jay Harland, CSA Planning Ltd

Date

1/19/24

Property owner's Signature (required)

Date

FOR OFFICE USE ONLY			
		File Number:	
CD Approval Date:	Community Development Approval:	Public Works/Engineering Approval:	PW Approval Date:

In compliance with the Americans with Disabilities Act, if you need special assistance, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

The City of Talent is an Equal Opportunity Provider



JACKSON COUNTY TAXATION
PO BOX 1569
MEDFORD OR 97501-0242

REAL PROPERTY TAX STATEMENT
JULY 1, 2023 TO JUNE 30, 2024
www.jacksoncountyor.gov/tax
541-774-6541

EXHIBIT B

TAX ACCOUNT: 10032526

10032526

SCHOOL DISTRICT 4
 DUCHARME MCMILLEN & ASSOC
 PO BOX 80615
 INDIANAPOLIS IN 46280-0615

EDUCATION SERVICE DISTRICT	118.20
RCC	172.00
PHOENIX / TALENT SD 4	1,422.88
EDUCATION TOTAL:	1,713.08

JACKSON COUNTY	674.14
4-H EXTENSION SERVICE DISTRICT	14.29
VECTOR CONTROL	14.39
RVTD	59.43
RVTD LOCAL LEVY	43.60
JACKSON SOIL & WATER CONSERVATION	16.77
JACKSON COUNTY LIBRARY DISTRICT	174.41
JACKSON COUNTY RFPD #5	1,072.51
GENERAL GOVT TOTAL:	2,069.54

JACKSON COUNTY BONDS ECSC	22.87
RCC BONDS	28.04
RCC SHARED BONDS	15.70
PHOENIX/TALENT SD 4 BONDS	454.78
BONDS - OTHER TOTAL:	521.39

CODE: 0408 **MAP:** 381W22-D0-01000 **ACRES:** 43.09
SITUS: 6100 COLVER RD PHOENIX-TALENT/COUN

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	715,430	751,200
STRUCTURES	365,640	383,920
TOTAL RMV	1,081,070	1,135,120
TOTAL ASSESSED VALUE	325,650	335,410
VETERAN/MISC EXEMPTION		
NET TAXABLE:	325,650	335,410
TOTAL PROPERTY TAX:	4,192.89	4,304.01

If you pay the 1/3 or 2/3 option a reminder statement will be mailed before the next payment is due.

IMPORTANT INFORMATION ON BACK

PAYMENT QUESTIONS (541) 774-6541
 VALUE QUESTIONS (541) 774-6059

TOTAL TAXES DUE (Includes discount) 4,174.89

Please include this coupon with payment. NO STAPLES, PAPER CLIPS, OR TAPE!

Due November 15th, 2023

- 3% Discount..... 4,174.89
- 2% Discount..... 2,811.95 **Next Payment** 05/15/2024
- Trimester Option 1,434.67 **Next Payment** 02/15/2024

Mailing address change on back



JACKSON COUNTY TAXATION
 PO BOX 1569
 MEDFORD OR 97501-0242

ACCOUNT NO.
10032526
AMOUNT ENCLOSED
\$

Tax Details

Tax ID 10032526 Year 2023 Code Area 0408 Imposed Total \$4,304.01

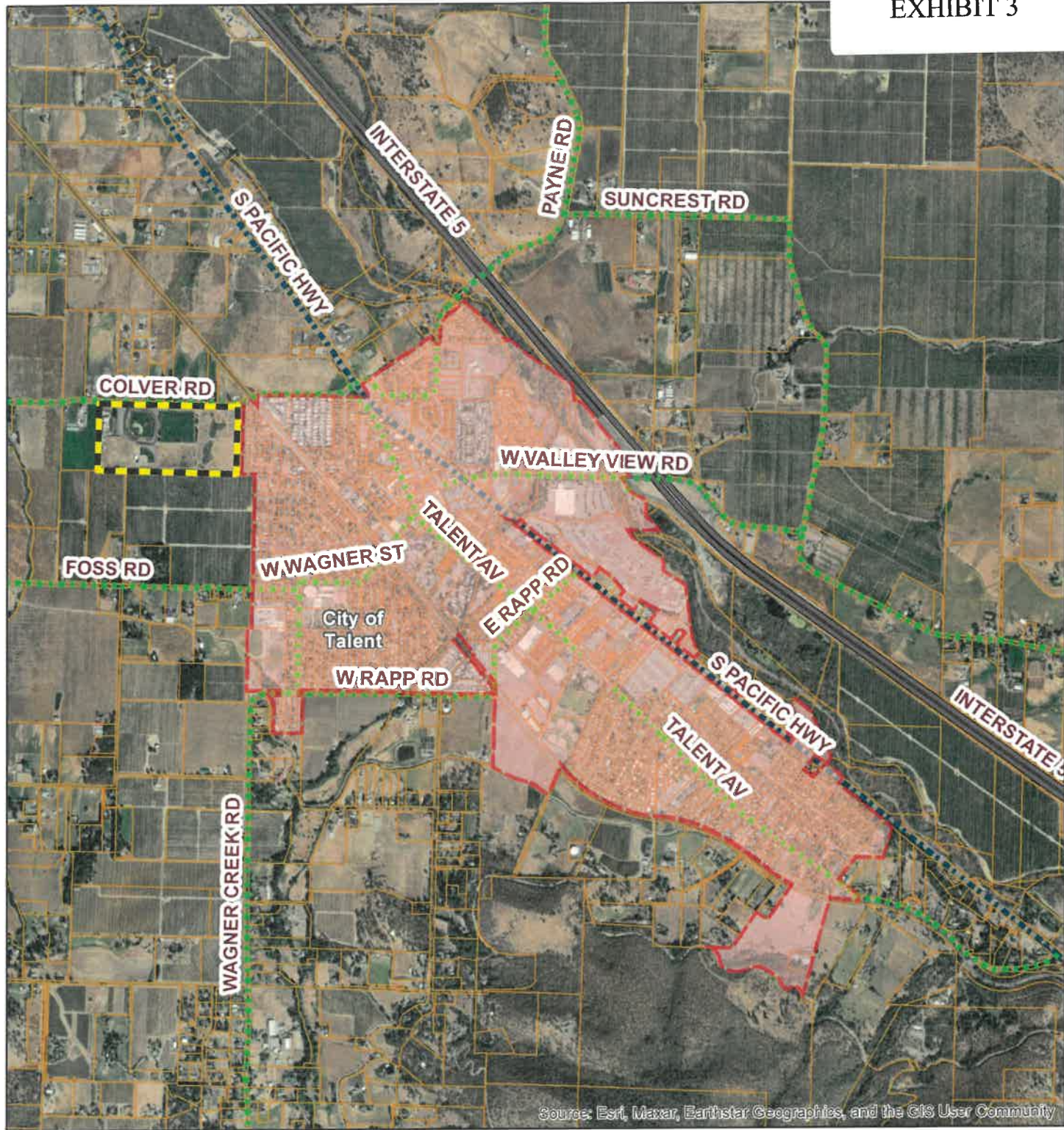
Primary Owner / Agent

SCHOOL DISTRICT 4
 DUCHARME MCMILLEN & ASSOC
 PO BOX 80615
 INDIANAPOLIS IN 46280-0615

Values Used To Calculate:

AV \$335,410.00
 M5 \$1,135,120.00
 RFD \$335,410.00
 AV Exemption \$0.00

Dist #	District Name	Rate	Government	Education	Bonds
100	JACKSON COUNTY	0.00200990	\$674.14	\$0.00	\$0.00
101	JACKSON COUNTY BONDS ECSO	0.00006820	\$0.00	\$0.00	\$22.87
102	4-H EXTENSION SERVICE DISTRICT	0.00004260	\$14.29	\$0.00	\$0.00
110	VECTOR CONTROL	0.00004290	\$14.39	\$0.00	\$0.00
120	EDUCATION SERVICE DISTRICT	0.00035240	\$0.00	\$118.20	\$0.00
130	RCC	0.00051280	\$0.00	\$172.00	\$0.00
131	RCC BONDS	0.00008360	\$0.00	\$0.00	\$28.04
132	RCC SHARED BONDS	0.00004680	\$0.00	\$0.00	\$15.70
150	RVTD	0.00017720	\$59.43	\$0.00	\$0.00
151	RVTD LOCAL LEVY	0.00013000	\$43.60	\$0.00	\$0.00
170	JACKSON SOIL & WATER CONS	0.00005000	\$16.77	\$0.00	\$0.00
180	JACKSON COUNTY LIBRARY DIST	0.00052000	\$174.41	\$0.00	\$0.00
450	PHOENIX / TALENT SD 4	0.00424220	\$0.00	\$1,422.88	\$0.00
452	PHOENIX/TALENT SD 4 NEW BONDS	0.00135590	\$0.00	\$0.00	\$454.78
590	JACKSON COUNTY RFPD #5	0.00319760	\$1,072.51	\$0.00	\$0.00
Totals:		0.01283210	\$2,069.54	\$1,713.08	\$521.39



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



	Subject Property	Major Streets
	City Limits	 Interstate
	Taxlots	 Arterial
		 Collector Street

General Vicinity Map

Phoenix-Talent School District
Annexation of Colver Fields

Maplot: 38-1W-22D-1000
& Adjacent Rights of Way
For Colver Road and Wagner Creek Road

0 1,000 2,000 Feet

70-00159

Accon
BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS that JACKSON COUNTY, OREGON, a subdivision of the State of Oregon, hereinafter called "Grantor", does hereby convey to PHOENIX SCHOOL DISTRICT NO. 4, Jackson County, Oregon, hereinafter called "Grantee", all of that real property situated in Jackson County, State of Oregon, described as follows:

A tract or parcel of land situate in the Southeast One Quarter (1/4) of Section 22 and the Southwest One Quarter (1/4) of Section 23, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, and being more fully described as follows:

Commencing at a 5/8 inch iron pin situated on the North line of Donation Land Claim No. 63 same Township and Range, said pin bears North 89° 58' 57" West 847.44 feet from the Northeast corner of said Donation Land Claim; thence along the aforesaid line North 89° 58' 57" West 1645.43 feet to a stone monument at the Northwest corner of said Donation Land Claim No. 63; thence North 89° 23' 10" West along the South line of Donation Land Claim No. 60 407.99 feet to a 5/8 inch iron pin; thence North 0° 18' 00" East 967.00 feet to intersect the South line of the County Road (Colver Road); thence South 89° 57' 48" East 2045.74 feet along said road line to a 5/8 inch iron pin; thence South 0° 09' 10" East 970.55 feet to the point of beginning. Containing 45.67 acres more or less.

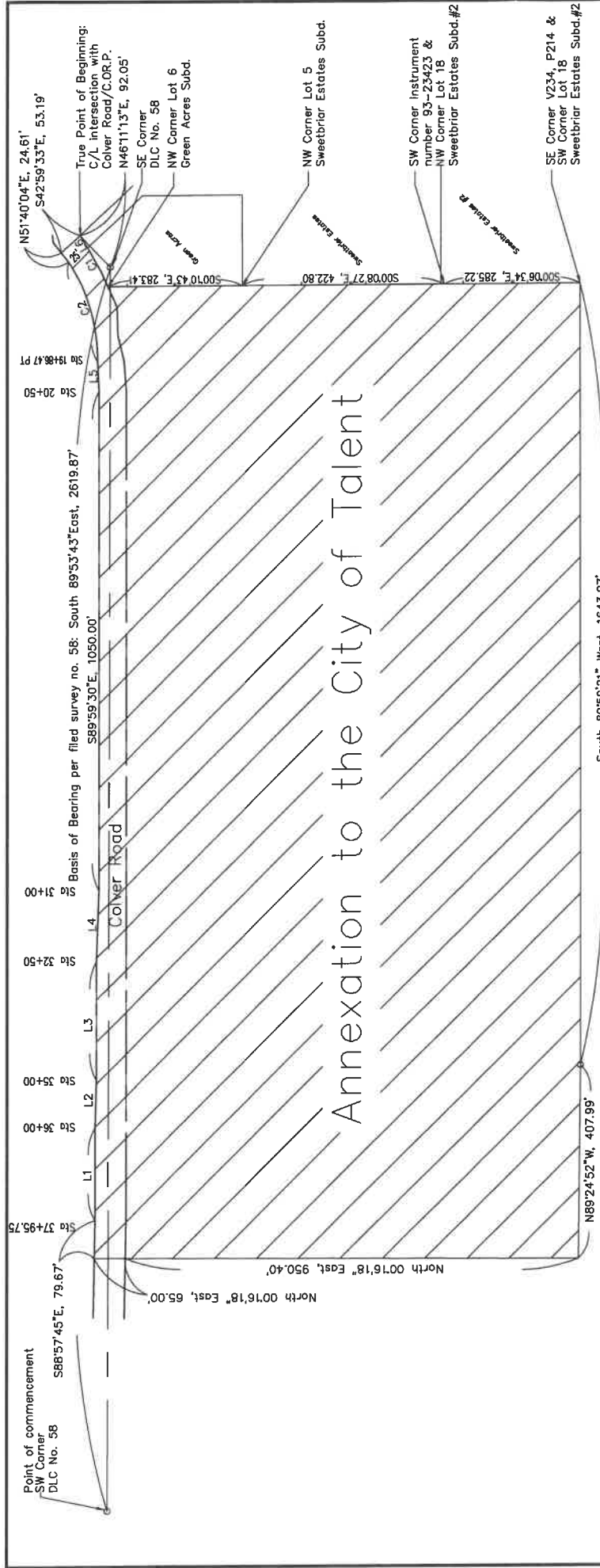
LESS a tract or parcel of land situate in the Southeast One Quarter (1/4) of Section 22 and the Southwest One Quarter of Section 23, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, and being more fully described as follows:

Commencing at a 5/8 inch iron pin situated on the North line of Donation Land Claim No. 63 same Township and Range, said pin bears North 89° 58' 57" West 847.44 feet from the Northeast corner of said Donation Land Claim; thence North 0° 09' 10" West 960.55 feet, to a 5/8 inch iron pin for the true point of beginning; thence North 89° 57' 48" West 2045.82 feet to a 5/8 inch iron pin; thence North 0° 18' 00" East 10.00 feet to intersect the South line of the County Road (Colver Road) at a 5/8 inch iron pin; thence South 89° 57' 48" East 2045.74 feet along said road line to a 5/8 inch iron pin; thence South 0° 09' 10" East 10.00 feet to the point of beginning. Containing 0.47 acres, more or less.

SUBJECT TO THE FOLLOWING:

1. Levies, assessments, water and irrigation rights, easements and regulations of Talent Irrigation District.

Bargain and Sale Deed - 1



Annexation to the City of Talent



Line Table

No.	Bearing	Distance
L1=	S89°59'30"E	195.74'
L2=	S88°20'14"E	99.97'
L3=	S89°30'02"E	250.01'
L4=	S88°04'57"E	150.86'
L5=	N87°18'16"E	63.59'
L6=	S57°10'10"W	33.88'

Curve Table

No.	Radius
C1	434.26'
C2	384.26'

Delta

Delta	Long Chord
07°06'40"	S60°32'08"W, 51.00'
32°50'21"	N73°35'20"E, 217.24'

South 89°59'21" West, 1643.07'

Exhibit B:

Located at:
Colver Road
SE 1/4 Section 22, Township 38 South, Range 1 West,
Willamette Meridian, Jackson County, Oregon



Pariani Land Surveying
PHONE: (541) 890-1131 EMAIL: JOHN@PARIANI.LS.COM

REGISTERED PROFESSIONAL LAND SURVEYOR

John R. Pariani

OREGON
JAN 13 2024
JOHN R. PARIANI
#51382
Renews: December 31, 2024

Phoenix/Talent School District Sports Complex

PROJECT NO.	2018-397	SHEET	1 of 1
DATE:	Jan. 9, 2024	DRAWN BY:	JRP
REVIEWED BY:	JRP	APPROVED BY:	JRP
HORIZ. SCALE: 1" = 200'	VERT. SCALE: n/a	DRAWING NO.	Ex. B
		REV. NO.	

EXHIBIT 7

Annexation to the City of Talent

A Parcel of land located in the SE Quarter Section 22, Township 38 South, Range 1 West, W.M., Jackson County, Oregon and being more particularly described as follows:

Commencing at the SW Corner Donation Land Claim No. 58, Township 38 South, Range 1 West, thence South 89°53'43" East, 2619.87 feet to the SE Corner of Donation Land Claim No. 58, in said Township and Range; thence North 46°11'13" East, 92.05 feet to the intersection of the south line of Colver Road and the West line of Central Oregon Pacific Railroad and the True Point of Beginning, said point also being 25.00 feet from the center line of Colver Road; thence South 57°10'10" West, 30.48 feet to the intersection with the south line of Colver Road and the West line of North Front Street; thence continuing South 57°10'10" West, 3.40 feet to a point of curve; thence along the arc of a 434.26 foot radius curve to the right (the long chord of which bears S60°32'08"W, 51.00 feet) 54.44 feet to a point 25.00 southerly from Colver Road center line station 18+00; thence South 66°08'26" West, along the south line of Colver Road, 37.98 feet, said point also being the northwest corner of Lot 6, Green Acres Subdivision, recorded in volume 32 of plats at Page 5 of the Record of Jackson County; thence South 00°10'43" East, along the east line of said Green Acres, 283.41 feet to the southwest corner thereof, said point also being the northwest corner of Lot 5, Sweetbrier Estates Subdivision recorded in Volume 16, Page 135 of the Subdivision Records of Jackson County; thence South 00°08'27" East, along the west line of said Sweetbrier Estates Subdivision, 415.80 feet to the southwest corner thereof; thence South 00°08'27" East, 7.00 feet to the southwest corner of that property described in instrument number 93-23423 Jackson County Official Records, said point also being the northwest corner of Lot 18, Sweetbrier Estates Subdivision, Unit No. 2, recorded in Volume 18 of Plats at Page 30 of the records of Jackson County, Oregon; thence South 00°06'34" East, along the west line of said Unit No. 2, 285.22 feet, to the southwest corner thereof, said point also being the southeast corner of that property described in Volume 234, Page 214 Jackson County Official Records; thence South 89°59'21" West, along the south line of said Volume 234, Page 214, 1643.07 feet to the northwest Corner of Donation Land Claim No. 63; thence North 89°24'52" West, along the south line of said Volume 234, Page 214, 407.99 feet to the southwest corner thereof; thence North 00°16'18" East, along the west line of said Volume 234, Page 214, 950.40 feet to intersect the south line of Colver Road; thence continuing North 00°16'18" East, 65.00 feet to the north line of Colver Road; thence South 88°57'45" East, along the north line of Colver Road, 79.67 feet, to a point 30.00 feet northerly of the center line of Colver Road, at P.C. station 37+95.75; thence South 89°59'30" East, 195.74 feet to a point 30.00 northerly of said center line at station 36+00; thence South 88°20'14" East, 99.97 feet to a point 27.00 feet northerly of said center line at station 35+00; thence South 89°30'02" East, 250.01 feet to a point 27.00 feet northerly of said center line at station 32+50; thence South 88°04'57" East, 150.88 feet, to a point 22.00 feet northerly of said center line at station 31+00; thence South 89°59'30" East, 1050.00 feet to a point 22.00 feet northerly of said center line at station 20+50; thence North 87°18'16" East, 63.59 feet to a point 25.00 feet northerly of said center line at P.T. station 19+86.47; thence along the arc of a 384.26 foot curve to the left (the long chord of which bears N73°35'20"E, 217.24 feet) 220.24 feet to a point 25.00 feet northerly of said center line at P.C. station 17+51.91; thence North 51°40'04" East, 24.61 feet to a point 27.42 feet, more or less northerly of said center line at approximate station 17+27.42 and the intersection with the westerly line of said railroad; thence South 42°59'33" East, along the said westerly line, 53.19 feet to a point on the southerly line of Colver Road and the point of beginning.



