

**BEFORE THE PLANNING COMMISSION
CITY OF PHOENIX, STATE OF OREGON**

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City of PHOENIX

IN THE MATTER OF CONCURRENT APPLICATIONS)
FOR ANNEXATION, ZONING DESIGNATION AND)
TENTATIVE PLAT FOR LAND LOCATED ON)
HILSINGER ROAD AND CAMP BAKER ROAD)
KNOWN AS: 381W16AC)
TAX LOTS #500 AND #600) FINDINGS OF FACT
COUNTY OF JACKSON,)
STATE OF OREGON.)
APPLICANT / OWNERS:)
RANDALL L. WILLIAMS AND VICKI L. WILLIAMS)

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1. PROJECT INTRODUCTION

APPLICATION: Concurrent applications for annexation of two tracts consisting of 2.48 acres to the City of Phoenix, Oregon and a request for a zoning designation of Single family residential (R1) Hilsinger Overlay, and approval of a Minor Land Partition of TL#600 and TL#500 creating a total of 5 parcels.

APPLICANTS / PROPERTY OWNERS: Randall L. and Vicki L. Williams.

LEGAL DESCRIPTION: The properties proposed for Annexation are described as two separate tracts of approximately 2.48 acres located on Map #381W16AC, as Tax Lots #500 and #600 in Jackson County, Oregon.

Concurrent with the application for Annexation is an application for designation of the site to the appropriate City of Phoenix Zoning Designation (R-1) in the Hilsinger Overlay. A map of the area to be annexed and re-zoned is submitted as Exhibit "A" to these findings along with a Minor Land Partition Plat for TL#600 and TL#500.

LOCATION: The properties in question are located on the West side of Hilsinger Road with the Northernmost aspect at the intersection of Pacific Lane and Hilsinger Road. Both Parcels abut the City of Phoenix to the North. TL #500 abuts and shares a border with the City of Phoenix along it's entire West property Line. The Site is within the Urban Growth Boundary for the City of Phoenix and is within the Hilsinger Overlay.

size: The Parcels proposed for these actions are 2.48 acres with TL#600 being approximately 250ft.x 250ft. square and abutting TL#600 which is approximately 400ft. N.S. x 120 - 98 feet. E.W., forming a rough rectangle.

PHYSICAL DESCRIPTION: The proposed tracts have a gentle South to North slope. Properties have been used for 2 older homesteads, with shops and barns on the property. The properties lie within the TID service area and have been irrigated for the past 50 years. Irrigation was converted from biweekly flood water coverage to a buried pressurized sprinkled type irrigation in 1998. The property has been grazed for the past 25+ years. There are mature and maturing trees throughout both parcels. See Tree survey Exhibit "D".

SURROUNDING LAND USES: Abutting property to the East is within City of Phoenix Urban Growth Boundary, RR-2.5 and within the Hilsinger Overlay. Used as home and farm grazing, and is flood irrigated property. Abutting to the North is Pacific Lane with R-1 home within the City of Phoenix. Abutting to the West are R-1 homes, Hilsinger Overlay, within the City of Phoenix. Abutting property, #500 tax lot to the South is Camp Baker Road, Lands within Jackson County zoned SR-2.5 and Abuts Exclusive Farm Use (EFU) land which is under cultivation as a vineyard.

ZONING: Current Zoning on the subject properties is SR-2.5 by Jackson County. The properties lie within the City of Phoenix Urban Growth Boundary. Proposed zoning is SFR (R-1) within the Hilsinger Overlay.

PURPOSE OF THIS APPLICATION: The applicants are proposing a Minor Land Partition resulting in a total of 5 single family residential parcels with Lot sizes to range from 12,974 sq. feet to 24,850 sq. feet. To promote visual appeal the applicants are proposing deed restrictions on the Lots to include but are not limited to: square footage of home, home styles,

prohibition from mobile homes, fencing and landscaping, on site RV storage, architectural review and approval process, setbacks from adjacent property lines and prohibition of further subdividing or partitioning of any lot, to be time specific.

The applicants feel that the proposed design site structure benefits the City of Phoenix by providing a transitional and buffering development which is desired on the urban / farm perimeter. This project has the added benefit of completing the L.I.D. on the West side of Hilsinger Road to a point approximately 130 feet from the Northerly side of Camp Baker Road. Further, this development is mindful and responsive to EFU property abutting the Southern aspect of TL#500.

