



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: January 27, 2016

Jurisdiction: City of Talent

Local file no.: REZ 2015-001

DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/22/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 56 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
File No.: 002-15 {24097}  
Received: 1/22/2016

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

Jurisdiction: City of Talent

Local file no.: **REZ 2015-001**

Date of adoption: January 20, 201

Date sent: 1/22/2016

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/23/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

No

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

Phone: 541-535-7401

E-mail: [zmoody@cityoftalent.org](mailto:zmoody@cityoftalent.org)

Street address: 110 E. Main St, PO Box 445

City: Talent

Zip: 97540-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

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

N/A

### For a change to a comprehensive plan map:

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

**For a change to a zoning map:**

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

Change from Commercial Interchange 5.40	to Commercial Highway	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: City of Talent

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

City Council Staff Report, Signed Ordinance, Adopted Map Change

**ORDINANCE NO. 16-906-O**

**AN ORDINANCE FOR A ZONE CHANGE OF 5.40 ACRES FROM COMMERCIAL INTERCHANGE (CI) TO COMMERCIAL HIGHWAY (CH), FOR PROPERTY ALONG VALLEY VIEW ROAD, PREVIOUSLY OCCUPIED BY THE TALENT TRUCK STOP.**

WHEREAS: The City Council finds that the applicant participated in a pre-application meeting, as required under TMC 8-3M.160 (A), on September 1, 2015 as evidenced in the record and on the land use application.

WHEREAS: The City Council finds the proposed zone change (zoning map amendment) is consistent with the City's Comprehensive Plan and identified Commercial designation.

WHEREAS: The City Council finds the proposed rezoning is consistent with the existing zoning in the area, making it possible for alternative commercial uses to be considered.

WHEREAS: The City Council finds that proposed rezoning application was duly noticed, including a noticed hearing by the Talent Planning Commission on December 17, 2015.

WHEREAS: The City Council finds that the Planning Commission recommended approval of the proposed zone change as shown in the Final Order dated December 21, 2015.

**THE CITY OF TALENT ORDAINS AS FOLLOWS:**

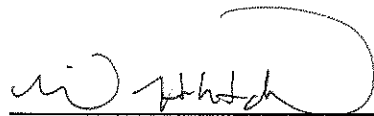
SECTION 1. REZONING: That the zoning designation of Tax Lot 200 and 201, Jackson County Map Number 381W-23D, as shown on the map labeled as Exhibit A, attached, be changed from Commercial Interchange (CI) to Commercial Highway (CH).

SECTION 2. That the proposed rezoning as described herein has been advertised and publically noticed in accordance with Section 8-3M, Article 1 of the Talent Zoning Code.

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Duly enacted by the City Council in open session on January 20th, 2016 by the following vote:

AYES:   3      NAYS:   1      ABSTAIN:   0      ABSENT:   2  









  
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Melissa Huhtala, City Recorder and Custodian of City records





# Current Zoning

38-1W-23D Tax Lots 200, 201

-  UGB
-  Highway Central Business District (CBH)
-  Highway Commercial (CH)
-  Interchange Commercial (CI)
-  Multiple Family - High Density (RM-22)
-  Single Family Manufactured Housing (RS-MH)
-  City Limits
-  Talent Taxlots



0 50 100 200  
Feet

Mapping is schematic only and bears no warranty of accuracy. This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed by the City prior to use for such purposes.

Plotted: 12/9/15  
By: Zac Moody







# Proposed Zoning

38-1W-23D Tax Lots 200, 201

- UGB
- Highway Central Business District (CBH)
- Highway Commercial (CH)
- Interchange Commercial (CI)
- Multiple Family - High Density (RM-22)
- Single Family Manufactured Housing (RS-MH)
- City Limits
- Talent Taxlots



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Plotted: 12/9/15  
By: Zac Moody





## CITY OF TALENT • COMMUNITY DEVELOPMENT

PO Box 445, Talent, Oregon 97540

Phone: (541) 535-7401 Fax: (541) 535-7423 web address: [www.cityoftalent.org](http://www.cityoftalent.org)

### NOTICE OF DECISION

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DATE MAILED: January 22, 2016

IN THE MATTER OF: **TYPE IV LEGESLATIVE LAND USE DECISION (REZ 2015-001);** *Zone Change from Interchange Commercial (CI) to Highway Commercial (HC) on two parcels of land located at 251 W. Valley View and described as Township 38 South, Range 1 West, Section 23D, Tax Lot 200 and 201.*

APPLICANT: Richard Steven & Associates, INC.

On January 20, 2016, the Talent City Council **approved** a request for a zone change from Commercial Interchange (CI) to Commercial Highway (CH) for a 5.40 acre tract of land located at 251 W. Valley View previously occupied by the Talent Truck Stop. This is a Type IV land use application, which the City Council decides in a public hearing. The Council based its decision on the approval criteria for zone changes in Section 8-3M.160 (Type IV Procedures) of the Talent Zoning Code. The approved zone change was adopted by Ordinance 16-906-O on January 20, 2016.

Materials concerning this decision, including the adopted Ordinance dated January 20, 2016, are available for review during the regular office hours of 8:30 a.m. to 5:00 p.m. Monday through Friday at Talent City Hall located at 110 E. Main Street, available online at [www.cityoftalent.org](http://www.cityoftalent.org) or copies may be purchased at Talent City Hall.

All property owners who responded to the original public notice and those providing oral or written testimony at the public hearing are receiving this "Notice of Decision." Written notice of a Type-IV decision shall be mailed to the applicant and to all participants of record after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

If you would like to appeal this decision to the Land Use Board of Appeals, the following standards must be met and steps completed.

**Who may appeal?** The following people have legal standing to appeal: the applicant; any person who was mailed written notice of the original decision; or any other person who participated in the proceeding by submitting written comments.