Basis of Bearing: the south line of Donation Land Claim No. 58 per filed survey 3066.

The described parcel contains 47.7± acres.





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

-  Subject Property
-  Taxlots

Subject Property

Phoenix-Talent School District
Annexation of Colver Fields



Maplot: 38-1W-22D-100









0 175 350 Feet



EXHIBIT 4



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

 Urban Reserves	Major Streets
 JGB as Amended	 Interstate
 Subject Property	 Arterial
 City Limits	 Collector Street
 Taxlots	

Aerial Map of Subject
Phoenix-Talent School District
Annexation of Colver Fields

Maplot: 38-1W-22D-1000
 & Adjacent Rights of Way
 For Colver Road and Wagner Creek Road

0 150 300 Feet



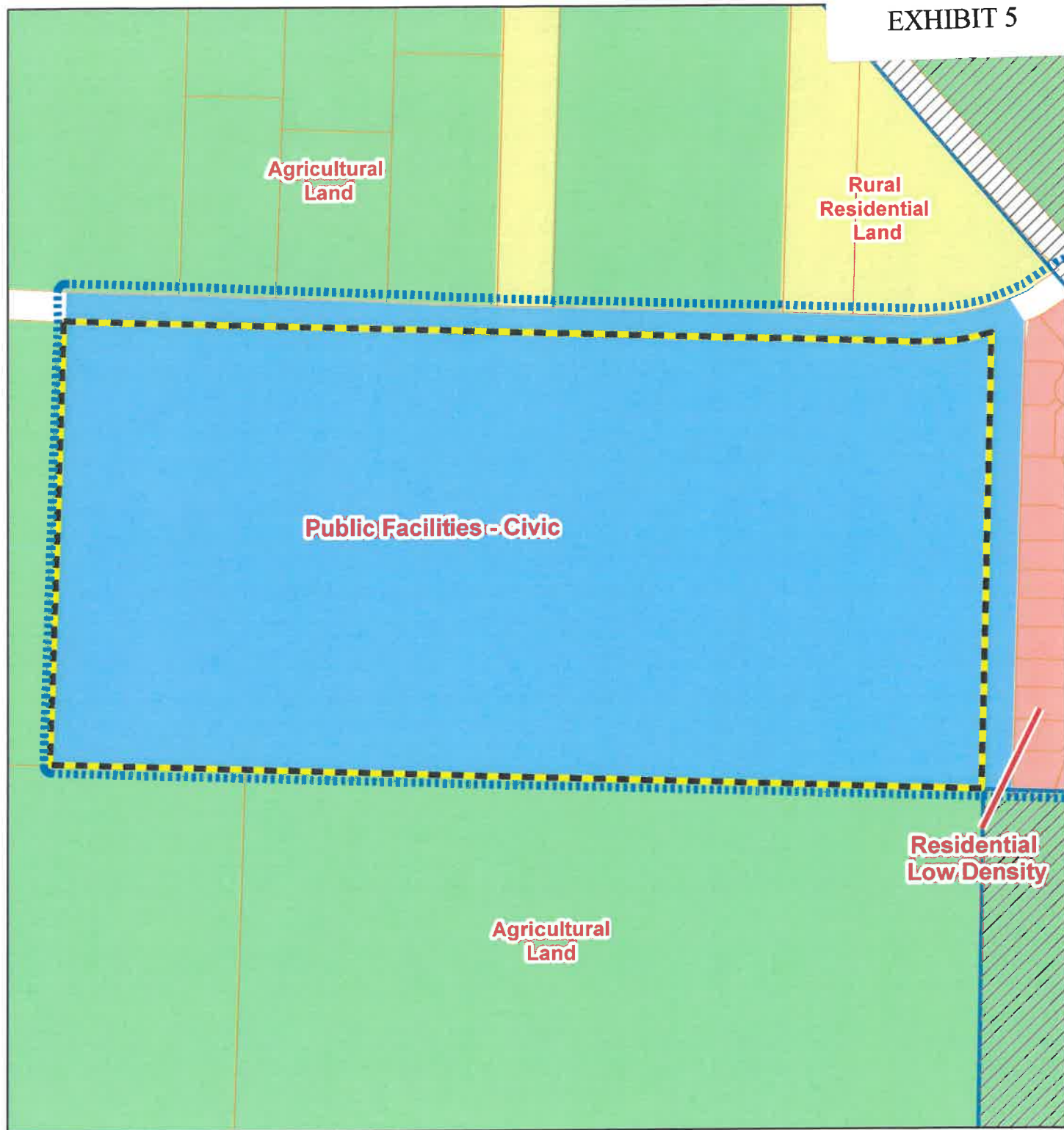










EXHIBIT 5



 Urban Reserves	County Comp Plan
 JGB as Amended	 Agricultural Land
 Subject Property	 Rural Residential Land
 Taxlots	Talent Comp Plan
	 Public Facilities - Civic
	 Residential - Low Density

Comprehensive Plan Map
Phoenix-Talent School District
Annexation of Colver Fields

Maplot: 38-1W-22D-1000
 & Adjacent Rights of Way
 For Colver Road and Wagner Creek Road

0 150 300 Feet






EXHIBIT 6



	Urban Reserves	County Zoning
	JGB as Amended	Rural Residential - 5 (RR-5)
	Subject Property	Exclusive Farm Use (EFU)
	Taxlots	Talent Zoning
		Residential Zone - Medium Density (RMD)

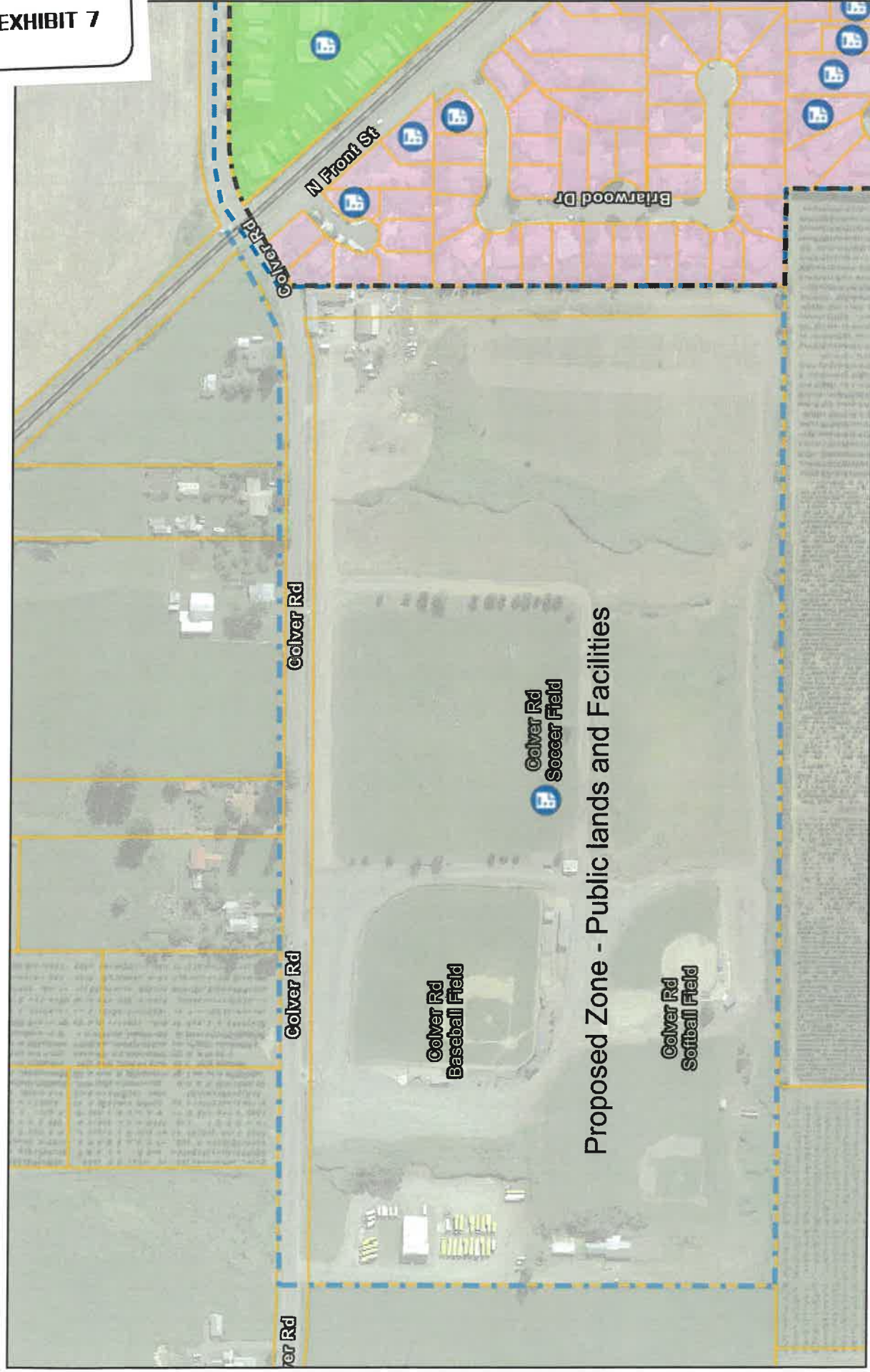
Zoning Map
Phoenix-Talent School District
Annexation of Colver Fields

Maplot: 38-1W-22D-1000
 & Adjacent Rights of Way
 For Colver Road and Wagner Creek Road

0 150 300 Feet

Community Development Map

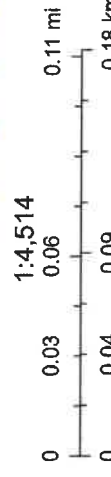
EXHIBIT 7



3/29/2024, 12:35:56 PM

- Override 1
- Pending Land Use Actions
- City Limit (2007-836-O)
- Urban Growth Boundary (1978-385-O)

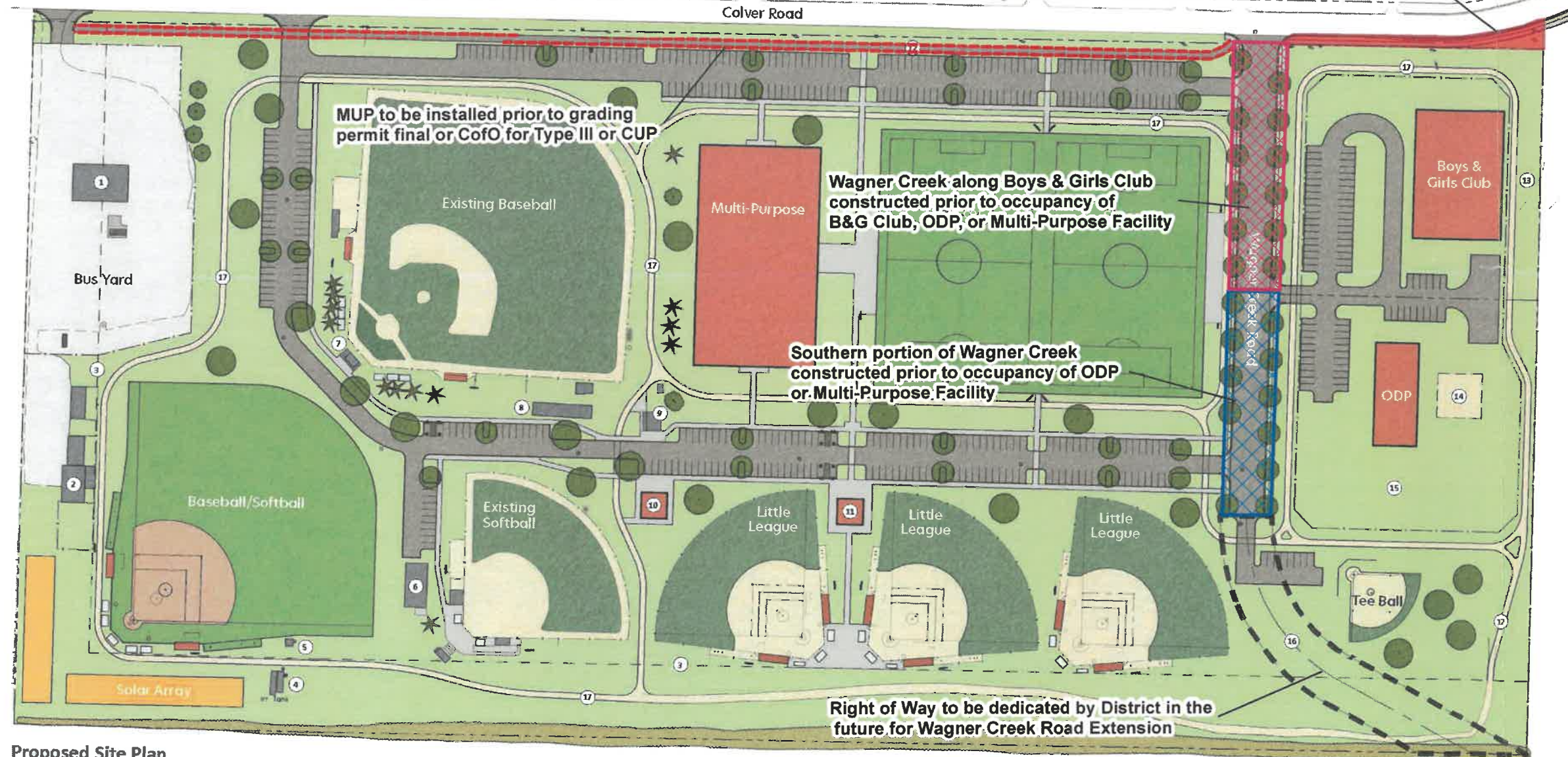
- ReferenceData - Tax Lots Zoning (Effective 06/05/2020)
- Residential Zone - Single-Family - Medium Density
- Residential Zone - Manufactured Home



Esri Community Maps Contributors: County of Jackson, OR, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, TomTom.

City of Talent Community Development Department | Please extend credit to Jackson County GIS in any subsequent works derived from its data, such as maps. | Esri Community Maps Contributors: County of Jackson, OR, Oregon State

Section 2: Master Plan (Continued)



Proposed Site Plan

- | | | | |
|------------------------------------|--|---|--|
| 1. Bus Maintenance Garage | 6. Softball Batting Cage | 11. New Little League Concessions & Restrooms | 16. Wagner Creek Road ROW Future Extension |
| 2. Phoenix High School Barn & Farm | 7. Concessions Stan | 12. New Asphalt Multi-Modal Path | 17. Cross Country Path (Southernly Portion Existing) |
| 3. 100-ft Agricultural Buffer | 8. Baseball Batting Cage | 13. Existing Neighborhood Garden | |
| 4. Irrigation Storage tanks | 9. Restrooms | 14. New ODP Playground | |
| 5. Well Pump House | 10. New District Restrooms & Equipment Storage | 15. ODP Farm | |

COLOR KEY

- | | | | |
|--------------------|----------|--------------------|--------------------|
| New Buildings | Concrete | Synthetic Turf | Trees |
| Existing Buildings | Asphalt | Synthetic Infield | Natural Grass |
| Bleachers | Gravel | Decomposed Granite | Future Solar Array |

Not to scale

Colver Field Annexation Agreement Transportation Improvements Key Map

Legend

- Wagner Creek Future ROW, see Section 6.(b) of Annexation Agreement
- Colver Road Collector Improvements, see Section 6.(c) of Annexation Agreement
- Improved upon BGC, ODP, or Multi-Use Building, see Section 6.(d)(i) of Annexation Agreement
- Improved upon ODP or Multi-Use Building, see Section 6.(d)(ii) of Annexation Agreement
- Multi-Use Path, see Section 6.(e) of Annexation Agreement

Section 2: Master Plan (Continued)



Proposed Site Plan

- | | | | |
|------------------------------------|--|---|---|
| 1. Bus Maintenance Garage | 6. Softball Batting Cage | 11. New Little League Concessions & Restrooms | 16. Wagner Creek Road ROW Future Extension |
| 2. Phoenix High School Barn & Farm | 7. Concessions Stan | 12. New Asphalt Multi-Modal Path | 17. Cross Country Path (Southerly Portion Existing) |
| 3. 100-ft Agricultural Buffer | 8. Baseball Batting Cage | 13. Existing Neighborhood Garden | |
| 4. Irrigation Storage tanks | 9. Restrooms | 14. New ODP Playground | |
| 5. Well Pump House | 10. New District Restrooms & Equipment Storage | 15. ODP Farm | |

COLOR KEY

- | | | | |
|--------------------|----------|--------------------|--------------------|
| New Buildings | Concrete | Synthetic Turf | Trees |
| Existing Buildings | Asphalt | Synthetic Infield | Natural Grass |
| Bleachers | Gravel | Decomposed Granite | Future Solar Array |

Not to scale

Colver Field Annexation Agreement Review Procedures Key Map

Legend

- a. Pre-existing uses, see Recital D of Annexation Agreement
- b. New facilities, see Section 4.(b) of Annexation Agreement
- c. Outdoor Discovery Program, see Section 4.(c) of Annexation Agreement
- Overlap of Pre-existing Use Area and where New Facilities are Proposed (a. and b. Area Overlap)
- Existing Uses No Changes Planned

BEFORE THE CITY COUNCIL

FOR THE CITY OF TALENT

JACKSON COUNTY, OREGON

IN THE MATTER OF AN APPLICATION)
FOR ANNEXATION OF A PROPERTY ON)
COLVER ROAD NEAR THE)
INTERSECTION OF COLVER ROAD AND)
FRONT STREET. THE SUBJECT)
PROPERTY IS 43 ACRES AND IS)
IDENTIFIED AS TOWNSHIP 38 SOUTH,)
RANGE 1 WEST, SECTION 22D, TAX LOT)
1000 (WILLAMETTE MERIDIAN) ON THE)
ASSESSOR'S MAPS OF JACKSON)
COUNTY. THE PROPERTY IS WITHIN)
THE URBAN GROWTH BOUNDARY OF)
THE CITY OF TALENT, OREGON.)

Owner/Applicant: Phoenix-Talent School)
District)

Agent: CSA Planning, Ltd.)

**PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

Applicant's Exhibit 1

I

NATURE, SCOPE AND INTENT OF APPLICATION

The subject application requests approval of annexation of the property commonly known as Colver Fields to the City of Talent to be included within the municipal boundary. The property, which is identified as Maplot 38-1W-22D-1000, contains ~43 acres of land. The subject property was recently approved for an urban growth boundary ("UGB") amendment to accommodate a school need, which brought the subject property and adjacent right of way into the Talent UGB. The Applicant, the Phoenix-Talent School District ("District") desires to move forward with development of the property. Applicant has provided a conditional consent to annexation with this application submittal which sets forth the terms under which the School District agrees to be annexed.