II. REQUIRED FINDINGS OF FACT:

Annexations, zone changes and approval of Plat Maps are controlled by State Law, compliance with the City of Phoenix Comprehensive Plan, Zoning Ordinances and City Annexation Procedures. As noted herein:

A: City of Phoenix Comprehensive Plan:

B: City of Phoenix Annexation Policies and Procedures:

C: State of Oregon Statutes:

The findings contained herein will support the annexation of this property to the city of City of Phoenix and zone change by demonstration of adherence to the aforementioned criteria, as outlined herein:

A. City of Phoenix comprehensive plan policies:

Policy #1: Urban Facilities: Annexation to the City of Phoenix must be accomplished by the Orderly and Economic extension of Urban Facilities and Services.

The subject properties are bordered on the East by Hilsinger Road and the South by Camp Baker Road. All urban level Utilities are available and

located in the right of way of both Roads. All services are available at suitable gradients to service the subject properties. Utility connections can be made with input and direction from the controlling utility services.

Regional water and sewer facilities (Medford Water Commission which provides water to the city of Phoenix and Rogue Valley Sewer Service) have stated that adequate supply and quality are available to support development of the property, to full potential density, under the current zone designation, Residential - Low Density, per the current City of Phoenix Comprehensive Plan.

Required on-site improvements will be furnished and paid for by the property owner at the time of development, thereby insuring the Orderly and Economic Extension of the Urban Facilities and Services.

The subject properties are within the influence of the City of Phoenix fire and police protection and are serviced by city solid waste disposal.

Finding:

The Planning Commission can find this application in compliance with the stated policy. The City of Phoenix has designated these properties to be developed for residential uses and the required urban level Facilities and Services are available and can be extended in an orderly and economically manner.

Policy #2: Environmental, Energy, Economic and Social Consequences of this Annexation request:

Environmental: The annexation and concurrent re-zoning of the subject properties conform to the City of Phoenix Current Comprehensive Plan and will have a minimal negative impact on the environment since all existing trees, mature and juvenile, will remain intact. With deed restrictions regarding landscaping, the establishment of plants, grasses, etc. will be encouraged.

Energy: The subject properties will be developed for residential uses and therefore will comply with all current energy conservation laws and ordinances.

Economic: All improvements necessary to prepare the subject properties for partition and annexation will be paid for by the developer at time of construction and therefore will not place a financial burden on the City of Phoenix. Other economic impacts on the City will be mitigated by the collection of Taxes, Fees and System Development Charges, as provided for in the City Charter.

Social Consequences: There will be insignificant negative Social Consequences as a result of the subject properties being annexed to the City and re-zoned to residential as the property lies within an area which has been designated for residential development. The development will conform to the property uses to the North and West, will be mindful of the EFU abutment to the South and will provide additional housing for the residents of the City, with a minimum impact on infrastructure. (Refer: Conformance to State Planning Goals for detailed discussion of proceeding)

Findings: The Planning Commission can find this application in compliance with this policy, by demonstration of aforementioned mitigating measures and compliance with State Wide Planning Goals:

Compliance with LCDC Goals:

The Comprehensive Plan requires applications for Annexation, zone change and approval of Plat Maps to demonstrate compliance with the State wide Planning Goals. The following findings address compliance with the LCDC Goals and Guidelines, as established by the legislature and required by the City Annexation Policy.

Goals One through Fourteen:

Goal #1: CITIZEN INVOLVEMENT: The City of Phoenix has adopted a Citizen Advisory Committee to assist in the review of proposed land use developments. All applications are subject to the aforementioned process, in compliance with Goal One. Refer to Ordinance #571, City of Phoenix, Oregon.

Goal #2: LAND USE PLANNING: The land use planning process was established by Senate Bill 100 and is administered by LCDC. The City of Phoenix has received acknowledgment of the Comprehensive Plan, implementing Zoning and Subdivision Ordinances.

The City of Phoenix Existing Comprehensive Plan has been acknowledged by LCDC, to be in compliance with the State of Oregon Planning Goals, thereby satisfying Planning Goal #2.

In support of: Based on Portland State University 2015 population forecasts, the City of Phoenix has a Population of 4,955 individuals and is experiencing an annual growth rate of 1.7%. The comprehensive plan has made accommodation for a population of 5,000 thus the the city can accommodate 45 new residents.

Annual growth rate for Phoenix is estimated at 1.7%, the addition of 5 residences with an average of 2.32 persons per household will increase the city population by an estimated 11.6 persons.

These estimates leaves a surplus of thirty-three (33) persons, short of the projected current Comprehensive Plan for the City of Phoenix and the sphere of its influence, to date.

Goal #3: AGRICULTURAL LANDS: The subject properties have historically been used as single family homesteads. They were converted from flood irrigated lands to sprinkled lands in 1998 and have through the years been used only for grazing of cattle. The property has several mature oak trees and conifers of varying ages and stages of development.