**Notice of appeal.** Any person with standing to appeal, as provided above, may appeal a Type-IV decision to the Land Use Board of Appeals within 21 days of the mailing of this Notice.

If you need additional information or have questions about the appeals process, please contact Zac Moody at (541) 535-7401 or via e-mail at [zmoody@cityoftalent.org](mailto:zmoody@cityoftalent.org).

# City of Talent

Community Development Department - Planning



## STAFF REPORT

Type-4 Land Use Application — Legislative Review — City Council

Meeting date: January 6, 2016  
File no: REZ2015-001  
Prepared by: Zac Moody, Community Development Director  
Item: Zoning Map Amendment – Talent Truck Stop Property

### GENERAL INFORMATION

Petitioner ..... Richard Stevens & Associates, INC.

Assessor's Map Number ..... 38-1W-23D Tax Lot 200, 201

Site Location ..... 251 W. Valley View Rd.

Site Area ..... 5.40 Acres (235,224 sq. ft.)

Zoning ..... Commercial Interchange (CI)

Adjacent zoning and land uses ..... North: CH – Commercial-Highway  
South: CH – Commercial-Highway  
East: CH – Commercial-Highway  
CI - Commercial-Interchange  
West: CH – Commercial-Highway

Applicable Code Sections ..... Article 8-3M.160, Talent Comprehensive Plan, Oregon Administrative Rules

120-Day Limit ..... January 21, 2016

Requested Action ..... Zone Change from Commercial Interchange (CI) to Commercial Highway (HC) on two parcels of land located at 251 W. Valley View and described as Township 38 South, Range 1 West, Section 23D, Tax Lot 200 and 201.

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## PROPOSAL

The purpose of this application is to request a zone change from Interchange Commercial (CI) to Highway Commercial (CH), consistent with the Commercial Comprehensive Plan designation for the subject tract. This zone change allows for a wider variety of uses on the subject tract. The abutting lands are used for commercial purposes, and are zoned CH and CI. The area to be rezoned has been developed to the extent that water, sewer, street improvements and other public facilities have been provided.



## BACKGROUND

The subject properties are currently developed. Tax Lot 201 was formerly the site for the Talent Truck Stop Restaurant; however, the restaurant is no longer in business, and the structure is vacant. A stonework display is also located in the southeast corner of Tax Lot 201. Tax Lot 200 is the former site for the truck repair and service portion of the Talent Truck Stop. The existing structure is now used for truck dispatching; truck service and repairs are no longer offered. The existing use is similar in nature to an office use, which is a permitted use within the CH zone; therefore, no non-conformities will be created with a change in zoning.

Allowing the proposed zone change to Commercial Highway allows a more expansive residential option to the property. This change would help to replenish a depleted supply of medium and high density residential land in the City, while providing other commercial options, encouraging development of a prominent commercial property at the entrance of the City.

While the existing Commercial Interchange zone allows housing, it is only allowed above a commercial building. A change to Commercial Highway would allow for ground floor residential uses on up to 50% of the parcel, provided the residential uses are shielded from the adjacent street by commercial development.

Both zones are compatible with the Commercial Comprehensive Plan designation outlined in the Talent Comprehensive Plan. A zone change to Commercial Highway would continue to move the City and this area in a positive direction and would allow broader list of uses compatible with the West Valley View Rd area. The option to have a larger residential development combined with a commercial center will not only enhance and beautify this area, but provides a residential component to a commercial parcel which can encourage more pedestrian oriented activity.



**Wastewater Service**

Wastewater service is currently being provided to the subject parcel by Rogue Valley Sewer Service (RVS).

**Stormwater**

Stormwater on the site is directed to street.

**Water Service**

Water service is currently being provided to the subject parcel by the City of Talent.

**APPROVAL CRITERIA**

Unlike some zoning codes in Oregon, the City of Talent does not have any specific requirements addressing zone changes. Zone changes in the City of Talent are addressed in only one section of the Talent Zoning Code; Section 8-3M.120(D), which describes the request as a Type IV review. As part of the Type IV review, the requested zone change must also address any other State or local regulations applicable to the change, including the Talent Comprehensive Plan. Oregon Administrative Rules (OAR 660-012-0060 Division 12) and the Talent Comprehensive Plan both have general rules which need to be addressed. OAR 660-012-0060 addresses transportation related issues associated with these types of changes while the Talent Comprehensive Plan, Elements B-F addresses more localized issues such as public facilities,

economy and housing needs. Approval of the proposed zone change is contingent upon meeting the above stated approval criteria.

### **AGENCY COMMENTS**

As of the date of this staff report, no agency comments have been received.

### **PUBLIC COMMENTS**

As of the date of this staff report, no public comments have been received.

### **RECOMMENDATION**

Based on the findings for the proposed zoning map amendments outlined in the Proposed Final Order, Planning Commission recommends City Council approval of the proposed amendment.

### **RECOMMENDED MOTION**

“I move to approve Ordinance 906, changing the zoning of properties located at 38-1W-23D Tax Lots 200 and 201 from Commercial Interchange (CI) to Commercial Highway (CH), as shown in Exhibit A of the Ordinance”.

### **ATTACHMENTS**

- Signed Planning Commission Final Order – Attachment 1
- Ordinance 906 – Attachment 2



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Zac Moody, Community Development Director

December 23, 2015

Date

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Planning Commission has recommended these amendments for approval, but it will require at least one public hearing before the Planning Commission and one public hearing before the City Council for a decision. The Talent Zoning Code establishes procedures for legislative hearings in Section 8-3M.160.

**A public hearing on the proposed action is scheduled before the City Council on January 6, 2016 at 6:45 PM at the Talent Town Hall.**

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