II

EVIDENCE SUBMITTED WITH THE APPLICATION

Applicant has submitted the following evidence in support of the land use application:

- Exhibit 1** The proposed Findings of Fact and Conclusions of Law (this document) which demonstrates how the application complies with the applicable substantive approval criteria as set forth in the Talent Municipal Code (TMC)
- Exhibit 2** Jackson County Assessor Plat Map 38-1W-22D
- Exhibit 3** General Vicinity Map
- Exhibit 4** Aerial Map of Property
- Exhibit 5** Map of Comprehensive Plan Designation
- Exhibit 6** Map of Current Zoning
- Exhibit 7** Boundary Description and Map of Area to be Annexed
- Exhibit 8** Consent to Annexation Agreement
- Exhibit 9** City of Talent Ordinance 2023-967-0
- Exhibit 10** Summary of Historic County Land Use Permits
- Exhibit 11** Transportation Impact Study for Colver Fields – Southern Oregon Transportation Engineering
- Exhibit 12** Completed Application Forms with limited Power of Attorney for CSA Planning, Ltd.



Findings of Fact and Conclusions of Law

Colver Field Annexation
Applicant/Owner: Phoenix-Talent School District

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which Annexation applications must be considered are in Section 18.200 of the Talent Municipal Code (“TMC”). The relevant approval criteria are recited verbatim below and again in Section V where each are followed by the conclusions of law:

Criteria for Annexation

TMC 18.200 Annexation

18.200.020 Petition

Except for annexations initiated by the council pursuant to TMC 18.200.030, a petition to annex shall include the following information:

- A. Consent to annexation which is nonrevocable for a period of one year from the date of its signing.
- B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510.
- C. Boundary description and map prepared in accordance with ORS 308.225. A registered land surveyor shall prepare such description and map. Subsequent to council approval of the proposed annexation the boundaries shall be surveyed and monumented as required by statute.
- D. Written findings addressing the criteria in TMC 18.200.040.
- E. Written request by the property owner for a rezoning. Provided, however, no written request shall be necessary if the annexation has been approved by a majority vote in an election meeting the requirements of Section 11g of Article XI of the Oregon Constitution (Ballot Measure No. 47).

18.200.040 Approval Standards

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

- A. The land is in the city’s urban growth boundary (UGB).
- B. The land is currently contiguous for a distance of 60 feet or more with the present city limits.
- C. The proposed zoning for the annexed area is in conformance with the designation indicated on the comprehensive plan map and/or adopted master plan map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- D. The following infrastructure can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff:
 1. Adequate facilities for the provision of water to the site, as determined by the public works department and/or city engineer;
 2. Adequate transport of sewage from the site to the wastewater treatment plant, as determined by Rogue Valley Sewer Services;
 3. Adequate storm drainage as determined by the public works department and/or city engineer.
- E. Adequate transportation can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff. The purpose of this standard is to ensure that transportation facilities are extended to adjacent lands that are also available for annexation, though they may not be immediately eligible. For the purposes of this section “adequate transportation” for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:



Findings of Fact and Conclusions of Law

Colver Field Annexation

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1. A 20-foot-wide paved access exists for vehicular transportation, or can and will be constructed, along the full frontage of or through the project site to the nearest fully improved collector or arterial street.

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

2. Adequate transport of sewage from the site to the wastewater treatment plant, as determined by Rogue Valley Sewer Services; Where future street dedications are indicated on the city's "Required Street Connections" maps in the transportation system plan, or an adopted master plan, or when required by the city, provisions shall be made for the dedication and improvement of these streets and be included with the petition to annex.

3. For bicycle transportation, safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.

4. For pedestrian transportation, safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by code on all streets within the annexed area.

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

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

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

1. The proposed annexation area will be zoned a residential district in accordance with the comprehensive plan, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be calculated from the most current adopted vacant and redevelopable land inventory, or the inventory in the housing element of the comprehensive plan under the direction and approval of the city planner; or

2. The proposed lot or lots will be zoned a commercial district under the comprehensive plan, and the petitioner will obtain site development plan review approval for an outright permitted use, or conditionally permitted use, concurrent with the annexation request; or

3. A current or probable public health hazard exists due to lack of full city sanitary sewer or water services; or

4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or

5. The area proposed for annexation has existing city of Talent water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the city of Talent; or

6. There is inadequate infrastructure that is unduly preventing development of UGB lands and annexation will provide a means to extend infrastructure; or

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



IV

FINDINGS OF FACT

The following facts are found to be true with respect to this matter. The below Conclusions of Law in Section V are supported by the facts provided herein:

1. **Property Location, Ownership, and Description:** The subject property is generally located to the northwest of the City of Talent, immediately abutting the municipal limits near the southwest corner of Colver Road and N Front St. The property is owned by the Phoenix-Talent School District (also called School District 4).

The District property is identified on the Assessor’s Maps of Jackson County as 38-1W-22D-1000. The parcel is approximately 43 acres and all of it is included in this request for annexation.

2. **Lot Legality:** The subject property was created in 1942 via Warranty Deed found in the County Records at Volume 234, Page 214. Because the parcel was created by deed before the September 1973 enactment of zoning regulations in Jackson County and prior to any land division regulations, the subject parcel is a lawfully created unit of land.

The subject property was transferred from Jackson County to the Phoenix-Talent School District on November 3rd, 1965 via a Bargain and Sales Deed recorded at Official Record 1970-00159 of Jackson County. In 1972 the Wagner Creek public right of way that borders the easterly edge of the subject parcel was granted to Jackson County for roadway purposes via a Quitclaim deed found at O.R. 1972-01104. This deed granted the easterly 60 feet of the subject parcel.

3. **Consent to Annex:** The Applicant has provided conditional consent to annex subject to the terms set forth by the District in Exhibit 8.

4. **Existing Land Use:** The subject property has several existing uses operated by the School District. A list of existing uses includes the following:

- a bus depot
- two baseball fields
- one softball field
- two soccer fields
- a cross country running course
- agricultural education facilities
- parks/open space areas
- facilities and structures to serve the above uses including restrooms which are connected to RVSS sewer infrastructure, batting cages, etc.;

In terms of area, the largest uses are the District’s outdoor sports-fields. These fields and related infrastructure occupy approximately 21 acres of the property. ~3 acres in the northwestern corner of the parcel hosts the school district’s bus barn. South of the bus



Findings of Fact and Conclusions of Law

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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.

- 5. Comprehensive Map Designation:** In 2023, the City of Talent passed Ordinance 2023-967-0, which amended the City's Urban Growth Boundary to include the subject property and the adjacent right of way. The public right of way included both the immediately adjacent roadway of Colver Road and Wagner Creek. In addition, it included the section of Colver Road between the subject property and the railroad right of way adjacent to Front Street. This latter section was included to avoid creating a "doughnut" of roadway that would remain outside the UGB.

In addition to amending the UGB, Ordinance 2023-967-0 amended the City's comprehensive plan map and designated the subject property as Parks and Public Facility. See, Exhibit 9.

- 6. Existing Zoning Map Designations:** The Applicant chose to retain the existing County zoning during the UGB amendment process, as was their prerogative, and thus the property retains its existing county zoning, which is Exclusive Farm Use ("EFU"). Exhibit 6 shows the existing zoning designation.
- 7. Concurrent Request for Zoning Map Amendment:** As required by TMC, the Applicant has filed a concurrent written request for a zoning map amendment for the subject property. That application requests approval to zone the subject property as Public Lands and Facilities ("PLF"). The PLF zone is suitable for the comprehensive map designation of Parks and Public Facility and would allow the proposed uses, subject to further development reviews; the specific reviews for the various elements in the District's Master Plan for the site are set forth in the conditional consent for Annexation Agreement.
- 8. Surrounding Land Uses:** The property is located at the edge of the City of Talent and is thus surrounded by a mixture of urban and rural uses. Applicant's Exhibit 5 shows the comprehensive plan designation for surrounding lands while Exhibit 4 shows the same lands on a recent aerial image.

East: Immediately to the east of the property is the aforementioned 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 parcels 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.



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West: The westerly border is shared with one lot (38-1W-22D-900), an ~11 ½ acre parcel zoned EFU and owned by the Ziemba family. This lot features a residential dwelling and numerous farm buildings. Most of the property, including the area abutting the subject property, appears to be pastureland for cattle.

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.

- 9. Previous Land Use Approvals for the Site:** In June of 2022, the Talent City Council approved a Conceptual Master Plan for Talent Urban Reserve TA-1. The subject property made up the entirety of Urban Reserve TA-1. The approval of a conceptual master plan was the first step required by TMC to amend a UGB. With the conceptual master plan complete, the City Council approved Resolution 2022-055-R in November of 2022 initiating an amendment for the UGB to include the subject property.

A joint hearing was held between the Jackson County Planning Commission and the City of Talent Planning Commission on January 12, 2023. After receiving recommendations for approval from the Planning Commissions, Jackson County and the City of Talent approved an urban growth boundary amendment for the subject property and adjacent right of way, totaling approximately 47.3 acres. The City of Talent approving ordinance was No. 2023-967-0. The Jackson County approving ordinance was No. 2023-1. As discussed above, the UGB amendment also had the effect of adding the subject property to the City of Talent comprehensive plan map as Public Facilities-Civic.



Findings of Fact and Conclusions of Law

Colver Field Annexation
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While the UGB amendment is the most significant land use approval, the subject property has been subject to other land use actions. This includes File No. ZON2005-00966, which was an approval to connect to sanitary sewer services operated by RVSS because of a documented health hazard. Other permits addressed the construction of ball fields, the bus repair shop, and other infrastructure on the property. A list of these and other permits can be found at Exhibit 10.

10. **Topography:** The topography and physical character of the area is generally farmland with upland characteristics. The subject property is no exception to this characterization. According to 10 foot contours available from Jackson County GIS data, the property is more or less flat with a slope of approximately 2 percent.
11. **Wetlands; Floodplain:** The U.S. Fish & Wildlife Service National Wetlands Inventory data indicates no jurisdictional wetlands on the subject property or immediately abutting its boundaries. To the best of the Applicant's knowledge at this time, the property has no wetlands and is not located within a floodplain.
12. **Essential Public Facilities:** The subject property is presently served by basic urban services, including both sewer and water.
 - A. **Storm Drainage:** The property is sufficiently large to provide adequate storm drainage at the time of development. Some ~20 plus acres is undeveloped and consists of fallow land or open space that is presently unused.
 - B. **Sanitary Sewage Collection and Treatment:** Gravity sanitary sewer service by Rogue Valley Sewer Services is already provided to the property. It was extended and approved in 2005 via File No. ZON2005-00966 after the failure of an existing septic system. The existing service is an 8-inch line that connects to a 12-inch line just east of the railroad tracks. The 12-inch line runs along Colver Road across Highway 99, then east along Suncrest and Winter Sage to a connection with a 15-inch line near Christopher Way and then northeast to connect to the RVSS interceptor. The existing route follows natural grades with ground surface grades that generally fluctuate from 2% to 3%.
 - C. **Municipal Water Service:** The subject property is served by municipal water and has an existing water meter. If future school uses, such as a new site for the School District's magnet Outdoor Discover Program or a new youth facility, are ultimately sited on the subject property, then an analysis of municipal water service needs for that use would occur at that future time, but the general nature and types of uses contemplated on the site are not expected to demand large supplies of domestic water.
 - D. **Irrigation:** The subject property 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.
 - E. **Streets and Traffic:** The following facts pertain to streets and traffic as they related to the subject property:



- **Existing Street Functional Classification and Standards:** 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. This Wagner Creek right-of-way is proposed to be vacated and relocated further to the west to alleviate site distance and safety concerns at the intersection of Colver Road and the newly constructed Wagner Creek Road as development of the parcel occurs.

As part of the UGB amendment, it was agreed that the City of Talent would take jurisdiction of Colver Road as part of any future annexation. The City of Talent Transportation System Plan (“TSP”) does not classify Colver Road west of the existing city limits. However, Colver Road from OR 99 to the (previous) UGB boundary is classified as a Collector street as indicated on Table 2-1 of the TSP and as part of this application, the Collector street status is assumed to continue.

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

- **Vehicular Traffic:** As part of the UGB amendment, the School District engaged Southern Oregon Traffic Engineering to complete a Traffic Impact Study (“TIS”) for the subject property. Three intersections and all site driveways were included in the study area. They were evaluated under existing year conditions, design year of 2027, and future 2038 conditions.

According to the conclusions of the TIS, up to 1,327 daily trips (“ADT”) and 73 PM peak trips are expected for the full development of the site. Full development was defined as the construction of all proposed ball fields along with a multi-purpose recreational building and an after school program.

According to Southern Oregon Traffic Engineering, Colver Road is presently estimated to have 3,130 ADT. When the City of Talent takes over jurisdiction of Colver Road, it will presumably be classified as a Collector with a carrying capacity up to 6,000 ADT.

The TIS found that all study area intersections and driveways would operate within targeted performance standards with or without full build out in future year conditions. No safety concerns were expected from storage length changes and no intersections had a crash rate exceeding the critical crash rate.

- **Transit Services:** The City of Talent is served by the Rogue Valley Transportation District (“RVTD”). Bus Line #10 serves downtown Talent and is the nearest line to the subject property. The line runs from Medford to Ashland and generally follows Highway 99. The nearest stop on Line #10 is located across the street from a Shell gas station located on Talent Ave. A pedestrian would walk approximately 1,950 feet or ~1/3rd of a mile from the bus stop to the subject property.

Findings of Fact and Conclusions of Law

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- **Proposed Improvements:** As set forth in the Annexation Agreement, the Applicant will agree to make reasonable transportation improvements that are commensurate with build-out of the site. A summary of these improvements is provided below, but the details and specific improvements and their timing is found in Exhibit 8.



Findings of Fact and Conclusions of Law

Colver Field Annexation
Applicant/Owner: Phoenix-Talent School District

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are based on the findings of fact contained in Section IV above and the evidence enumerated in Section II. The below conclusions of law are preceded by the substantive approval criteria to which they relate:

TMC 18.200 Annexation

18.200.020 Petition

Except for annexations initiated by the council pursuant to TMC 18.200.030, a petition to annex shall include the following information:

- A. Consent to annexation which is nonrevocable for a period of one year from the date of its signing.
- B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510.
- C. Boundary description and map prepared in accordance with ORS 308.225. A registered land surveyor shall prepare such description and map. Subsequent to council approval of the proposed annexation the boundaries shall be surveyed and monumented as required by statute.
- D. Written findings addressing the criteria in TMC 18.200.040.
- E. Written request by the property owner for a rezoning. Provided, however, no written request shall be necessary if the annexation has been approved by a majority vote in an election meeting the requirements of Section 11g of Article XI of the Oregon Constitution (Ballot Measure No. 47).

Criterion 1

Discussion; Conclusions of Law: As discussed herein above and listed Section II – Evidence Submitted with the Application, the Applicants have included all necessary information in order to petition for annexation. These are detailed herein below:

- Exhibit 8 is an annexation agreement between the City of Talent and the Phoenix-Talent School District. This agreement sets forth the terms under which annexation consent is granted by the Phoenix-Talent School District.
- Exhibit 7 is a boundary description and map detailing the area to be annexed.
- Exhibit 1 is Applicant’s proposed Findings of Fact and Conclusions of Law (this document) which demonstrates how the application complies with the applicable substantive approval criteria as set forth in the Talent Municipal Code (TMC).
- As detailed herein above in Section IV – Findings of Fact, the Applicant has made a written request for concurrent consideration to zone the property as the Public Lands and Facilities zone.

Therefore, the City concludes that the Applicant has provided the necessary information in order to petition for annexation and that this Criterion is met.



Findings of Fact and Conclusions of Law

Colver Field Annexation
Applicant/Owner: Phoenix-Talent School District

Criterion 2

18.200.040 Approval Standards

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

A. The land is in the city's urban growth boundary (UGB).

Conclusions of Law: As discussed in Section IV – Findings of Fact, the subject property was included in the City’s UGB after Ordinance No. 2023-967-0 was approved in 2023. Therefore, the City concludes that this Criterion is met.

Criterion 3

B. The land is currently contiguous for a distance of 60 feet or more with the present city limits.

Conclusions of Law: As shown on Exhibit 7 and described in Exhibit 8, the area proposed to be annexed is contiguous with the City of Talent city limits along its easterly border for a distance of more than 60 feet. Therefore, the City concludes that this Criterion is met.

Criterion 4

C. The proposed zoning for the annexed area is in conformance with the designation indicated on the comprehensive plan map and/or adopted master plan map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.

Conclusions of Law: As discussed herein above in Section IV – Findings of Fact, the subject property has a comprehensive map designation of Parks and Public Facility. It was so designated when the City passed Ordinance 2023-967-0, which both amended the subject property’s comprehensive map designation and the UGB. Although no development has been proposed concurrently, the Applicant has made a concurrent request to amend the zoning map from EFU to PLF. The PLF zone would allow the proposed uses, subject to the development review procedures set forth in the Annexation Agreement, to occur on the site. The PLF zone is the appropriate zone for the subject property under the Comprehensive Plan Map designation. Therefore, the City concludes that this Criterion is met.

Criterion 5

D. The following infrastructure can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff:

- 1. Adequate facilities for the provision of water to the site, as determined by the public works department and/or city engineer;
- 2. Adequate transport of sewage from the site to the wastewater treatment plant, as determined by Rogue Valley Sewer Services;
- 3. Adequate storm drainage as determined by the public works department and/or city engineer.

Conclusions of Law: As discussed herein above in Section IV, the following conclusions of law are reached with respect to each of the herein above referenced infrastructure components:



Findings of Fact and Conclusions of Law

Colver Field Annexation
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Storm Drainage: The subject property is sufficiently large, being approximately 43 acres, to accommodate stormwater for the proposed uses as imagined in the Concept Plan for the property and the as contemplated in the Annexation Agreement found at Exhibit 8.

Sanitary Sewer: The subject property is served by Rogue Valley Sewer Services, which was extended and approved in 2005 via File No. ZON2005-00966 after the failure of an existing septic system.

Water Facilities: The subject property is served by municipal water and has an existing water meter. If future school uses, such as a new site for the School District’s magnet Outdoor Discover Program or a new youth facility, are ultimately sited on the subject property, then an analysis of municipal water service needs for that use would occur at that future time, but the general nature and types of uses contemplated on the site are not expected to demand large supplies of domestic water.

Therefore, the City concludes that the adequate facilities for provision of water, transport of sewage to a wastewater treatment facility, and adequate storm drainage are provided to the subject property and that this Criterion is met.

Criterion 6

E. Adequate transportation can and will be provided to and through the subject property at the appropriate stage of development, or sooner if determined to be necessary on the advice of staff. The purpose of this standard is to ensure that transportation facilities are extended to adjacent lands that are also available for annexation, though they may not be immediately eligible. For the purposes of this section “adequate transportation” for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:

1. A 20-foot-wide paved access exists for vehicular transportation, or can and will be constructed, along the full frontage of or through the project site to the nearest fully improved collector or arterial street.

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

Discussion; Conclusions of Law: As detailed in Exhibit 8, the Annexation Agreement, and summarized herein above in Section IV – Findings of Fact, the Applicant has proposed adequate vehicular transportation improvements in phases that accord with the developed impacts of the contemplated uses on the subject property. These transportation improvements include provisions for the improvement of portions of Colver Road and the construction of an extension of Wagner Creek Road to city standards. The City concludes that adequate vehicular facilities have been planned and can and will be provided in accordance with the appropriate development stages. Therefore, the City concludes that this Criterion is met.

2. Adequate transport of sewage from the site to the wastewater treatment plant, as determined by Rogue Valley Sewer Services; Where future street dedications are indicated on the city’s “Required Street Connections” maps in the transportation system plan, or an adopted master plan, or when required by the city, provisions shall be made for the dedication and improvement of these streets and be included with the petition to annex.