The Tax Lot #500 is bordered on the north and west sides by the Incorporated City of Phoenix and the Southern border abuts EFU property. Tax Lot #600 is bordered by the Incorporated City of Phoenix on the North. The East and South is bordered by the same type land and use as the subject property which is also located within the Urban Growth Boundary of the City of Phoenix and within the Hilsinger Overlay.

Finding: as it pertains to Tax Lot #500. The developer will enter into a pre-application conference as provided for in the Phoenix Land Development code 3.11.2 -A-2 for mitigation of EFU abutment issues. The rest of Goal #3 does not apply.

Goal #4: Forest Lands: As described in goal #3, the subject properties do not contain any forest lands and is within the Urban Growth Boundary of the City of Phoenix and, therefore, Goal #4 does not apply.

Goal #5: OPEN SPACE, SCENIC, HISTORIC AND NATURAL AREAS: The subject properties have not been designated to possess any of the aforementioned nor has the City of Phoenix Comprehensive Plan stated a use for any of the resource categories in Goal #5, pertaining to the subject properties. Therefore Goal #5 does not apply.

Goal #6: AIR, WATER AND LAND RESOURCE QUALITY: The proposed use of the properties for residential purposes will have significantly less impact on the environment than the current designated use of SR- 2.5 since landscaping requirements will be imposed on each lot.

The Subject properties already connect to the Rogue Valley Sanitary Sewer system. This project will ensure the orderly development and connection to the sewer system which is available and has the capacity to treat the sewage for the proposed three (3) new parcels.

The Subject Properties have access to water from the City of Phoenix Municipal water delivery system via water lines within Pacific Lane which has adequate flow to provide service to five (5) new parcels and accommodate the change in land use.

Parcels will have access to TID pressurized service lines for landscape needs reducing potable water drawdown from city resources.

Solid waste collection is available within the city of phoenix and both parcels currently enjoy both services.

Storm run off will be unaffected. Proposed development is less than 1 acre in size thus storm water abatement will be designed and provided by builders at time of construction. A French Drain and storm run off collector boxes have been in place on the abutting southern edge of Pacific Lane since 1997. As the entirety of the property slopes gently from south to north there is no anticipated change in drainage pattern. This issue will be

addressed further when the City of Phoenix upgrades Hilsinger Road to city street standards.

All utilities are currently present in Pacific Lane. All utilities with the exception of city water are currently in place on Hilsinger Road and Camp Baker Road. Water will be supplied to all Parcels via private service meters from Pacific Lane with easements. All services will be underground as per City of Phoenix standards.

The subject properties are within the Bear Creek Valley Regional Air Purity Maintenance Area (AQMA) and the use of the property will be required to meet state and local rules governing such developments. (wood stove ordinances, etc.).

Goal #7: NATURAL HAZARDS: The subject properties have not been identified as being affected by flooding, seismic or other natural hazards.

Goal #8: RECREATIONAL NEEDS: The subject properties have not been designated for recreation needs by the state or City of Phoenix, per the City Comprehensive Plan.

Goal #9: ECONOMY OF THE STATE: By annexing the Subject properties to the City of Phoenix and subsequently re-zoning to residential to comply with the Comprehensive Plan, the use of properties will remain residential. Since property to the East and West is zoned Residential, (Hilsinger Overlay) and the property to the North is zoned Residential and built up to the standard of the Hilsinger Overlay and the property to the South is zoned EFU, any use other than Residential would not be conducive or in harmony with the surrounding Residential land use designation.

The City of Phoenix Planning Department has foreseen the need to change the land use of the subject properties, which is evidenced by the designation of subject property as residential in the City of Phoenix Comprehensive Plan.

The development of the Subject Properties as residential will have an immediate effect on the active construction trades in the area and provide substantial economic benefits to all area merchants through the "multiplier

effect of spending”, in addition to the employment that construction will create.

Goal#10: HOUSING: Goal ten states, in part; Comprehensive plans shall encourage the availability of adequate number of housing units at price ranges commensurate with the financial capabilities of Oregon households, and allow flexibility of housing location, type and density.

This goal has been accomplished by the City of Phoenix Comprehensive Plan by designating the Subject Properties as residential within the Hilsinger Overlay Permanent Growth Boundary Buffer Zone. All urban level services are contiguous to the properties and upon annexation will serve to fill the need for housing in the Mid-Price Range.

The proposed annexation, re-zone and approval of Plat Maps for the subject properties will result in the addition of three Detached Single Family Dwellings.