Conclusions of Law: As detailed herein above in Section IV – Findings of Fact, the subject property is served by Rogue Valley Sewer Services facilities. Future right of way constructed



Findings of Fact and Conclusions of Law

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by the Applicant on the subject property will include provisions for the inclusion of sewer facilities. Therefore, the City concludes that this Criterion is met.

* * * * *

3. For bicycle transportation, safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.

4. For pedestrian transportation, safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by code on all streets within the annexed area.

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

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

Discussion, Conclusions of Law: As detailed in Exhibit 8, the Annexation Agreement, and summarized herein above in Section IV – Findings of Fact, the Applicant has proposed adequate pedestrian and bicycle transportation improvements in phases that accord with the development impacts of the contemplated uses on the subject property. These transportation improvements include provisions for sidewalks along a portion of Colver Road, a multi-modal path along the remainder of Colver Road frontage, and the build out of pedestrian and cycling facilities along the proposed Wagner Creek extension. Transit service, as detailed herein above in Section IV, is not available to the site nor likely to be extended to the best of Applicant’s knowledge. The City concludes that adequate bicycle and pedestrian facilities have been planned and can and will be provided in accordance with the appropriate development stages. The City further concludes that transit service is not available at the subject property nor is it likely to be extended to the subject property. Therefore, the City concludes that this Criterion is met.

* * * * *

Criterion 7

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

1. The proposed annexation area will be zoned a residential district in accordance with the comprehensive plan, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. “Redevelopable land” means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be calculated from the most current adopted vacant and redevelopable land inventory, or the inventory in the housing element of the comprehensive plan under the direction and approval of the city planner; or

2. The proposed lot or lots will be zoned a commercial district under the comprehensive plan, and the petitioner will obtain site development plan review approval for an outright permitted use, or conditionally permitted use, concurrent with the annexation request; or



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

Conclusions of Law: In the first instance, the Phoenix-Talent School District is a District under ORS 332 and a UGB amendment was completed in order to accommodate urban intensity land uses connected to urban services for purposes of carrying out the District's activities under ORS 332. The City's annexation criteria should not be interpreted to prevent annexation of land for urban intensity land uses in the District's furtherance of education activities set out in Oregon Statute.

Moreover, with respect to (5) above, the District's property is served by MWC water and the collection system would typically be jurisdictionally exchanged to the City of Talent upon annexation; and sanitary sewer is provided by RVSS as it is throughout the City of Talent; and an annexation agreement that consents to annexation subject to agreement on key annexation issues has been provided with this application. Therefore, in light of the above considerations, the City of Talent concludes that this criterion is met.

VI

ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, the City should conclude that the criteria prerequisite for annexation has been substantiated for each of the relevant criteria cited herein above.

Respectfully submitted on behalf of the Phoenix-Talent School District.

CSA Planning, Ltd.

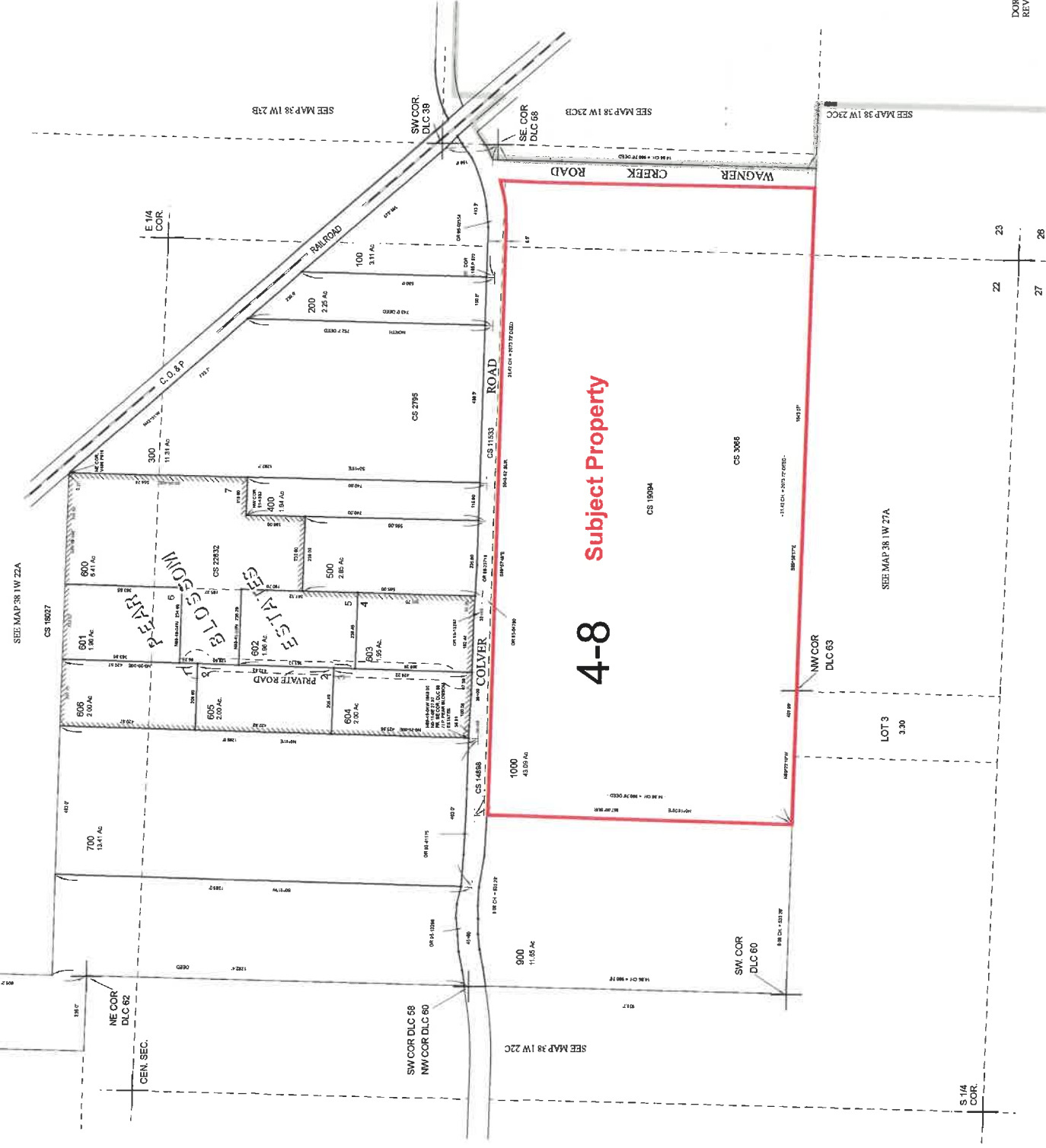


Nathan Emerson
Associate



EXHIBIT 2

FOR ASSESSMENT AND
TAXATION ONLY



CONSULTING SERVICES/PERSONAL SERVICES
CONTRACT

ON-CALL/AS-NEEDED LAND USE PLANNING AND LONG-RANGE FACILITY MASTER
PLANNING SERVICES

THIS AGREEMENT, made this 26TH day of July, 2023, by and between **CSA PLANNING, Ltd.**, a corporation in the State of Oregon, hereinafter referred to as "CONTRACTOR", and the **PHOENIX-TALENT SCHOOL DISTRICT**, a municipal corporation in the State of Oregon, hereinafter referred to as "CLIENT".

Article 1. The Work

The CLIENT hereby agrees to engage the CONTRACTOR to perform the technical and/or professional services as hereinafter set forth. CONTRACTOR is not an employee of the CLIENT.

Contractor will be available to perform land use planning and long-range facility master planning services, including but not limited to those services described on Exhibit A, attached hereto and by this reference incorporated herein, as requested or on an "on-call" basis ("the Services").

CONTRACTOR shall perform such additional work as may be necessary or required to correct errors in the work performed under this Agreement without undue delays and without additional cost.

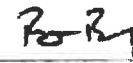
Article 2. Scope of Services; Independent Contractor

The CONTRACTOR shall perform the Services as may be periodically directed by CLIENT in writing (via email or memo) and agreed upon in writing by CONTRACTOR (via email or memo). CONTRACTOR is employed to render a professional service only, and any payments made to the CONTRACTOR are compensation solely for such services rendered and recommendations made in carrying out the work. Except as otherwise agreed by the parties, CONTRACTOR shall follow the usual and customary practice of the consulting profession to make findings, provide opinions, make factual presentations, and provide professional advice and recommendations, and shall utilize the professional standards of skill and care ordinarily exercised in the practice of the land use consulting profession in providing the services.


C. If a suit or action is filed to enforce any of the terms of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to costs and disbursements provided by statute, any sum which a court, including any appellate court, may adjudge reasonable as attorney's fees.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper officers the day and year first above written.

CLIENT:

By: 
Name: Brent Barry
Title: Superintendent
OF: PHOENIX-TALENT SCHOOL DISTRICT

CONTRACTOR:

By: 
Name: J. Harland
Title: President
OF: CSA PLANNING, LTD

70-00159

2. Rights of the public in and to that portion of the herein described property lying within the boundaries of roads and highways.

3. Right and easement to use and draw water from a well located on the herein described property, and rights in connection therewith, granted Chester Zediker and Ruth E. Zediker, husband and wife, by instrument recorded in Volume 468, Page 37, and as corrected by Supplemental easement recorded in Volume 469, Page 385, all in the Jackson County, Oregon, Deed Records.

4. Right and easement to use and draw water from a well located on the herein described property, and rights in connection therewith, granted Charles V. Carmichael and Jennie E. Carmichael, husband and wife, by instrument recorded in Volume 468, Page 41, and as corrected by Supplemental easement recorded in Volume 469, Page 386, all in the Jackson County, Oregon, Deed Records.

5. Right and easement to use and draw water from a well located on the herein described property, and rights in connection therewith, granted William G. Wilkins and Elizabeth L. Wilkins, husband and wife, by instrument recorded in Volume 468, Page 45, and as corrected by Supplemental easement recorded in Volume 469, Page 388, Jackson County, Oregon, Deed Records.

6. Right and easement to use and draw water from a well located on the herein described property, and rights in connection therewith, granted L. E. Whillock and Lucille Whillock, husband and wife, by instrument recorded in Volume 468, Page 49, and as corrected by Supplemental easement recorded in Volume 469, Page 387, all in the Jackson County, Oregon, Deed Records.

7. Right and easement to use, maintain, replace and repair an existing 3/4 inch water pipe running in an Easterly and Westerly direction over the herein described property, and rights in connection therewith, granted L. E. Whillock and Lucille Whillock, husband and wife, by instrument recorded in Volume 469, Page 383, Jackson County, Oregon, Deed Records.

The net acreage for the above described property is 45.30 acres.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Bargain and Sale Deed - 2

'70-00159

Dated this 3 day of November, 1965.

GRANTOR:

JACKSON COUNTY, OREGON
By and Through its Jackson County Court

By: Earl M. Miller
County Judge

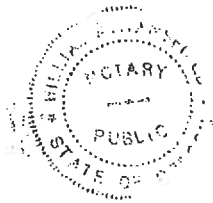
By: Donald E. Faber
County Commissioner

By: Rodney Keating
County Commissioner

STATE OF OREGON,)
) ss.
County of Jackson.)

On this 3rd day of November, 1965, appeared before me, the undersigned, a Notary Public in and for the above named State and County, Earl M. Miller, Donald Faber and Rodney Keating, who are respectively the County Judge, County Commissioner, and County Commissioner of the Jackson County Court, and are known by me to be the same, and acknowledged to me that the within instrument was executed by each of said persons voluntarily and that said persons were authorized to execute said instrument on behalf of Jackson County Court.

WITNESS my hand and seal the day and year last above written.



William A. Bradford
Notary Public for Oregon

My Commission expires: May 7, 1968

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
3:52
P.M. JAN 8 1970

G. W. ANHORN
CLERK and RECORDER
By: Lola Reeve Deputy

Bargain and Sale Deed - 3

COLVER FIELDS ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT (“Agreement”) is between the City of Talent, an Oregon municipal corporation (“City”) and the Phoenix-Talent School District, an Oregon education service district (“District”). This Agreement becomes effective when executed by the City and District representatives.

RECITALS

- A) The District owns approximately 43 acres located in Jackson County (the “Property”), commonly known as “Colver Fields” located at Tax Lot 1000 of 38-1W-22D which is more particularly described in the attached Exhibit A, minus those portions dedicated as right-of-way as described in Official Records 1972-01104 and 1995-04790, and a map showing the location of the Property in the attached Exhibit B;
- B) The Property is surrounded by rural residential and agricultural operations, except along its eastern boundary, where a developed subdivision is located inside the existing Talent city limits.
- C) The Property has been owned by the District since 1965. The Property was included within the City’s Urban Growth Boundary in 2023.
- D) Existing uses of the property include
 - a. a bus depot
 - b. two baseball fields
 - c. one softball field
 - d. two soccer fields
 - e. a cross country running course
 - f. agricultural education facilities
 - g. parks/open space areas
 - h. facilities and structures to serve the above uses including restrooms which are connected to RVSS sewer infrastructure, batting cages, etc;
- E) The District seeks to improve the Property. The School District Board has adopted a Master Plan attached hereto as Exhibit C. The District intends to begin Master Plan implementation, recognizing some Master Plan adjustments may occur as the implementation unfolds.
- F) Implementation of the Master Plan within City limits will subject the property to City ordinances including land use review requirements; and
- G) This Agreement is intended to provide the terms governing annexation and subsequent development.

AGREEMENT

- 1. Consent to Annexation. Subject to the terms of this Agreement, District shall apply to annex the District Property to the City, subject to Talent Municipal Code Section 18.200, and the City agrees to review the annexation request in a timely manner.

2. Current and Proposed Zoning. The District Property is currently designated by Jackson County as Exclusive Farm Use. Concurrent with its annexation application, the District shall apply to rezone the Property to the Public Lands and Facilities (PLF) zone.
3. Anticipated Phased Development. The Parties desire certainty and mutual understanding about how the District plans to improve the property. Attached as Ex C, Page 8 is the District's preferred adopted Master Plan showing the general location and uses planned for this area. Although the locations of these particular uses may shift in going through land use review, it is anticipated that this development will be built out over time. Different elements of the Master Plan will be subject to different levels of land use review.
4. Required Land Use Reviews. The parties acknowledge that the requirements of this Agreement will be implemented through a series a land use decisions including conditions of approval. Within the PLF zone, the type of required review is determined by the use proposed. A map depicting the review components described below in a through d is provided as Exhibit D. Upon annexation and zone change, the parties understand that the following reviews, consistent with TMC Chapter 18.75.020 through .040 will be required:
 - a. Pre-existing uses set forth in Recital D may continue provided use expansion does not occur; renovation of existing facilities or resurfacing of existing ball fields substantially in existing locations is allowed.
 - b. Type II Site Plan review pursuant to TMC 18.140.045:
 - i. Change of location of an existing baseball, softball, or soccer field
 - c. Type III Site Plan review pursuant to TMC 18.150.050:
 - i. Net new park facilities including additional new grass and turf ball fields
 - ii. Multi-purpose facility
 - iii. Boys and Girls Club building
 - d. Type III Conditional Use review pursuant to TMC 18.155:
 - i. Outdoor Discovery Program or an Educational facility including indoor classroom(s)
5. Adequate Public Facilities. The District agrees that in order to annex and rezone for the uses proposed, the Property must have adequate water, sanitary sewer and storm water facilities necessary to serve the development. It is anticipated that these public services will be provided by:
 - a. Water – City of Talent
 - b. Sanitary sewer – Rogue Valley Sewer Services
 - c. Storm water – City of Talent
6. Anticipated Transportation Improvements. The District understands that in order to receive annexation and zone change approvals, it must identify transportation improvements adequate to serve the proposed uses. A map depicting the transportation improvement components described below in a through e is provided as Exhibit E. The parties agree that the necessary transportation improvements shall be conditioned to provide as follows:
 - a. Within sixty (60) days after annexation, the City shall initiate a vacation proceeding for the existing Wagner Creek right-of-way located along the eastern boundary of the property;

- b. Within thirty (30) days after the City provides notice that the City has budgeted, engineered and let contracts for construction of the extension of Wagner Creek Road toward Foss Road, the District shall dedicate right-of-way to accommodate the Wagner Road extension from its existing terminus to the southern property line. The District fully acknowledges that this road improvement could result in the removal of developed Master Plan components.
 - c. Prior to certificate of occupancy for the Multi-Purpose building or building shown as the Boys and Girls Club, the District shall dedicate land and construct of half-street improvements along the south side of Colver Road between the Wagner Creek Road extension and the easterly property boundary to a residential collector status with center turn lane for the Wagner Creek intersection, including one half of a 70-80 foot right-of-way and construction of a travel lane, sidewalk, bike lane, and planting strip;
 - d. Dedicate and construct Wagner Creek Road to collector road standard associated with the following development:
 - i. Wagner Creek Road along frontage of development for building shown as Boys and Girls Club prior to occupancy
 - ii. Wagner Creek Road to southern terminus depicted on Master Plan prior to occupancy of Multi-Purpose building or ODP / Educational Facility including indoor classroom.
 - e. Prior to grading permit final or certificate of occupancy for any significant development permitted pursuant to a Type III Site Plan Review or CUP, the District shall install a 10 foot multi-modal path parallel to Colver Road from the future Wagner Creek Road intersection to the west property line.
7. Development Buffering along West Property Line. Existing uses along the West Property Line are long established with no known conflicts with neighboring agricultural uses. Maintenance and minor expansion of the existing uses on the western boundary of the property do not conflict with nearby agricultural uses and the RPS buffering standards are not necessary in this area if uses are not substantially expanded or changed. As an alternative to vegetative buffering, the District may install solar arrays.
8. Development Buffering along South Property Line. Implementation of the Master Plan within 400 feet of the south property line that are approved pursuant to a Type III Site Design Review or CUP shall install a 100 foot vegetated buffer where it does not conflict with pre-existing uses consistent with the Buffering Standards found in Appendix III – Regional Agricultural Buffering Standards of the RPS Appendices (or equivalent standards in the Talent Municipal Code implementing RPS requirements). As an alternative to vegetative buffering, the District may install solar arrays.
9. Amendment or Modification. Any amendment or modification to this Agreement must be in writing and signed by both parties.
10. Assignment. The parties agree that the rights, obligations and commitments described in this Agreement are intended to run with the land and are binding on the parties' heirs, successors and assigns.