The location of the Subject Properties is intended to fill a “need” in the City of Phoenix housing market, that being to supply the Mid to Upper Priced Home Buyer. The applicant intends to offer homes on larger lots in a country setting to be priced at Mid to Upper level within the City of Phoenix, thereby satisfying the stated intentions of Goal ten: By filling the need for Flexibility of Housing Location, Type and Density. (LCD Goal 10).

GOAL 11: PUBLIC FACILITIES AND SERVICES: As previously discussed under Goal #6, The subject Property is currently serviced by RVSS, PP&L, AVISTA, TID, and Telephone and Internet services and has access to serve Phoenix City Water via private service meters from Pacific Lane. Adequate supply and capacity exists to serve this development. All utilities will be placed underground, per City of Phoenix standards.

City of Phoenix Police Department currently patrol the subject properties and Fire Protection is currently provided by Fire District #5 thus there is negligible effect on either Public Safety Service.

The use of this land as residential is in conformance with this goal.

GOAL #12: TRANSPORTATION: The subject properties are accessed via Hilsinger Road, Pacific Lane and Camp Baker Road. Parcels 1, 2 & 4 will

have driveway access to Pacific Lane which is a Residential Cul-de-sac and the proposed plat will complement and complete the anticipated build-up of this lane. With this development there will be a minimal trip access impact to traffic on Hilsinger and Camp Baker Roads.

The properties are located within easy access to the newly reconstructed Interstate 5 Interchange, the I - 5 corridor and South Pacific Highway, both north and south bound and via a number of alternative routes. Easy access to Ashland is also available via Colver Road and Jacksonville via Coleman Creek Road and South Stage Road.

The properties are located within short walking, biking and driving distances of public schools, City Parks, shopping. North, South public bus services are available via RVTD.

Given the subject properties size and number of proposed dwellings, there will be minimal impact on City Transportation. Any required improvements to the street system within the City of Phoenix will be anticipated and funded through the implementation of System Development Charges (SDC) or planned through Limited Improvement District charges and further be offset by additional revenues generated by the new residents.

GOAL #13: ENERGY CONSERVATION: The effect on energy conservation will not effect the annexation and re-zone of the Subject Properties, due to current state and local laws which ensure any development will conform to the most recent requirements of Energy Conservation in effect at the time of approval.

GOAL #14: URBANIZATION: The conversion of any land to urban use depends upon adequate evaluation of the need for such lands, how adequate facilities shall be provided, the efficiency of the land use, and the consequences of such conversion in terms of environment , energy, and economic and social impacts.

Any development will have an impact on the environment. the annexation and re-zone of the subject property will have a much less negative impact on the environment and and afford a more beneficial consequence to the City of Phoenix than the current SR - 2.5 Zone (as stated in Goal #6).

The Rogue Valley is experiencing a period of growth which is due in part to the current reasonable cost of housing. Therefore Jackson County and each of the Municipalities are required to facilitate their respective share of growth, so as to accommodate orderly growth throughout the region.

The Subject Properties are designated on the City Comprehensive Plan as land that is suitable and desirable for single family residential development. This is evidenced by the existence of the City Limits on the East, North and West sides of the properties with the dominate use being existing residential use. Proximity to city services, make the subject properties a logical extension and infilling of the city limits.

FINDING:

The City Planning commission can find that the subject properties are in compliance with the provisions of the State Wide Land Use Planning Goals, which indicates conformance with the adopted and acknowledged City of Phoenix Comprehensive Plan. The application is also consistent with the Long-Range Plans for the City of Phoenix, as outlined in the Comprehensive Plan, in that:

- 1) The land is within the Urban Growth Boundary of the City of Phoenix, Oregon, and as such, the land as been determined by the City, and acknowledged by LCDC, as urban land, and desirable for urban purposes.
- 2) The land has been designated of the Comprehensive Plan Map as Residential-Low Density (Hilsinger Overlay). The residential designation indicates that an exception to the resource goals has been taken for residential use, and the conversion of the property to that use will assist in meeting a housing need within the overall community that has been developed in conformance with the Comprehensive plan's Housing element, and the Zoning Ordinance Criteria.
- 3) The land has not been identified in the plan as being needed for open space, recreation, or other public facilities.