11. Terms of the Agreement. This agreement shall be effective from the date of execution by all Parties and is binding until such time as the property is developed to include the District's intended uses as identified above.
12. Termination. This Agreement may be terminated by mutual written consent of the parties.
13. Severability. Should any provision of this Agreement be rendered invalid by a court of competent jurisdiction or arbitrator with authority to render a provision invalid, it is agreed that every other part of the Agreement shall remain in full force and effect.
14. Remedies. Any controversy arising under this Agreement that is not resolved by discussion between the parties shall mutually select the mediator, who shall be compensated equally by the parties. The parties shall seek a mediator with experience in land use or development. The mediation must conclude within 90 days of the date the mediator is retained. In the event that the parties are unable to resolve the controversy in mediation, the parties retain all available legal and equitable remedies to enforce this Agreement, including claims for damages. Any claim, suit or other action arising under the terms of this Agreement shall proceed under the laws of the State of Oregon and shall be brought in Jackson County Circuit Court. In any legal proceedings, each Party is responsible for its own fees and costs, including legal fees.
15. Entire Agreement. This Agreement constitutes the complete understanding among the parties on the subject. No promises or agreement made subsequent to the execution of this Agreement by the parties shall be binding unless reduced to writing and signed by the parties.
16. Counterparts. This Agreement may be signed in one or more counterparts, and each counterpart shall be deemed to be an original instrument.
17. Recordation. The District shall record this Agreement in the property records for Jackson County, Oregon.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF TALENT, OREGON

PHOENIX-TALENT SCHOOL DISTRICT

By: _____
 Printed Name: _____
 Title: _____
 Date: _____

By: B. Barry
 Printed Name: Brent Barry
 Title: Superintendent
 Date: 1-12-2024

Attachment 4 – Ordinance and Exhibits

ORDINANCE NO. 2024-984-O

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT 6100 COLVER ROAD, TOTALING 43 ACRES AND REZONING THE PARCEL FROM JACKSON COUNTY EXCLUSIVE FARM USE (EFU) TO CITY PUBLIC LANDS AND FACILITIES (PLF).

WHEREAS, the owner of the parcel located at 6100 Colver Road, totaling 43 acres has consented in writing to annexation and subsequent rezone from county to city zoning; and

WHEREAS, the subject property is addressed at 6100 Colver Road and specifically identified as Tax Lot 1000 on Jackson County Assessor Map 38-1W-22D; and

WHEREAS, the subject property is currently zone Jackson County Exclusive Farm Use (EFU), and the property will be rezoned to city Public Lands and Facilities (PLF); and

WHEREAS, the subject property is designated Public Facilities - Civic on the City of Talent Comprehensive Plan map consistent with the proposed city zoning of Public Land and Facilities (PLF); and

WHEREAS, although city services are available to the subject property, annexation does not commit the city or any public or private utility to provide services to the property at taxpayers' expense; and

WHEREAS, the City Council of the City of Talent, as per 18.190.060 D.1. *Required Hearings. A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications, except annexations where only a hearing by the city council is required*, has been posted for two consecutive weeks and held a public hearing on April 17, 2024; and

WHEREAS, the Department of Land Development and Conservation has been properly notified of this proposed annexation request; and

WHEREAS, the City Council and the Phoenix-Talent School Board held a joint meeting on March 21, 2024 to discuss the annexation and environmental documents prepared for the District.

WHEREAS, the City Council finds that during the public hearing on April 17, 2024, evidence was presented, and the public was given an opportunity to comment.

NOW, THEREFORE, THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. The City Council declares and proclaims that the territory described in Exhibit "A" and depicted in Exhibit "B" is annexed to the City of Talent

SECTION 2: The zoning of the above described property shall be amended from Jackson County Exclusive Farm Use (EFU) to the City of Talent Public Lands and Facilities (PLF) as Exhibit "C" and Public Facilities- Civic on the Comprehensive Plan map.

SECTION 3: This application complies with the City's Comprehensive Plan Map and ORS 222.120 attached as Exhibit "D" and incorporated herein by reference.

SECTION 4: The City Recorder is directed to:

- A. File the following with the Secretary of State and Department of Revenue:
 - a. A copy of this ordinance
 - b. A copy of the landowner's statement of consent.
- B. Mail a copy of this Ordinance to Jackson County, to all service providers and to any other parties entitled to receive this notice of its adoption.

Duly enacted by the City Council in open session on April 17, 2024, by the following vote:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

Hector Flores, Interim City Recorder.

70-00159

Accom
BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS that JACKSON COUNTY, OREGON, a subdivision of the State of Oregon, hereinafter called "Grantor", does hereby convey to PHOENIX SCHOOL DISTRICT NO. 4, Jackson County, Oregon, hereinafter called "Grantee", all of that real property situated in Jackson County, State of Oregon, described as follows:

A tract or parcel of land situate in the Southeast One Quarter (1/4) of Section 22 and the Southwest One Quarter (1/4) of Section 23, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, and being more fully described as follows:

Commencing at a 5/8 inch iron pin situated on the North line of Donation Land Claim No. 63 same Township and Range, said pin bears North 89° 58' 57" West 847.44 feet from the Northeast corner of said Donation Land Claim; thence along the aforesaid line North 89° 58' 57" West 1645.43 feet to a stone monument at the Northwest corner of said Donation Land Claim No. 63; thence North 89° 23' 10" West along the South line of Donation Land Claim No. 60 407.99 feet to a 5/8 inch iron pin; thence North 0° 18' 00" East 967.00 feet to intersect the South line of the County Road (Colver Road); thence South 89° 57' 48" East 2045.74 feet along said road line to a 5/8 inch iron pin; thence South 0° 09' 10" East 970.55 feet to the point of beginning. Containing 45.67 acres more or less.

LESS a tract or parcel of land situate in the Southeast One Quarter (1/4) of Section 22 and the Southwest One Quarter of Section 23, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, and being more fully described as follows:

Commencing at a 5/8 inch iron pin situated on the North line of Donation Land Claim No. 63 same Township and Range, said pin bears North 89° 58' 57" West 847.44 feet from the Northeast corner of said Donation Land Claim; thence North 0° 09' 10" West 960.55 feet, to a 5/8 inch iron pin for the true point of beginning; thence North 89° 57' 48" West 2045.82 feet to a 5/8 inch iron pin; thence North 0° 18' 00" East 10.00 feet to intersect the South line of the County Road (Colver Road) at a 5/8 inch iron pin; thence South 89° 57' 48" East 2045.74 feet along said road line to a 5/8 inch iron pin; thence South 0° 09' 10" East 10.00 feet to the point of beginning. Containing 0.47 acres, more or less.

SUBJECT TO THE FOLLOWING:

1. Levies, assessments, water and irrigation rights, easements and regulations of Talent Irrigation District.

Bargain and Sale Deed - 1

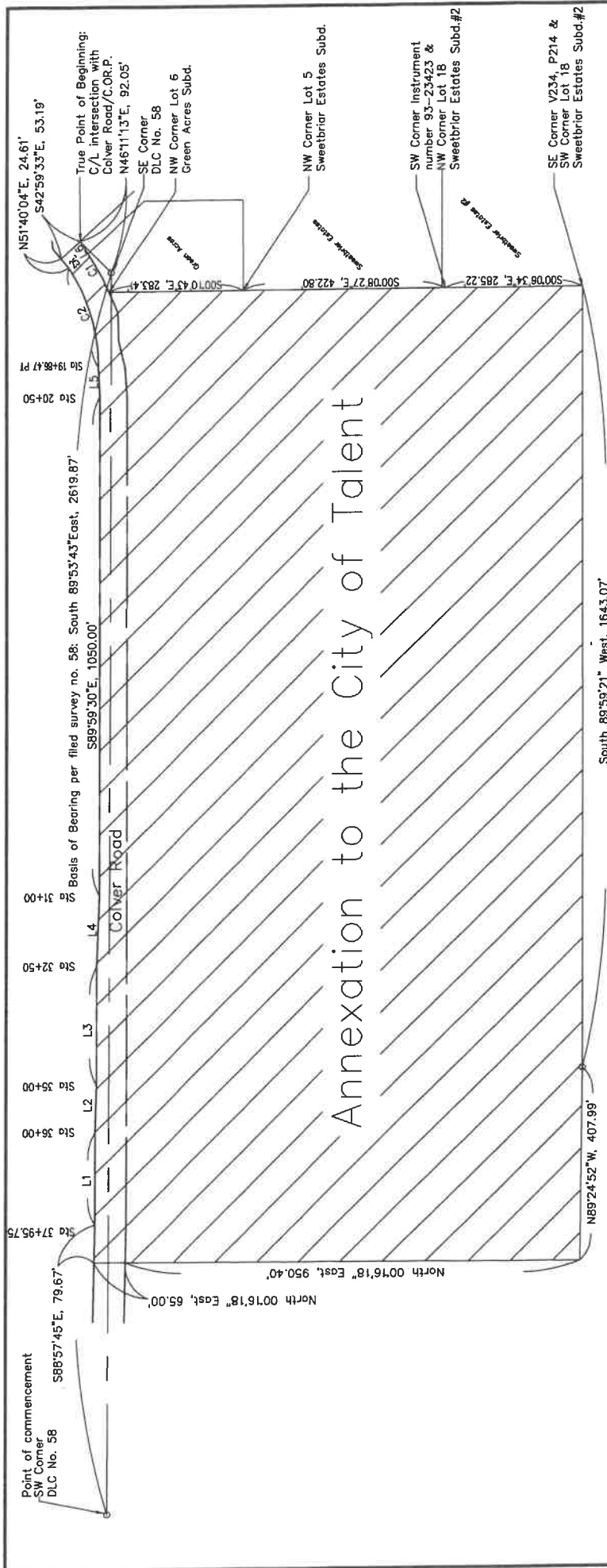


Exhibit B:

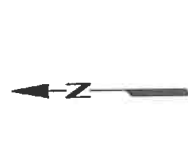
Located at:
Colver Road

SE 1/4 Section 22, Township 38 South, Range 1 West,
Willamette Meridian, Jackson County, Oregon

Curve Table	Length	Delta	Long Chord
C1	54.44'	07°06'40"	S60°32'08"W, 51.00'
C2	220.24'	32°50'21"	N73°35'20"E, 217.24'

Curve Table	Radius
C1	434.26'
C2	384.26'

Line Table	Bearing	Distance
L1	S89°59'30"E	195.74'
L2	S88°20'14"E	99.97'
L3	S89°30'02"E	250.01'
L4	S88°04'57"E	150.88'
L5	N87°18'16"E	63.59'
L6	S57°10'10"W	33.88'



**Phoenix/Talent
School District
Sports Complex**

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

John R. Pariani
OREGON
July 13, 1997
JOHN R. PARIANI
#51382
Renews: December 31, 2024

Pariani Land Surveying
PHONE (541) 890-1131 EMAIL: JOHN@PARIANILS.COM

PROJECT NO.	2018-397	SHEET	1 of 1
DATE:	Jan. 9, 2024	DRAWN BY:	JRP
REVIEWED BY:	JRP	APPROVED BY:	JRP
HORIZ SCALE: 1" = 200'	VERT SCALE: n/a	DRAWING NO.	Ex. B
		REV. NO.	

Annexation to the City of Talent

A Parcel of land located in the SE Quarter Section 22, Township 38 South, Range 1 West, W.M., Jackson County, Oregon and being more particularly described as follows:

Commencing at the SW Corner Donation Land Claim No. 58, Township 38 South, Range 1 West, thence South 89°53'43" East, 2619.87 feet to the SE Corner of Donation Land Claim No. 58, in said Township and Range; thence North 46°11'13" East, 92.05 feet to the intersection of the south line of Colver Road and the West line of Central Oregon Pacific Railroad and the True Point of Beginning, said point also being 25.00 feet from the center line of Colver Road; thence South 57°10'10" West, 30.48 feet to the intersection with the south line of Colver Road and the West line of North Front Street; thence continuing South 57°10'10" West, 3.40 feet to a point of curve; thence along the arc of a 434.26 foot radius curve to the right (the long chord of which bears S60°32'08"W, 51.00 feet) 54.44 feet to a point 25.00 southerly from Colver Road center line station 18+00; thence South 66°08'26" West, along the south line of Colver Road, 37.98 feet, said point also being the northwest corner of Lot 6, Green Acres Subdivision, recorded in volume 32 of plats at Page 5 of the Record of Jackson County; thence South 00°10'43" East, along the east line of said Green Acres, 283.41 feet to the southwest corner thereof, said point also being the northwest corner of Lot 5, Sweetbrier Estates Subdivision recorded in Volume 16, Page 135 of the Subdivision Records of Jackson County; thence South 00°08'27" East, along the west line of said Sweetbrier Estates Subdivision, 415.80 feet to the southwest corner thereof; thence South 00°08'27" East, 7.00 feet to the southwest corner of that property described in instrument number 93-23423 Jackson County Official Records, said point also being the northwest corner of Lot 18, Sweetbrier Estates Subdivision, Unit No. 2, recorded in Volume 18 of Plats at Page 30 of the records of Jackson County, Oregon; thence South 00°06'34" East, along the west line of said Unit No. 2, 285.22 feet, to the southwest corner thereof, said point also being the southeast corner of that property described in Volume 234, Page 214 Jackson County Official Records; thence South 89°59'21" West, along the south line of said Volume 234, Page 214, 1643.07 feet to the northwest Corner of Donation Land Claim No. 63; thence North 89°24'52" West, along the south line of said Volume 234, Page 214, 407.99 feet to the southwest corner thereof; thence North 00°16'18" East, along the west line of said Volume 234, Page 214, 950.40 feet to intersect the south line of Colver Road; thence continuing North 00°16'18" East, 65.00 feet to the north line of Colver Road; thence South 88°57'45" East, along the north line of Colver Road, 79.67 feet, to a point 30.00 feet northerly of the center line of Colver Road, at P.C. station 37+95.75; thence South 89°59'30" East, 195.74 feet to a point 30.00 northerly of said center line at station 36+00; thence South 88°20'14" East, 99.97 feet to a point 27.00 feet northerly of said center line at station 35+00; thence South 89°30'02" East, 250.01 feet to a point 27.00 feet northerly of said center line at station 32+50; thence South 88°04'57" East, 150.88 feet, to a point 22.00 feet northerly of said center line at station 31+00; thence South 89°59'30" East, 1050.00 feet to a point 22.00 feet northerly of said center line at station 20+50; thence North 87°18'16" East, 63.59 feet to a point 25.00 feet northerly of said center line at P.T. station 19+86.47; thence along the arc of a 384.26 foot curve to the left (the long chord of which bears N73°35'20"E, 217.24 feet) 220.24 feet to a point 25.00 feet northerly of said center line at P.C. station 17+51.91; thence North 51°40'04" East, 24.61 feet to a point 27.42 feet, more or less northerly of said center line at approximate station 17+27.42 and the intersection with the westerly line of said railroad; thence South 42°59'33" East, along the said westerly line, 53.19 feet to a point on the southerly line of Colver Road and the point of beginning.

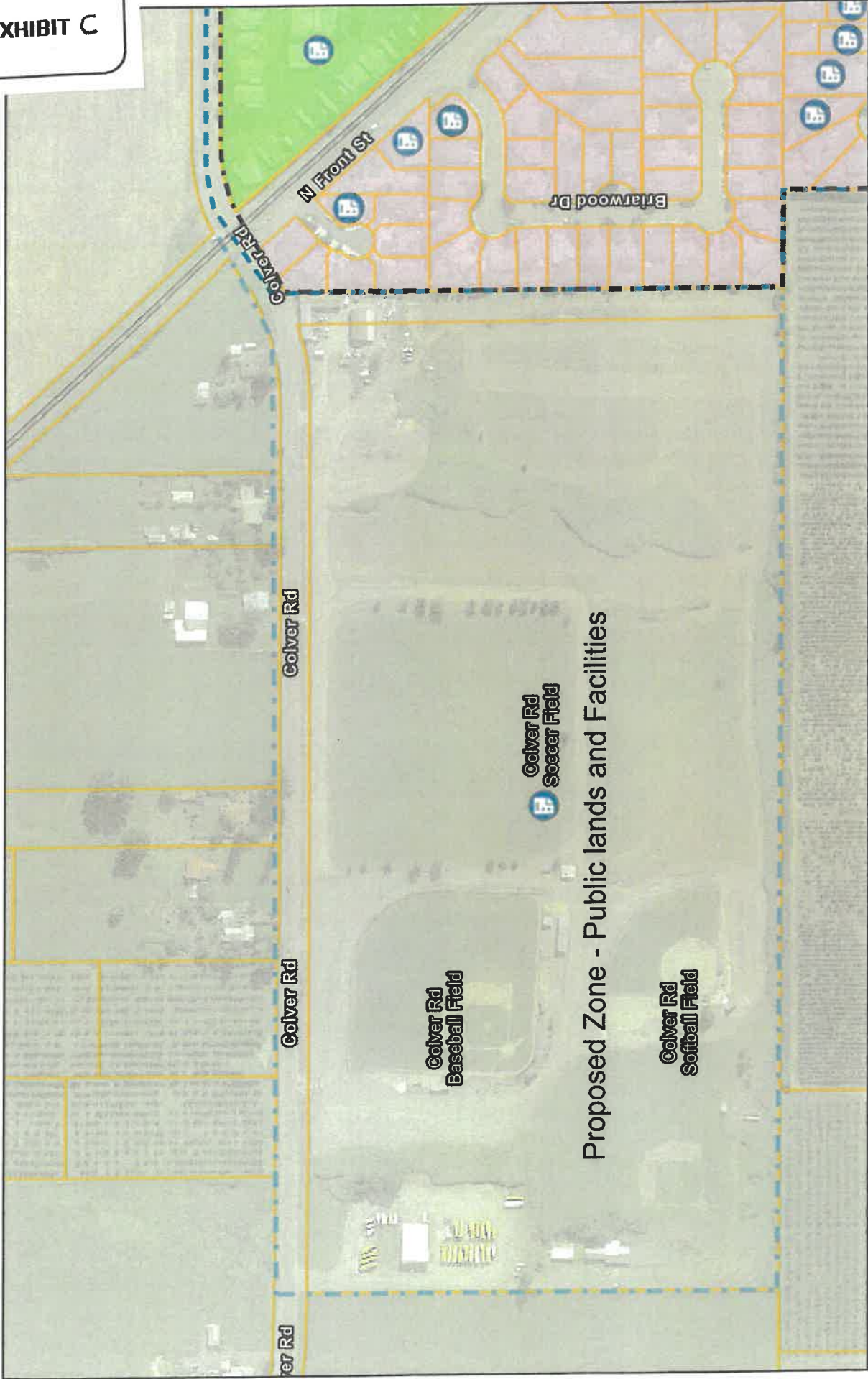
Basis of Bearing: the south line of Donation Land Claim No. 58 per filed survey 3066.

The described parcel contains 47.7± acres.



Community Development Map

EXHIBIT C



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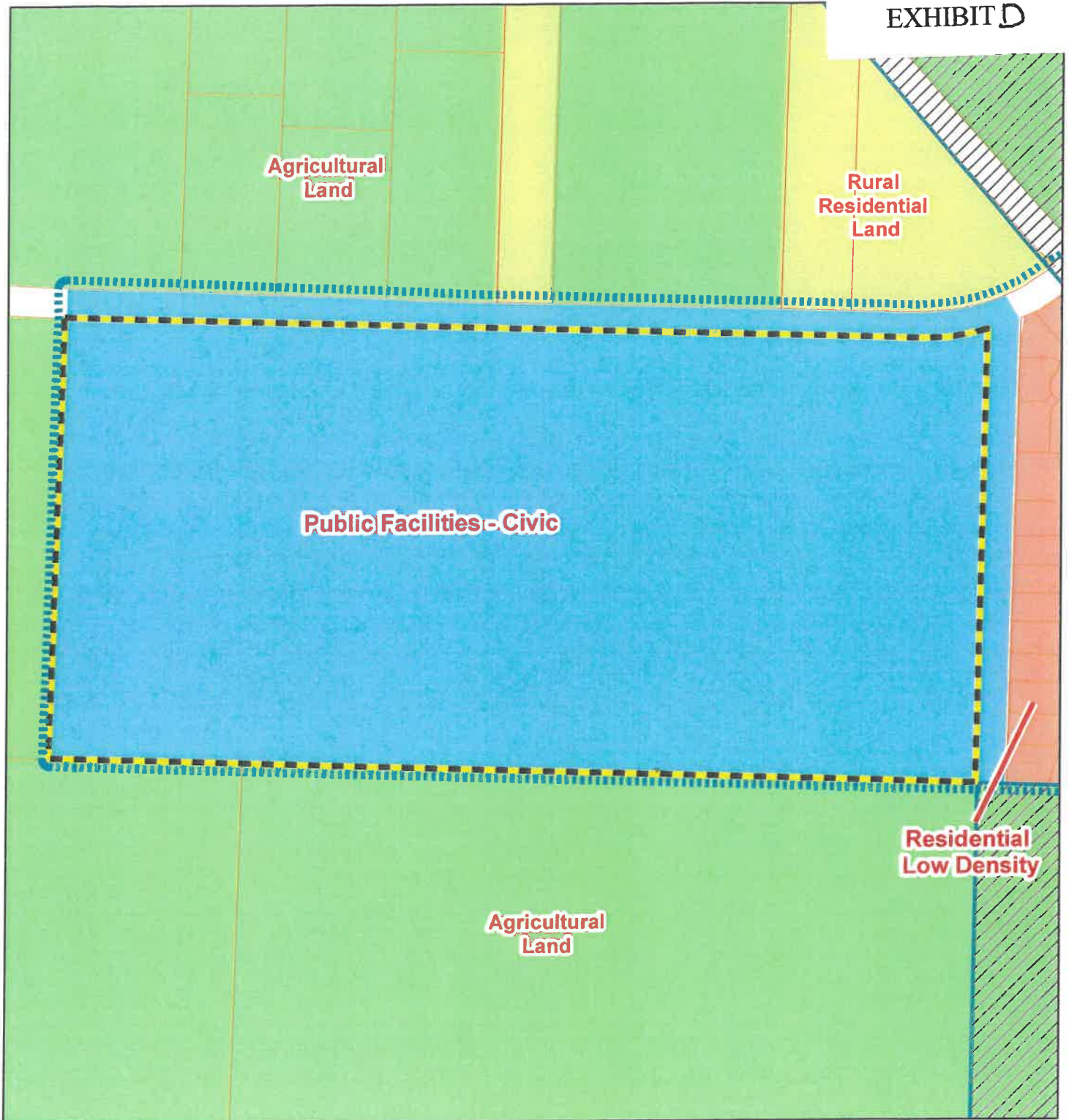
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- Override 1
- ReferenceData - Tax Lots
- Zoning (Effective 06/05/2020)
 - Residential Zone - Single-Family - Medium Density
 - Residential Zone - Manufactured Home
- Pending Land Use Actions
- City Limit (2007-#36-O)
- Urban Growth Boundary (1978-385-O)

Esri Community Maps Contributors, County of Jackson, OR, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, TomTom, City of Talent Community Development Department

City of Talent Community Development Department

Google and Jackson County | City of Talent Community Development Department | Please extend credit to Jackson County GIS in any subsequent works derived from its data, such as maps. | Esri Community Maps Contributors, County of Jackson, OR, Oregon State





 Urban Reserves	County Comp Plan
 UGB as Amended	 Agricultural Land
 Subject Property	 Rural Residential Land
 Taxlots	Talent Comp Plan
	 Public Facilities - Civic
	 Residential - Low Density

Comprehensive Plan Map

**Phoenix-Talent School District
Annexation of Colver Fields**

Maplot: 38-1W-22D-1000
& Adjacent Rights of Way
For Colver Road and Wagner Creek Road

0 150 300 Feet

ORS 222.120

Procedure for annexation without election

- hearing
- ordinance subject to referendum

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- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of a proposed annexation to the electors of the city, the legislative body of the city shall fix a date for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the territory consented in writing to such annexation, as provided in ORS 222.125 (Annexation by consent of all owners of land and majority of electors) or ORS 222.170 (Annexation by consent before public hearing or order for election), prior to the public hearing held under subsection (2) of this section; **or**
 - (c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915).
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the

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View Manual (PDF)

View Manual (PDF) manual.freemanualsonline.net



- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 (Annexation by consent of all owners of land and majority of electors) and 222.170 (Annexation by consent before public hearing or order for election), “owner” or “landowner” means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39; 2009 c.595 §180]

Location: https://oregon.public.law/statutes/ors_222.120

Original Source: Section 222.120 — Procedure for annexation without election; hearing; ordinance subject to referendum, https://www.oregonlegislature.gov/bills_laws/ors/ors222.html (last accessed Aug. 25, 2023).

Attachment 5 – Agreement

COLVER FIELDS ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT (“Agreement”) is between the City of Talent, an Oregon municipal corporation (“City”) and the Phoenix-Talent School District, an Oregon education service district (“District”). This Agreement becomes effective when executed by the City and District representatives.

RECITALS

- A) The District owns approximately 43 acres located in Jackson County (the “Property”), commonly known as “Colver Fields” located at Tax Lot 1000 of 38-1W-22D which is more particularly described in the attached Exhibit A, minus those portions dedicated as right-of-way as described in Official Records 1972-01104 and 1995-04790, and a map showing the location of the Property in the attached Exhibit B;
- B) The Property is surrounded by rural residential and agricultural operations, except along its eastern boundary, where a developed subdivision is located inside the existing Talent city limits.
- C) The Property has been owned by the District since 1965. The Property was included within the City’s Urban Growth Boundary in 2023.
- D) Existing uses of the property include
 - a. a bus depot
 - b. two baseball fields
 - c. one softball field
 - d. two soccer fields
 - e. a cross country running course
 - f. agricultural education facilities
 - g. parks/open space areas
 - h. facilities and structures to serve the above uses including restrooms which are connected to RVSS sewer infrastructure, batting cages, etc;
- E) The District seeks to improve the Property. The School District Board has adopted a Master Plan attached hereto as Exhibit C. The District intends to begin Master Plan implementation, recognizing some Master Plan adjustments may occur as the implementation unfolds.
- F) Implementation of the Master Plan within City limits will subject the property to City ordinances including land use review requirements; and
- G) This Agreement is intended to provide the terms governing annexation and subsequent development.

AGREEMENT

1. Consent to Annexation. Subject to the terms of this Agreement, District shall apply to annex the District Property to the City, subject to Talent Municipal Code Section 18.200, and the City agrees to review the annexation request in a timely manner.

2. Current and Proposed Zoning. The District Property is currently designated by Jackson County as Exclusive Farm Use. Concurrent with its annexation application, the District shall apply to rezone the Property to the Public Lands and Facilities (PLF) zone.
3. Anticipated Phased Development. The Parties desire certainty and mutual understanding about how the District plans to improve the property. Attached as Ex C, Page 8 is the District's preferred adopted Master Plan showing the general location and uses planned for this area. Although the locations of these particular uses may shift in going through land use review, it is anticipated that this development will be built out over time. Different elements of the Master Plan will be subject to different levels of land use review.
4. Required Land Use Reviews. The parties acknowledge that the requirements of this Agreement will be implemented through a series a land use decisions including conditions of approval. Within the PLF zone, the type of required review is determined by the use proposed. A map depicting the review components described below in a through d is provided as Exhibit D. Upon annexation and zone change, the parties understand that the following reviews, consistent with TMC Chapter 18.75.020 through .040 will be required:
 - a. Pre-existing uses set forth in Recital D may continue provided use expansion does not occur; renovation of existing facilities or resurfacing of existing ball fields substantially in existing locations is allowed.
 - b. Type II Site Plan review pursuant to TMC 18.140.045:
 - i. Change of location of an existing baseball, softball, or soccer field
 - c. Type III Site Plan review pursuant to TMC 18.150.050:
 - i. Net new park facilities including additional new grass and turf ball fields
 - ii. Multi-purpose facility
 - iii. Boys and Girls Club building
 - d. Type III Conditional Use review pursuant to TMC 18.155:
 - i. Outdoor Discovery Program or an Educational facility including indoor classroom(s)
5. Adequate Public Facilities. The District agrees that in order to annex and rezone for the uses proposed, the Property must have adequate water, sanitary sewer and storm water facilities necessary to serve the development. It is anticipated that these public services will be provided by:
 - a. Water – City of Talent
 - b. Sanitary sewer – Rogue Valley Sewer Services
 - c. Storm water – City of Talent
6. Anticipated Transportation Improvements. The District understands that in order to receive annexation and zone change approvals, it must identify transportation improvements adequate to serve the proposed uses. A map depicting the transportation improvement components described below in a through e is provided as Exhibit E. The parties agree that the necessary transportation improvements shall be conditioned to provide as follows:
 - a. Within sixty (60) days after annexation, the City shall initiate a vacation proceeding for the existing Wagner Creek right-of-way located along the eastern boundary of the property;

- b. Within thirty (30) days after the City provides notice that the City has budgeted, engineered and let contracts for construction of the extension of Wagner Creek Road toward Foss Road, the District shall dedicate right-of-way to accommodate the Wagner Road extension from its existing terminus to the southern property line. The District fully acknowledges that this road improvement could result in the removal of developed Master Plan components.
 - c. Prior to certificate of occupancy for the Multi-Purpose building or building shown as the Boys and Girls Club, the District shall dedicate land and construct of half-street improvements along the south side of Colver Road between the Wagner Creek Road extension and the easterly property boundary to a residential collector status with center turn lane for the Wagner Creek intersection, including one half of a 70-80 foot right-of-way and construction of a travel lane, sidewalk, bike lane, and planting strip;
 - d. Dedicate and construct Wagner Creek Road to collector road standard associated with the following development:
 - i. Wagner Creek Road along frontage of development for building shown as Boys and Girls Club prior to occupancy
 - ii. Wagner Creek Road to southern terminus depicted on Master Plan prior to occupancy of Multi-Purpose building or ODP / Educational Facility including indoor classroom.
 - e. Prior to grading permit final or certificate of occupancy for any significant development permitted pursuant to a Type III Site Plan Review or CUP, the District shall install a 10 foot multi-modal path parallel to Colver Road from the future Wagner Creek Road intersection to the west property line.
7. Development Buffering along West Property Line. Existing uses along the West Property Line are long established with no known conflicts with neighboring agricultural uses. Maintenance and minor expansion of the existing uses on the western boundary of the property do not conflict with nearby agricultural uses and the RPS buffering standards are not necessary in this area if uses are not substantially expanded or changed. As an alternative to vegetative buffering, the District may install solar arrays.
8. Development Buffering along South Property Line. Implementation of the Master Plan within 400 feet of the south property line that are approved pursuant to a Type III Site Design Review or CUP shall install a 100 foot vegetated buffer where it does not conflict with pre-existing uses consistent with the Buffering Standards found in Appendix III – Regional Agricultural Buffering Standards of the RPS Appendices (or equivalent standards in the Talent Municipal Code implementing RPS requirements). As an alternative to vegetative buffering, the District may install solar arrays.
9. Amendment or Modification. Any amendment or modification to this Agreement must be in writing and signed by both parties.
10. Assignment. The parties agree that the rights, obligations and commitments described in this Agreement are intended to run with the land and are binding on the parties' heirs, successors and assigns.

11. Terms of the Agreement. This agreement shall be effective from the date of execution by all Parties and is binding until such time as the property is developed to include the District's intended uses as identified above.
12. Termination. This Agreement may be terminated by mutual written consent of the parties.
13. Severability. Should any provision of this Agreement be rendered invalid by a court of competent jurisdiction or arbitrator with authority to render a provision invalid, it is agreed that every other part of the Agreement shall remain in full force and effect.
14. Remedies. Any controversy arising under this Agreement that is not resolved by discussion between the parties shall mutually select the mediator, who shall be compensated equally by the parties. The parties shall seek a mediator with experience in land use or development. The mediation must conclude within 90 days of the date the mediator is retained. In the event that the parties are unable to resolve the controversy in mediation, the parties retain all available legal and equitable remedies to enforce this Agreement, including claims for damages. Any claim, suit or other action arising under the terms of this Agreement shall proceed under the laws of the State of Oregon and shall be brought in Jackson County Circuit Court. In any legal proceedings, each Party is responsible for its own fees and costs, including legal fees.
15. Entire Agreement. This Agreement constitutes the complete understanding among the parties on the subject. No promises or agreement made subsequent to the execution of this Agreement by the parties shall be binding unless reduced to writing and signed by the parties.
16. Counterparts. This Agreement may be signed in one or more counterparts, and each counterpart shall be deemed to be an original instrument.
17. Recordation. The District shall record this Agreement in the property records for Jackson County, Oregon.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF TALENT, OREGON

PHOENIX--TALENT SCHOOL DISTRICT

By: _____
 Printed Name: _____
 Title: _____
 Date: _____

By: _____
 Printed Name: _____
 Title: _____
 Date: _____

Attachment 6 – Notices

PUBLIC NOTICE

NOTICE OF PUBLIC MEETING

On **Wednesday, April 17, 2024**, at 6:45 PM, the Talent City Council will hold a public meeting in person via zoom to discuss the following:

City Council review of an application to annex a .43-acre parcel at 6100 Colver Road into the city limits. The property is located within the City of Talent Urban Growth Boundary. Property is currently zoned Exclusive Farm Use (EFU), once annexed to the city the zone district will be Public Lands and Facilities (PLF) consistent with the Public Facilities-Civic comprehensive plan designation for the City of Talent. The City Council will base their decision on the criteria of Ordinance 2024-984-O, addressing the relevant statewide planning goals and comprehensive plan goals and expressing its conclusion as to whether the proposed annexation is consistent with such goals and policies, land use code Chapter 18.200. Type IV Procedures and ORS 221.111. File: ANX 2024-001 Owner: Talent-Phoenix School District. Information in regard to this application may be obtained on the City's website at www.cityoftalent.org, Talent Community Development office located at 110 E. Main St., Talent, Oregon 97540 or by calling Kristen Maze, Community Development Director at 541-535-1566.

No. 00502799 - 3/31, 4/7, 2024



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Lunch Menus

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Colver Road update

PTS Board Work Session 03-21-2024



April 5, 2024

Dear PTS families,

We are excited to share the latest update about a significant opportunity for our district – the potential development of a 43-acre property off Colver Road to enhance our educational offerings.

Recently, the PTS School Board and Talent City Council representatives/staff were briefed by Jonathan Williams, a senior hydrogeologist from Alpine Environmental Consultants, on the environmental integrity of the property. His findings, based on two Environmental Site Assessments, are encouraging. Williams highlighted the need for some cleanup under the DEQ's Voluntary Cleanup Pathway program, primarily due to residual pesticides, but found no immediate threat to human health, including minimal concerns about lead in water samples tested. You can watch the video above to see Williams' entire presentation. This assessment lays a solid foundation for our vision to expand educational opportunities and explore partnerships with local youth organizations.

You can read both of AEC's assessments in their entirety, as well as a summary memo, and a conception memo, and view aerial photos of the site, by clicking on the files linked below.

Moving forward, the Talent City Council will play a crucial role in this process. The council is set to discuss the annexation of the property during a public hearing at [its next meeting](#). This meeting will be held on Wednesday, April 17 at Talent Town Hall, located at 206 E. Main St., starting at 6:45 p.m. For those unable to attend in person, a virtual option [via Zoom](#) will be available, ensuring everyone can participate.

This proposed annexation is a pivotal moment for our district, offering a path to further enrich our students' educational experience. We value your input and encourage you to take part in this important conversation.

Important files:

- [Phase I ESA report](#)
- [Phase 2 ESA report](#)
- [CSA Planning Tech memo](#)
- [Aerial photos of Colver Road property](#)
- [CSA concept plan](#)



Visit Us

PO Box 698
401 West 4th St.
Phoenix, OR 97535

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Site Map

Public Complaints

Procedimiento de la Queja Pública

Public Complaint Procedure

Nondiscrimination

No Discriminación

Phone: 541-535-1517
Fax: 541-535-3928

Discrimination Complaint Procedure

Procedimiento de Denuncia por Discriminación

Phoenix-Talent Schools does not discriminate on the basis of sex, race, color, creed, religion, national origin, age, disability, marital status, sexual orientation, gender identity or expression, veteran or military status, or any other status protected by law, in any of its programs and activities and provides equal access to the designated youth organizations in the Boy Scouts of America Equal Access Act. The following person has been designated to handle inquiries and complaints regarding the district's non-discrimination policies and compliance: Kelly Soter, 401 W. 4th Street, Phoenix, OR 97535 (541) 897-3730, kelly.soter@phoenix.k12.or.us

Questions or Feedback?
Web Community Manager Privacy Policy (Updated)
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City Council Agenda Report

Meeting Date: April 17, 2024
Department: City Manager
Staff Recommendation: Review

Staff Contact: Gary Milliman
E-Mail: gmilliman@cityoftalent.org
Estimated Time: 10 mins.

ISSUE BEFORE THE COUNCIL

Preliminary review of City Council goals document and possible workshop schedule to finalize Goals

BACKGROUND

The City Council conducted a goal setting workshop on February 21, 2024. Staff has incorporated the new information gathered from that meeting into the 2023-24 Goals, Priorities and Action Plan. It should be noted that this plan now has 17 goals and 73 action items. We need to do some work to collapse these goals and action plans into a more manageable program of work. During his initial 90-day tenure, the City Manager has assessed that, while aspirational, many of these goals are not achievable and action plan items cannot be accomplished given the City's current and foreseeable level of staffing and fiscal capacity.

The City Manager is recommending an additional workshop to refine the Goals, Priorities and Action Plan as a part of the Budget process.

The City Manager has reviewed the draft 2024-25 budget and future revenue projections with the Finance Director, and is preparing for the first Budget Committee meeting on May 1. It is the assessment of the Management Team that the City cannot sustain the current level of services or embark upon achieving many of the goals and programs given the current revenue base and heavy impact of inflation on expenditures. The City Manager recommends that the City Council identify the top three Goals as:

1. Develop and approve short and long term financial plans for sustaining existing priority services including public safety, public utilities and public facilities.
 - a. Cost of service, fee studies and fee adjustments.
 - b. Undertaking a public process to explore law enforcement options, including a possible property tax measure.
 - c. Continuous evaluation of alternative methods of providing services through staff attrition.
 - d. Significantly reduce or eliminate discretionary spending.
 - e. Seek alternatives to some employee benefit programs.
 - f. Delay new initiatives that would require new General Fund expenditures.
 - g. Develop an economic development program that includes, as a priority, a strategy for increasing and stabilizing the City's revenue base.

2. Implement the Gateway/Gangnes Road infrastructure project.
 - a. Collaborate with partners to expedite relocation of existing residents to permanent housing; remove trailers.
 - b. Review and refresh infrastructure development strategy and timeline.
 - c. Prepare new Request for Proposals for development of TURA site.

- d. Select TURA site developer.
 - e. Construction of improvements (2-3 years estimated).
3. Establish and/or upgrade basic internal administrative systems.
- a. Establish written policies and procedures on a variety of matters. This would include personnel rules and regulations, use of public facilities, internal control systems, facility maintenance schedules, financial management policy, financial projection model, vehicle replacement, records management, development review and a host of other items needed to provide consistent policy and management direction to staff.

Only after the City's financial condition, organizational structure and staffing is stabilized can we effectively pursue the Council's broader vision and policy goals.

RECOMMENDATION

Include review of proposed goals and action plan in the first budget meeting, now scheduled for May 8, 2024.

RELATED COUNCIL POLICIES

POTENTIAL MOTIONS

ATTACHMENTS

- FY 24/25 - Council Goals, Priorities, and Action Plan

To help achieve our objectives, these are our goals, priorities, and action items in fiscal year 2024-2025 and beyond.