B. COMPLIANCE WITH CITY OF PHOENIX ANNEXATION PROCEDURES:

The City of Phoenix entered into a City / County Urbanization Agreement with Jackson County in July of 1978. This agreement was to "include an element of reasonableness in the process of annexation, and the following policies shall be considered":

- 1) Annexation shall occur only within the officially adopted Urban Growth Boundary and shall include only areas that are contiguous to the City Limits of Phoenix,
- 2) Annexation decisions shall be governed by the policies and procedures of the City, and opportunities shall be provided for response by Jackson County and other affected agencies.
- 3) Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth anticipated in the area to be annexed.
- 4) All properties annexed to the City of Phoenix shall eventually be improved to city standards, including but not limited to street improvements, curbs, gutters, storm drains, sewer and water lines, sidewalks, street lighting and other improvements as determined to be appropriate by the city engineer and approved by the City Council. If such required improvements are not proposed at the time of annexation, then the annexation agreement shall specify that they shall be installed at the time of partitioning, subdividing, development or other time as approved by the City Council.
- 5) In the case of an annexation based on an existing or potential public health or safety hazard, the city may require only those improvements that will resolve the problem at the time of annexation and defer all other improvements until later time, or to correspond with a future land use action as described in #4 above.
- 6) In a case where a developer is required to install public improvements of size larger than necessary for his own development, in order to provide

for the orderly development of the overall area, the city may determine that difference in cost and provide for its reimbursement through proportionate charges to other developments or annexations that subsequently occur in the general vicinity and that will benefit from these improvements.

FINDINGS:

The application for annexation is consistent with the Annexation Policies of the /city of Phoenix, and the City / County Urbanization agreement, in that:

- 1) The subject properties lie within the Urban Growth Boundary, and is contiguous to the existing City Limits.
- 2) The annexation procedure adopted by the City provides for public notice, and responses by Jackson County and other affected agencies.
- 3) Urban level Facilities and Services are available and adequate in Hilsinger Road, Pacific Lane and Camp Baker Roads and the subject property is in the service area of all other City Services, i.e. Police, Fire Protection, solid waste collection, etc.
- 4) The Planning commission can find that there is no public health issue or public safety hazard. That the proposed annexation and re-zone constitutes a logical infilling of an island within the City Limits and does conform to the current City of Phoenix Comprehensive Plan.

C. COMPLIANCE WITH OREGON REVISED STATUTES:

Oregon Revised Statute (ORS) Section 222.170 requires that “ a triple majority” must exist in order to annex property to a city. The “triple majority” consists of: (1) More than one half of the property owners within the annexation area, who (2) own more than one-half of the total assed valuation of the annexation area, (3) must agree to the annexation.

Further, ORS 222.520 requires that when land is annexed to cities, the land must be withdrawn from special Fire Districts.

Finding:

The applicants represent 100% of the land area, and 100% of the ownership and assessed valuation, agree to the annexation, meeting the requirements of ORS 222.170. Further, the applicant agrees to withdraw from special coverage provided by Fire District no. 5, in conformance with ORS 222.250.

SUMMARY AND CONCLUSION:

The planning Commission for the City of Phoenix can find this application in full compliance with; the City of Phoenix Comprehensive Plan, Goal and Policies, State of Oregon Planning Goals 9 through 14C, City of Phoenix Policies and Procedures, City / County Urbanization Agreement and Oregon Revised Statutes ORS 222 (Annexations). In That:

1. The City of Phoenix Comprehensive Plan designates the subject properties as intended for residential use.
2. The subject properties lie within the Urban Growth Boundary of the city of phoenix and is contiguous and abutting the City Limits on the North and West sides.
3. Urban Level Facilities and Services are available and the Orderly and Economic extension comply, as demonstrated.
4. The proposed annexation and re-zone meets the applicable criteria of the State of Oregon Planning Goals, as demonstrated
5. The proposed Annexation complies with the City of Phoenix Annexation Procedures as outlined under the City / County Urbanization agreement entered into with the Jackson County in July 1978 and applicable criteria as listed herein has demonstrated.
6. The proposed annexation complies with ORS section 222.170 by 100% ownership as demonstrated.

In conclusion: The requested Annexation, zone change and concurrent approval of two Minor Land Partition Plats will provide for the need of Single Family Dwellings (suppling Mid to Upper Price Range), allow for the orderly completion of the residential neighborhood in this area of the city, compliment existing homes in the area, keep an in kind harmony within the surrounding properties within the Hilsinger Overlay and allow for the property to be developed to it's highest and best use.

The requested annexation and subsequent zone change will also allow the properties to be developed in accordance with the City of Phoenix Current Comprehensive Plan.

Therefore, the applicants respectfully request the City of Phoenix Planning Commission support and endorse this request for Annexation, Zone change to Residential-Low Density and concurrent approval of this Minor Land Partition and tentative Plat.

RESPECTFULLY SUBMITTED THIS _____ DAY OF _____, 2016.

RANDALL L. WILLIAMS, CO-APPLICANT

VICKI L. WILLIAMS, CO-APPLICANT