Affordable Housing (AF)								
Goal 1: More housing stock for affordable and workforce households								
	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Update Buildable Lands Inventory	Medium	In progress	A	FY 24/25	CCD, consultant	Staff resources/funding	AF-1-B	
b. Update Housing Needs Analysis	Medium		B	FY 25/26	CCD, consultant	Staff resources/funding	AF-1-A	
c. Adopt code changes for Re-envision Hwy99 Corridor (TGM)	Medium	In progress	B	FY 24/25	CCD, consultant, PC, Council	Staff resources/funding		
d. Finalize Title 18 Code updates	High		A	FY 24/25	CCD, consultant, PC, Council	Staff resources/funding		
e. Establish and adopt Title 17 Code updates	High		A	FY 24/25	CCD, consultant, PC, Council	Staff resources/funding		
f. Establish Climate Friendly Area + adopt code changes	Medium	In progress?	C		CCD, consultant, PC, Council	Staff resources/funding		Need further clarification / definition of action item
g. Review agricultural buffers & environmental development standards	High	In progress?	B		CCD	Staff resources/funding		
h. Review, establish and adopt updates to Tree Code	Medium	Not budgeted	A		CCD, consultant, PC, TUFC	Funding availability		

(continued)

Community Safety (CS)

Goal 1: Achieve a more sustainable policing model

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Host Community Town Halls to discuss police funding and service delivery alternatives	High	In progress	A	FY 24/25	COP, CM, Council	Staff resources	CE-G1-A	Urgent matter related to budget shortfall, build from PSU study, needs extensive public engagement program

Goal 2: Mitigate potential natural disasters (wildfire, flood, landslides, earthquake)

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Remove hazardous fuels from and replant Bear Creek Greenway and Wagner Creek Greenway	High	In progress	A	FY 24/25	PW, Community Partners			Multiple projects and funding resources, needs coordination among overlapping projects
b. Become a Firewise & Fire-Resistant Community	High	Not started	B	FY 24/25	PD, FD5, County OEM	Lack of resources		Need to develop relationship with Fire District 5

Goal 3: Increase our emergency preparedness

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Update Emergency Operations Plan and Continuity of Operations Plan	High		A		COP, CM, Consultant	Funding and staffing	CS-G2-B CS-G3-B	
b. Develop an emergency response partnership with other jurisdictions	Medium	In progress	A		COP, CM, Community Partners		CS-G2-B CS-G3-A	
c. Distribute emergency preparedness information at	Low	In progress	B	Ongoing	COP			

community events								
d. Continue coordination with Phoenix-Talent School District	Low	ongoing	A	Ongoing	CM, COP			
e. Establish volunteer & education programs (i.e. CERT)	High		C		COP, community partners	Staff resources		Significant level of effort needed to establish and sustain a new citywide volunteer program
Goal 4: Support healthy homes								
	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Goal 4 action item here								No action items discussed

(continued)

Sustainability (S)

Goal 1: Reduce our carbon footprint as a community

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Host a Recycle Roundup to recycle uncommon items	Low	Ongoing	B	Ongoing	CEOD, T4T			Together for Talent organizing annual event
b. Establish an urban forestry master plan	Medium	In-progress	B	FY 24/25	PW, TUFC	Funding	ED-G2-D	
c. Increase tree canopy	Low	In-progress	A		PW, TUFC	Funding	S-G1-D	
d. Make updates to our Tree Code	High				CDD, consultant, TUFC		S-G1-B/C	

Goal 2: Become more drought tolerant and fire resistant

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Pilot citywide Water Conservation Program	Medium		C	FY 25/26	PW, FD	Staff, funding		Take on this project following completion of water meter replacement. Install recycle system at Splash Pad as immediate item

(continued)

Transportation (T)

Goal 1: Have better Greenway accessibility to Talent

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Update Transportation Systems Plan	High	Delayed	B	FY 25/26	PW, consultant	Delayed due to state funding reduction		
b. Establish Creel Road Connector	Low		C		PW, ODOT	Funding,	T-G1-A	
c. Pursue Safe Routes to School Funding	Medium	In progress		FY 25/26	PW, consultant		T-G1-A	Preapplication for state funding submitted March 24, 2024
d. Reassemble Traffic Safety & Transportation Commission	Low	In progress	A	June 2024	PW, PC	Staff resources, competing priorities		
e. Improve walkability	Medium		B		PW, council	Better definition of action item needed	T-G1-A	
f. Engage more with RVTD	Medium		C		PW, council		T-G1-H	Water goals?
g. Talent Trolley	High		C		PW, CM			
h. Bus shelter	Medium		A		PW, CM		T-G1-A	How many? Where?

(continued)

Community Engagement (CE)

Goal 1: Communicate better with the community

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Make city documents available online (resolutions, ordinances, master plans)	Medium	In progress	A	FY 24/25	CR, CEOD	Staff time	CE-G1-D	New website will help improve this service
b. Assess our current practices through an equity & inclusive lens	High		B	FY 25/26	CM, CEOD, consultant	Lack of documentation on current policies and procedures	CE-G1-I	Need to train staff or retain consultants
c. Together for Talent survey	High?				CEOD,		CE-G3-A	Two survey items in this document
d. Keep website current	Medium	In progress	A	Ongoing	CEOD, CR			New website online, April 2024, will enhance this effort

Goal 2: Provide strong committee and commission support

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Convene quarterly chair summits	Low	In progress	A	May 2024, quarterly thereafter	CR, CM, COED	Staff time	CE-G2-B	Need committee, commission handbook and training
b. Training and handbooks for committees and commissions	Medium		A				CE-G2-A	

Goal 3: perform regular community engagement

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Conduct door-to-door & event surveying	High		C		CEOD	Too many competing priorities		Community surveys are a major undertaking, consider contracting with SOU
b. Publish a quarterly newsletter	Medium	Ongoing	B	Ongoing	CEOD	Staff time		Retain current practice of utilizing Talent News and Reviews publication

c.								
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Economic Development (ED)

Goal 1: Understand what businesses need

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Establish or participate in Economic Development Cohort	Low-medium		A	FY 24/25	CM, Community partners	Staff resources	CE-G1-A, ED-G1-B	Need more information
b. Host a roundtable with commercial property owners and developers	low		A	FY 24/25	CM, CE, CDD	Staff resources	CE-G1-A, ED-G1-A	

Goal 2: Help recruit and establish essential businesses

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Implement Gateway Plan	High	In progress, seeking funding	A	FY 23/24 - FY 26/27	CM, COD, PW	Funding and staffing	ED-G2-D	Multifaceted major project, consider city's top overall priority
b. Update our Economic Opportunity Analysis	Medium		B	FY 25/26	CDD, consultant	Funding and staffing	ED-G2-C	
c. Update Economic Development section of Comprehensive Plan	Medium		B	FY 25/26	CDD, CM, ?	Funding and staffing	ED-G2-B	
d. Move from planning to implementing	Medium	In progress	A		CDD, CM	Competing day to day management demands	ED-G2-A/B/C	

Goal 3: Become a stronger destination

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								

a. Build new tennis courts	High		A		PW, contractor	Need funding	ED-G3-B/C	Funding maybe
b. Resurface skate park	Medium	In progress	A	FY 24/25	PW, contractor		ED-G3-A	Seeking grant funding, funding availability will be known in 09/24
c. Update Chuck Roberts Park Master Plan	Medium	In progress,	A	Summer 2024	PW, CM			
d. Install public murals downtown	High		B		PW, TPAC	Need funding plan		
e. Update Architectural Guidelines for downtown	Medium	In progress	B		TARC, CDD		ED-G3-F	TARC project
f. Update historic buildings map	Medium		B		CDD, TARC		ED-G3-E	TARC project
g. Promote historic district	Medium		B		CDD, TARC, CEOD	Need funding plan	ED-G3-D/E/F	
h. Develop Town Hall rehabilitation and use plan	High		B	FY 24/25	CM, PW, consultant	Funding	ED-G3-F/G	
i. Prioritize parks projects	Medium		B	Summer 2024	Council, PW, P/RCOM		ED-G3-A/B	

(continued)

Sustainable Foundation (CE)

Goal 1: City code, policies, and practices are consistent, up-to-date, and documented

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Develop long-term financial plan and management policies	High	In-progress	A	FY 24/25	FD, CM	Low property tax revenues	CS-G1-A	Must consider as top city priority
b. Develop investment policy	Medium		A	FY 24/25	FD	Competing priorities	CE-G1-A	
c. Update personnel handbook	Medium		B		CM, FD	Competing priorities		
d. Implement organizational efficiencies	High	In progress	A		CM, management team	Competing priorities	CE-G1-A	
e. Update technology management policies	Low	In-progress	B		FD, contractor	Competing priorities	CE-G1-D	
f. Update job descriptions	Medium		B		CM, FD	Competing priorities	CE-G1-C	
g. Close out TURA	Medium		B		CM, FD	Retain funding for Gateway project		
h. Develop annual training schedules for each position	Low		C		Dept. heads	Competing priorities	CE-G1-I	
i. Enact DEI policy and training program	Low		C		CM, FD, consultant	resources	CE-G1-H	

Goal 2: City infrastructure is well-maintained

	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Implement plans that we have	Medium	In progress	A	Ongoing	All team members	Lack of funding	CE-G1-A	Some planning documents are becoming dated, some commissions are developing new plans
b. Develop Facilities Master Plan	Medium		B		PW, FD, CM, PC	Lack of funding, staff resources	CE-G1-A	
c. Calculate maintenance costs by project type	High		B		FD, PW	Lack of funding, staff resources	CE-G1-A	More information needed

d. Establish equipment & vehicle replacement schedule	Low	Near complete	A	FY 23/24	FD, PW, PC	Competing priorities	CE-G1-A	
Goal 3: Revenue keeps pace with expenses								
	Effort Level	Status	Priority Level	Timeline	Team	Constraints	Related Item	Notes
Action Items								
a. Assess water rates and adopt water rate model	Medium	Complete	A	FY 23/24	PW, FD			
b. Recalculate System Development Charges	Medium	Not started	A	FY 25/26	FD,PW, consultant	Funding for engineering study		
c. Cost of Service study	Medium	Not started	A	FY 25/26	FD, PW, consultant	Funding		
d. Update all fees and charges for service	High	Not started	A	FY 24/25	FD, PW, consultant	Competing priorities		
e. Change business license system and update fees	High	Not started	A	FY 24/25	FD	Competing priorities		
f. Establish and hold a reserve in each fund	High	Not started	A	FY 25/26	FD, Council			
g. Pursue grant funding	Medium	Ongoing	A	ongoing	All dept.			

Key	
CCD	Community Development Director
COP	Chief of Police
PWD	Public Works Director
CM	City Manager
FD	Finance Director
CR	City Recorder
CEOD	Community Engagement & Outreach Director



City Council Agenda Report

Meeting Date:	April 17, 2024	Staff Contact:	Gary Milliman
Department:	City Manager	E-Mail:	gmilliman@cityoftalent.org
Staff Recommendation:	Motion 2 (<i>below</i>)	Estimated Time:	10 mins.

ISSUE BEFORE THE COUNCIL

Consideration of Urban Forestry Committee Recommendations on Public Tree Management

BACKGROUND

At its meeting of March 13, 2024, the Talent Urban Forestry Committee made two recommendations to the City Council:

1. That the TUFC be consulted prior to the removal of any public trees.
2. That the City Council adopt a policy that all public street tree locations shall be preserved as suitable tree planting sites.

Staff comments on Recommendation 1: Ordinance 2019-958-O establishes the general duties and responsibilities of the TUFC. There is nothing in this Ordinance that envisions that the TUFC would have oversight authority on the placement or removal of trees.

Currently, the responsibility for management of the public right of way and public lands rests with the City Manager or his/her designee. The City Manager has authorized the removal of several hazard trees within the last 90 days. Three additional trees are scheduled for removal, one located at the Historical Society property (a hazard tree) and two at the Police Station that must be removed to complete the solar array project. Requiring consultation with the TUFC prior to removal of any public tree is an impairment in the City staff authority and responsibility for the management of the City's public lands. If the City Council wishes to provide some level of oversight to the TUFC in the removal of trees, staff suggests language similar to that which is in Ordinance 2019-958-O (H)(I) which provides that the TUFC would advise city staff upon request.

Staff comments on Recommendation 2: Clarification is needed as to what is intended to be enacted by this motion. Upon initial review, it appears that the desired policy would be a blanket policy that all existing street tree locations be preserved as-is and are deemed suitable as tree planting sites. To staff's knowledge, there has been no inventory of street tree locations throughout the City to determine that all current sites are suitable for maintaining existing trees or hosting new trees. Another concern is how such a policy might affect future public works projects; i.e., if a street widening or utility installation is needed and that project encroaches upon an preexisting tree location, would the public improvement need to be designed in such a manner as to preserve the tree location? There are also development review implications with such a policy. The Community Development and Public Works Departments should be consulted on any such policy proposal.

Additional comments: Attached are photographs of three locations where trees were planted on the recommendation of the TUFC. The trees planted at all of these locations are now impairing the visibility of directional traffic and control signs and should be removed. Using the recommended policies listed above, all three locations would be deemed suitable for tree planting sites, and staff would be required to consult with the TUFC prior to the remove of these trees.

RELATED COUNCIL POLICIES

POTENTIAL MOTIONS

1. Take no action.
2. Direct staff to include the recommendations of the Talent Urban Forestry Committee with respect to tree removal on public property and tree site preservation on public property for consideration in the program of work when a new City Tree Ordinance is developed.
3. Direct staff to return with an amendment to Ordinance 2019-958-O requiring the city staff to consult with the Talent Urban Forestry Committee prior to removing any tree on public property, excepting trees that have been determined to be a hazard to public safety.
4. Direct staff that all trees or previous tree location sites in the public right-of-way be retained.

ATTACHMENTS

- Ordinance 2019-958-O – Ordinance Codifying the City of Talent Urban Forestry Committee
- City of Talent Municipal Code – Chapter 18.135 – Public Trees
- City Charter – Chapter 5 – Powers and Duties of Officers
- Images of Trees at Talent Ave./Main, Seiber St./Main, Seiber St./alleyway
- Submitted comments by Talent resident Jason Clark

ORDINANCE NO. 2019-958-O
AN ORDINANCE CODIFYING THE CITY OF TALENT
URBAN FORESTRY COMMITTEE

WHEREAS the City Council of Talent, Oregon desires to codify the creation of the Talent Urban Forestry Committee in the Talent Municipal Code.

THE CITY TALENT DOES ORDAIN AS FOLLOWS:

A new Chapter is hereby established to read as follows:

Section 1. [Urban Forestry Committee Created] There is hereby created a Committee to be known as the Urban Forestry Committee. Its primary purpose shall be to assist and advise the City of Talent in the planning and developing of tree establishment, protection and preservation strategies consistent with the Tree City USA guidelines.

Section 2. [General Duties and Responsibilities] The Urban Forestry Committee is an appointed citizen body with the primary responsibility of providing recommendations to the Mayor and City Council on direction, planning and policy on matters pertaining to Tree City USA activities, tree planting care and establishment, and protection of public street trees. Duties and responsibilities of the Urban Forestry Committee shall be as follows:

A. To conduct an inventory of public properties and city rights-of way in need of tree plantings, recommend priorities for planting efforts, and provide a written report yearly to the City Council.

B. To develop and recommend to the City Council for its adoption, a master list of approved street tree species suitable for planting along the streets of the City, along with recommended and prohibited species for other locations and uses. Such lists shall be reviewed periodically and incorporated into the Talent Zoning Code.

C. To develop and recommend to the City Council for its adoption, policies for the planting, care and protection of public trees throughout the City.

D. To promote public knowledge and understanding of the value of urban tree canopy and street tree planting programs and requirements, and support community engagement through volunteer opportunities.

E. To work with city staff on Tree City USA planning and documentation requirements including the annually updated *City of Talent Urban Forestry Plan* and planning Arbor Day events.

F. To conduct an inventory and map the locations of "heritage trees" within the city.

G. To make recommendations to city staff for placement and species selection for all trees planted in parks and other city-owned properties.

H. Upon request, -to act in an advisory capacity to city staff or other city committees and commissions regarding implementation of arboriculture best practices and standards.

I. Upon request, to make recommendations to developers regarding placement and species selection for new developments in the city.

Section 3. [Membership – Compensation]. The Urban Forestry Committee shall consist of five (5) members and two (2) alternates to be appointed by the Mayor with the consent of the City Council. Two (2) member may live outside the city limits of Talent. Committee members shall receive no compensation for their service. A City Council member appointed by the Mayor and agreed to by Council shall serve as the Council liaison to the Committee.

Section 4. [Terms of Office – Vacancy]. Terms of office shall be for a period of two (2) years and shall expire on December 31 of the second year. Any vacancy shall be filled by the Mayor, with the consent of Council, for the unexpired portion of a term.

Section 5. [Officers]. The Urban Forestry Committee shall, at its first meeting of each calendar year, elect from its appointed members a Chair, Vice-Chair and Secretary.

Section 6. [Duties of Chair and Vice Chair]. The Chair shall preside at all meetings and set the agenda. The Vice Chair shall perform the duties of the Chair in the absence of the Chair, and such other duties as may be assigned by the Chair. The Chair or Vice Chair shall preserve the decorum at the Urban Forestry Committee meetings.

Section 7. [Minutes]. The secretary shall keep an accurate record of all Urban Forestry Committee meetings, including written minutes of all meetings. A written report shall be made monthly to the City Council summarizing all Committee activities and action. A copy of the approved minutes signed by the Chair of each Urban Forestry Committee meeting shall be delivered to the City Recorder for filing and said minutes shall be a public record and available for public inspection.

Section 8. [Quorum – Meetings – Rules and Procedures—Number of Meetings]. Three (3) of the voting members of the Committee shall constitute a quorum. The Urban Forestry Committee shall adopt rules and procedures consistent with city ordinances and this resolution. The Committee meetings shall include at least one (1) regularly scheduled meeting per month, unless canceled at the direction of the Chair due to lack of Committee business or other reason.


Section 9. [Removal from Commission]. If a member of the Urban Forestry Committee, without valid reason, misses three (3) regular Committee meetings within the same calendar year, that member shall be subject to removal from the Committee. In addition,

a Committee member may be removed, with consent of the City Council, following a public hearing. This process may be initiated by the City Council or by a unanimous recommendation from the remaining Urban Forestry Committee members.

Section 10. The City of Talent Urban Forestry Committee will develop and maintain Bylaws once the Committee is formed.

Duly enacted by the City Council in open session on October 16, 2019 by the following vote:

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



Gabriella Shahi, City Recorder and Custodian of City records

Chapter 18.135

PUBLIC TREES

Sections:

- 18.135.010 Description and purpose.**
- 18.135.020 Definitions.**
- 18.135.030 Permission to plant or remove.**
- 18.135.040 Tree planting notification.**
- 18.135.050 Trees prohibited.**
- 18.135.060 Public tree maintenance.**
- 18.135.070 Public tree committee.**
- 18.135.080 Arbor Day observance.**
- 18.135.090 Tree nominations – Heritage or significant.**

18.135.010 Description and purpose.

The purpose of this chapter is to provide for the regulation of planting, maintenance, and removal of publicly owned trees, shrubs, and other plants adjacent to public rights-of-way. [Ord. 918 § 1 (Exh. A), 2016; Ord. 817 § 8-3].1000, 2006.]

18.135.020 Definitions.

“Public tree” means a tree or woody plant with its base located within or adjacent to a public right-of-way or any tree or woody plant within a city park, or other publicly owned property. Public trees include trees within existing planting strips or sidewalk tree wells. Public trees typically have a single trunk at least two inches in diameter at a point six inches above the mean ground level at the base of the trunk.

Significant and Heritage Tree. See TMC [18.100.020](#). [Ord. 918 § 1 (Exh. A), 2016; Ord. 817 § 8-3].1010, 2006.]

18.135.030 Permission to plant or remove.

The removal of public trees should be compatible with guidelines adopted by the Oregon Department of Forestry. Except for the purposes of removal of dying or hazardous branches, maintenance by city crews, or pruning for purposes of maintaining tree health, no person shall plant, remove, cut above the ground, or disturb any public tree until a permit has been issued by the community development department. A permit for the removal of any public tree shall be in accordance with the tree preservation and protection requirements of Chapter [18.100](#) TMC

and shall also require a right-of-way permit. Applicants for a removal permit may be required to mitigate the removal of tree or trees in accordance with the provisions of TMC [18.100.070](#), Mitigation.

Planting of public trees shall generally follow construction of curbs and sidewalks; however, the city may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. When public trees are proposed, their selection and installation shall be according to the following requirements:

- A. *Species Selection.* Trees shall be selected from the city's adopted tree list and shall be appropriate for the planning location based on the criteria found therein.
- B. *Caliper Size.* All street trees shall be a minimum of two-inch caliper at time of planting.
- C. *Spacing and Location.* Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet or, typically, four feet by four feet. In general, trees shall be spaced at 30- to 40-foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All public trees shall be placed outside utility easements and clear vision areas.
- D. *Growth Characteristics.* Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the city:
1. Provide a broad canopy where shade is desired, except where limited by available space.
 2. Use low-growing trees for spaces under low utility wires.
 3. Select trees which can be "limbed-up" to comply with vision clearance requirements.
 4. Use species with similar growth characteristics on the same block for design continuity.
 5. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
- E. *Replacement.* Replacement of public trees shall be the responsibility of the developer for a period of two years from the time of planting, and shall be guaranteed through a warranty bond prior to final plat. [Ord. 918 § 1 (Exh. A), 2016; Ord. 817 § 8-3].1020, 2006.]

18.135.040 Tree planting notification.

The city may plant trees on any public right-of-way, park, or other public property. The city will notify private property owners 24 hours in advance before any tree, shrub, or plant is planted on public property within six feet of any owner's property. [Ord. 918 § 1 (Exh. A), 2016; Ord. 817 § 8-3].1030, 2006.]

18.135.050 Trees prohibited.

No person shall plant on any public property or private property the following trees if the tree's future critical root zone (CRZ) at maturity (CRZ is defined in TMC [18.100.020](#)) is within the public right-of-way: poplar, willow, cottonwood, fruit tree, or ailanthus, unless part of a city-authorized riparian restoration project. The recommended street tree list should be consulted before any tree is planted within or adjacent to the public right-of-way. No person shall plant any tree anywhere in the city so as to adversely affect public utilities. [Ord. 918 § 1 (Exh. A), 2016; Ord. 817 § 8-3].1040, 2006.]

18.135.060 Public tree maintenance.

A. *Tree Maintenance.* The city may require any trees, shrubs, plants, or vegetation in any public right-of-way, park, or other public property to be trimmed or pruned.

1. The city will maintain trees within the public right-of-way along collector and arterial streets.
2. The owners of property abutting streets other than arterial and collector streets in residential zoning districts within the city shall be responsible for the care and maintenance (trimming, pruning and spraying) of trees and shrubs located in the public right-of-way. Property owners shall also be responsible for repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub where the CRZ is within the public right-of-way.
3. All owners of property within the city shall be responsible for the following:
 - a. Trimming, pruning and spraying trees on private property that overhang a public right-of-way.
 - b. Trimming and pruning of vegetation that obstructs motorist or pedestrian view of traffic signals, signs, streetlights, street names, or other markings or safety fixtures in the public way. Branches over the street shall be pruned to a height of 13 feet, six inches and eight feet above a sidewalk.
 - c. Repairing damage done to a street, sidewalk or curb by the roots of any tree or shrub on private property.
 - d. Removing trees and shrubs on private property that have been declared a public nuisance or a hazard.
 - e. *Debris Removal.* The person working on trees on a street, highway, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the community development director, or designee. The acceptable standard shall be a broom clean finish or better.
4. If any property owner neglects to perform any duty required by this section and causes injury or damage to any person or property, that owner shall be liable to the person suffering such injury or damage and shall

indemnify the city for all damages the city has been compelled to pay in any such case. Such damages may be collected in a civil action against the property owner.

B. *Tree Topping.* It shall be unlawful as a normal practice for any person, firm, or city department to top any tree in the public right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms, or other causes, or certain trees under the utility wires or other obstructions where other pruning practices are impractical may be exempt from this provision.

C. *Dangerous Tree – Nuisance – Removal.* Any tree or shrub growing in any public property, on private property, or in a planting strip abutting public property, which is a public safety hazard or which may endanger the security or usefulness of any public street, sewer, or sidewalk; is declared to be a public nuisance. The abatement procedure of Chapter [8.10](#) TMC shall be applied.

D. *Trees – Abuse – Mutilation.* No person shall abuse, destroy, or mutilate any tree, shrub, or plant in a public planting strip, park, or any other public property. This includes attaching or placing any rope or wire (other than one used to support a young or damaged tree), signs, posters, or handbills to any public tree; or allowing any wire charged with electricity, or any gaseous, liquid, or solid substance which is harmful to the trees, to come in contact with the roots or leaves of any such tree. [Ord. 918 § 1 (Exh. A), 2016; Ord. 817 § 8-3].1050, 2006.]

18.135.070 Public tree committee.

The tree committee shall be a subcommittee of the parks commission. The responsibilities of the tree committee shall include the following:

- A. Making recommendations to the city council for nominating public trees for locally significant or heritage tree designation;
- B. Assisting city staff with Arbor Day observance. [Ord. 918 § 1 (Exh. A), 2016; Ord. 817 § 8-3].1060, 2006.]

18.135.080 Arbor Day observance.

The city shall observe Arbor Day once a year. The tree committee shall assist city staff with organizing any event to celebrate Arbor Day and the mayor shall issue a proclamation declaring the observance of Arbor Day. [Ord. 918 § 1 (Exh. A), 2016; Ord. 817 § 8-3].1070, 2006.]

18.135.090 Tree nominations – Heritage or significant.

Any community member may go before the tree committee to nominate a public tree to be designated as a locally significant or heritage tree. The tree committee will make a recommendation to the city council. Upon owner

approval, city council may pass a resolution to designate the nominated tree. [Ord. 918 § 1 (Exh. A), 2016; Ord. 817 § 8-3].1080, 2006.]

The Talent Municipal Code is current through Ordinance 979, passed May 17, 2023.

Disclaimer: The city recorder's office has the official version of the Talent Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

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Chapter V

Powers and Duties of Officers

Section 22. Committees and Commissions.

The Mayor and Council shall appoint:

- (1) Members of committees and commissions established by Council, and
- (2) Other persons required by the Council to act in an advisory capacity to the Council or its appointed committees and commissions.

Section 23. City Manager.

- (1) The City Manager is the administrative head of the City government.
- (2) A majority of the Council shall appoint and may remove the Manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.
- (3) The Manager need not reside in the city.
- (4) Upon accepting the appointment, the Manager shall furnish the City a bond in an amount and a surety approved by the Council. The City shall pay the bond premium.
- (5) The Manager shall be appointed for a definite or indefinite term and may be removed by a majority of the Council at its pleasure.
- (6) The Manager shall:
 - a. Attend all Council meetings unless excused by the Council or Mayor;
 - b. Keep the Council advised of the affairs and needs of the City;
 - c. See the provisions of all ordinances and resolutions are administered to the satisfaction of the Council.
 - d. See that all terms of franchises, leases, contracts, permits and privileges granted by the City are fulfilled;
 - e. Appoint, discipline and remove appointive personnel, except appointees of the Mayor and Council;
 - f. Supervise and control the Manager's appointees in their service to the City;
 - g. Organize and reorganize the departmental structure of City government;

- h. Prepare and transmit to the Council an annual City budget;
 - i. Supervise City contracts;
 - j. Supervise operation of all City owned public utilities and property; and
 - k. Perform other duties as the Council prescribes consistently with this charter.
- (7) The Manager may not control:
- a. The Mayor or the Council;
 - b. The Municipal Judge in the judge's judicial functions; or,
 - c. Except as the Council authorizes, any appointee of the Mayor and Council.
- (8) The Manager and other personnel whom the Council designates may sit with the Council but may not vote on questions before it. The Manager may take part in all Council discussions.
- (9) When the Manager is absent from the City or disabled from acting as Manager, or when the office of Manager becomes vacant, the Council shall appoint a Manager Pro Tem, who has the powers and duties of Manager, except that the Manager Pro Tem may appoint or remove personnel only with approval of the Council.
- (10) Except in Council meeting, no council member may directly or indirectly, by suggestion or otherwise, attempt to influence the Manager or a candidate for the office of Manager in the appointment, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In a Council meeting, members of the Council may discuss with, or suggest to, the Manager anything pertinent to City affairs.

Section 24. Municipal Court and Judge.

- (1) If the Council creates the office of Municipal Judge and fills it by appointment, the appointee shall hold, within the City at a place and time that the Council specifies, a court known as the Municipal Court for the City of Talent, Jackson County, Oregon.
- (2) Except as this charter or City ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.
- (3) All area within the City and, to the extent provided by state law, area outside the City is within the territorial jurisdiction of the court.
- (4) The Municipal Court has original jurisdiction over every offense that an ordinance of the City makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe. The court also has jurisdiction under state law unless limited by city ordinance.

- (5) The Municipal Judge may:
- a. Render judgments and impose sanctions on persons and property;
 - b. Order the arrest of anyone accused of an offense against the City;
 - c. Commit to jail or admit to bail anyone accused of such an offense;
 - d. Issue and compel obedience to subpoenas;
 - e. Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
 - f. Penalize contempt of court;
 - g. Issue process necessary to effectuate judgments and orders of the court;
 - h. Issue search warrants; and
 - i. Perform other judicial and quasi-judicial functions prescribed by ordinance.
- (6) The Council may authorize the Municipal Judge to appoint municipal judges pro tem for terms of office set by the Judge or the Council.
- (7) Notwithstanding this section, the Council may transfer some or all of the functions of the Municipal Court to an appropriate state court.

The City Charter is current through amendments effective January 1, 2017.

Disclaimer: The city recorder's office has the official version of the Talent City Charter. Users should contact the city recorder's office for amendments adopted subsequent to the amendment cited above.

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Jason Clark Comments Regarding TUFC Recommendations from March 13, 2024

Hello, thank you for the opportunity to comment.

I address you as a community member not as a member or representative of the TUFC, though I was in attendance at the meeting when these recommendations were passed.

I appreciate Gary including the TUFC enacting ordinance. I'd like to highlight a couple of key parts that I think are pertinent to this discussion:

Section 1

Section 2 C and H

Regarding Potential Motion #2, including TUFC recommendations for consideration in the program of work when a new City Tree Ordinance is developed. Yes. I think that goes for these and all the other policy recommendations that have been made by the TUFC.

- Our tree code is not easy to understand, has conflicting language, and continues to present problems. I look forward to seeing this work prioritized and Talent having a clear and effective tree code.

Regarding Recommendation 1 and Potential Motion #3, I feel certain that Recommendation 1 was not intended to recommend authorizing TUFC with ultimate authority to determine if a public tree could be removed, but rather to make recommendations, be they for opportunities for preservation or for mitigation.

- Recognizing the importance of promptly removing trees that are a hazard to public safety, I support the language staff included in Potential Motion #3, which excepts trees determined to be a hazard (though I would also emphasize the importance of having a professional with Tree Risk Assessment Qualification make those determinations. That's exactly what happened with the removal of the hazard tree at the historical society and I appreciate staff getting that professional assessment).
 - However, it is crucial that even in such cases, a thorough post-removal review and mitigation plan are essential to mitigate the impact of tree loss on the urban forest and the community.
- If considering Potential Motion #3, note that the reference to *any tree on public property* is different than *public tree*, which is what was in the recommendation.
- **Potential Motion regarding Recommendation 1:** Direct staff to return with an amendment to Ordinance 2019-958-O requiring the city staff to consult with the Talent Urban Forestry Committee prior to removing any public tree excepting imminently hazardous trees, defined as those posing an immediate risk of harm to public safety or property. TUFC recommendations will be made to staff and those recommendations and the outcome be relayed to Council in a Department Report.
 - This motion preserves staff authority to manage the city's public lands and ensures that the committee's expertise and perspective are considered.

Regarding Recommendation #2 and Potential Motion #4, the concern is the permanent loss of public tree planting locations and the reduction of our green infrastructure which are community assets.

- **Potential Motion regarding Recommendation 2:** Direct staff to draft a policy mandating the preservation of all public street tree locations as suitable sites for tree planting, with the provision for improving planting sites as needed prior to replanting, and directing City staff to present Council with alternatives for mitigation planting in a different area when circumstances, such as extreme costs, utilities, road realignments, or other factors make retention of the planting space unfeasible.
 - This potential motion acknowledges the need for flexibility in certain circumstances where replanting trees in the original location may not be feasible or practical due to extenuating circumstances. In such cases, City staff would have the authority to explore design alternatives that preserve or enhance the planting location and/or mitigation at alternative planting sites that can provide comparable benefits to the community. This amendment ensures that the City retains the ability to effectively manage street tree planting while addressing unforeseen challenges or constraints that may arise.

RESOLUTION NO. 2024-__-R
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TALENT, OREGON,
SEEKING TO MITIGATE THE HEALTH AND ENVIRONMENTAL RISKS OF METHANE GAS

Recognizing the air pollution and climate emissions public health risks associated with using natural gas “methane gas” which is 80-90% methane, the City of Talent announces and affirms its commitment to mitigating these risks through various means and its intention to investigate City authority to mitigate these risks.

The Talent City Council Finds

- A. The use of methane gas in homes and buildings generates indoor and outdoor air pollutants including nitrogen oxides (NOx) fine particulate matter (PM2.5), benzene, formaldehyde, and carbon monoxide (CO), exposure to which is associated with asthma, cardiovascular disease, cancer, and premature death;^{1 2}
- B. Appliances and equipment in Oregon’s homes and businesses powered by fossil fuel (methane gas, oil and others) generates as much outdoor NOx pollution as the state’s cement manufacturing and power generation facilities combined;³
- C. Burning fossil fuels in homes adds to existing concentrated pollution “hotspots,” which disproportionately occur in low-income communities and communities of color. Racial and ethnic groups are also disproportionately exposed to ozone and other criteria pollutants such as NOx, PM2.5, and CO;⁴
- D. According to data from Harvard public health researchers, outdoor pollution from fossil-fuel- powered building equipment caused an estimated 20 premature deaths in Oregon in 2017;⁵
- E. Outdoor fossil fuel pollution from Oregon’s homes and businesses drives health impacts pegged at almost \$88 million annually.⁶ When climate change damages to health, property, agriculture, infrastructure, and social stability are added to the societal costs of this building pollution, the cost is substantially higher at \$1.1 billion;⁷
- F. The State of Oregon joined eight other states pledging that zero-emission electric heat pumps will constitute at least 65% of residential-scale heating, air conditioning and water heating equipment shipments by 2030 and 90% by 2040;^{8,9}
- G. A typical new Oregon home with heat pumps will save the occupant \$390 on utilities each year compared to homes that burn methane gas,¹⁰ and a rapid transition to electric heat pumps in the state’s homes and businesses could unlock more than \$1 billion in system-wide savings by 2050;¹¹
- H. In order to meet the City’s climate goals as stated in the city’s [Comprehensive Plan](#) (pdf), Clean Energy Element, it is critical to support a transition to zero emission technologies in homes and buildings.

¹ American Lung Association (ALA), [“The Health Impacts of Combustion in Homes,”](#) January 2023.

² Yannai S. Kashtan et al, [“Gas and Propane Combustion from Stoves Emits Benzene and Increases Indoor Air Pollution,”](#) June 2023 Environmental Science and Technology

³ U.S. Environmental Protection Agency (EPA), [2020 National Emissions Inventory](#), March 2023. Appliance emission estimates include residential & commercial emissions for the gas, oil, & other fuel categories, with commercial emissions adjusted to exclude certain non-appliance sources like pipeline compressor stations.

⁴ Timothy Q. Donaghy et al., [“Fossil fuel racism in the United States: How phasing out coal, oil, and gas can protect communities,”](#) *Energy Research & Social Science* 100:103104, June 2023.

⁵ Based on RMI analysis using median estimates from the results of 3 reduced complexity models used in: Jonathan J. Buonocore et al., [“A Decade of The U.S. Energy Mix Transitioning Away from Coal: Historical Reconstruction of the Reductions in the Public Health Burden of Energy,”](#) *Environmental Research Letters* 16(5):054030, May 2021, as well as additional analysis from the study’s lead author.

⁶ EPA, [CO-Benefits Risk Assessment Health Impacts Screening and Mapping Tool \(COBRA\)](#), April 2021. Analysis used selected subsectors: commercial gas, commercial oil, and residential other.

⁷ Based on estimates of premature death & emissions cited in this report, & using EPA’s [Value of Statistical Life](#) (September 2023) & latest [Social Cost of Carbon](#) (November 2023, 2% discount rate).

⁸ Northeast States for Coordinated Air Use Management, [“Nine States Pledge Joint Action to Accelerate Transition to Clean Buildings,”](#) February 2024.

⁹ Zero emission alternatives to fossil fuel building systems are available, as heat pump technologies can provide space heating and water heating in buildings without generating any air pollution from onsite fossil fuel combustion, and the same device can cool the building as well — something that is increasingly critical in a warming climate;

¹⁰ RMI, [“All-Electric Construction: A Good Deal for Oregon,”](#) 2023.

¹¹ Kenji Takahashi et al, [Toward Net Zero Emissions from Oregon Buildings: Emissions and Cost Analysis of Efficient Electrification Scenarios,](#) June 2022.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF TALENT, OREGON, RESOLVES:

1. To acknowledge that residents currently employing methane gas-powered appliances and equipment may continue to do so for the entire life-cycle of the existing appliance and equipment and beyond if no additional infrastructure is necessary or was made to continue the use after the date of this Resolution,
2. To mitigate the health risks of methane gas combustion for City of Talent residents.
3. To encourage and provide resources to the Together for Talent Committee to work with community partners in educating and engaging the community on the pollution associated with methane gas in buildings.
4. To task and provide resources to staff to investigate City authority to mitigate the health impacts of methane gas and support the development of low- or zero-emission standards for appliances.
5. To declare that Talent supports and requests the State leadership, legislature and agencies to: investigate and explore adopting indoor air quality standards to protect public health; to investigate and explore adopting outdoor air quality standards, and a transition to zero-emitting appliances analogous to that adopted by the California Air Resources Board; to include the adverse health impacts of methane gas in utility cost-benefit analyses, rate setting and resource planning; to promote decarbonization while protecting low and moderate income ratepayers; to consider amending building codes to address the adverse health impacts; and to consider rules to prevent advertisement of methane gas as a clean or safe product.

DRAFT